



An introduction to European Union law

3 modules:

- Introduction to the EU Law and Institutions
- The Relationship between EU law and national laws
- Power and procedures of the Court of Justice

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Hello and welcome!

This is a new tool for professionals working with destitute mobile EU citizens, complementary to our previous 4 modules on [EU Free Movement Guide - FEANTSA - YouTube](#) . In this training we will present general information on the European Union law.

The first training module contains a brief introduction to the main principles and notions governing European Union law. In the second training module, we will look at the relationship between EU law and national laws and in the third training module, we will learn about the powers and procedures of the Court of Justice of the EU.

We hope you will enjoy the modules and find this tool useful!

INTRODUCTION TO THE LAW AND INSTITUTIONS OF THE EU

- ❑ What is the EU? Which countries are EU members?
- ❑ EU vs Euro Zone vs Schengen Area
- ❑ The EU Treaties
- ❑ The EU institutions
- ❑ The powers and composition of the EU Parliament, EU Commission, Council and European Council
- ❑ The sources of EU law: the EU secondary legislation.
- ❑ The Procedures of adoption of EU secondary legislation.

What is this first module about? What will you learn today?

- We will start with a short history of the European Union. What is the EU? Do you know which European countries are members of the EU? Which country left the EU and which ones may join the EU in the future?
- What is the difference between European Union, Euro Zone and Schengen Area?
- What is the main legal basis of the EU? The EU Treaties.
- What are the EU institutions? Which institutions have legislative power?
- The Powers, compositions and functions of the European Commission, European Parliament, the Council and the European Council.
- What are the sources of EU law? You may have heard before about Regulations, Directives and Decisions. These are the main secondary legislative acts of the EU.
- Who may adopt these acts? What are the procedures for adopting these acts?

These are the main contents of this first module. We will start slowly by looking at a map of Europe!

What is the European Union? Which are the Member States of the EU?



27 Members States

446 million inhabitants

24 Official Languages

Internal common market
without borders

The first thing we need to answer is: What is the European Union? How would you define it?

The European Union (abbreviated to “the EU”) is a political and economic union of 27 Member States (abbreviated to “MS”). It represents a population of 446 million inhabitants and it has 24 official languages.

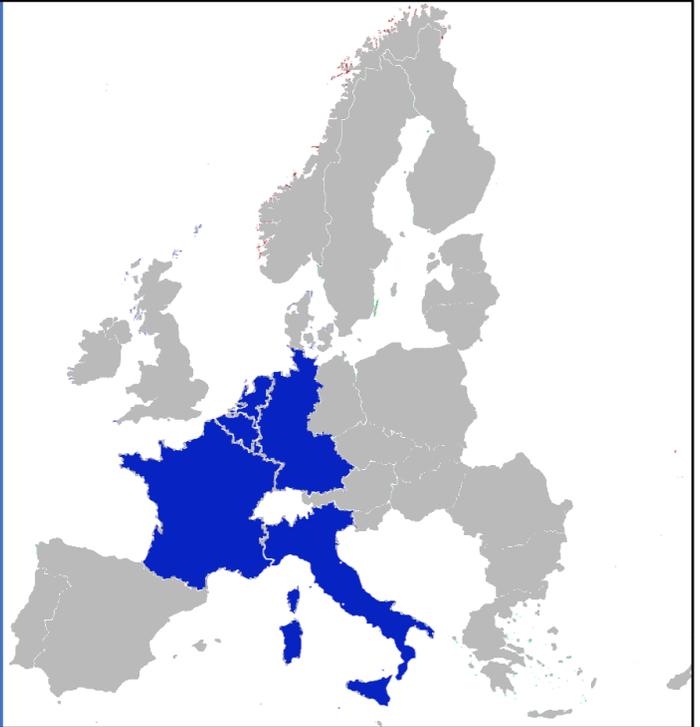
Between the Member States of the EU there is an internal common market without borders. Access to this market also extends to the territories (in light blue on this Chart) and citizens of Switzerland, Iceland, Norway and Lichtenstein. These four countries forming the European Free Trade Association (EFTA) are not EU members, but have partly committed to the EU's economy and regulations.

The United Kingdom left the European Union and the common market in December 2020.

WHEN AND WHO FOUNDED THE EU ?

6 Founding Countries in **1957**

- Belgium
- France
- West Germany
- Italy
- Luxembourg
- Netherlands



The predecessor of the EU was created in the aftermath of the Second World War.

It was named the European Economic Community (the "EEC") and was created in 1957 with the initial aim of increasing economic cooperation between six countries: Belgium, West Germany, France, Italy, Luxembourg and the Netherlands.

To become a member, a country must guarantee a stable democracy that respects human rights and the rule of law and a functioning market economy. In addition, new member States must guarantee compliance with the obligations of membership.

WHEN OTHER
MEMBER STATES
JOINED?

1973

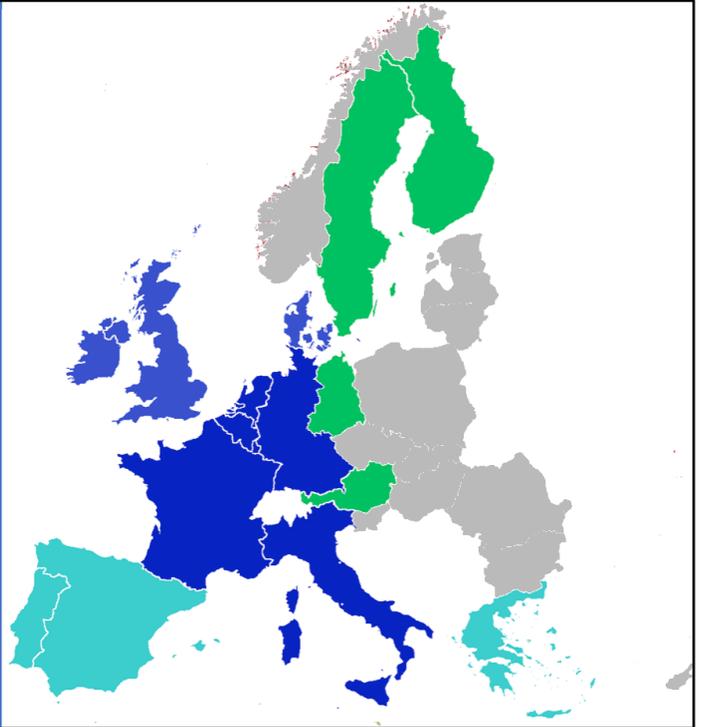
UK, Ireland and Denmark

1980's

Spain, Portugal and Greece

1990's

East Germany, Sweden, Finland
and Austria



Since then, 22 more countries have progressively joined.

In 1973 UK, Ireland and Denmark entered the EU. In the eighties it was the turn of the emerging democracies of Southern Europe, with the accession of Greece in 1981 and Spain and Portugal in 1986.

The fall of the Berlin Wall led in 1990 to Germany's full reunification and to the integration of East Germany into the European Union.

The 1995 enlargement saw Austria, Finland and Sweden accede to the European Union.

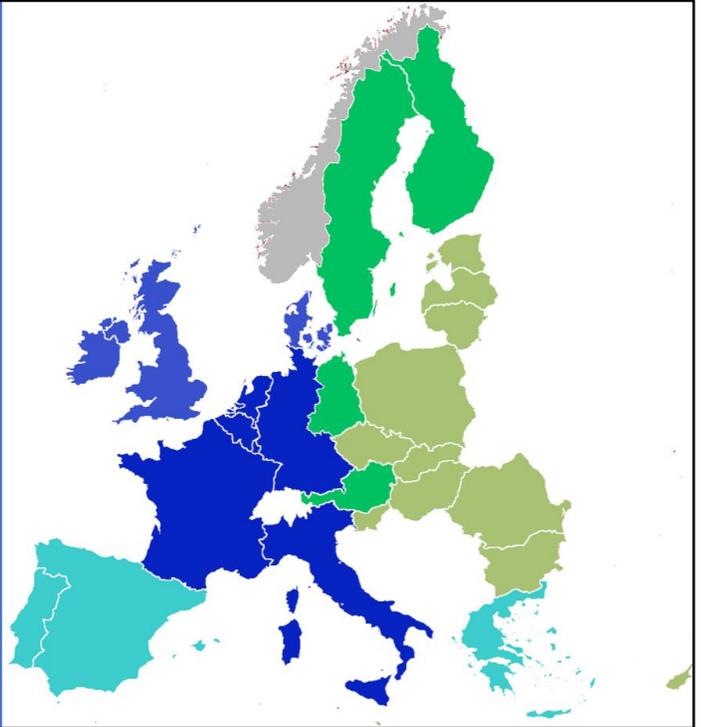
THE EAST ENLARGEMENT

2004

Latvia, Lithuania, Estonia, Malta,
Czech Republic, Poland,
Slovakia, Slovenia, Cyprus,
Hungary

2007

Bulgaria and Romania (EU 27)



Following the collapse of the Soviet Union, ten post-communist Central and Eastern European states started reforms of their legal, political and economic system, which culminated in the East enlargement.

The largest expansion of the European Union, in terms of territory, population, number of states (not only former Soviet socialist republics), took place in 2004, when

WHO IS NEXT? WHO LEFT?



Croatia joined in 2013 (28)

The UK left in 2020 (EU 27)

Potential new members:

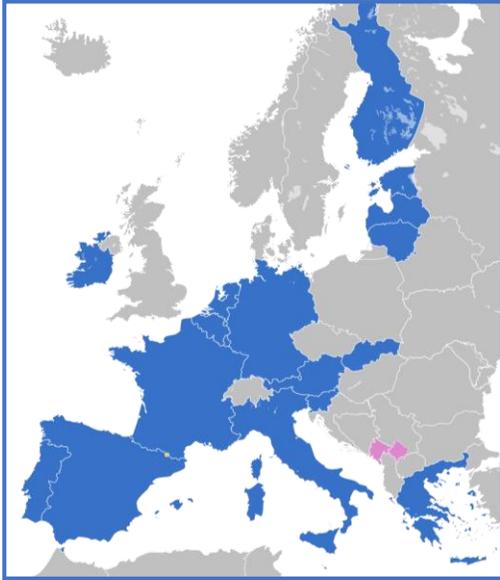
- Albania
- Bosnia
- Montenegro
- North Macedonia
- Serbia
- Kosovo
- Turkey

What happened in recent years?

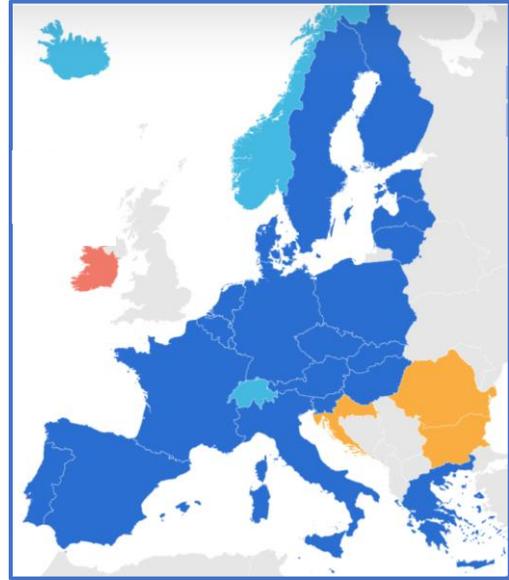
Croatia joined the EU in 2013, raising the total number of the Member States to 28. In 2020, for the first time in history, a Member State, the United Kingdom, left the Union, and the number of Member States went back to 27.

Looking at the map of Europe, we can see that there are some European countries that are still not part of the European Union. The countries that today are recognised as possible candidates for Membership of the EU are Albania, Bosnia, North Macedonia, Montenegro, Serbia, Kosovo and Turkey.

EURO ZONE



SCHENGEN AREA



Sometimes it may be difficult to get oriented in the **growing complexity of multiple and overlapping regional** agreements that created different levels of integration between Member States within the European Union. It is often the case with the eurozone and Schengen Area, two of the most famous EU agreements that definitively changed the life of the citizens of Europe.

The eurozone (or euro area) is a monetary union composed of 19 EU Member States which use the Euro as a common currency. Eight countries (Bulgaria, Croatia, Czech Republic, Denmark, Hungary, Poland, Romania, and Sweden) are EU members but do not use the Euro. Montenegro and Kosovo (in pink on the map) unilaterally adopted the Euro currency.

The Schengen area is an area comprises 26 countries (both EU members and non-EU Members) where internal passports controls and borders checks are forbidden. Today, the Schengen Area includes most EU Member States. Bulgaria, Croatia, Cyprus and Romania are candidate Countries. Also, some non-EU countries (Iceland, Norway, Switzerland and Liechtenstein, in light blue on the map) have joined the Schengen Area. UK and Ireland have never been members of Schengen.

Why the EU is different ?

Community Method ≠ Intergovernmental:

- Creation of a supranational power
- EU law binding for Member States
- Direct effect of EU law

Across the world, there are other intergovernmental (as United Nations) and regional organizations (as the African Union or Council of Europe) between countries.

Why is the European Union different?

Classic international organizations function based on an intergovernmental decision-making process, a system that works on a voluntary and unenforceable basis.

The EU adopted a different constitutional approach, named the community method. This new method is based on the creation of a supranational normative power. When joining the EU, Member States accepted a reduction of their sovereignty and transferred part of their public powers in some areas to the EU institutions.

The legislation adopted at the EU level is directly binding for Member States and their public authorities must give direct effect to EU law and disapplying conflicting national legislation. We will see later in the second module what this means in practice.



The EU Treaties

2007

The Treaty of Lisbon

TEU:

- Democratic principles
- Foreign and security policy
- Defence

TFEU:

- Functioning of the EU
- EU policies
- EU Competences

In 1957 the six founding Member States signed the Treaty of Rome establishing the European Economic Community (EEC). Several treaties followed (Maastricht, Amsterdam, Nice and the aborted Constitutional Treaty) which progressively expanded the powers and the role of the EU Parliament and established the EU citizenship and the EURO zone. These treaties also specified the scope of EU competences and increased the use of the qualified majority in decision making.

In 2007, the Lisbon treaty was adopted, which is currently in force and has repealed all the previous Treaties. It is composed of 2 treaties (conventionally referred to as the EU Treaties, or simply the Treaties), which represent the institutional framework of the EU.

These two treaties are:

- The Treaty on the European Union, which specifies the democratic principles, The Foreign and Security Policy and the Defence Policy of the EU.
- The Treaty on the Functioning of the European Union which includes all the working rules of the EU and set out the distribution of competences between the EU and Members States and the powers of the institutions to implement EU policies.

The Main institutions of the European Union

The European Commission

The European Parliament

The Council (of Ministers)

The European Council

The Court of Justice

The European Central Bank

The Court of Auditors



According to the Treaties, the institutional framework of the EU comprises 7 institutions:

- the European Parliament;
- the European Council;
- the Council of the European Union or the Council of Ministers (often simply called 'the Council');
- the European Commission;
- the Court of Justice of the European Union;
- the European Central Bank;
- the Court of Auditors.

In this module, we will look in detail only at the first 4 institutions, which are the political institutions of the EU. The European Council and the Council of the European Union are two different EU institutions and must not be mistaken for the Council of Europe, which is a third regional organisation and not an EU institution. The Court of Justice will be the subject of the third module.

The European Central bank and the Court of Auditors are technical institutions and are beyond the scope of our presentation.



The European Council

- Members are heads of State of MSs
- Meet at least 4 times a year
- Decisions are secret and by consensus
- Not voting President elected for 2.5 years

The European Council is composed of the heads of state or government of each EU member state, plus the President of the European Council and the President of the European Commission.

It is the EU institution that sets out the EU's political direction and priorities.

The President is elected by the European Council for a period of two years and a half, with the role of chairing the meetings, cooperating with other institutions and representing the EU externally for Foreign and Security Policy. The president does not participate in the voting within the European Council.

Decisions within the European Council are confidential and are generally taken by consensus. The European Council must meet at least 4 times a year.



The powers of European Council

- main lines of the EU policies for the future
- does not design laws
- EU foreign and security policy
- nominates and appoints important EU roles
- urgent issues at EU level
- eligibility criteria for new MS

The European Council decides the main lines of the EU policies for the future but does not design laws (although it can propose laws to the EU Commission).

The European Council was institutionalized by the Treaty of Lisbon, which recognized it as a full institution. It also became the most influential institution. The Council of Ministers, being composed of national ministers, always follows the indications of the European Council. Therefore, it is very difficult for the EU Commission and EU Parliament to not follow the policy objectives indicated by the European Council.

The European Council sets the foreign and security policy. It also discusses pressing issues (such as the 'Refugee Crisis' or Brexit), decides on institutional reforms, and on the accession of new member States.

It proposes the president and appoints members of the European Commission.



EU Commission

- EU Interests
- 1 Commissioner from each MS
- MSs suggest the Commissioners
- European Council proposes the president
- Voted by the EU Parliament
- Term of office is 5 years

The European Commission represents the interests of the EU.

It is made up of 27 commissioners (one from each member state) and based in Brussels. Commissioners are independent of their home national governments. After European Elections, the President of the European Commission is proposed by the European Council and approved by the European Parliament. Then, each member state nominates a commissioner that is approved by the European Parliament and appointed by the European Council.

The term of office of the European Commission is 5 years.

Commissioners do not represent their countries. Instead, each one has a field of responsibility (as a national minister) for executing tasks conferred by the European Commission. What are these tasks?



The powers of the EU Commission

- Propose legislation
- Guardian of the Treaties
- Executive of the EU
- Representation of the EU
- Executive powers (competition, agriculture)

In a nutshell, the Commission is responsible for initiating laws, enforcing the laws of the EU and managing EU's policies.

Concerning legislation, the Commission makes proposals for laws that are sent to the EU Parliament and to the Council for approval. We will see later in detail how EU laws are adopted.

The Commission is the guardian of the Treaties and has the power to monitor enforcement of EU law and to take actions against businesses or states that are failing to comply with EU law.

The Commission is also the executive of the EU. It manages policies and drafts budgets and has executive powers in the field of competition and agriculture.

In terms of representation, the Commission represents the EU in negotiations with other countries or organisations.



EU Parliament

- Directly elected
- Represents the EU population
- Seat distribution on the population of each MS
- MEPs join groups of the same political family
- Vote by simple majority

The European Parliament is the only directly elected body within the EU. It represents the citizens of the European Union.

The Parliament has 705 seats and European Elections are organised to elect its members (also called MEPs) in all member states every 5 years. The number of MEPs for each member state is proportional to their total population. No country can have less than 6 MEPs or more than 96 MEPs. The Parliament elects its president for a term of 2 and half years.

MEPs join groups of the same political family (Socialists and Democrats, **European People's Party**, liberals, Greens). They generally do not vote with the other Members of the EU parliament from the same Member State but with their European colleagues from the same political group (this means that for example a French socialist MEP will vote together with the European Socialist Group and not with French members of the European People's Party).

Decisions are taken on a simple majority.

Powers of the European Parliament

- Legislative power
- Budgetary power
- Supervisory power on the Commission
- Elective powers

The EP shares the legislative power with the Council in the framework of the ordinary legal procedure and the special legal procedure. Unlike most national parliaments, the European Parliament cannot initiate legislation, but it may ask the Commission to initiate laws.

The EP decides the expenditure and establishes the annual budget of the Union.

The EP holds the EU Commission accountable and can inquire on the operation of the EU Commission through written or oral questions.

The EP must approve the members and the president of the EU Commission.



The Council of the EU (of Ministers)

- Represents interests of MS
- One minister for each MS
- 6 months Presidency
- Qualified Majority:
55% of MSs and
65% of the Population

The Council of the European Union (also the Council of Ministers, or simply the Council) is composed of national ministers representing their MS's interests in different fields.

Its composition varies according to the topic. Depending on the law or policy discussed a different national minister competent on the field will represent each Member State. For example, if immigration is under discussion, the Council will be composed of the ministers with responsibility for immigration of each member state

The presidency of the Council rotates every six months between the Member States.

Decisions are generally taken by qualified majority voting (QMV) for most of the topics. Unanimity is generally the exception used for most sensible political matters such as foreign affairs and taxation.

To reach Qualified Majority:

- At least 55% of the member states must agree **and**
- The member states in agreement must represent at least 65% of the EU population.



The powers of The Council (of Ministers)

- Legislative powers
- Conclusions of international agreement
- Budgetary function
- Economic guidelines for Member States
- Foreign and Security Policy

The Council has the following functions:

- It shares the legislative power with the European Parliament.
- The Council has a supervisory role and the final say when the EU negotiates international agreements with other countries and international organisations.
- The Council adopts the EU budget together with the Parliament.
- Every year, the Council drafts guidelines for member states' economic policies..
- Following the instructions from the European Council it also develops the EU's foreign and security policies.



The Sources of EU law

- Primary Legislation:
 - Treaties
 - General Principles of EU law
 - Charter of Fundamental Rights
- Main Secondary Legislation:
 - Directives
 - Regulations
 - Decisions

The EU has adopted a complex set of rules. The main sources of primary law are the treaties, which have been presented earlier. All treaties must be ratified by member states.

Primary law also includes:

- The General principles of EU law established by the Court of Justice.
- The European Charter of Fundamental Rights that has the same legal value as the treaties.

Treaties also give powers to EU institutions to make and change secondary laws.

The main binding sources of Secondary law are:

- Regulations;
- Directives; and
- Decisions.

Secondary legislation also includes non-binding acts (such as opinions, recommendations, communications, resolutions...)

What is a Regulation?

Law of general application to all member States

Binding in their entirety

With direct effect

No transposition required

Regulations, as defined by the Treaties, are laws of general application, binding in their entirety and directly applicable.

This means that Regulations apply to all member states, and they do not need a transposition to become part of national law. Regulations can be enforced through the national courts and public authorities of each member state from the time they come into force.

They must be complied with fully by those to whom they apply (private individuals, Member States, EU institutions).

They are designed to ensure the uniform application of Union law in all the Member States. Regulations supersede national laws incompatible with their substantive provisions.

What is a Directive?

Law that sets goal for MS to implement

Requires national laws for transposition

Binding as to the result

Directives are laws that set goals for member states to implement. Compared to the Regulation, a Directive needs to be incorporated into national law, for which MS normally receive deadlines.

Directives are binding, as to the result to be achieved, but they leave to the national authorities the choice of form and methods to transpose the regulation into national law. National legislators must adopt a transposing act or 'national implementing measure' to transpose directives and bring national law into line with their objectives.

Individual citizens are given rights and are legally bound only once the transposing act has been adopted. In principle, directives are not directly applicable. We will see more in detail in the second module the cases where directives may be considered as directly applicable.



What is a Decision?

Law addressed to specified bodies

Only binding for the recipients

Decisions are laws that are only addressed to specified bodies. The decision is thus binding and has a direct effect on the country, company or organisation that the decision is issued against.

An individual may invoke the rights conferred by a decision addressed to a Member State only if that Member State has adopted a transposing act.

Decisions may be directly applicable on the same basis as directives.

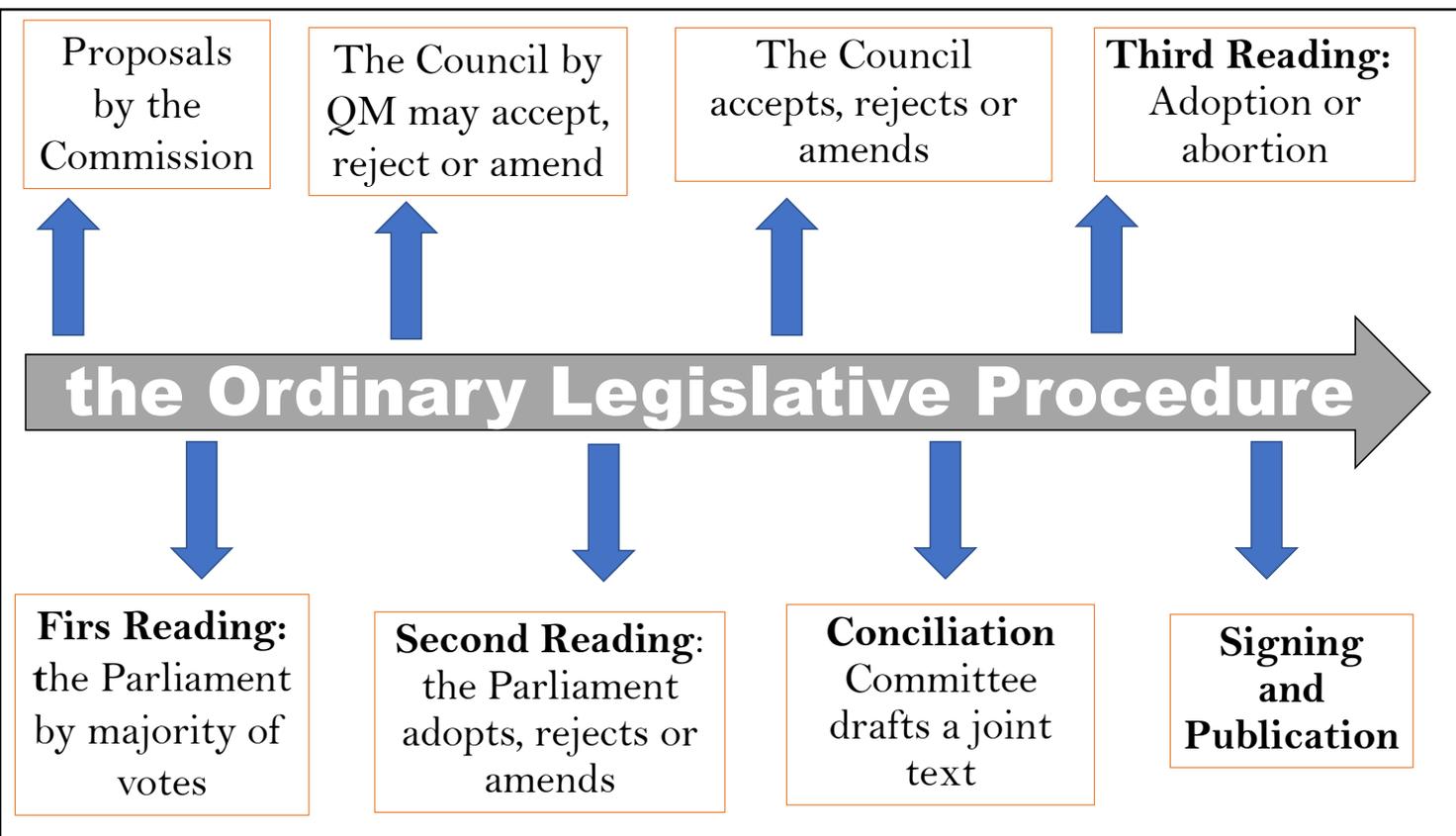
How EU rules are adopted?

- ✓ Commission proposes an EU law
- ✓ Parliament & Council adopt the law
- ✓ Member States apply the law
- ✓ EU Commission and Court of Justice - compliance check

Secondary legislation is based on the Treaties and adopted by EU institutions in accordance with the Treaties.

We said before that the power to propose EU legislation is conferred to the European Commission. The proposal is then generally addressed to the EU Parliament and to the Council. EU laws are adopted by these two institutions. After their publication in the official journal, secondary legislation is applied and implemented at the national level by courts and authorities of the Member States. The European Commission and the Court of Justice, as we will see more in detail in the second module, are then competent to check if Member States comply with EU law.

In practice, the procedure of adoption may be quite complex. Let's see how it works in the ordinary legislative procedure, that is the most used procedure for adopting secondary legislation at EU level.



Under the Ordinary Legislative Procedure, the EU Parliament and the Council must approve the same text. The proposal by the EU Commission is sent to the EU Parliament for its first reading. It may approve, amend or reject the proposal. The position of the EU Parliament is then sent to the Council. If approved, the proposal is adopted, signed and published in the official journal.

The Council may also reject or amend the position of the EU Parliament. In this case, the proposal is sent back for a second reading. If the EU Parliament approves the amendments of the Council, it is adopted. If it proposes amendments, the proposal is sent back again to the Council. If the Council approves the amendments, it is adopted.

If the Council does not accept amendments, a Conciliation Committee is formed to agree on a joint text. If it succeeds, the proposal is sent back to EU Parliament and Council for third readings. At this stage, the text of the proposal cannot be amended again, but only adopted or rejected.

The special legislative Procedures

The Consent procedure:

- European Parliament can approve or refuse.
- No amendments.

The Consultation procedure:

- Final decision up to the Council.
- European Parliament only consulted for advice.

In certain cases, the treaties allow for a different procedure than the ordinary. The two main examples are the Consent and Consultation procedure. Both procedures provide for a reduced role of the EU parliament.

Under the **Consent procedure**, the Council adopts legislation based on a proposal by the EU Commission after obtaining the consent of the EU Parliament. In this procedure, the Parliament can either approve or disapprove a proposal, but cannot amend it. This procedure is mostly used for international agreements.

Under the **consultation procedure** the Council adopts a legislative proposal. After that, the EU Parliament can only submit an opinion on it. The Council is not legally obliged to take the Parliament's opinion into account. This means that the Council may adopt the proposal even against the advice of the Parliament.



Thanks for your attention!

for further questions or comments please contact us at
simona.barbu@feantsa.org

We have reached the end of this module.

In the next module, we will go into detail about the Relationship between EU law and national law.

Thank you for your attention!