

LAW & DATA

2023/2024

University of Padova

22 November 2023



INTERNATIONAL AGREEMENTS

agreements concluded by the European Union and third countries within the sphere of competence of the EU

Art. 216 TFEU

- «1. The Union may conclude an agreement with one or more third countries or international organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.
2. Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States».

Art. 217 TFEU

«The Union may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure».

Art. 218 TFEU

Procedure for negotiating and concluding international agreements, involving Council, European Parliament (possibly, the ECJ)



SECONDARY LAW

○ TYPICAL ACTS – Art. 288 TFEU

- REGULATIONS | DIRECTIVES | DECISIONS (hard law)
- OPINIONS | RECOMMENDATIONS (soft law)

○ ATYPICAL ACTS

- communications | resolutions | white papers | green papers

SECONDARY LAW

REGULATION

binding
in its entirety

directly applicable
in all Member States

DIRECTIVE

binding
as to the result
to be achieved

IMPLEMENTATION
IN MS

=

the choice of form
and methods to
achieve the result lies
with the national
authorities

DECISION

binding
in its entirety

GENERAL //
INDIVIDUAL*

*decision which specifies
those to whom it is
addressed shall be binding
only on the addressees

INSTITUTIONS OF THE EU

ART. 13 TEU

- **EUROPEAN PARLIAMENT**
- **EUROPEAN COUNCIL**
- **COUNCIL OF THE EUROPEAN UNION (Council)**
- **EUROPEAN COMMISSION**
- **COURT OF JUSTICE OF THE EU**
- **EUROPEAN CENTRAL BANK**
- **COURT OF AUDITORS**

EUROPEAN PARLIAMENT

- max 750 members = MEPs (currently 705)
every MS has a different number of MEPs according to its population
- 5 years' term
- since 1979 directly elected by EU citizens
representing **citizens' interests** (not MS)
- groups formed according to affinities in political parties (not upon nationality)
- Strasbourg | Brussels | Luxembourg

FUNCTIONS

➤ **LEGISLATIVE**

one of the legislative chambers of the EU

➤ **BUDGETARY**

monitoring on the expenditures

➤ **SUPERVISORY**

on the activities of other EU Institutions – general report

- question the Commission
- investigate (temporary Committees of Inquiry)
- receive petitions by EU citizens
- election of Ombudsman = civil mediator

➤ **ELECTIVE**

President of the EU Commission (proposed by the Council)

EU Commissioners (proposed by the Commission's President)

European Council

27 Heads of State and Governments

President elected for a 2.5 years' term

No legislative function, but
guideline function (objectives in CFSP +
EU external action; broad guidelines
on economic policies)

It can intervene in some areas
foreseen by Treaties

Conclusions

Council (Council of the EU)

One representative for each MS, able to
commit the government of that State
and cast its vote → **interests of the
Governments**

Different configurations (GA, FA,
Economic and financial, Environment,
JHA, ...)

LEGISLATIVE FUNCTION
(one chamber)

Supervisory functions on other institutions