

## Handout N° 3

### European Parliament

“Assembly”, European Parliament

#### 1. Appointment

- originally: representatives of each member state's parliament
- 1979: direct elections → members are responsible to their electorate, no dual mandate
- five year term
- no universal election system

#### 2. Composition

- presently 626 members (maximum 732 after Nice): no binding mandate, voting on individual and personal basis
- altogether 75 political parties, 11 political groupings
- Germany has fewest representatives per head of population, Luxembourg disproportionately high number
- meetings in Strasbourg and Brussels, most committee work done in Brussels
- Art. 191 EC: regulation for European parties

#### 3. Functions

- originally: advisory and supervisory (Council must seek and consider Parliament's opinion; exercise of direct control over the Commission: committee meetings, Commission's general report in plenary session; Art. 201: vote of censure, consultation on the nomination of the President and on appointment of Commissioners as a group; report on Council activities, address of the Council President every year; proceedings published in OJ)
- increasingly important consultative role (conciliation procedure in 1977, SEA: co-operation procedure and extension of matters in which EP had to be consulted, power of final assent for enlargement); final say in certain budgetary matters
- legislative role after Maastricht, Amsterdam and Nice (Art. 192 EC: power of initiative (request); co-decision: veto power of EP, replacing in some areas co-operation; extension of applicability)
- subordinate role in CFSP and JHA
- *locus standi*: *Roquette Frères SA v Council* (case 138/79), Maastricht: to protect its own prerogative powers → Art. 230 EC; Nice: fully fledged institution with full *l.c.* (also for advisory opinions, Art. 300(6) EC)
- temporary committee of inquiry (alleged contravention and maladministration) → report by Ombudsman
- right of petition to the EP by natural or legal persons

### ECJ

#### 1. Appointment

- one judge per member state (to reflect the national legal traditions)
- Art. 223 EC: by common accord of the governments, persons whose independence is beyond doubt

- six-year term, re-appointment possible, appointment staggered
- Advocates General: one appointed by each of five largest, three on a rotational basis

## 2. Composition

- currently 15 judges, eight Adv. Gen.
- chambers of three or five judges, unless a case of great importance is involved or plenary session is required by an institution or member state involved (Nice: grand chamber of 11)

## 3. Functions

- ensure correct interpretation and application of the law
- matters of constitutional, administrative, social and economic law
- jurisdiction over acts from institutions and member states within the scope of the EC (no jurisdiction over actions of the European Council and majority of EU provisions; NB: limitation of jurisdiction in Art. 68 EC)
- Adv. Gen. assist the Court by presenting his 'submissions' (detailed analysis of issues of law and fact)
- consistency, yet precedents are not binding
- influential in 'filling the gaps'

## 4. CFI

- introduced by SEA (approval in Oct. 1988, inauguration Sept. 1989)
- 15 Judges (in chambers)
- jurisdiction: staff cases, applications for judicial review and damages (Art. 230, 232 EC); Nice: preliminary references in specific areas (Art. 225(3) EC)

## Others

### 1. Court of Auditors

- established in 1975
- 15 members appointed by the Council of Ministers after consultation with EP
- six-year term
- controls and supervises the budget implementation

### 2. Economic and Social Committee

- consultative role (as required or appropriate); advise on its own initiative
- members appointed by the Council in their personal capacity for a sectional interest

### 3. Committee of the Regions

- established by Maastricht to represent regional interests
- advisory capacity in specified areas (Art. 149, 151, 161, 162 EC)
- maximum membership after Nice 350
- cannot rely on Art. 230 EC to ensure its powers be respected