

LAW & DATA

2024/2025

University of Padova

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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



EUROPEAN COMMISSION

27 Commissioners – approved by the EP (5 years' term)

but independent from MS, appointed with a procedure involving EP, President of the Commission and MS
(President is proposed by the European Council)

Divided into Directorates General

Representing the **interests of the EU as a whole**

FUNCTIONS:

LEGISLATIVE – initiative

EXECUTIVE AND ADMINISTRATIVE – enforcement of EU law

BUDGETARY – management of EU budget

SUPERVISORY – on MS (possible breaches of EU law) and on private entities

EUROPEAN COURT OF JUSTICE

European Court of Justice + General Court of the EU

JUDGES and ADVOCATES GENERAL

whose number depends on the number of MS (usually one per MS)
6 years' term – renewable every three years

Appointed among individuals possessing qualifications required for appointment to the highest judicial offices in their respective countries or jureconsults of recognised competence BUT independent from their MS

FUNCTIONS:

JURISDICTIONAL

→ litigation

INTERPRETATIVE / PRELIMINARY RULINGS

→ not litigation

ADVISORY / CONSULTATIVE

→ not litigation

LITIGATION PROCEEDINGS BEFORE THE ECJ

DIRECT APPEALS

263 TFEU

Appeal of acts adopted
by EU Institutions

PUBLIC initiative

MS, other EU institutions

PRIVATE initiative

Any natural or legal person
*«against an act addressed to that
person or which is of direct and
individual concern to them, and against
a regulatory act which is of direct
concern to them and does not entail
implementing measures»*

➤ VICES

lack of competence, invalidity, voidness,
misuse of powers

➤ Time-limit: 2 months + 10 days

FAILURE TO ACT

265 TFEU

PRELITIGATION

Letter of formal notice

2 months for acting

Non-performance

LITIGATION before the ECJ

COMPENSATION FOR DAMAGES

340(2) TFEU

Initiative by individuals, legal
persons, and Member States

Damage must be proved as
unlawful, serious, certain