§ 4 The institutional framework of the European Union

I. Overview
• see the overview in art. 13 EU Treaty

II. The Union's institutions  (→ art. 13(1) EU Treaty)
• every institution adopts own rules of procedure
• principle of mutual sincere cooperation (art. 13(2) EU Treaty)
  - cooperation is regulated in interinstitutional agreements (cf. art. 295 FEU Treaty)
• citizen has right of access to the documents of the institutions (art. 15(3) FEU Treaty)

1) The European Council (art. 15 EU Treaty, 235 et seq. FEU Treaty)
• with President of the European Council with own competences (art. 15(5,6) EU Treaty)
• the leading political institution
• composition: heads of state or government + own President + President of Commission
• decides usually by consensus
• meets twice every six months

2) The Council of the European Union (art. 16 EU Treaty, 237 et seq. FEU Treaty)
• assisted by a General Secretariat and a Committee of Permanent Representatives of the governments of the member states (art. 16(7) EU Treaty, 240 FEU Treaty)
• the most powerful institution, in particular in legislation and budgeting (jointly with EP),
  foreign affairs and policy-making
• composition: one representative of each member state at ministerial level
• decides usually by qualified majority (55 % of member states, representing 65 % of the population),
  in some cases by simple majority (15 member states) or unanimous vote
• meets in 10 different configurations

3) The European Parliament (art. 14 EU Treaty, 223 et seq. FEU Treaty)
• with European Ombudsman with own competences (art. 228 FEU Treaty)
• the only directly legitimized institution; no dominant role but important powers in legis-
  lation and budgeting (jointly with Council) and of political control
  - no right of legislative initiative
• composition: representatives of the Union's citizens
  - degressively proportional representation of the citizens (art. 14(2) EU Treaty)
  - uniform electoral procedure planned for the future (cf. art. 223 FEU Treaty)

4) The European Commission (art. 17 EU Treaty, 244 et seq. FEU Treaty)
• with President of the European Commission with own competences (art. 17(6) EU Treaty)
• with High Representative for Foreign Affairs and Security Policy as vice-president
  with own competences and a European External Action Service (art. 18, 27 EU Treaty)
• promotes European public interest, takes initiatives, participates in legislative procedure,
  has own legislative and executive powers, executes budget and ensures compliance of the
  member states with Union law
• composition: in theory 19 members chosen in a system of equal rotation between the member states, in practice 28 members from all member states (cf. art. 17(5) EU Treaty)
  - integrity and independence strictly required (art. 17(3) sub-sect. 3 EU Treaty)
  - vote of consent of the European Parliament (art. 17(7) sub-sect. 3)
  - possibility of a motion of censure of the European Parliament (art. 17(8))
5) **The Court of Justice of the European Union** (art. 19 EU Treaty, 251 et seq. FEU Treaty, Statute of the Court of Justice)
   - consists of **European Court of Justice**, General Court and Civil Service Tribunal
   - "shall ensure that ... the law is observed"; strong impact of judicial development of law
   - composition of the ECJ: one judge from each member state + 8 advocate-generals

6) **The European Central Bank** (art. 282 et seq. FEU Treaty, Protocol on the statute of the European System of Central Banks and of the European Central Bank)
   - with **Governing Council and Executive Board** (art. 283)
   - constitutes together with the central banks of the member states the **European System of Central Banks (ESCB)** and with those of the Euro states the **Eurosystem**
   - enjoys legal personality and independence (art. 282(3) FEU Treaty)

7) **The European Court of Auditors** (art. 285 et seq. FEU Treaty)
   - independent institution for the Union's audit
   - composition: one member from each member state

III. **The advisory bodies**
   - do not take own decisions but are consulted

1) **The Economic and Social Committee** (art. 301 et seq. FEU Treaty)
   - advisory body for an institutionalised participation of stakeholders in the various economic and social sectors and of civil society

2) **The Committee of the Regions** (art. 305 et seq. FEU Treaty)
   - advisory body for an institutionalised participation of the interests of regional and local governing entities (Länder, comunidades autónomas, régions, provinces, counties, départements, districts, communes etc.)

IV. **Other institutions, agencies and bodies**

1) **Institutions based on primary law**
   - European Investment Bank (art. 308 FEU Treaty)
   - EURATOM Supply Agency (art. 53 et seq. EURATOM Treaty)
   - Europol (cf. art. 88 FEU Treaty)
   - In preparation: European Public Prosecutor's Office (cf. art. 86 FEU Treaty)

2) **Institutions based on secondary law**
   a) **Interinstitutional bodies**
      - e.g. Publications Office, European School of Administration
   b) **Agencies**
      - e.g. Eurojust, FRONTEX, European Environment Agency, European Banking Authority, European Defense Agency, European Union Agency for Fundamental Rights

V. **The principle of institutional balance**
   - ECJ, case 138/79, Roquette Frères / Isoglucose
   - the equivalent to the principle of separation of power in the state