

CHAPTER 3

The EU's Institutions

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Summary

No student of the EU can understand their subject without careful study of its key institutions and how they work. EU institutions are not just dry organizations (although they are complex); they are dynamic organisms exercising a unique mix of legislative, executive, and judicial power. We begin by introducing the EU's five most important institutions. We outline their structures and formal powers—that is, what the Treaties say they can do—but we also focus on how they 'squeeze' influence out of their limited Treaty prerogatives. We then explore why these institutions matter in determining EU politics and policy more generally.

Institutions in Treaties and in Practice

What makes the EU unique, perhaps above all, is its institutions. This chapter explores the five that exercise the most power and influence: the European Commission, the Council (of Ministers), the European Council, the European Parliament, and the European Court of Justice. We draw analogies to their counterparts at the national level, but also show how they are distinct and unique. Table 3.1 summarizes the formal powers conferred on each by major Treaty reforms. It does not, however, convey how informal powers have accrued over time, nor the incremental power shifts that may occur between rounds of Treaty reform. The informal institutional politics of European integration are lively and important. A diligent student of the EU would be wise not to ignore them.

The European Commission

One of the EU's most powerful and controversial institutions is the European Commission. The EU's founding fathers were faced with a challenge. If the member states wanted to pursue common policies in certain fields, should they hand over responsibilities to a common institution, and leave it to get on with it, which would pose major questions of democratic accountability? Or should policies be settled by agreement between national governments, thus risking endless intergovernmental negotiations and lowest common denominator agreements?

In the end they opted for a compromise: a common institution—the European Commission—was charged with drafting policy proposals and implementing policies once agreed. But a separate institution—the Council of Ministers—consisting of representatives of national governments would take most decisions on the basis of those proposals. This interplay of an institution charged with representing the common interest and those composed of representatives of national governments (Council) or citizens (Parliament) is the essence of what became known as the ‘Community method’.

Tasks and powers

The Treaties allocated to the Commission other important tasks besides the right to propose policies. The Commission does a variety of jobs:

- it represents the general interest of the European Union;
- it also acts as guardian of the Treaties (to defend both their letter and spirit);
- it ensures the correct application of EU legislation; and
- it manages and negotiates international trade and cooperation agreements.

In practical terms, the Commission's power is exercised most dramatically in four areas: its exclusive right to propose policy, its lead in international trade talks, its role in competition policy (it has powers to vet and veto mergers—even of companies based outside the EU) and its duty to ensure compliance with European law. Simply put, the Commission is the most powerful international administration in existence, and many of its decisions are contentious. Perhaps controversy is unavoidable for an institution that is designed to act independently of the EU's member states, and in the general, supranational interest of the Union as a whole.

The Commission's powers are not far short of those enjoyed, in the economic field, by national governments. But its capacity to act autonomously is more limited than that of a government in a national context. It does not have the powers that national governments have over armed forces, police, and the nomination of judges or foreign policy. The Commission's powers and autonomy are limited by the Treaties.

How the Commission is organized

'The Commission' rather confusingly refers to two separate arms of the same body: the College of Commissioners (or executive Commission) and the administrative Commission (its permanent 'services'). The College is the powerhouse of the Commission. Individually, each of the 27 Commissioners—one from each member state—is, like a minister in a national government, nominated by the prime minister or president of their country. Commissioners are not directly elected, but they are more like politicians than civil servants (most held high office in national politics before becoming Commissioners) and hold office only with parliamentary approval. The permanent civil servants (in French, the *fonctionnaires*), who are recruited normally through competitive examination, work under the College's authority. Here we find a unique feature of the EU: its institutions recruit their own civil servants and do not rely (much) on national appointees.

The Commission President is elected by the European Parliament (EP) on a proposal of the European Council, which itself is obliged to take account of EP election results in making that nomination. In other words, heads of government have to choose a candidate capable of commanding a parliamentary majority much in the same way that a head of state in a national context has to when nominating a prime minister. Once elected by the EP, the President must then agree with each head of government on the nomination from each country for the remaining members of the Commission. It is then up to the President to distribute policy responsibilities—known as 'portfolios'—to individual Commissioners (for Transport, Agriculture, and so on). The one exception is the Vice President of the Commission, who is the Union's High Representative for foreign policy (see below).

The prospective Commission must then present itself to the Parliament for a vote of confidence. This vote is on the Commission as a whole—again, much in the same

TABLE 3.1 The institutions: Treaty reform and power

| | Rome (1957) | SEA (1986) | Maastricht (1992) | Amsterdam (1997) | Nice (2001) | Lisbon Treaty (2009) |
|-----------------------------|--|--|---|--|---|--|
| European Commission | Right to propose legislation; draft budget; act as guardian of Treaty; negotiate international trade agreements. | Right of initiative expands to new areas related to the completion of the single market. | Powers enhanced in economic and monetary union and in foreign policy; further extension of the right of initiative. | President's role strengthened and right of initiative broadened in line with increase in EU's competences. | President's powers (to reshuffle portfolios) enhanced; size stabilized to one Commissioner per member state up to 27 states; then reduced on basis of equal rotation. | High Representative for Foreign and Security Policy (shared with Council) established. |
| Council of Ministers | Power to pass legislation; agree budget. | Increased use of Qualified Majority Voting (QMV) in areas relating to the single market. | Further extension of QMV; right to propose legislation in justice and foreign affairs pillars together with the Commission. | Further extension of QMV and co-decision with the Parliament. | Continued expansion of QMV; re-weighting of votes between large and small member states. | QMV set at double majority (55% of member states, 65% of population); a High Representative of the Union for Foreign Affairs and Security Policy (shared with Commission) established. |
| European Council | Not mentioned in Treaty. | Granted legal status. | Assigned responsibility of defining the general political guidelines of the Union. | Confirmed role in EMU and strengthened position in respect of CFSP. | Seat fixed in Brussels. | Becomes an official EU institution; a permanent president replaces rotating presidency. |

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|---------------------------|--|---|--|---|---|---|
| European Parliament | Right to be consulted on legislation; right to dismiss the Commission. | Extension of legislative authority through the introduction of the cooperation procedure. | Right to pass legislation jointly with Council in limited range of areas (co-decision procedure); greater role in appointing Commission. | Co-decision extended; right to approve appointment of Commission President and Commission as a whole. | Further extension of co-decision procedure; strengthened right to place matters before the Court; legal base established for party funding at European level. | Further extension of co-decision procedure (renamed 'ordinary legislative procedure'); power to elect President of the Commission; maximum number of seats set at 750 plus the President. |
| European Court of Justice | Guardian of Treaties and EC Law. | Creation of Court of First Instance. | Power to impose fines against member states (but excluded from two inter-governmental pillars). | Increased jurisdiction in third-pillar matters. | Further sharing of tasks with Court of First Instance; creation of more specialized Chambers; number of judges limited to one per member state. | Name changed to 'Court of Justice of the European Union'; more specialized courts attached. |

way as a vote of confidence in a government in a national context. However, prior to this vote, the EP holds public hearings for each Commissioner before the parliamentary committee corresponding to their portfolio (which does not happen to government ministers in most European countries). The Commission's fixed, five-year term is linked to that of the European Parliament, which is elected every five years. The Parliament—and only the Parliament—can dismiss the Commission earlier in a vote of no confidence.

The distribution of portfolios can be controversial. Portfolios dealing with international trade, the internal market, competition policy, agriculture, regional development funds and, in recent times, environment and energy are particularly sought after. The 2009 appointment of the Frenchman, Michel Barnier, as Internal Market Commissioner (including financial regulation) was seen by some as a move by France to gain regulatory powers over the City of London. In reality, how much an individual Commissioner can shape policy is limited by the principle of collegiality: all policy proposals are agreed collectively by the entire College. Once it takes a decision, if necessary by majority vote (but nearly always by consensus), it becomes the policy of all of the Commission. Each Commissioner must support it or (in principle) resign. Moreover, key legislation and policy decisions have to be agreed with the other EU institutions. The Commission illustrates one of the ironies of the EU: its institutions are more powerful than they are autonomous.

The growing size of the Commission with successive enlargements has risked turning it from a compact executive into a miniature assembly. The 2009 Lisbon Treaty had provisions for a smaller Commission but also allowed member states to vary its size, leading to a decision to stick with one Commissioner per country. The move shows that there remains more concern for the Commission's legitimacy—with, for instance, one member of the College who speaks each country's language and can appear in the national media—than with its efficiency.

Commissioners each have their own private office—or (in French) *cabinet*—of around seven personal advisers. These officials are chosen by the Commissioner and may be drawn from inside or outside the Commission. They perform a very demanding and important role, keeping the Commissioner informed about their own policy area(s) as well as wider developments in the Commission and Europe more generally. Most cabinets are composed largely of members of staff of the same nationality as the Commissioner, but the Head or Deputy Head of each must hail from a member state different from that of the Commissioner. Member states are often accused of seeking to appoint their own national officials to Commission cabinets to ensure that their interests are not overlooked. However, after new rules were imposed by President Romano Prodi (1999–2004), cabinets became more 'European'—with nearly all having at least three nationalities—and less male-dominated, with around 40 per cent of appointees being women (see Peterson 2012a).

Controversy surrounding portfolio assignments and cabinet appointments shows that the defence of national interests in the Commission can never be entirely removed. Commissioners take an oath of independence when they are appointed, but

never abandon their national identities. Indeed, many consider it to be an advantage that they bring knowledge of their respective countries to the Commission, even if they are not there to represent them—that job belongs to ministers in the Council.

The independence of Commissioners can sometimes be a matter of contention. A Commissioner who simply parrots the position of her national government would soon lose credibility within the Commission. However, one that too obviously ignores major national interests may be liable for criticism at home. Famously, the UK Prime Minister, Margaret Thatcher, despaired at the alleged failure of 'her' Commissioner—Lord Cockfield—to defend the interests of the Thatcher government. Thus Commissioners face a tough balancing act: they must be sensitive to the interests of the member state that (in Brussels speak) 'they know best', but must not undermine the independence of the Commission.

Each Commissioner is responsible for one or more Directorate General (DGs)—or services—which relate to their portfolio. These DGs, the equivalent of national ministries, cover the EU's main policy areas such as competition, the environment, or agriculture. Each is headed by a Director General who reports directly to the relevant Commissioner. There are about 30 or so services that together make up the administration of the Commission.

The Commission is far smaller than is often portrayed in the popular press, where it is frequently characterized as an enormous body intent on taking over Europe. In fact, it has roughly as many officials (in policy-making posts) as work for a medium-sized national government department, such as the French Ministry of Culture, or for a medium-sized city council. Of the Commission's approximately 28,000 officials, only about one-fifth are in policy-making posts, with a huge proportion involved in translating or interpreting into the Union's 23 official languages.

In day-to-day work, the dividing line between administrative civil servants and Commissioners is not always self-evident. While the College is ultimately responsible for any decisions that emanate from the institution, in practice many matters are handled much further down in the administration and much of the Commission's agenda is set for it by the EU's Treaties or other commitments (see Box 3.1). In turn, some Commissioners are more interventionist than others in seeking to influence the day to day functioning of 'their' Directorate General, in much the same way as occurs in relations between ministers and civil servants in a national context.

The major challenge for the Commission is stretching its limited resources to cover the wide range of tasks that member states have conferred upon it. At times, the Commission can be adept at making the most of the powers given to it. For example, the Commission was among the first institutions to conduct detailed research on climate change, which highlighted the necessity of new initiatives such as an emissions trading scheme and a stronger role for the EU. Thus, the Commission is not simply the servant of the member states but can sometimes 'squeeze' more prerogatives despite its limited competence.

BOX 3.1 How it really works: who initiates policy?

The formal right to initiate policies is one of the Commission's most precious and fundamental powers. But the origins of its initiatives are diverse. In practice, most initiatives emanating from the Commission are a response to ideas, suggestions, or pressures from other sources. While figures vary from year to year, the Commission has estimated that only about one-fifth of its proposals are entirely of its own initiative. Of course, it decides the shape and form of all of its proposals. However, an ever greater proportion amend existing EU law, rather than legislating in new fields. For example, of all (416) Commission proposals in the year 2008:

- 52 per cent were to amend, replace, codify, or recast existing EU laws;
- 8 per cent were further measures arising from existing law;
- 21 per cent arose from the EU's international obligations;
- 10 per cent were proposals for trade defence measures (such as anti-dumping duties); and
- the remainder (9 per cent) technically were original Commission proposals, but over half came from the (European) Council or the Parliament.

The Lisbon Treaty added a new, direct source of proposals: one million EU citizens can invite the Commission to submit a proposal. The Commission is not legally obliged to act on the initiative, but it would most certainly have to take it into account (see Box 6.7).

(Figures derived from Answer to Parliamentary Question E3775/2010)

The Council (of ministers)

The Council of ministers was created as the EU's primary decision-making body. The Treaties state that the Council shall consist of 'a representative of each member state at ministerial level, who may commit the government of the member state in question and cast its vote' and that it 'shall, jointly with the European Parliament, exercise legislative and budgetary functions' and 'carry out policy making and co-ordinating functions'.

It is thus both a legislative chamber of states (as half of the Union's bicameral legislative authority, together with the EP) and at the same time the body in which the governments of the member states come together to meet, to resolve issues of Union policy or foreign policy and coordinate policies that are primarily a national responsibility, such as macroeconomic policy. It is in the Council that national interests, as seen by the government of the day in each member state, are represented and articulated.

The Council is a complex system. The Treaties speak of only one Council, but it meets in different configurations depending on what policy area is being discussed. For example, when agriculture is discussed, agriculture ministers meet; when the

subject is the environment, it is environment ministers, and so on. There are altogether 10 different configurations of the Council, with the General Affairs Council (now largely Europe Ministers to relieve the burden on Foreign Ministers, so the latter can concentrate on foreign policy) holding a coordinating brief. The General Affairs Council is responsible for the dossiers that affect more than one of the Union's policies, such as enlargement or the EU's budget and for preparing meetings of the European Council.

The Council is aided by a Secretariat of around 2,500 officials. It plays an important role in brokering deals and crafting compromises between member states. Even with the help of the Secretariat, the burden on EU Ministers has increased enormously. The agricultural, foreign, and economic ministers meet at least once a month, others from one to six times a year.

Given their core function—representing member states—it is easy to conclude that the Council and its preparatory bodies are purely intergovernmental. But, as constructivists would note (see Lewis 2003), regular ministerial meetings, informal contacts, and routine bargaining have provided the grounds for continual and close cooperation between executives from different member states. As a result, the Council has constructed a sort of collective identity that is more than an amalgamation of national views. That identity has helped push the Union forward.

Majority voting can be used in the Council in most areas of EU business. In fact, votes rarely take place (see Box 3.2), although more often now than before the 2004–7 enlargements. Council deliberations on legislation now take place in public: they are web-streamed or televised (there is no physical public gallery). This development is, however, recent. Previous to the Lisbon Treaty, the Council legislated behind closed doors, which made negotiations easier but left the Council vulnerable to the charge that it was the only legislative body in the democratic world that enacted legislation without the public being able to see how members voted. The Council still meets behind closed doors on some non-legislative matters such as foreign policy and security discussions.

Vice President of the Commission/High Representative for Foreign & Security Policy

A recent and potentially major innovation is the merging of two previously separate posts: the Commissioner for External Relations and the Council's High Representative for (the Common) Foreign and Security Policy (CFSP). The creation of the latter post in the late 1990s reflected the reluctance of member states to extend the Commission's role in external representation. France and the UK in particular were averse to the idea of the Commission representing the Union beyond its existing remit in development, trade, and humanitarian aid. Thus, the top civil servant of the Council, its Secretary General, was designated High Representative for the CFSP. This division of labour, however, proved problematic and confusing. Non-EU countries

were not always sure of whom to turn to in the first instance. In many situations, the Union had to be represented by both the High Representative and the External Relations Commissioner.

For these reasons, the Lisbon Treaty merged the two posts. Still called the High Representative—although also Vice President of the Commission—the appointee is chosen by the European Council with the agreement of the Commission President. The High Representative is charged with chairing meetings of the Council of Foreign Affairs Ministers. Moreover, the post-holder assumes authority for a new European External Action Service, intended as something like an EU 'foreign ministry' (EEAS; see Chapter 10).

Is the High Representative a Council cuckoo in the Commission nest or a Commission cuckoo in the Council nest? Some see it as a logical step towards bringing the tasks of the former Council High Representative fully into the Commission, ending the anomaly of foreign policy being different from other external policy sectors. Others see it as a smash and grab raid by the Council on the Commission's external representation role. The reality is an uneasy compromise, although one that potentially enables the Union's external relations to draw on both its traditional methods in a more unified way. The appointment of a sitting Commissioner, Catherine Ashton, as the first incumbent was not without significance. Interestingly, the post—in identical guise—was labelled the EU 'Minister of Foreign Affairs' in the Constitutional Treaty before that label was abandoned. Recycling the more anodyne title 'High Representative' for the post does not necessarily make it any less likely that its holder could become a high-profile and powerful figure representing the EU to the world. In any case, the High Representative is the most explicit case of seeking to combine the supranational and intergovernmental in one institutional post.

The Council Presidency

Except for meetings of Foreign Affairs Ministers, the Council is chaired by a minister from the member state holding the rotating 'Presidency of the Council'. Member states take it in turns to chair Council meetings for six months each. Although often referred to in the media as the 'Presidency of the Union', Presidencies are, in fact, simply the chair of just one EU institution. Assuming office as the Presidency does not confer any additional powers on the holder. Rather, the Presidency's job is to build consensus and move decision-making forward.

Holding the Presidency places the country concerned in the media spotlight and can give them added influence. For instance, the Presidency arranges meetings and can set the Council's agenda, determining which issues will be given priority. But holding the Presidency also has disadvantages. The time required of national officials is daunting, especially for smaller states. Much can go wrong in six months, whether or not the country holding the Presidency is responsible. Despite the media hype, the Presidency's scope for action is limited and its agenda is largely inherited, or often dictated by events.

BOX 3.2**How it really works: reaching decisions in the Council**

Qualified majority voting (QMV) now applies to most areas of EU decision-making, and any national representative on the Council can call for a vote on any measure to which it applies. In practice, only a small number of decisions subject to QMV are actually agreed that way. Pushing for a formal vote too early or often creates resentment that disrupts the mood and effectiveness of the Council. Thus, whatever the formal rules say, decision-making in the Council—even one accommodating 27 states—usually proceeds on the understanding that consensus will be sought, but equally on the understanding that obstructionism or unreasonable opposition could be countered by a vote.

How is this consensus achieved? Imagine a contentious item on the Council's agenda (say, dealing with work and safety regulations). Perhaps a majority of states support the initiative but some are opposed or ambivalent. Before proceeding to a vote, several attempts will be made to achieve some sort of consensus. Bargaining is most intense at the level of Coreper. Phone calls or informal chats between national representatives prepare the ground for subsequent meetings where agreements can be struck. Informal agreements might also be reached at the meals that are very much a part of both Coreper and Council meetings. Ostensibly a time for break and refreshment, these lunches provide opportunities for a delicate probing of national positions. Similarly, a good Chair can make use of scheduled or requested breaks in the proceedings to explore possibilities for a settlement. These breaks may feature off-the-record discussions or 'confessionals' between the Chair and national representatives or amongst representatives themselves. Lubricating these discussions is the familiarity and personal relationships national representatives have built up over time. In the end, the objections of opposing states might be assuaged by a redrafting of certain clauses, a promise of later support for a favoured initiative, or the possibility of a derogation (postponement) of a policy's implementation for one or more reluctant states. The point is that the day-to-day practice in Coreper and the Council is characterized far more by the search for a consensus than by any straightforward mechanism of strategic voting.

Voting in the Council

The Treaties provide, in most policy areas, that a qualified majority (see Box 2.2) can approve a Commission proposal, whereas unanimity is required to amend it—a crucial feature of the 'Community method'. Some policy areas, however, require unanimity to approve any measure: it applies to sensitive matters such as tax harmonization, anti-discrimination legislation and, outside the field of legislation, foreign and security policy and constitutional questions such as the accession of new member states (see Chapter 8). A simple majority, with one vote per member state, is used rarely, primarily for procedural questions.

The chair of the Council decides whether and when to call for a vote, whatever decision rule applies (see Box 3.2). Even though consensus is always sought, and

TABLE 3.2 Voting in the Council of Ministers

Voting in an EU of 27 member states

| Member state | Approximate population (millions) in 2010 | Number of votes (until 2014*) | Number of citizens per vote (millions**) |
|----------------|---|-------------------------------|--|
| Germany | 82 | 29 | 2.8 |
| France | 65 | 29 | 2.2 |
| UK | 62 | 29 | 2.1 |
| Italy | 60 | 29 | 2.1 |
| Spain | 46 | 27 | 1.7 |
| Poland | 39 | 27 | 1.4 |
| Romania | 21 | 14 | 1.5 |
| Netherlands | 17 | 13 | 1.3 |
| Greece | 11 | 12 | 0.9 |
| Portugal | 11 | 12 | 0.9 |
| Belgium | 11 | 12 | 0.9 |
| Czech Republic | 10 | 12 | 0.8 |
| Hungary | 10 | 12 | 0.8 |
| Sweden | 9 | 10 | 0.9 |
| Austria | 8 | 10 | 0.8 |
| Bulgaria | 8 | 10 | 0.8 |
| Denmark | 5 | 7 | 0.7 |
| Slovakia | 5 | 7 | 0.7 |
| Finland | 5 | 7 | 0.7 |
| Ireland | 4 | 7 | 0.6 |
| Lithuania | 3 | 7 | 0.4 |
| Latvia | 2 | 4 | 0.5 |
| Slovenia | 2 | 4 | 0.5 |
| Estonia | 1 | 4 | 0.3 |
| Cyprus | 0.8 | 4 | 0.2 |
| Luxembourg | 0.5 | 4 | 0.1 |
| Malta | 0.4 | 3 | 0.1 |
| TOTAL | 498.7 | 345 | |

Cont. ➤

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|--|--|---|---|
| <i>Qualified majority under Nice Treaty:</i> 255 votes (around 74 per cent), including a majority of member states, as well as 62 per cent of the EU's population. | <i>Blocking minority under Nice Treaty:</i> 91 votes (around 27 per cent), or a majority of member states or 38 per cent of the EU's population. | <i>Qualified majority according to the Lisbon Treaty:</i> 55 per cent of member states comprising 65 per cent of the EU's population. | <i>Blocking minority under Lisbon Treaty:</i> over 45 per cent of member states or states representing over 35 per cent of the population |
|--|--|---|---|

*Until 2014, a triple majority of states (51 per cent), population (62 per cent) and votes is required; after 2014, a double majority of states (55 per cent) and population (65 per cent) is needed.

**Rounded

Eurostat Demography Report 2010

usually achieved, formal votes are sometimes needed. Successive enlargements of the EU, adding mostly smaller or medium sized member states, led to a situation where—in theory—a qualified majority could be obtained by the representatives of a minority (or a small majority) of the EU's population. Larger member states felt they were becoming under-represented in the existing system, leading to pressures for reform.

Under the current (and complex) rules, a 'triple majority' is required: not just the requisite number of weighted votes, but also positive votes from a majority of Member states that represented at least 62 per cent of the Union's population. The Lisbon Treaty ushers in a simpler system, due to take effect in 2014. It will work on the basis of a 'double majority': 55 per cent of member states are required representing 65 per cent of the EU's population (see Table 3.2).

Coreper

Council decisions are preceded by extensive negotiation between national civil servants. Each EU member state has its own Permanent Representation ('Perm Rep') in Brussels, headed by a Permanent Representative who has ambassadorial status. The national officials who staff the Perm Reps sit on all manner of preparatory working groups within the Council system. Much policy substance is thrashed out at these levels, particularly by the Committee of Permanent Representatives, known by its French acronym Coreper. Composed of national Ambassadors to the EU and their staffs, Coreper's job is to prepare the work of the Council and try to reach consensus or suitable majorities ahead of Council meetings. Items on which agreement is

reached at Coreper are placed on the Council's agenda as so-called 'A points' for formal approval: if no minister objects they are nodded through. Coreper is split (confusingly) into Coreper II, made up of the Permanent Ambassadors who deal primarily with the big political, institutional, and budgetary issues, and Coreper I led by Deputy Ambassadors who deal with most other issues. Some sensitive or especially busy policy areas—such as security, finance, and agriculture—have their own special preparatory committees, composed of senior officials from the member states.

To the uninitiated (and many of the initiated), Coreper and its various working parties are shadowy and complex. National ambassadors and senior civil servants preparing Council meetings are assisted by numerous (around 140) working groups and committees of national delegates who scrutinize Commission proposals, put forward amendments and hammer out deals in the run up to the Council meetings. The vast majority of Council decisions (around 70 per cent) are settled here, before ministers ever become involved (Hayes-Renshaw and Wallace 2006: 14). Some see Coreper as a real powerhouse: 'the men and women who run Europe'. For others, including Coreper's civil servants themselves, their role is merely that of helping ministers. A civil servant's quote from some years ago remains apt: 'If ministers want to let Coreper decide, that is a ministerial decision' (*Economist*, 6 August 1998).

European Council (of Heads of State or Government)

The European Council began in the 1970s as occasional informal fireside chats among Heads of Government (or, in the case of member states with executive Presidents, such as France, Heads of State). It became a regular get together, and known as the European Council, in the mid 1970s (although the term 'summit' is still frequently heard). For a long time, the European Council was seen simply as the pinnacle of the Council system, comprising Prime Ministers rather than sectoral ministers. However, its composition is formally different—the President of the Commission is a member of the European Council alongside the Heads of State or Government—and the very nature and dynamics of its meetings give it an unmistakably distinct character. The Lisbon Treaty formally made it a separate institution.

The European Council must meet at least four times a year, although six has been the norm in recent years. The Treaties state that the European Council 'shall provide the Union with the necessary impetus for its development and shall define [its] general political directions and priorities'. Even prior to its recognition in the Treaties, it became the major agenda setter of the Union. Initiatives such as direct elections to the European Parliament, monetary union, successive enlargements, strategy on climate change, and major treaty reforms have all been agreed or endorsed at European

Council level. Meeting at 'the summit' of each member state's hierarchy guarantees that its conclusions, even when not legally binding, are acted upon by the Council, the member states and, in practice, the European Commission.

The European Council's other broad function is more mundane problem resolution. Issues that cannot be resolved within Coreper or the Council are often resolved at this elevated political level, at times through informal persuasion, and other times through the forging of package deals that trade off agreement on one issue (say regional spending) in exchange for concessions on another (say agricultural reform). Serious deadlocks on the finances of the Union have often been resolved only through such deals in late night sittings. The Lisbon Treaty also recognizes what has become, over time, an important role of the European Council: to nominate the President of the Commission, the Governor and Board members of the European Central Bank and so on.

The Presidency of the European Council once rotated in tandem with that of the Council. With the Lisbon Treaty, it was agreed that Heads of State or Government would choose their own chairman for a 2½ year (once renewable) period. The first such President, the former Belgium Prime Minister, Herman Van Rompuy, took office on 1 January 2010. A number of factors led to creation of a 'permanent' and full-time President. Previously, the six-month term of office meant a new President every second or third meeting, making continuity and consistency impossible. The preparation of European Council meetings, involving consultation of all Heads of Government, was, with successive enlargements of the Union, becoming increasingly onerous for any President or Prime Minister with their own national government to run. Also, the task of representing the EU externally at summit meetings on foreign policy issues, whilst at the same time representing their own country, was felt to be inappropriate.

Member states with an intergovernmentalist view of the EU saw the European Council President as a useful counterweight to the President of the Commission. Many French observers, given their domestic institutional system, see the President of the European Council as a sort of *Président* of Europe, with the Commission President demoted to the status of a French Prime Minister, devoted largely to internal affairs and even then deferring on major decisions to the President. That view is not shared by all. The first European Council President, Van Rompuy described himself as being less than a *Président* but more than a chairman: a facilitator, not a dictator.

The European Parliament

The EU is unique among international organizations in having a parliament: the European Parliament (EP) is the only directly-elected multinational parliament with significant powers in the world. The reasons for its unique status are twofold. Some saw the creation of a directly elected parliament as a means towards a more 'federal'

system in which the Union would derive legitimacy directly from citizens instead of exclusively via national governments. Others simply saw the need to compensate the loss of national level parliamentary power, inherent in pooling competences at European level.

To its admirers, the Parliament is the voice of the people in European decision-making. To its critics, it is an expensive talking shop. Both of these portraits carry elements of truth. In contrast to most national parliaments, the EP cannot directly initiate legislation and its budgetary powers cover only spending, not taxation. The EP is dogged by image problems. Its housekeeping arrangements are clumsy and expensive: it is obliged by the member states to divide its activities between Brussels (three weeks out of four) and Strasbourg (for four days a month). The multiplicity of languages means that its debates lack the cut and thrust found in many national parliaments. There is no visible link between the outcome of the EP elections and the composition of the executive, which is what voters are used to at the national level. Turnout in European elections is lower than in most national elections and has been falling.

But the EP exercises its legislative powers forcefully compared to national parliaments, which rarely amend or reject government proposals. Because the EP is not controlled by the executive or any 'governing majority', it can use its independence to considerable effect. Every treaty change from 1970 onwards has strengthened the role of the Parliament. The Parliament is a legal and political equal to the Council in deciding almost all legislation as well as the budget and ratification of international treaties. It elects the President of the Commission and confirms (and can dismiss) the Commission as a whole.

The Lisbon Treaty caps the EP at 751 members with a minimum of six and a maximum of 96 seats per member state (roughly) according to their size. The members of the parliament (MEPs) sit in political groups, not in national blocks. Although there are over 150 national parties, they coalesce into seven groups, most of which correspond to familiar European political families: Liberals, Socialists, Christian Democrats, Greens and so on. Of course, national allegiances do not disappear. Nonetheless, EP political groups have become more cohesive over time. The EP lacks the strict whipping system found in national parliaments, but positions taken by the groups—and the negotiations between them—are what counts in determining majorities. And choices at stake when dealing with legislation are indeed typical political choices: higher environmental standards at greater cost to those regulated, or not? Higher standards of consumer protection or leave it to the market? On these subjects, there are nearly always different views within each member state, irrespective of the position taken by their ministers in the Council. These various views are represented in the Parliament, which contains members from opposition parties as well as governing parties in every member state. There is a considerably higher degree of pluralism in the Parliament than in the Council.

The leaders of each political group, along with the Parliament's President, constitute the Conference of Presidents, which sets the EP's agenda. But, like the US

Congress, the detailed and most important work of the Parliament is carried out in some 20 standing committees, mostly organized by policy area (such as transport, agriculture, or the environment) and some cross-cutting (such as budgets or women's rights). The committee system allows detailed scrutiny of proposals by members who are, or become, specialists.

The powers of the EP

The Parliament's powers fall under four main headings: legislative, budgetary, scrutiny, and appointments. The Parliament's legislative powers were originally very weak, having only the right to give an opinion on proposed legislation (see Box 3.3). After successive treaty changes the EP now co-decides nearly all EU legislation in what amounts to a bicameral legislature consisting of the Council and the Parliament. What is now, revealingly, called the Ordinary Legislative Procedure requires that both agree a text in identical terms before it can be passed into law. Similarly, international treaties or agreements are subject to the consent procedure: the Parliament has the right—in a yes or no vote—to approve or reject the agreement. When it comes to budgetary matters, the Lisbon Treaty provides also for a sort of co-decision.

BOX 3.3

How the European Parliament 'squeezes' power

The EP has tended to make the most of whatever powers it has had at any given moment. Even when it was merely consulted on legislation it developed techniques, such as the threat of delay, to make its influence felt. In budget negotiations the EP uses its power to sign off—or not—on the annual budget selectively but effectively.

Similarly, the EP has stretched its powers to oversee the Commission. Formally, the Parliament has only a collective vote of confidence in the Commission before it takes office. The EP has no right to hire or fire individual Commissioners. Yet, for example, in the parliamentary confirmation hearings of 2004 the EP objected to Italian Commissioner-designate Rocco Buttiglione's statements that homosexuality was 'a sin' and that women 'belonged in the home' (See Peterson 2012a:). These comments caused widespread consternation, especially as his portfolio was to include civil liberties. As it became clear that Parliament might vote to reject the entire Commission, President-elect Barroso formally withdrew the team on the eve of the vote and came back a few weeks later with a new College from which Buttiglione had been dropped. Note that the Parliament did not have *de jure* power to sack Buttiglione, but *de facto* they did just that.

Of course the EP's threats must seem real, and for that to happen it must stay united. Such unity is not easy to come by in such a large and diverse institution with over 700 members from a vast array of parties and backgrounds. Thus, despite its ability to 'squeeze' power, the Parliament does not always get its way.

The Parliament also exercises scrutiny of the Commission (and to a degree other institutions). Its oversight is exercised via its right to question (through written questions or orally at question time), to examine and debate statements or reports, and to hear and cross-examine Commissioners, ministers, and civil servants in its committees. The Parliament also approves the appointment of the Commission and, more spectacularly, can dismiss it (as a whole) through a vote of no confidence. The latter is considered to be a 'nuclear' option—a strategic, reserve power that requires an absolute majority of all MEPs and two-thirds majority of votes cast. As in most national parliaments, which do not make daily use of their right to dismiss the government, its very existence is sufficient to show that the Commission must take due account of Parliament. This power effectively was exercised only once, when it resulted in the fall of the Commission under the Presidency of Jacques Santer in 1999. Even then, the Commission resigned prior to the actual vote, once it was clear that the necessary majority would be obtained. One upshot of this episode was a treaty change to allow the President of the Commission to dismiss individual members of the Commission (which the EP cannot do). Thus, if the behaviour of a particular Commissioner gives rise to serious parliamentary misgivings (as Edith Cresson's did in the Santer Commission; see Peterson 2012a), the President of the Commission can take action before events move to the stage where the Parliament might dismiss the Commission as a whole. Besides the Commission, the Parliament also elects the European Ombudsman and is consulted on appointments to other EU posts (see Box 3.7).

In short, the European Parliament's powers have grown significantly since direct elections were first held in 1979. However, some still question its ability to bring legitimacy to EU decision-making. Its claim to represent the peoples of Europe is undermined by low and declining turnouts for its elections (43 per cent in the 2009 EP elections, and below 30 per cent in six of the new member states). The relative lack of citizen engagement, combined with the Parliament's image (accurate or not) as a 'grave train' might well act as a brake on further increases in its powers. Ultimately, the Parliament's future role is tied up with larger questions of democracy and power in the EU (see Chapter 7).

European Court of Justice

At first glance, the European Court of Justice (ECJ) seems neither a particularly powerful nor controversial institution. It is located in an unremarkable building in Luxembourg, and is comprised of 27 judges (one from each member state) plus eight Advocate Generals who draft Opinions for the judges. It is supported by the Court of First Instance, a lower tribunal created in 1989 to ease the growing workload of the Court (it had dealt with nearly 17,000 cases by 2010). The ECJ's profile is generally low, apart from in European legal circles.

Put simply, the role of the ECJ is to ensure that, in the interpretation and application of the Treaties, the law is observed. The Court is thus powerful: it is the final arbiter in legal disputes between EU institutions or between EU institutions and member states. The Court ensures that the EU institutions do not go beyond the powers given to them. Conversely, it also ensures national compliance with the treaties and to the legislation that flows from them. The Maastricht Treaty even gave the ECJ the right to fine member states that breach EU law.

The Court is sometimes accused of having a pro-integration agenda, a reputation that derives mainly from its landmark decisions in the 1960s. In practice, the Court has to interpret the texts as they have been adopted. Significantly, its members are not appointed by EU institutions, but by member states. The ECJ therefore differs from the US Supreme Court, whose members are appointed by American federal institutions (see Box 3.4).

EU law is qualitatively different from international law in that individuals can seek remedy for breaches of the former through their domestic courts, which refer points of European law to the EU Court. The process allows national courts to ask the ECJ for a ruling on the European facet of a case before them. Such preliminary rulings are then used by the national courts in judging cases. This method has shaped national policies as diverse as the right to advertise abortion services across borders, roaming charges for mobile phones, and equal pay for equal work. If the Court has a pro-integration agenda, it is primarily to integrate national courts into an EU legal system.

Its critics sometimes claim that the Court has, in effect, become a policy-making body (see Weiler 1999: 217). Its defenders point out that it can only rule on matters referred to it, and then only apply texts adopted by legislators. Certainly, the Court's role in the 1960s was crucial in giving real substance to the EU legal system. Two landmark decisions stand out. In the 1963 *Van Gend en Loos* case, the Court established 'direct effect': the doctrine that EU citizens had a legal right to expect their governments to adhere to their European obligations. In 1964 (*Costa v ENEL*), the Court established the supremacy of EU law: if a domestic law contradicts an EU obligation, European law prevails.

Later, in the 1979 *Cassis de Dijon* case, the Court established the principle of mutual recognition: a product made or sold legally in one member state—in this case a French blackcurrant liqueur—cannot be barred in another member state if there is no threat to public health, public policy, or public safety. This principle proved fundamental to the single market because it established that national variations in standards could exist as long as trade was not unduly impeded.

These judgments took place in a period normally characterized as one of stagnation and 'Eurosclerosis', when political integration seemed paralysed. Scholars who take inspiration from neofunctionalist thinking often cite evidence from this period to undermine the intergovernmentalist claim that national interests alone dominate the rhythm of integration. But the Court's power is limited: it must rely on member states to carry out its rulings. The powers of the Court—and how they should be wielded—remain contested in EU politics.

BOX 3.4
Compared to what? The ECJ and the US Supreme Court

The European Court of Justice—like the EU more generally—is in many ways *sui generis*: an international body with no precise counterpart anywhere in Europe or beyond. But interesting parallels, as well as contrasts, can be drawn between the ECJ and the US Supreme Court.

The US Supreme Court exists to uphold the US Constitution, whereas the EU has no such constitution. Yet even here the difference may not be as stark as it appears. The ECJ must uphold the EU's Treaties. For some legal scholars, the cumulative impact of Court decisions that have interpreted the Treaties amount to a 'quiet revolution' that effectively has transformed the Treaties into a constitution insofar as they constitute the basic rule book of the EU (see Weiler 1999).

One difference is jurisdiction, or the power to hear and decide cases. The jurisdiction of the US Supreme Court is vast. It can hear all cases involving legal disputes between the US states. More important is its power to hear cases raising constitutional disputes invoked by any national treaty, federal law, state law or act. The ECJ's jurisdiction is far more confined. Its rulings on trade have had a fundamental impact on the single market and the EU more generally. But many matters of national law, and most non-trade disputes between states fall outside its remit. Moreover, unlike the US court, the ECJ cannot 'cherry pick' the cases it wants to hear. Finally, recruitment, appointment, and tenure differ. US Supreme Court judges are seated for life following an involved and often highly politicized appointment and confirmation process by the US President and Senate. Judges on the ECJ, by contrast, are appointed by the member state governments, with little publicity. They remain relatively unknown for their six-year renewable term.

Yet, the rulings of both the ECJ and Supreme Court take precedence over those of lower or national courts. These rulings *must* be enforced by lower courts. Like the US Supreme Court in its early decades, the ECJ's early decisions helped consolidate the authority of the Union's central institutions. But perhaps the most interesting similarities involve debates surrounding these courts' powers and political role. In the case of the US Supreme Court, concerns about its politicization and activism are well-known, especially in its rulings on abortion, racial equality, and campaign spending (see Martin 2010). In the EU too, concerns about the Court's procedure, its ability to push integration forward or limit it, and the expansion of its authority have propelled the Court into the heart of political debates about the future of the EU. Thus, whatever their differences, both courts raise fundamental questions about the proper limits of judicial activism and the role of courts in democratic societies more generally.

What is also contested is the relationship between the main institutional players—Commission, Parliament, Council, European Council and Court—which is constantly changing. Power shifts across and between institutions not only as a result of formal treaty changes, but also due to changes in practice, the assertiveness of the various actors, agreements between EU institutions, and Court judgments. For instance, the ability of the Council to impose its view has declined as the bargaining power of Parliament has increased. The European Council's growing power to set the EU

BOX 3.5**How it really works: turf wars!**

Relations between EU institutions are both consensual and conflictual. Cooperation is unceasing because of the shared recognition that all institutions must compromise and work together to get a policy through or decision agreed. Even those final decisions that rest with one institution usually involve proposals from or consultation with another.

Yet inter-institutional rivalry is also fierce as each institution jealously guards its prerogatives (to initiate policy or control budgets). New institutionalist scholars such as Armstrong and Bulmer (1998) and Pollack (2009) have underlined the importance of this dynamic. Perceived attempts by one institution to encroach on another's 'turf' often elicit heated responses or fierce demonstrations of institutional loyalty. For example, in 2010, the Commission disliked the fact that the European Council had set up a Task Force, chaired by the European Council's President, to make proposals on the reform of economic governance procedures—something the Commission felt should be its job. Although represented on the Task Force, and broadly in agreement with its emerging recommendations, the Commission insisted on tabling them as its own legislative proposals to Parliament and Council only one week before their final approval by the Task Force.

agenda has usurped the Commission's traditional and legal right of initiative. The establishment of a full time President of the European Council challenges the primacy of the President of the Commission.

Both formal and informal institutional change has contributed to a blurring of powers among core institutions. This blurring of power does not mean that the formal rules do not matter. Rules and treaty provisions serve as the basis of authority from which the institutions can and do act. But the formal powers are starting points only: knowing how the institutions exploit, compete for, and ultimately share power is also crucial for grasping how the EU works (see Box 3.5).

Why Institutions Matter

Examining the institutions and how they work is essential to understanding EU policy and politics. First, it gives us a starting point from which to examine the Union's policy process. Second, it helps us to identify the diversity of actors involved and to understand how together they determine the shape and speed of integration. Finally, it reminds us that there are many interesting questions still to be answered about European integration. Is it heading towards a European federal state? Or a looser, more intergovernmental body? How democratic or efficient will it be? Who or what will determine the pace and shape of integration?

More particularly, the EU's institutions help illustrate the three central themes of this book: (1) the extent to which the EU is an experiment in motion; (2) the

importance of power sharing and consensus; and (3) the capacity of the EU structures to cope with the Union's expanding size and scope.

Experimentation and change

The EU's institutional system has evolved considerably since the establishment of the European Coal and Steel Community in 1951. As we have seen, the institutions have adapted over time to perform a variety of tasks. Some tasks are formally mandated by the founding treaties and subsequent changes to them. But others have emerged as more informal experiments in cooperation. A variety of pressures has combined to encourage a sort of task expansion and the reinvention of institutions over time. In particular, gaps in the capacity of the EU to respond to events and crises have resulted in an *ad hoc* expansion of the informal powers of the institutions. For example, the need for common action on the environment meant that informal environmental agreements predated formal advances introduced by the Treaties. Sometimes member states agreed on the need to establish informal cooperation in new areas, but were not initially ready to be legally bound by the treaties, as in the gradual expansion of the powers of the EU institutions in the area of justice and home affairs (see Chapter 9). Studying the institutional dynamics of the EU allows us not only to understand the extent to which the EU is subject to experimentation and change, but also to pose questions about where this process might be headed.

Power-sharing and consensus

Scholars of European integration have long and fiercely debated where power lies in the EU. Do the EU's institutions drive the integration process forward? Or do national governments remain in control? The two sides of this debate have been taken up by neo-functionalists and intergovernmentalists respectively. Both sides can cite changes in formal EU rules to buttress their case.

For example, as the Parliament has gained powers and member states have accepted more proposals on the basis of QMV, it could be claimed that supranationalism is on the rise. On the other hand, as the European Council has come to dominate high-level agenda setting, or as various countries have formally opted out of certain policies (such as monetary union), it could be said that intergovernmentalism is holding strong. But depicting integration as a pitched battle between EU institutions and the member states misses the point. Competition is fierce, but so, too, is the search for consensus. Enormous efforts go into forging agreements acceptable to all.

The overall trajectory of integration is thus a result of to-ing and fro-ing between a rich variety of actors and external pressures. This image is quite neatly captured in Wallace's description (2000) of EU governance as a pendulum, swinging sometimes towards intergovernmental solutions and sometimes towards supranationalism, but not always in equal measure. In this system, power is often a product of how well any

institution engages with other actors—lobbyists, experts, governments, and other international organizations—at different levels of governance. Focusing on the institutions and how they cooperate or compete with each other and other actors helps us to begin to make sense of the EU as a complex policy-making process.

Scope and capacity

The step-by-step extension of the scope of the EU's activities is one thing. Its capacity to deal with those subjects that fall within its remit and to cope with successive enlargements is another. Have the institutional structures, originally conceived for a Community of six member states, been sufficiently adapted to deal with the demands of an EU of 27 or more? (see Box 3.6) In most policy fields, the EU has

BOX 3.6

Enlargement's institutional impact

Enlargement has brought both opportunities and headaches to the EU's institutions. The impact has varied across institutions, with some adapting more smoothly than others. The European Parliament, despite real linguistic challenges (see Box 1.7) seems to have had the least difficulty absorbing new members (see Donnelly and Bigatto 2008). Decisions are based on majority votes and the EP has shown that it is still able to deal with difficult legislation even with more than 700 MEPs. Moreover, the quality of MEPs from the new countries generally has been high, with many having held important positions (including Presidents and Prime Ministers).

In the Commission, new and generally younger officials hold out the prospect of revitalizing and renewing the institution with fresh ideas and reform-minded Europeans. However, a Commission of 27 has resulted in a less cosy and, arguably, more **intergovernmental** body in a larger, less collegial Commission (see Peterson 2008). For the first time, the membership of the College—with one per member state—is now identical to that of the Council. Finding a sufficient number of responsible and interesting portfolios of relatively equal importance has proved difficult.

It is in the Council and the European Council that the challenges of enlargement have been most keenly felt. Since 2004, the Council has found it increasingly difficult to push through important decisions in areas, such as foreign policy and police cooperation, that require unanimity. National vetoes are not necessarily more common in an EU of 27 (see House of Lords 2006; Hagemann and De Clerck-Sachsse 2007). But Council meetings are more time-consuming and not always as productive. On important questions, all or most member states still want to present their positions and may insist on lengthy interventions. The result is less time for real discussion and compromise-seeking, which is the essence of what makes the Council and European Council function.

The impact of enlargement on the institutions reflects its wider impact on the EU. It has brought a mix of logistical headaches, challenges, doubts, and crises, but also the promise of fresh impulse, drive, and energy for a Union otherwise threatened by stagnation and inertia.

managed to avoid decision-making gridlock following each successive enlargement, though arguments continue as to whether enlargement has been at the cost of having to settle for lowest common denominator solutions. Certainly in areas that require unanimity within the Council, the EU now is vulnerable to slow, cumbersome decision-making and even total blockage at the instigation of one or another member state.

Strengthening European cooperation may appear to equate to empowering its institutions. Yet, policy cooperation has been extended in a variety of different ways that have expanded the scope of the EU without necessarily expanding institutions' powers. The careful exclusion of the ECJ and the weaker role played by the Commission and the EP in most aspects of foreign and security policy are examples. Finally, if there is one lesson to be learned from the study of EU institutions, it is their remarkable ability to adapt as new requirements are placed upon them. This chapter has tried to show that while the capacity of EU institutions may be limited, their ability to adapt often seems limitless.

Conclusion

The EU's institutional system is complex. But so, too, is the diverse polity it helps govern. We have attempted to cut through this complexity by focusing on the institutions' powers, and what they do with them. We have stressed the importance of both cooperation and rivalry between the institutions. Each institution may have its own agenda, but nearly all important decisions require some (and usually, quite a large) measure of consensus spanning the EU's institutions (see Peterson and Shackleton 2012). The institutions are as interdependent as the member states that make up the EU.

Moreover, EU institutions do not operate alone. Today they must deal with an ever broader range of actors, including an increasing number of member states (see Chapters 4 and 8), but also increasingly active groups of organized interests. Above all, understanding institutions helps us to explore broader questions of how and why the EU works the way it does.

As the EU takes on new tasks, the burden on its institutions will increase. The EU's growing role in areas such as migration, foreign and defence policy, food safety, and climate change means that other agencies and bodies (including international ones that transcend Europe itself) will join the institutional mix that helps govern EU politics (see Box 3.7). Further institutional reform may prove both necessary and inevitable to cope with the increasing size and policy scope of the EU. But given the challenge of obtaining unanimous support for institutional change, institutional reform—like so much else in the EU—is likely to be incremental and pragmatic rather than spectacular or far-sighted.

BOX 3.7

Other institutions and bodies

Several smaller institutions and bodies carry out a variety of representative, oversight, or managerial functions in the EU. By far the most significant of these specialized institutions is the **European Central Bank (ECB)**. Based in Frankfurt and modelled on the fiercely independent German Bundesbank, the ECB is charged with a fundamental task: formulating the EU's monetary policy, including ensuring monetary stability, setting interest rates, and issuing and managing the euro (see Chapter 5). The ECB is steered by an executive board (made up primarily of national central bank governors) and headed by a President who is chosen by member states, but who cannot formally be removed by them. The Bank's independence and power undoubtedly help ensure monetary stability but also have raised concerns about transparency and accountability. Its executive board is appointed by member states, and it must report to the EP several times a year. But its deliberations are not made public and it enjoys considerable independence from other institutions or member states themselves. While still a young institution, the Bank is certain to become a more important, but also controversial player in EU politics (see Hodson 2010).

Exercising an oversight function is the **Court of Auditors** whose 27 members are charged with scrutinizing the EU's budget and financial accounts. Acting as the 'financial conscience' of the EU, the Court has increased its stature and visibility in recent years as public concern over mismanagement and sometimes even fraud has mounted. Its annual and specialized reports consist mainly of dry financial management assessment, but they also have uncovered more spectacular and often serious financial misconduct (see Karakatsanis and Laffan 2012).

Several smaller bodies, not classified as institutions (therefore having fewer rights at the Court) carry out a primarily representative function (see Jeffrey and Rowe 2012). For instance the **European Economic and Social Committee (EESC)** represents various employer, trades union, and other social or public interests (such as farmers or consumers) in EU policy-making. Chosen by the national governments, these representatives serve in a part-time function advising the Commission and other institutions on relevant proposals. Their opinions can be well researched but are not usually influential. The **Committee of the Regions and Local Authorities** suffers from a similar lack of influence. Created by the Maastricht Treaty, the Committee must be consulted on proposals affecting regional interests (cohesion funding, urban planning) and can issue its own opinions and reports. However, it is internally divided and its membership debilitatingly diverse (powerful regional ministers from Germany and Belgium sit alongside representatives from English town parishes). It has yet to exert the influence its proponents originally envisioned, but perhaps its real role is as a channel of communication across several layers of governance.

The EU **Ombudsman** is empowered to receive complaints from any EU citizen or any natural or legal person residing in the member states concerning instances of maladministration in the activities of the Union institutions or bodies (other than the Court in its judicial capacity). The Ombudsman is chosen by the EP after each parliamentary election for the duration of its term of office.



DISCUSSION QUESTIONS

1. Which EU institution is most 'powerful' in your view and why?
2. Why has the balance of powers between the EU's institutions shifted over time?
3. Which institution could most accurately be described as the 'motor of integration'?
4. Is the relationship between the EU's institutions characterized more by cooperation or conflict?



FURTHER READING

For comprehensive analysis of all of the EU's institutions, see Peterson and Shackleton (2012a). Best *et al.* (2008) focus specifically on the effects enlargement on EU institutions. Helpful examinations of individual institutions include Kassim *et al.*'s (2012) analysis of the Commission; Hayes-Renshaw and Wallace's (2006) classic study of the Council of Ministers which also includes analysis of the European Council; Corbett *et al.*'s (2011) account of the workings of the Parliament; and Weiler's (1999) provocative and thoughtful essays on the Court and EU's legal identity.

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Weiler, J. H. H. (1999), *The Constitution of Europe* (Cambridge and New York: Cambridge University Press).



WEB LINKS

Most of the EU's institutions have their own website which can be accessed through the EU's official portal site, 'The European Union online' (<http://www.europa.eu/>). Below are the specific official websites of some of the institutions introduced in this chapter:

- European Commission: http://ec.europa.eu/index_en.htm
- Council of Ministers: <http://ue.eu.int/>
- European Parliament: <http://www.europarl.europa.eu/>
- European Court of Justice: <http://curia.europa.eu/>
- Court of Auditors: <http://www.eca.europa.eu/>
- Economic and Social Committee: <http://eesc.europa.eu/>

- Committee of the Regions: <http://www.cor.europa.eu/>
- European Central Bank: <http://www.ecb.int>

Anyone brave enough to consider working as an intern or *stagiaire* in one of the EU's institutions can find out more at <http://ec.europa.eu/stages/>. For recent updates on institutional developments, especially in relation to treaty reform, see <http://www.euractiv.com/>. The London-based University Association for Contemporary European Studies (UACES) (<http://www.uaces.org/>) announces regular workshops and lectures on the EU institutions held in the UK and (occasionally) on the European continent. For information on conferences and lectures held in the US, see the website of the US European Union Studies Association (EUSA) which can be found at <http://www.eustudies.org>.



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