

Chapter 1

Union Institutions

1. The European Parliament

- (a) Formation: Electing Parliament
- (b) Parliamentary Powers
 - (i) Legislative Powers
 - (ii) Budgetary Powers
 - (iii) Supervisory Powers
 - (iv) Elective Powers

2. The Council of Ministers

- (a) Composition and Configurations
- (b) Internal Structure and Organs
- (c) Decision-making and Voting
- (d) Functions and Powers

3. The Commission

- (a) Composition and Election
- (b) The President and “his” College
- (c) Functions and Powers

4. The Court of Justice of the European Union

- (a) Judicial Architecture: the European Court System
- (b) Jurisdiction and Judicial Powers

Conclusion

Introduction *

The creation of governmental institutions is *the* central task of all constitutions. Each political community needs institutions to govern its society; as each society needs common rules and a method for their making, execution, and adjudication. The European Treaties establish a number of European institutions to make, execute, and adjudicate European law. The Union’s institutions and their core tasks are defined in Title III of the Treaty on European Union (TEU). The central provision here is Article 13 TEU:

The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions.

The Union’s institutions shall be:

- the European Parliament,

* All footnotes omitted.

- the European Council,
- the Council,
- the European Commission (hereinafter referred to as ‘the Commission’),
- the Court of Justice of the European Union,
- the European Central Bank,
- the Court of Auditors.

The provision lists seven governmental institutions of the European Union. They constitute the core “players” in the Union legal order. What strikes the attentive eye first is the number of institutions: unlike a tripartite institutional structure, the Union offers more than twice that number. The two institutions that do not – at first sight – seem to directly correspond to “national” institutions are the (European) Council and the Commission. The name “Council” represents a reminder of the “international” origins of the European Union, but the institution can equally be found in the governmental structure of Federal States. It will be harder to find the name “Commission” among the public institutions of States, where the executive is typically referred to as the “government”. By contrast, central banks and courts of auditors exist in many national legal orders.

Where do the Treaties define the Union institutions? The provisions on the Union institutions are split between the Treaty on European Union and the Treaty on the Functioning of the European Union.

The four sections of this Chapter will concentrate on the classic four Union institutions: the Parliament, the Council, the Commission, and the Court.