

## 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 (and complex) organizations; 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 (EP), and the European Court of Justice (ECJ). We draw analogies to their counterparts at the national level, but also show how they are distinct and unique. It is important to understand not just the formal powers conferred on the EU's institutions, but also how informal powers have accrued to them over time, and how incremental power shifts occur between rounds of treaty reform. The informal institutional politics of European integration are often lively and can have important consequences (see Chapter 6).

## The European Commission

One of the EU's most powerful and controversial institutions is the **European Commission**. The EU's founders 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—consisting of ministers representing 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** (see Chapter 4).

## Tasks and powers

The treaties allocated to the Commission other important tasks besides the right to propose policies. The Commission is charged with representing the general interest of the Union, and in this capacity, does a variety of jobs:

- it acts as guardian of the treaties (to defend both their letter and spirit), verifying the correct application of EU legislation;
- it can be given powers to implement EU legislation and manage its programmes;

- it is the competition authority for the **single market**, with powers to vet and veto mergers, even of companies located outside the EU;
- on the basis of Council mandates, it negotiates international trade and cooperation agreements.

Above all, nothing (or very little) can become EU legislation unless the Commission proposes it (although the Council and the Parliament can request it to draft proposals). All of these prerogatives make the Commission perhaps the most powerful international administration in existence (see Kassim *et al.* 2013). 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 national government. To illustrate, it lacks powers that national governments have over armed forces, police, the nomination of judges, or foreign policy. The treaties limit both the Commission's powers and autonomy.

## How the Commission is organized

'The Commission' rather confusingly refers to two elements of the same body: the political College of Commissioners (or executive Commission) and the administrative Commission (its permanent 'services'). The College is the powerhouse of the Commission. Each of the 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 politicians rather than civil servants (most have held high office in national politics before becoming commissioners) and hold office only with the approval of the EP. 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 EP on a proposal of the European Council, which itself is obliged to take account of EP election results in making that nomination (Corbett 2014; Dinan 2015). 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. Several European political parties interpreted this requirement to mean that the European Council should choose as Commission president the nominee of the EP party with the most seats. Five parties duly proposed their own candidate ahead of the 2014 European elections. After the elections, the European Council indeed nominated the candidate of the 'winning' party (the centre-right European People's Party), the former Luxembourg prime minister, Jean-Claude

Juncker, although not without controversy as David Cameron, the (then) UK prime minister, strongly opposed this interpretation of the treaty provisions. Cameron was joined only by Hungary's Victor Orban in voting against Juncker in the first case ever of a Commission president being nominated via a qualified majority vote in the European Council (see Peterson 2017b).

Once elected by the EP, the president must then agree with each head of government on the nominee from each country for the remaining members of the College of Commissioners. 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 EU High Representative for foreign affairs and security policy, who is also a vice president of the Commission.

The prospective Commission must then present itself to the Parliament for a vote of confidence. This vote is on the college as a whole—again, much like 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 ministers in most European countries). The Commission's fixed, five-year term is linked to that of the EP, which is elected every five years.

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. In reality, how much an individual commissioner can shape policy is limited by the principle of collegiality: the entire College agrees all policy proposals. Once it takes a decision, if necessary by majority vote (but nearly always by consensus), it becomes the policy of all of the Commission. Moreover, key legislative and policy decisions have to be approved by 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(s) 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, although the president's *cabinet* is always larger. Cabinet officials are chosen by individual commissioners and may be drawn from inside or outside the Commission. They keep 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. Ever since 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 2017a: 129).

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 his or 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 follow the line 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.

Most commissioners responsible for one or more **Directorates General (DGs)**—or services—that 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. A director general, who reports directly to the relevant commissioner, heads each. 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 a medium-sized city council. Of the Commission’s approximately 33,000 officials, about one-tenth are involved simply in translating or interpreting into the 24 official languages of the EU.

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. Furthermore, the Commission’s agenda is to a large extent 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' DG, in much the same way as occurs in relations between ministers and civil servants in a national context.

### BOX 3.1 How it really works: Who initiates policy?

The formal right to initiate proposals for policy or legislation 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. Some implement priorities and action plans approved by the European Council. Some arise from international obligations or new trade agreements. Some are in response to proposals from the EP. A growing proportion are about updating or amending previous EU legislation, rather than legislating in new fields. A particular effort in recent years has been to simplify, consolidate, or repeal old legislation, known as the 'REFIT' programme. In its 2017 work programme, the Commission announced 21 'key initiatives' (down, it claimed, from 23 per year in 2015 and 2016, and an average of 130 per year from 2009 to 2014), although these initiatives would require over 30 pieces of legislation. There would also be 18 proposals under REFIT and 16 proposals to repeal existing legislation.

The Lisbon Treaty added a new, direct source of proposals: one million EU citizens can sign a **European Citizens' Initiative** to invite the Commission to bring forward a legislative proposal. The Commission is not legally obliged to act, and at time of writing only four such initiatives (out of over 30 launched) have reached the one million threshold. But, for example, this route has led to legislative proposals concerning drinking water quality.

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.

## The Council (of ministers)

The Council was created as the EU's primary decision-making body. The treaties state that it 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 EP, exercise legislative and budgetary functions' and 'carry out policymaking and co-ordinating functions' (Article 16, Treaty on European Union).

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. They meet to resolve issues of Union or foreign policy and coordinate domestic policies, such as macroeconomic policies, that are primarily a national responsibility. 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 ten different configurations of the Council, with the General Affairs Council (now largely comprising national 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 2,800 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 2005), regular ministerial meetings, informal contacts, and routine bargaining have provided the grounds for continual and close cooperation among 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 2004–13 enlargements. Council deliberations on legislation now take place in public: they are web-streamed or televised (there is no physical public gallery). Prior 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.

### BOX 3.2 How it really works: Reaching decisions in the Council

**Qualified majority voting (QMV)** (see Box 3.3 for its calculation) now applies to most areas of Council 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 minority of decisions subject to QMV are actually agreed that way (see Wallace and Reh 2015: 83). 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 accommodating 28 states—usually proceeds on the understanding that consensus will be sought, but equally that obstructionism or unreasonable opposition could be countered by a vote.

How is consensus achieved between 27/8 (now very disparate) states? 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 the Committee of Permanent Representatives, known by its French acronym **Coreper** (the committee in which member state ambassadors to the EU meet). 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 among 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 (or postponement) of a policy's implementation for one or more reluctant states. The point is that 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.

### Vice president of the Commission / High Representative for foreign and security policy

In 2010, a major innovation was 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 trade, development, 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 to whom to turn 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 now also a vice president of the Commission—the European Council chooses the appointee, with the agreement of the Commission president. The High Representative is charged with chairing meetings of the Council of Foreign Affairs Ministers. She (and to date it has always been a ‘she’) also has assumed authority for a new [European External Action Service \(EEAS\)](#), intended as something like an EU ‘foreign ministry’ (see Chapter 9).

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 of its traditional methods in a more unified way. Batora (2013) theorizes the EEAS as sitting in the spaces between existing EU institutions creating ‘a situation in which there are different and sometimes conflicting organisational principles and practices introduced’ within the EEAS. The appointment of a sitting commissioner, the UK’s Catherine Ashton, as the first incumbent was not without significance. Ashton had previously been commissioner responsible for trade, whereas her successor, Mogherini, had previously been Italy’s foreign minister, bringing different experiences to the job. Many feel that Mogherini was more effective on the job—for example, chairing the successful multi-lateral talks to curb Iran’s nuclear programme—while Ashton had the initial challenge of actually setting up the EEAS (see the symposium in the *Journal of European Public Policy* 2013c; and Juncos and Pomorska 2014). The political will of the EU member states will be crucial in determining whether the High Representative and the EEAS can close any gap between their capabilities and the expectations of them (Helwig 2013).

Interestingly, Mogherini’s 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 did not necessarily affect the likelihood of its holder becoming a high-profile figure representing the EU to the world. Vicere (2016: 557) contends that the post-Lisbon foreign and security policy architecture acts as an intergovernmental catalyst for greater integration, ‘without greater empowerment of supranational actors’. However, 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, a minister from the member state holding the rotating 'Presidency of the Council' chairs the Council. Member states take turns chairing for six months each. Although often referred to in the media as the 'EU presidency', presidencies are, in fact, simply the chair of just one of the Union's institutions. Taking 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 it 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 dictated by events.

### Voting in the Council

The treaties provide, in most policy areas, that a qualified majority (see Boxes 3.2 and 3.3) 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. Unanimity applies to sensitive matters such as taxation, anti-discrimination legislation, and non-legislative decisions on 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 (but must do so if a simple majority requests it). Even though consensus is always sought, and usually achieved (see Box 3.2), formal votes are sometimes needed. Even then, a qualified majority requires the support of a high threshold (see Box 3.3).

#### BOX 3.3 Voting in the Council of ministers

In nearly all cases, a qualified majority requires that a proposal secures the support of at least 55 per cent of the member states of the Council (at least 15 out of 27/8) and that they must represent, collectively, at least 65 per cent of the EU's population. However, a blocking minority (representing at least 35 per cent or more of the EU's population) must include at least four Council members in nearly all cases.



Prior to 2014, a different system of calculating a qualified majority applied, with a fixed number of votes given to each member state, ranging from three for Malta to 29 for the 'big four' (France, Germany, Italy, and the UK). It required roughly 74 per cent of the votes to approve a proposal. However, successive enlargements of the EU, adding mostly smaller or medium-sized member states, had led to a situation where—in theory—a qualified majority could be obtained by the representatives of a minority of the EU's population. Larger member states felt they were becoming under-represented in the system, which is primarily why it was reformed.

## Coreper

Council decisions are preceded by extensive negotiation. Each EU member state has its own Permanent Representation ('Perm Rep') office in Brussels, headed by a permanent representative who has ambassadorial status. The national civil servants 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 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 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, economic and financial affairs, 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 become directly involved (see Hayes-Renshaw 2017). 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). And all decisions must go before the ministers, even if they nod them through.

## 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 recognition of its role in the treaties, it became the major agenda setter of the Union. Initiatives such as direct elections to the EP, monetary union, successive enlargements, climate change strategy, 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.

In the words of its own president, ‘the European Council works by keeping out of day-to-day business which the other institutions do much better’ (in the well-tested framework of the **Community method**), ‘yet springing into action to deal with the special cases—changing the treaty, letting new members in the club, dealing with a crisis. In all these cases it draws upon the collective **legitimacy** of its members’ (Van Rompuy 2012).

The European Council’s other broad function is more mundane problem solving. Issues that cannot be resolved within Coreper or the Council are often settled at this elevated political level, at times through informal persuasion. At other times, European leaders strike package deals that trade off agreement on one issue (say regional spending) in exchange for concessions on another (say agricultural reform), deals that sectoral ministers cannot easily make. 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 and also the governor and board members of the **European Central Bank (ECB)**.

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 two-and-a-half-year term (once renewable). The first such president, Herman Van Rompuy, took office on 1 January 2010,



leaving his post of prime minister of Belgium (see Barber 2010). Donald Tusk succeeded him five years later, leaving the post of prime minister of Poland.

A number of factors led to the creation of a ‘permanent’ and full-time president. Previously, the six-month term of office meant a new president every second or third meeting: a recipe for discontinuity and inconsistency. The preparation of European Council meetings—involving consultation of all heads of government—was, especially with successive enlargements, 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, while 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: that is, devoted largely to internal affairs and even then deferring on major decisions to the president. Not all share that view. 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 an elected parliament: the EP is the only directly elected multi-national 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, which is 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 with 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. Until 2014 there was no visible link between the outcome of the parliamentary elections and the composition of the executive, the situation that voters are used to at the national level (our earlier discussion of Juncker’s

appointment to the post of Commission president in 2014 reflects how this dynamic has evolved). Turnout in EP elections is lower than in most national elections in Europe (although about the same as for mid-term, non-presidential, elections in the US).

But the EP exercises its legislative powers forcefully compared to national parliaments, which rarely amend or reject government proposals. Because no executive or any governing majority controls it, the EP can use its independence to considerable effect. Each successive treaty change 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. Its members are able to network across the institutions and with national governments, interest groups, and non-governmental organizations.

The Lisbon Treaty caps the EP at 751 members with a minimum of six and a maximum of 96 seats per member state, degressively proportional to population. The members of the parliament (MEPs) sit in political groups, not in national blocs. Although there are over 150 national parties, they coalesce into eight 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 (Hix *et al.* 2009). The EP lacks the strict whipping system found in national parliaments, but positions taken by the groups—and the negotiations between them—are what count in determining majorities. And choices at stake when dealing with legislation are ultimately 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 3.4). 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 (OLP)** 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 also provides for a sort of co-decision.

### BOX 3.4 How the European Parliament 'squeezes' power

The EU's Parliament 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 and 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' (Peterson 2017a: 120). 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 in practice, it did just that. It did the same to other candidates in 2009 and 2014.

Of course the EP's threats must seem real. For that to happen, it needs solid majorities. Such unity is not easy to come by in such a large and diverse institution with 751 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 and agencies). 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 the College (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 a two-thirds majority of all 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 the former French prime minister Edith Cresson's did in the Santer Commission; see Peterson 2017a: 114), the president of the Commission can take action to retain the EP's confidence. Besides the Commission, the Parliament also elects the European ombudsman and is consulted on appointments to other EU posts (see Box 3.8).

In short, the EP's powers have grown significantly since direct elections were first held in 1979 (Hix and Høyland 2013). However, some still question its ability to add legitimacy to EU decision-making. Its claim to represent the peoples of Europe is undermined by relatively low turnouts for its elections (around 43 per cent in recent EP elections). In the 2014 election, voters elected an unprecedentedly high number of Eurosceptic MEPs, who question the very existence of the EU, with such parties topping the poll in some member states (including France and the UK). The relative lack of citizen engagement, combined with the Parliament's image—accurate or not—as a 'graveyard train' does not help. 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 ECJ seems neither a particularly powerful nor controversial institution. It is located in sleepy Luxembourg and is currently comprised of 28 (27 post-Brexit) judges (one from each member state) plus nine Advocates-General who draft Opinions for the judges. The General Court (previously known as the Court of First Instance), a lower tribunal created in 1989 to ease a growing workload, supports the ECJ. By 2010 the General Court had dealt with nearly 17,000 cases. The ECJ and the General Court are collectively referred to as the **Court of Justice of the European Union (CJEU)**. The ECJ's profile is generally low, apart from within European legal circles.

Simply put and according to the EU treaties, 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 them and member states or between citizens and EU institutions. 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 the legislation that flows from them. The ECJ even has 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 landmark decisions it made 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 3.5).

### BOX 3.5 Compared to what? The ECJ and the US Supreme Court

The ECJ—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 transformed the treaties into a constitution insofar as they constitute the basic rule book of the EU (see Weiler 1998).

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. Even 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, the ECJ cannot 'cherry pick' the cases it wants to hear, as the US court can. Finally, recruitment, appointment, and tenure differ. Following nomination by the president and confirmation by the Senate, US Supreme Court justices are appointed for life. Their appointments are highly politicized. In contrast, the member state governments appoint judges to the ECJ with little publicity. They remain relatively unknown for their six-year renewable term.

Still, we find parallels between the two. The rulings of both the ECJ and Supreme Court take precedence over those of lower or national courts. Lower courts must enforce these rulings. 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 forward or limit integration, and the expansion of its authority have propelled the Court into the heart of political debates about the future of the Europe. Debate about its role featured in the 2016 EU referendum in Britain, despite some confusing it with the quite separate (non-EU) **European Court of Human Rights**. Thus, whatever their differences, both the ECJ and US Supreme Court raise fundamental questions about the proper limits of judicial activism and the role of courts in democratic societies more generally.

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 preliminary ruling on the European facet of a case before them. The national courts, in judging cases, use such preliminary rulings. 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 a cooperative system for applying EU law. Otherwise, what would be the point of EU law?

Its critics sometimes claim that the Court has, in effect, become a policy-making body (see Weiler 1998: 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. Three 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 judgements 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 governments alone dominate the rhythm of integration (see Chapter 1). 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.

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 judgements. 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 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 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 formal powers are only starting points: knowing how the institutions exploit, compete for, and ultimately share power is also crucial for grasping how the EU works (see Box 3.6).

### BOX 3.6 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 interinstitutional rivalry is also fierce. Each institution usually guards its prerogatives (to initiate policy or control budgets) jealously. **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 one week before their final approval by the Task Force.

## Why Institutions Matter

Examining its institutions and how they work is essential to understanding the EU. First, it gives us a starting point from which to examine the EU's policy process. Second, it helps us to identify the diversity of actors involved and to understand how they together 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 inter-governmental body? Or a multi-tiered system? 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) that 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. The very fact that powers are wielded at a level beyond the nation state, albeit with the involvement of their governments, remains

controversial in some countries and was highlighted by Leave campaigners in the 2016 UK referendum (see Chapter 10).

## 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. The founding treaties, and subsequent changes to them, formally mandate some of their tasks. Others have emerged as more informal experiments in cooperation. A variety of pressures have combined to encourage 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 competences 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 EU institutions focused on justice and home affairs (see Chapter 5). 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? Neofunctionalists and intergovernmentalists have taken up the two sides of this debate, 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. Equally, as the European Council has come to dominate high-level agenda setting, and some EU states have opted out of certain policies (such as monetary union), it could be said that **intergovernmentalism** is holding strong. In recent years, as the EU has responded to, among other things, the **Eurozone** crisis, researchers continue to debate whether we have entered a period of a 'new intergovernmentalism' (Bickerton *et al.* 2015) or not (Schimmelfennig 2015). But depicting integration as a pitched battle between EU institutions and the member states misses the point. Dividing lines are often within each of the above. 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 (2000) description of EU governance as a pendulum, swinging sometimes towards intergovernmental solutions and other times 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 a EU of 27/8 or more (see Box 3.7)? In most policy fields, the EU has managed to avoid decision-making gridlock following each successive enlargement, although 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.

### BOX 3.7 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 EP, 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 new (that is, post-2004) states generally has been high, with many having held important positions (including presidents and prime ministers).

In the Commission, new and generally younger officials from states that recently joined the EU hold out the prospect of revitalizing and renewing the institution with fresh ideas and reform-minded Europeans (see Kassim *et al.* 2013: 245–72). However, a college of 28 (27 post-Brexit) commissioners has resulted in a less cosy and, arguably, more **intergovernmental** and less collegial body (see Peterson 2008). With one per member state, its membership is now like that of the Council. Finding a sufficient number of responsible and interesting portfolios of relatively equal importance has proved difficult.

The Council and European Council have felt the effects of enlargement most keenly, especially where unanimity is required or desired. Since 2004, the





Council has found it increasingly difficult to push through important decisions in areas such as foreign policy, police cooperation, and migration. National vetoes are not necessarily more common in an enlarged EU (see House of Lords 2006; Hagemann and De Clerck-Sachsse 2007; Kaeding and Stack 2015). 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. And a larger number of member states increases the chances of one or more outliers whose governments (or electorates) challenge the values and assumptions on which the EU is based.

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 it also offers fresh impulse, drive, and energy for a Union otherwise threatened by stagnation and inertia.

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 widened the scope of the EU without necessarily expanding the powers of institutions. The careful exclusion of the ECJ, and the weaker role of the Commission and the EP, in most aspects of foreign and security policy are examples. So is the gradual bonding together of European leaders outside the formal confines of the European Council but also not, strictly and exclusively speaking, as representatives of purely national interests (see Van Middelaar 2013). 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 is often impressive.

## 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 powers of the institutions and how they are used. We have stressed the importance of both cooperation and rivalry between the institutions. Each institution may have its own agendas, but nearly all of the important decisions require some (and, usually, quite a large) measure of consensus spanning the EU's institutions and across member states within the Council (see Hodson and Peterson 2017). 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, especially because of the EU's enlargement (see Chapter 8), but also because organized interests have become increasingly active. Above all, understanding institutions helps us to explore broader questions of how and why the EU works the way it does.

### BOX 3.8 Other institutions and bodies

Several other 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 **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 a governing council (made up primarily of national central bank governors) and headed by a president and executive board chosen by member states, although they cannot formally be removed by member states. The Bank's independence and power undoubtedly help ensure monetary stability but also have raised concerns about **transparency** and accountability. It must report to the EP several times a year. But its deliberations were until recently not made public and it enjoys considerable independence from other institutions or member states. While still a young institution, the Bank has already become an important, but also controversial player in EU politics (see Hodson 2015). Its remit was expanded in 2014 to include supervision of banks.

The **European Court of Auditors (ECA)**, with 28 members, is charged with scrutinizing the EU's spending and financial accounts. Acting as the 'financial conscience' of the EU, the Court has increased its visibility in recent years as public concern over mismanagement, and occasionally fraud, has mounted. Its annual and specialized reports consist mainly of dry financial management assessment. But it has also uncovered more spectacular and serious financial misconduct (see Laffan 2017).

Several smaller bodies not classified as institutions (therefore having fewer rights at the Court) carry out a primarily representative function (see Rowe and Jeffery 2017). For instance the **European Economic and Social Committee (EESC)** represents employers, trades unions, 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 **European Committee of the Regions (CoR)** 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, its membership is debilitatingly diverse (powerful regional ministers from Germany and Belgium sit alongside representatives from Irish local councils). 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 EP chooses the ombudsman after each parliamentary election for the duration of its term of office.

The **European Investment Bank (EIB)** is the world's biggest, public, long-term lending institution. It supports the development of infrastructure and economic development projects. The EIB's shareholders are the member states. It borrows on capital markets to finance capital projects. In 2016 it lent over €76 billion.

Last, but not least, are over 40 **European agencies** established by the EU to manage issues as diverse as air safety, police cooperation (Europol), authorization of medicines and chemicals on the European market, food safety, or the supervision of financial markets, including banks. They typically have a governing body appointed by the EU institutions and member states, and perform technical functions on a pooled basis, avoiding the costs of duplicated efforts by member states, pooling resources, or coordinating national efforts.

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 3.8). 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.



## 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. In what ways has enlargement affected the EU's main institutions?
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 Hodson and Peterson (2017). Helpful examinations of individual institutions include Kassim *et al.*'s (2013) analysis of the Commission; and Puetter's (2014) exploration of the roles of the European Council and Council of ministers; Corbett *et al.*'s (2016) account of the workings of the Parliament; and Weiler's (1998) provocative and thoughtful essays on the Court and EU's legal identity. Van Middelaar (2013) offers a perceptive treatment of how the EU's institutional system has developed over time.

Corbett, R., Jacobs, F., and Neville, D. (2016), *The European Parliament*, 9th edn (London: John Harper).

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Kassim, H., Peterson, J., Bauer, M., Connolly, S., Dehousse, R., Hooghe, L., and Thompson, A. (2013), *The European Commission of the Twenty-First Century* (Oxford and New York: Oxford University Press).

Puetter, U. (2014), *The European Council and the Council* (Oxford and New York: Oxford University Press).

Van Middelaar, L. (2013), *The Passage to Europe: How a Continent Became a Union* (New Haven: Yale University Press).

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/>).
- Here are the specific official websites of some of the institutions introduced in this chapter:
  - European Commission: <http://ec.europa.eu/>
  - Council of ministers: <http://www.consilium.europa.eu/>
  - European Parliament: <http://www.europarl.europa.eu/>
  - European Council: <http://www.european-council.europa.eu/>
  - European Court of Justice: <http://curia.europa.eu/>
  - European Court of Auditors: <http://www.eca.europa.eu/>
  - Economic and Social Committee: <http://eesc.europa.eu/>
  - European Committee of the Regions: <http://www.cor.europa.eu/>
  - European Central Bank: <http://www.ecb.int/>

- A nine-minute video on '10 things you need to know about the EU's institutions' is available at: [https://media.ed.ac.uk/media/10+things+about+EU%21/1\\_80ra79kc](https://media.ed.ac.uk/media/10+things+about+EU%21/1_80ra79kc)
- 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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