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



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Council (Council of the EU)

One representative for each MS, able to commit the government of that State and cast its vote \rightarrow 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 <u>independent from MS</u>, 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



6

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 <u>independent from their MS</u>

FUNCTIONS:JURISDICTIONAL→ litigationINTERPRETATIVE / PRELIMINARY RULINGS→ not litigationADVISORY / CONSULTATIVE→ not litigation



LITIGATION PROCEEDINGS BEFORE THE ECJ

DIRECT APPEALS

263 TFEU

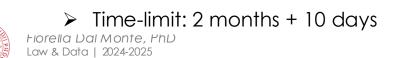
Appeal of acts adopted by EU Institutions

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



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