



European Union Politics

SESSION 2:

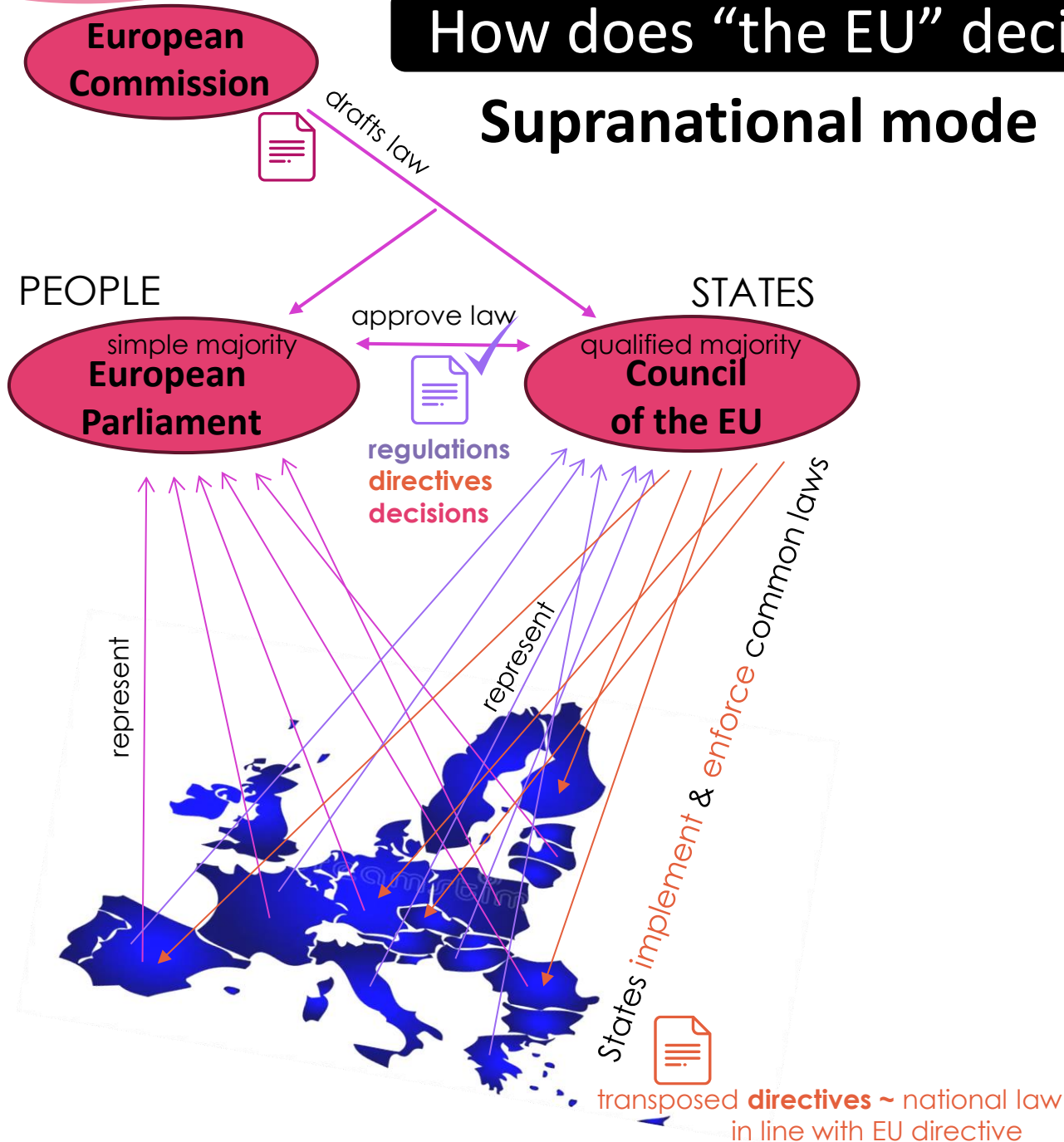
**INSTITUTIONS, ACTORS AND THE EU
POLICY-MAKING PROCESS IN THE LISBON
TREATY FRAMEWORK**

The Lisbon Treaty (2007) 2009

- ▶ Provides: institutional, legislative and political **framework** for day-to-day working of the European Union ...constitutions perform the same function in states 🙋
- ▶ Defines:
 - basic values: **democracy, freedom, equality, rule of law, respect for human rights and dignity**
 - principles of integration: **conferral, subsidiarity, proportionality** (and legislative **supremacy**)
- ▶ Defines “who is who”: **EU institutions** and their **powers**
- ▶ Defines “division of powers”: **who does what** between EU and MS (competences)
- ▶ Specifies how decisions are made and laws adopted:
 - the **ordinary legislative procedure** using qualified majority voting (QMV) in the Council and simple majority in the Parliament
 - **special legislative procedures**: consent, consultation ... and of course **unanimity**
- ▶ Includes the ***Charter of Fundamental Rights*** – a sort of “Bill of Rights”

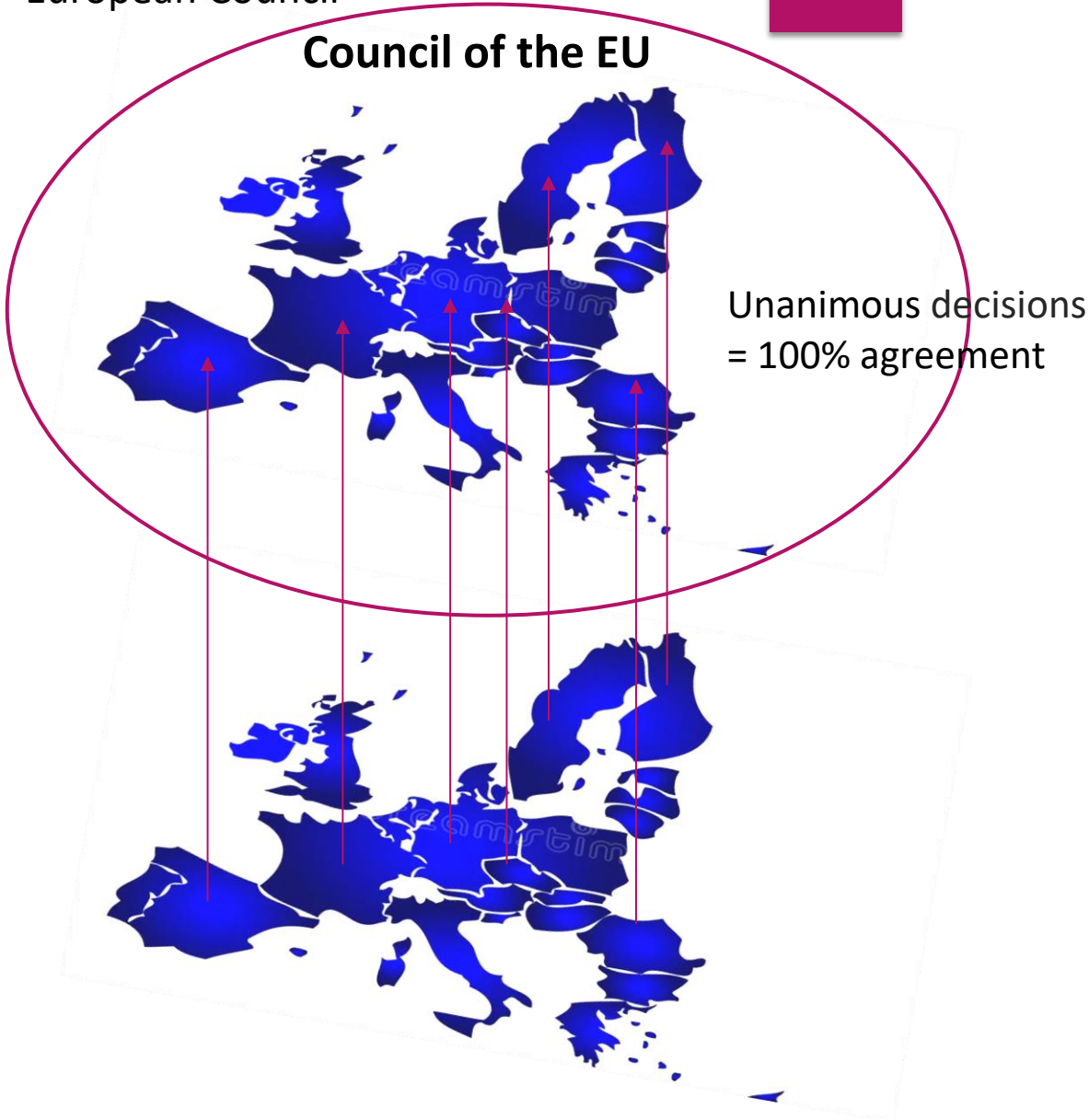
How does “the EU” decide:

Supranational mode



Intergovernmental mode

European Council



Lisbon treaty: policy competences

“who does what”

Exclusive EU competence

- Customs union
- Competition rules in the internal market
- Monetary policy (Eurozone)
- Conservation of marine biological resources under common fisheries policy
- Common commercial policy (international trade on behalf of the MS)

Shared competences between EU and MS

- Internal market
- Agriculture and fisheries, excluding the conservation of marine biological resources
- Consumer protection
- Social policy, for the aspects defined in this Treaty
- Economic, social and territorial cohesion
- Environment
- Transport and trans-European networks
- Energy
- Area of freedom, security and justice
- Common safety concerns in public health matters, for the aspects defined in this Treaty

Supporting, coordinating EU competences

- Research
- Technology
- Space
- Development cooperation
- Humanitarian aid

- Economic
- Social
- Employment

- Protection and improvement of human health
- Industry
- Culture
- Tourism
- Education, vocational training, youth and sport
- Civil protection
- Administrative cooperation

thiiiiick

Supranational

thinner integration

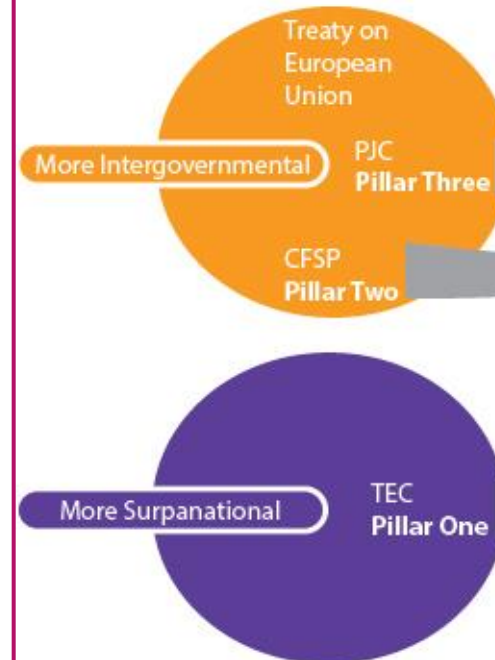
... more **intergovernmental**

Where did Foreign, Security Policy and Defence “competence” go?

Lisbon treaty = called “Reform treaty”
contains not one but **2 older “reformed” treaties**

- ▶ Maastricht treaty --> ***Treaty on European Union***
 - European values and democratic principles
 - Institutional framework
 - **Title V: EU foreign policy, EEAS, defence cooperation**
- ▶ Rome treaty --> ***Treaty on Functioning of the EU***
 - Contains the division of competences (previous slide)
 - Provisions on legislative acts (regulations and directives), policies, budget, external action (non-FP)

Pre-Lisbon Pillar Structure



Post-Lisbon Structure



The European Commission



- ▶ 27 members: including the Commission President [Ursula von der Leyen](#) and VP/HR for Union Foreign Affairs and Security Policy [Kaja Kallas](#)
- ▶ Represents the “**Union**” **interest** = a *supranational* institution
- ▶ **Proposes** new EU-wide legislation and **oversees** its implementation in MS 🧐
- ▶ **Represents the EU** externally in **trade negotiations (WTO)**, EU/Mercosur etc.
- ▶ **Commissioners** are nominated by states, but are accountable to the **European Parliament** (by 2/3 majority)



The European Commission

internal structure

- ▶ **College of Commissioners** leads Directorates-general (akin to ministries at the national level), agencies and services
- ▶ **Right of legislative initiative !!!:**
 - Draws input from member states (EuCo), experts, industries, unions, but also from transnational lobbying networks!
 - To succeed, the Commission must find balance between eur. inter-institutional, national, regional, social-economic and private interests !



2024-2029 goals: sustainable competitiveness & prosperity, security & defence, supporting people & our social model, quality of life, European democratic values, global voice and weight, effective implementation & preparation for the future

High Representative of the Union for Foreign Affairs and Security Policy

Kaja Kallas' "double act":

1. **Commission** Vice President and
 2. Chair of the Foreign Affairs **Council** meetings (Council of the EU)
- ... a "**bridge**" between European Commission (EU) and the Council of the EU (states)
- ... task to coordinate *internal* and *external* aspects of Commission policies

Manages the *European Foreign and Security Policy* and *Common Security and Defence Policy*

Heads the **European External Action Service** (EU diplomatic corps.)

Heads the **European Defence Agency**



PESCO Permanent
Structured Cooperation
of MS in foreign affairs
and defence

**Wait... Is this the
Council of the EU
or the European Council?**



https://x.com/meme_ec

21.2.2023

Council of the European Union aka “the Council” or Council of Ministers



▶ NOT A SINGLE BODY!!!

Represents the **Member states'** interest – *inter-governmental* institution
(akin to the “Senate” in the US; except 1 MS = 1 minister representative)
Council members still hold **executive** functions at home as member states **ministers**

▶ Legislative body at EU level:

- Legislates together with the European Parliament (citizens) using **qualified majority** → see ordinary legislative procedure (slide 3, 14 and 24)
 - Decides **unanimously** ...on foreign policy, but also tax legislation, social affrs.
- ▶ Different Council “configurations” according to policy areas
- ▶ Rotating presidency – (every 6 months) to prepare agenda, Council/ministers' meetings, coordinate national positions



Council of the European Union

internal structure

Council Configurations ([video](#)):

- ▶ **General Affairs Council (GAC)** -> ensures consistency throughout different configurations; communicates with other institutions; prepares and does the follow-up on the **European Council** meetings
- ▶ **Foreign Affairs Council (FAC)** -> chaired by the HR (K. Kallas); EFSP and CSDP, trade and development cooperation, sanctions etc.

[Example: FAC meeting February, 24th 2025](#)

OTHER CONFIGURATIONS:

Sanction process [explained](#)

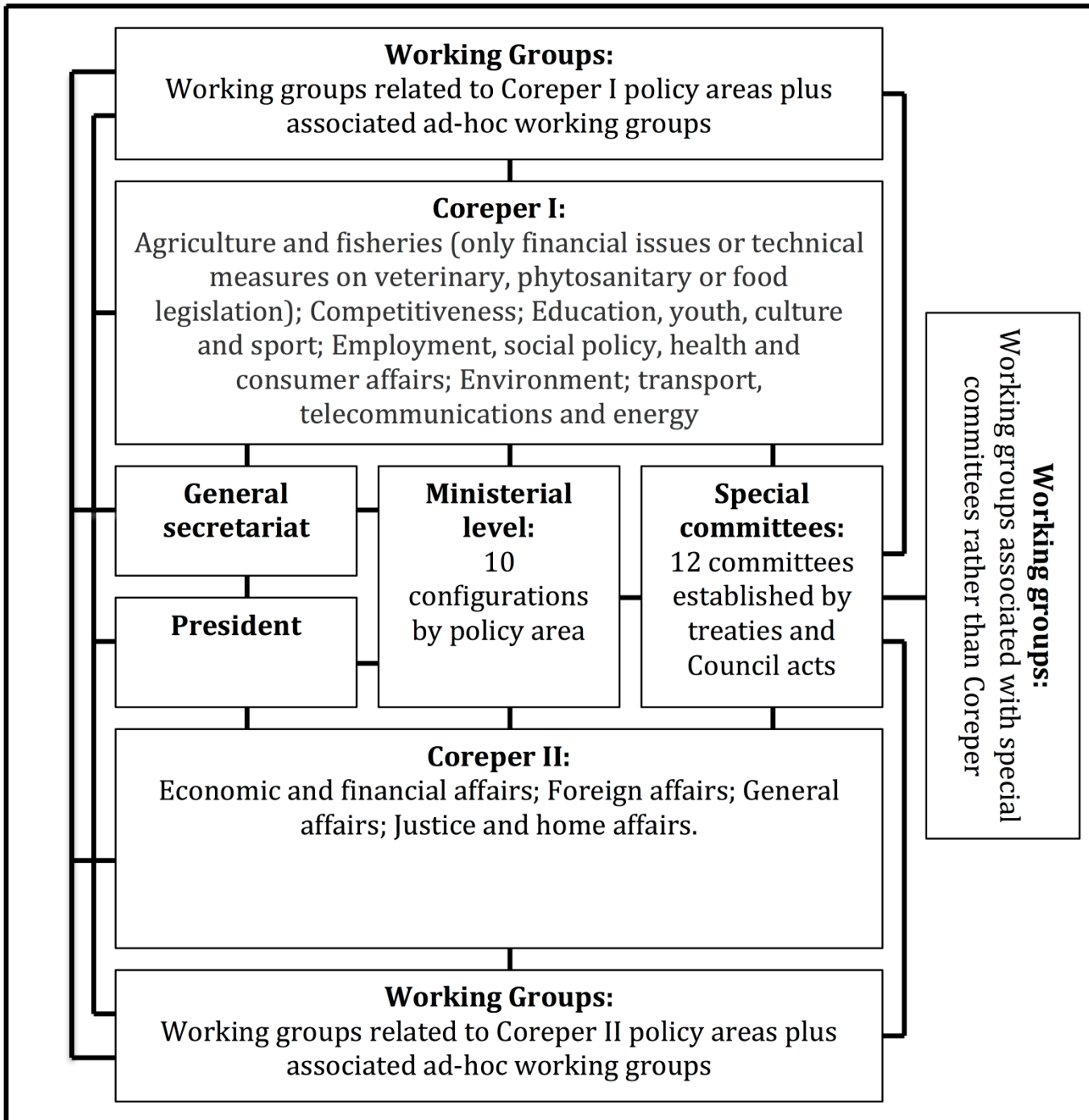
Economic and Financial Affairs (ECOFIN), Agriculture and Fisheries (AGRIFISH), Justice and Home Affairs (JHA), Competitiveness (COCOM), Employment, Social Policy, Health and Consumer Affairs (EPSCO), Environment (ENVI), Education, Youth, Culture and Sport (EYC), Transport, Telecommunications and Energy (TTE)

Council of the European Union and “embassies” of the Member States in EU

- ▶ Ministers in the Council are supported by **Permanent** national **Representations** in Brussels --> **national “diplomatic missions” to the EU**
- ▶ *Comité des représentants permanents* --> **COREPER I + II**
- ▶ COREPERs meet weekly to prepare and discuss “items” on agenda, pre-negotiate national positions for minister-level meeting ~ once a month or less
- ✓ A items which are pre-negotiated - formal ministerial approval
- ✓ **B items** typically need ministerial decision in the Council



Name change after Brexit: “Representation” to just “Mission”



Council meetings

- ▶ COREPERS pre-negotiate
- ▶ COREPERS are assisted by policy area **Working Groups**
- ✓ A good place to lobby the states for a particular outcome!
- ▶ Consult with special **Committees** - *Committee of the Regions* (local administration); *European Economic and Social Committee* (employers, workers), *Political and Security Committee*

Council of the European Union

LEGISLATIVE ROLE

→ **Ordinary legislative procedure/Qualified majority voting (QMV)** on proposals coming from the Commission or High Representative

▶ **55%** of member states (15 out of 27) + **65%** of EU population **to pass**

- Blocking minority: at least 4 MS representing at least 35% population

▶ Formally applies to about **80% of legislation** (typically economic acts)

Voting calculator: [here](#)

→ **Unanimity** on sensitive matters:

▶ Foreign, security and defence policy, own resources (EU finance), new members, taxation, social security, some provisions of in justice and home affairs, EU citizen's rights

→ **Simple** majority vote used for procedural issues

Table 1: Voting power of EU Member States in the Council of the EU with and without the United Kingdom as EU Member State (Banzhaf Indices, calculated by the author).

Member State	with the UK (2019)	without the UK (2019)	Δ ↓
Germany	10,293	12,055	1,762
France	8,430	9,982	1,552
Spain	6,194	7,611	1,417
Poland	5,062	6,459	1,397
Italy	7,754	9,058	1,304
Romania	3,721	3,984	0,263
Netherlands	3,481	3,714	0,233
Belgium	2,902	3,035	0,133
Greece	2,836	2,957	0,121
Czechia	2,824	2,941	0,117
Portugal	2,791	2,903	0,112
Sweden	2,775	2,883	0,108
Hungary	2,741	2,843	0,102
Austria	2,645	2,729	0,084
Bulgaria	2,469	2,517	0,048
Denmark	2,342	2,365	0,023
Finland	2,315	2,333	0,018
Slovakia	2,308	2,324	0,016
Ireland	2,247	2,251	0,004
Croatia	2,174	2,164	-0,010
Lithuania	2,044	2,008	-0,036
Slovenia	1,969	1,918	-0,051
Latvia	1,956	1,902	-0,054
Estonia	1,894	1,827	-0,067
Cyprus	1,848	1,772	-0,076
Luxembourg	1,821	1,740	-0,081
Malta	1,809	1,725	-0,084
United Kingdom	8,356	0,000	-8,356

The Council voting weights after Brexit

Consensual decisions despite QMV!!!

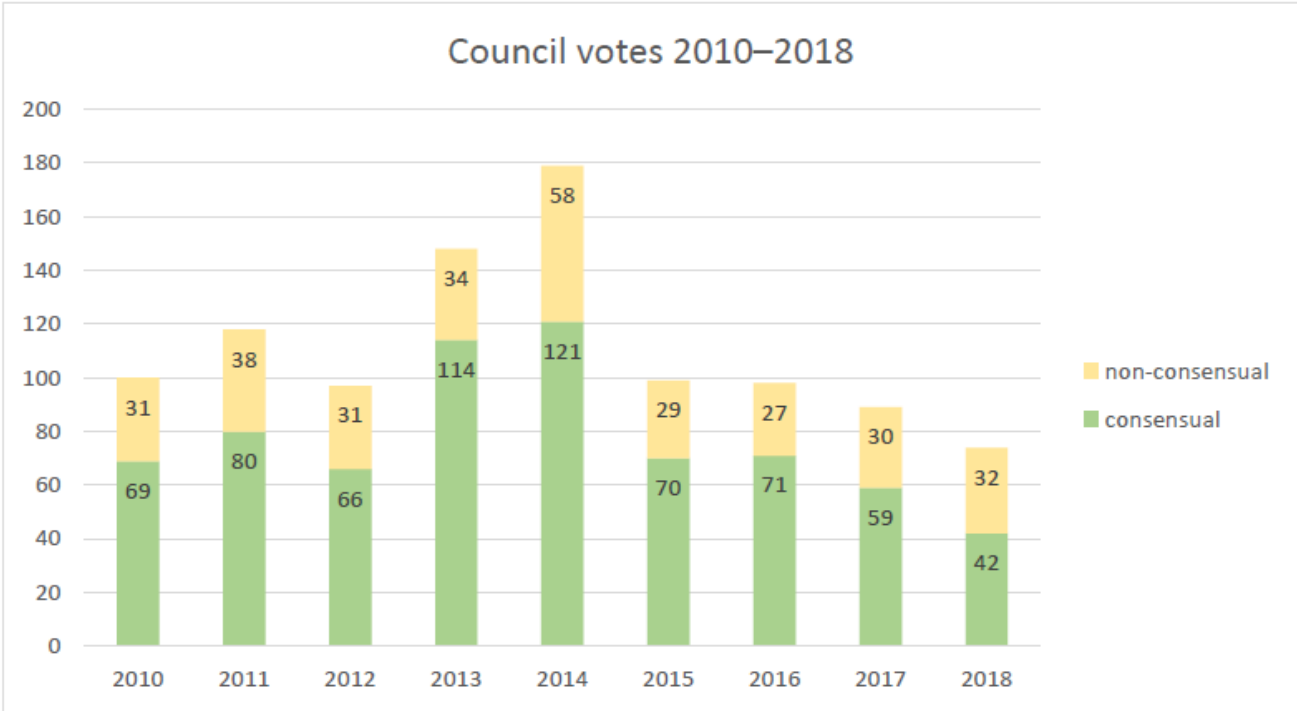
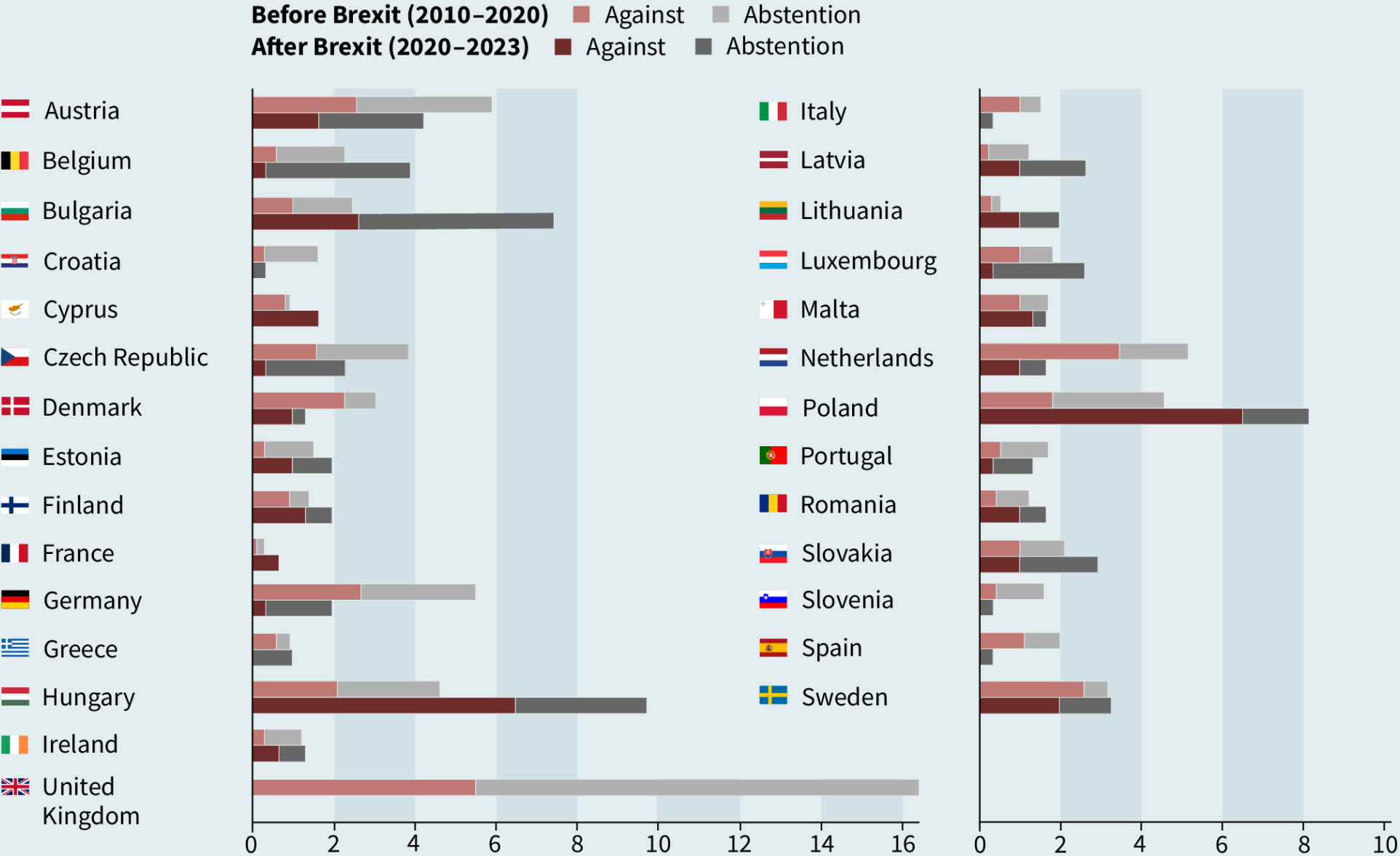


Figure 6: Consensual and non-consensual adoption of proposals in the Council 2010- (Nov) 2018; the numbers are absolute numbers of decisions, non-consensual comprising both votes against and abstentions, based on data on Council website¹⁶.

Out-votes per EU member state before and after Brexit

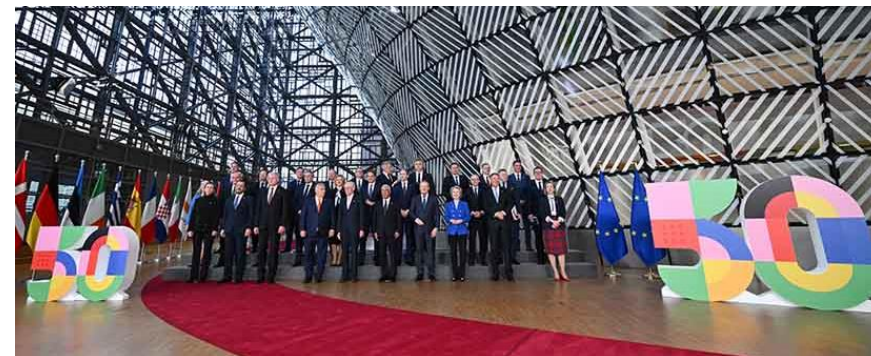
Share of total public votes in per cent



Source: SWP EU Council Monitor. All data originally published by the Council of the EU. Before Brexit covers all public votes from January 2010 through January 2020. After Brexit covers all public votes from February 2020 through July 2023.

European Council ...the EU “summit”

- ▶ Created informally in the 1970s to **provide leadership** to the Communities
- ▶ Composed of **Heads of State and Government** + European Commission **President**
(or HR for Union Foreign Affairs and Security)
= an intergovernmental body
- ▶ **Permanent** president **António Costa**
 - Chairs meetings to maintain **continuity** (took over from rotating Council presidency)
 - Cooperates with other EU institutions and the public
 - Facilitates consensus and coordination among members



PAST SUMMITs: meetings



European Parliament



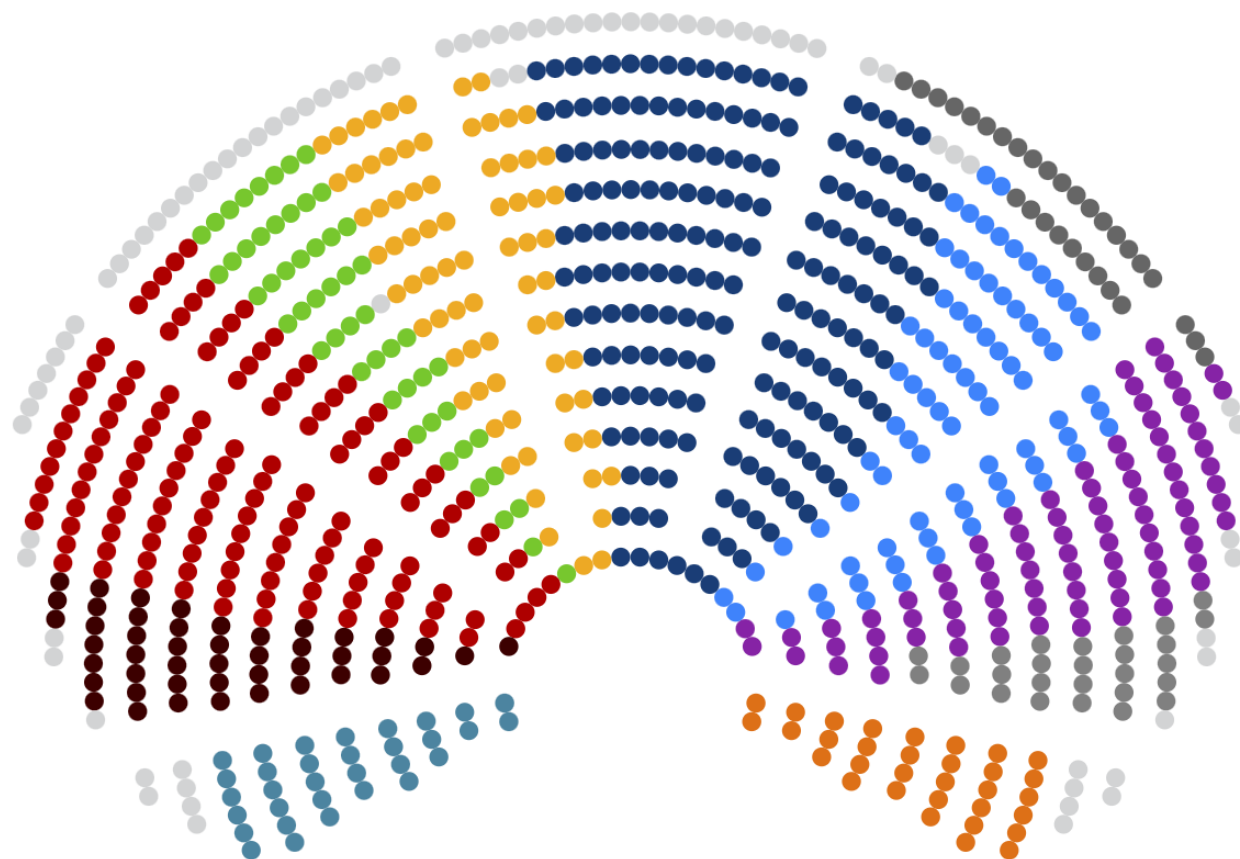
- ▶ 720 members
- ▶ Directly elected since 1979 **represents the EU citizens** – supranational institution
(akin to the House of Representatives)
- ▶ Together with the **Council of EU**, it is EU's second legislative body
 - legislating either in the **ordinary legislative procedure (co-decision)** mode or
 - special legislative procedure: consultation (opinion), consent, assent
- ▶ **Approves/dismisses** the European Commission as a whole (requires 2/3 majority)

European Parliament



► Strasbourg seating arrangements

☒ EPP	☒ The Left
☒ S&D	☒ ESN
☒ P/E	☒ NI
☒ ECR	☒ Council of the European Union
☒ Renew	☒ European Commission
☒ Greens/EFA	☒ All seats



European Parliament

- ▶ EP president Roberta Metsola
- ▶ 8 main trans-national political groups
- ▶ +/- 20 committees (preparing EP positions on legislation)
(a good place to lobby too)



Walking on “egg shells”

- ▶ EP needs to be constructive with its amendments in a delicate balance-of-power with the Council and the European Commission
- ▶ Find consensus among the big 3-4 political groups ~ simple majority
- ▶ MEPs at times find themselves torn between EP party allegiance and domestic political pressures

Types of EU Legislative acts

primary law: EU treaties ~ Lisbon treaty

“secondary law: legislative acts”

Binding:

- ▶ Regulations: strongest legislation, *directly* enforceable, generally applicable; overrides domestic legislation 
- ▶ Directives: need to be ‘*transposed*’ into national legislation (see art. 3) 
- ▶ Decisions: directly binding upon those to whom they are addressed

Non-Binding:

- ▶ Opinions: relevant in intergovernmental policies (accession)
- ▶ Recommendations: achieve a goal without mandatory policy framework

European Court of Justice



- ▶ Highest **legal authority in European Union law** (legal supremacy)
 - **Interprets** EU law --> **EU case law** (example: “direct effect” or “mutual recognition”)
 - Ensures compliance with EU law --> decides on **infringement proceedings** usually raised by the Commission against an ignorant MS or a business
 - MS exceptionally refer a case to ECJ for a decision
 - An arbiter of inter-institutional squabbles
-
- ▶ Seat in Luxembourg

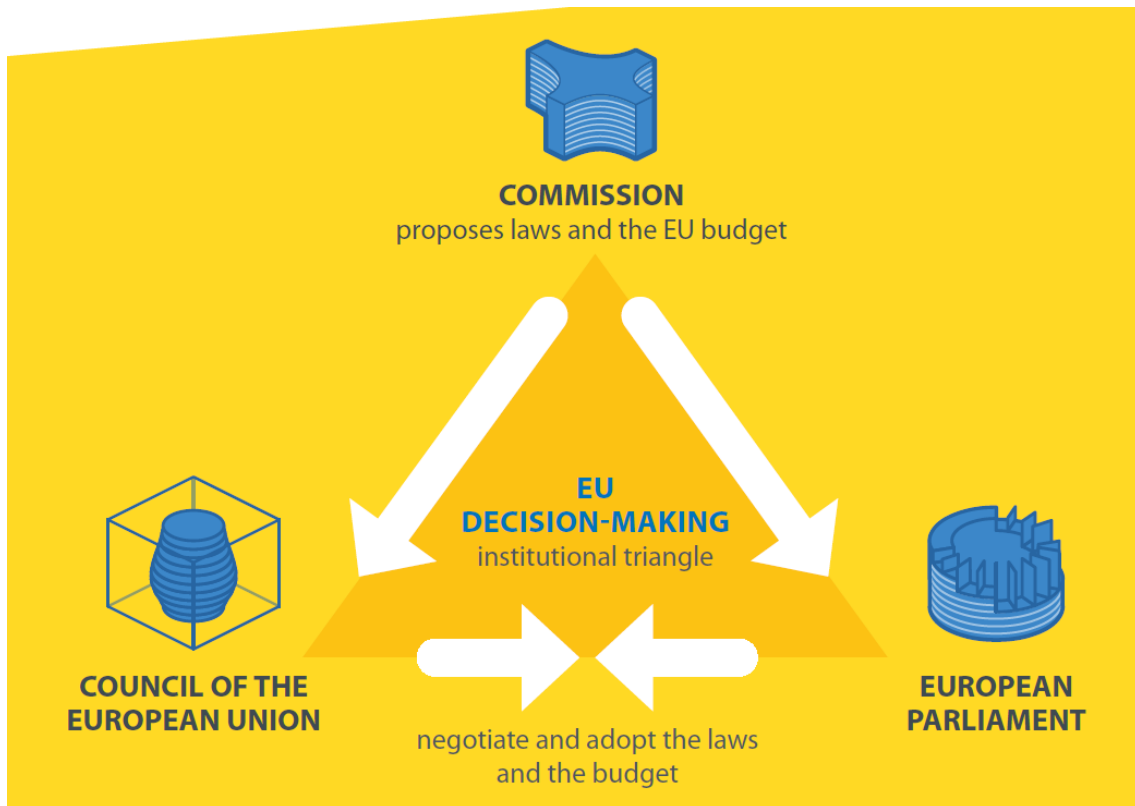


Policy-Making in the European Union

in exclusive and shared competence

SIMPLIFIED:

1. Direction / goal set by **European Council**
2. **European Commission** proposes a legal draft (a regulation or a directive, rarely a decision)
3. **European Parliament** (citizens) and **the Council** (states) read/amend, vote, adopt = it becomes European law
4. **Member states** implement
5. **Commission** oversees implementation
6. In case of problem --> **European Court of Justice**



Policy-Making in the EU

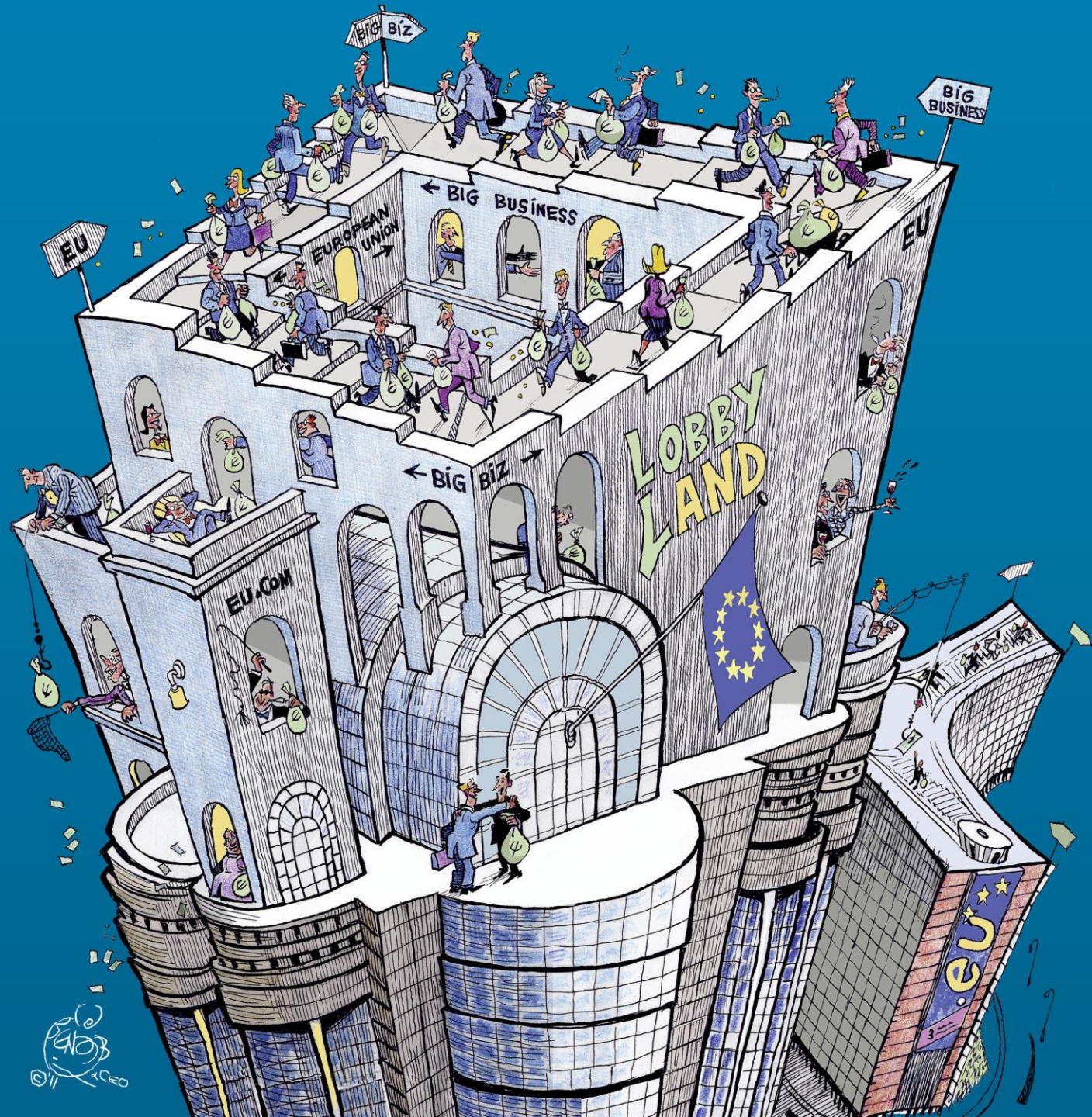
- ▶ Click [link](#) to follow FULL **ordinary legislative procedure** (no point in transcribing it here...)
- ▶ Plus [lobbyists](#), think-tanks, NGOs, businesses, transnational professional organizations (farmers, carmakers), regions, national interests
- ▶ Institutions' internal structures (EP committees, Council working groups, Commission directorates)
- ▶ Member states' "sniping" at principles of *subsidiarity* and *proportionality*
- ▶ Continuous inter-institutional cooperation (informal and formal)
- ▶ Despite strong rhetoric on occasion ...dogged pursuit of compromise

Interests

- Interests or information?
- Murky swamp or “business as usual”?
- Complicated network of influences
- Democratic deficit?

LENGTH of legislative process

- Takes 12-36 months
- EP “legislative train”



Transparency

▶ European Ombudsman

- Independent body to hold EU institutions accountable
- Deals with maladministration complaints

▶ European Court of Auditors

- Transparency in budgetary matters
- Cooperation with MS auditors

▶ European institutions themselves are trying to clear up the air

- register lobbyists
- publish Council voting results since 2006
- live EP plenary sessions
- live Council press conclusions

Discussion

- ▶ Is the EU more complicated than any other national system of government? Or is it just one of a kind?
- ▶ Is the EU more besieged by lobbyists and/or corrupt than states?
- ▶ Can you make sensitive deals in full lime-light (transparency)?
- ▶ What could the EU do to be more “open to the public”?