

EXAM QUESTION: EU LAW

1 (a) Explain the roles of the institutions of the European Union. [14 marks]

(b) Consider whether the European Parliament's powers are sufficient to allow it to act as an effective legislator. [11 marks]

(LA1, January 2009, WJEC)

1 (a) Explain the roles of the institutions of the European Union. [14 marks]

The Council of Ministers is made up of a government representative of each nation, usually, but not always, the Foreign Minister. Twice a year government heads meet in the European Council or 'Summit' to discuss broad matters of policy. The Member States take it in turn to provide the President of the Council, each for a six-month period. The Council is the principal decision-making body and voting is on a weighted basis in proportion to population size.

The Commission has 27 members who act independently of their national origin. They are appointed for a five-year term and each heads a department with special responsibility for one area of policy. The Commission proposes policies and presents draft legislation to the Council for the Council's consideration. It also ensures that treaty provisions are properly implemented and can refer a Member State to the European Court of Justice if necessary. It is an administrative body and has the power to implement the budget.

The European Parliament discusses proposals put forward by the Commission but has no direct law-making authority. Members are directly elected every five years and they sit in political rather than national groups. They meet monthly for sessions which last about a week and also have standing committees which discuss proposals from the Commission.

The Economic and Social Committee advises the Council and the Commission on economic matters and its role is consultative.

The European Court of Justice has 27 judges assisted by 9 Advocates General who research the legal points involved and present reasoned conclusions on cases to help its decision making. The Court hears cases to decide if a Member State has failed in its Treaty obligations, usually initiated by the Commission or another Member State. It also hears references from national courts for preliminary rulings on points of European law under Art 234.

The Court of First Instance relieves the European Court of Justice by hearing staff and complex competition law cases.

(b) Consider whether the European Parliament's powers are sufficient to allow it to act as an effective legislator.

[11 marks]

The European Parliament is valuable as a discussion body in an effort to ensure that law passed is fit for purpose, but it has no direct law-making authority and so its power is very limited.

Its members sit in cross-national political groups which might make its views more forceful, but it can lead to some odd alliances which dilute the power of what they are saying.

It does not sit in full session all the time as the MEPs have to travel a lot, and it only sits as a full debating chamber for about 1 week in 4 which impacts on the power it has. The work of its standing committees which discuss proposals made by the Commission is useful as they then report to the full Parliament for debate. However even this impact is limited as although decisions made by the Parliament can influence the Council they have no binding force.

The biggest power of the Parliament is that its assent is required before the EU can join any international agreements and this gives it an important role in deciding whether new members should be admitted. It also has some power over the Union budget as it makes the final decision whether to approve it or not, but compared to the UK or other national Parliaments its powers are limited.