



**European Council**  
**Council of the European Union**

Marta Statkiewicz

Department of International and European Law

University of Wrocław

# EU institutions





# EUROPEAN COUNCIL composition

- I. 28 Heads of the State or Government of the Member States
  - II. President of the European Council
  - III. President of the Commission
- High Representative of the Union for Foreign Affairs and Security Policy (\*)
  - President of the European Parliament (\*)



Donald Tusk		 President <i>Non voting position</i>	President	Lars Løkke Rasmussen		 Denmark	Minister of State <sup>1</sup>
Jean-Claude Juncker		 Commission <i>Non voting representation</i>	President	Taavi Rõivas		 Estonia	Head Minister <sup>2</sup> →
Werner Faymann		 Austria	Federal Chancellor	Juha Sipilä		 Finland	Head Minister / Minister of the State →
Charles Michel		 Belgium	First Minister / Prime Minister	François Hollande		 France	President
Boyko Borisov <i>Cyrillic script: Бойко Борисов</i>		 Bulgaria	Minister-Chairman <sup>1</sup>	Angela Merkel <i>née Kasner</i>		 Germany	Federal Chancellor
Zoran Milanović		 Croatia	President of the Government <sup>2</sup> →	Alexis Tsipras <i>Greek script: Αλέξης Τσίπρας</i>		 Greece	Prime Minister
Nicos Anastasiades <i>Greek script: Νίκος Αναστασιάδης</i>		 Cyprus	President	Viktor Orbán <i>Eastern name order, as used in Hungary: Orbán Viktor</i>		 Hungary	Minister-President →
Bohuslav Sobotka		 Czech Republic	Chairman of the Government →	Enda Kenny <i>Irish language: Éanna Ó Coinnigh</i>		 Ireland	Taoiseach →

Matteo Renzi		 Italy	President of the Council of Ministers <sup>[a 2]</sup>			
Laimdota Straujuma <i>née Lustka</i>		 Latvia	Minister-President <sup>[a 2]</sup>	Klaus Iohannis		 Romania President
Dalia Grybauskaitė		 Lithuania	President	Robert Fico		 Slovakia Chairman of the Government <sup>1</sup>
Xavier Bettel		 Luxembourg	Prime Minister	Miro Cerar		 Slovenia President of the Government <sup>[a 2]</sup>
Joseph Muscat		 Malta	Prime Minister	Mariano Rajoy Brey		 Spain President of the Government <sup>[a 2]</sup>
Mark Rutte		 Netherlands	Minister-President <sup>[a 2]</sup>	Stefan Löfven		 Sweden Minister of the State <sup>[a 2]</sup>
Ewa Kopacz <i>née Lis</i>		 Poland	President of the Council of Ministers <sup>[a 2]</sup>	David Cameron		 United Kingdom Prime Minister
Pedro Passos Coelho		 Portugal	Prime Minister			

**meetings** :twice every 6 months conveyed by its President, last for about 2 days

**place**: Brussels (unless the European Council decides otherwise) – before: in the country holding Presidency



place a central role in shaping EU  
policies



*“shall provide the Union with the  
necessary impetus for its  
development and shall define the  
general political directions and  
priorities. It shall not exercise  
legislative functions”*

- **is central to the development of the Union** – major changes in the Treaties are preceded by an Intergovernmental Conference, which creation's catalyst is the meeting of the European Council (also debates on the Treaty changes)
- **will normally confirm the focus for significant constitutional initiatives that affect the operation of the Union** – inter-institutional agreements between major institutions will often be made or finalized at the summit meetings (like Declaration on Democracy, Transparency and Subsidiarity)
- **will consider the state of the European economy as a whole** – Treaty provisions concerning closer economic union demand growing convergence between national economic policies. The EC frequently takes initiatives to combat unemployment, promote growth and increase competitiveness
- **plays a role in the initiation/development of particular policy strategies**- like Social Charter 1989, policies aimed to combat problems concerning drugs and terrorism
- **is central in external relations** – consider important international negotiations, such as those with the WTO
- **will consider new accessions to the EU** – debates on membership and enlargement

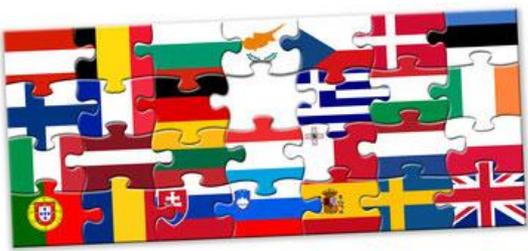


# COMPETENCES



# CREATIONAL FUNCTIONS:

- elects, by qualified majority, President of the European Council for two-and-half year term (renewable ones)
- proposes to the European Parliament a candidate for the President of the Commission and appoints the Commission (art. 17(7) TUE)
- appoints the High Representative of the Union for Foreign Affairs and Security Policy (art. 18(1) TUE)
- appoints the members of the executive board of the European Central Bank (art. 283(2) TUE)
- creates the Council's configurations by a qualified majority



# IN THE FIELD OF THE TREATIES' AMENDMENT AND PROCEDURES:

- intervenes in the ordinary revision procedure for the amendment of the Treaties (art.48 TUE)
- takes decisions under the simplified revision procedure to amend certain provisions of Part Three of TFUE (art. 48 (6) TUE)
- may decide, in respect of certain provisions of the Treaties (e.g. part V of TUE), to replace a special legislative procedure by the ordinary legislative procedure and voting by unanimity by qualified majority voting (e.g. Arts 31(3) and 48(7) of TUE and 312(2) of TFUE)



## IN THE FIELD OF THE UNION'S TERRITORIAL SCOPE:

- determines the conditions for the accession of a Member State (art. 49(1) TUE)
- has to be notified by Member State that wish to withdraw from the Union of their intention to do so (art.50(2) TUE)
- may amend status under Union law of Danish, French or Netherlands overseas territory (art. 355(6) TFUE)
- determines the existence of a serious and persistent breach by a Member State of the values referred to in art. 2 TUE, which may lead to the suspension of a certain Treaty rights of the Member State in question (art. 7(2) TUE)

# IN THE FIELD OF THE EU'S EXTERNAL RELATIONS AND FOREIGN AFFAIRS AND SECURITY POLICY:



- identifies the strategic interests and objectives of the Union's external action (art. 22(1) and 26(1) TUE)
- may decide to establish common defense for the Union – in that event, it is to recommend to the Member States the adoption of the relevant decisions in accordance with their respective constitutional requirements (art. 42(2) TUE)
- defines strategic guidelines for legislative and operational planning within the area of freedom, security and justice (art. 68 TFUE)
- assesses the threats facing the Union in order to enable the Union and its Member States to take effective action (art. 222(4) TFUE)



## **IN THE FIELD OF COMMON MARKET:**

- adopts conclusions on the broad lines of the economic policies of the Member States and the Union (art. 121 (2) TFUE)

## **IN THE FIELD OF JURISDICTION OF THE COURT OF JUSTICE OF THE EUROPEAN UNION**

- has a right to bring actions for failure to act in the Court of Justice (art. 265 TFUE)

# PRESIDENT OF THE EUROPEAN COUNCIL



# PRESIDENT OF THE EUROPEAN COUNCIL

- **chair** and drive forward the work of the European Council whilst endeavoring to **facilitate consensus** and cohesion within it
- **ensure the preparation and continuity** of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council
- **present a report** to the Parliament after each of the meetings of the European Council
- **ensure the external representation of the Union** on issues concerning its Common Foreign and Security Policy, without prejudice to the powers of the High Representatives



# COUNCIL



# COUNCIL - composition

representatives of each Member State at ministerial level, who may commit the government of the Member state in question and cast its vote



# MEETINGS

- the President convenes the Council on his/her own initiative or at the request of one of its members or the Commission
- dates for meetings of the Council are made known to the Member State before the beginning of each 6-month period
- meetings held in Brussels (except: April, June and October-Luxemburg)



- I. General Affairs (GAC)
- II. Foreign Affairs (FAC)
- III. Economic and Financial Affairs (Ecofin)
- IV. Agriculture and Fisheries (Agrifish)
- V. Justice and Home Affairs (JHA)
- VI. Employment, Social Policy, Health and Consumer Affairs (EPSCO)
- VII. Competitiveness (COMPET)
- VIII. Transport, Telecommunications and Energy (TTE)
- IX. Environment (ENV)
- X. Education, Youth, Culture and Sport (EYC)



# PRESIDENCY OF THE COUNCIL

- Council is chaired by representatives of the Member States on the basis of equal rotation
- Presidency is held by pre-established groups of three MS for a period of 18 months (decision of the European Council → decision of the Council)
- taking into account “*their diversity and geographical balance within the Union*”

2010	Jan–Jun	T3	 Spain	
	Jul–Dec		 Belgium	
2011	Jan–Jun		T4	 Hungary
	Jul–Dec	 Poland		
2012	Jan–Jun	 Denmark		
	Jul–Dec	 Cyprus		
2013	Jan–Jun	T5		 Ireland
	Jul–Dec			 Lithuania
2014	Jan–Jun		 Greece	
	Jul–Dec	T6	 Italy	
2015	Jan–Jun		 Latvia	
	Jul–Dec		 Luxembourg	
2016	Jan–Jun	T7	 Netherlands	
	Jul–Dec		 Slovakia	
2017	Jan–Jun		 Malta	
	Jul–Dec	T8	 United Kingdom	
2018	Jan–Jun		 Estonia	
	Jul–Dec		 Bulgaria	
2019	Jan–Jun	T9	 Austria	
	Jul–Dec		 Romania	
2020	Jan–Jun		 Finland	



eu2001.se

ESPAÑA 2002  
Presidencia de la Unión Europea  
Ue2002.es



EU2009.CZ



trío.es



trío.be



trío.hu



2003  
Presidenza Italiana  
del Consiglio dell'Unione Europea

EU  
2004



eu 2011.dk



EU AT



eu2013.ie



EU2013.LT



PORTUGAL 2007

eu2006.fi



2008.fr



GR  
2014  
eu

# COUNCIL - competences

the Council, jointly with the European Parliament, exercises legislative and budgetary functions and carries out policy-making and coordinating functions as laid down in the Treaties



# DECISION-MAKING



- **adopts most legislation on the basis of a Commission proposal** (together with the European Parliament)
- **makes the policy choices** intended to attain the objectives set out in the Treaties (together with the European Parliament)
- **assesses complex economic situation** and has a discretion as to what priorities should be given to these policies
- **decides on the general budget of the Union** (together with the European Parliament)
- **concludes international agreements** negotiated by the Commission or the High Representative on the behalf of the Union
- **is responsible** (together with the Commission, assisted by the High Representative) **for ensuring the consistency between the different areas of the Union's external action** and between these and its other policies
- **makes decision in the connection with the Common Foreign and Security Policy**



# COORDINATION

- carries out coordinating functions as laid down in the Treaties and may adopt non-binding measures *vis-à-vis* the Member States to bring national policies and Union action into line with each other
- coordinates the Member State's economic policies and it may impose sanctions in this connection

# IMPLEMENTATION



- in duly justified cases, the power to adopt implementing acts may be conferred to the Council
- responsible for implementing the Common Foreign and Security Policy (together with the High Representative)



# RELATIONSHIP TO OTHER INSTITUTIONS AND BODIES

- propose candidates for appointment to the Commission
- appoints the members of the Court of Auditors
- may alter the number of Advocates General at the Court of Justice
- appoints members of other bodies or determines its exact composition (e.g. European Economic and Social Committee, the Committee of the Regions)
- can ask the Commission to carry out studies and make a proposal
- participates in controlling the Commission's implementation of the budget
- may bring actions for annulment or for failure to act in the Court of Justice of the European Union

# VOTING IN THE COUNCIL



- I. **qualified majority** – if the article in question does not specify that the Council has to vote by particular majority
- II. **simple majority**
- III. **unanimity** - the act cannot be adopted if any Member State vote against

### **Treaty of Rome (1958–1973)**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• 12 votes (if the act was proposed by the Commission), or</li><li>• 12 votes by at least 4 member states (if the act was not proposed by the Commission).</li></ul> | <ul style="list-style-type: none"><li>• 4 votes: France, Germany, Italy,</li><li>• 2 votes: Belgium, Netherlands,</li><li>• 1 vote: Luxembourg</li></ul> |
|--|--|

### **Accession Treaty (1973–1979)**

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• 41 votes (if the act was proposed by the Commission), or</li><li>• 41 votes by at least 6 member states (if the act was not proposed by the Commission).</li></ul> | <ul style="list-style-type: none"><li>• 10 votes: France, Germany, Italy, United Kingdom,</li><li>• 5 votes: Belgium, Netherlands,</li><li>• 3 votes: Denmark, Ireland,</li><li>• 2 votes: Luxembourg</li></ul> |
|--|---|

### **Accession Treaty (1979–1985)**

- |  |                              |
|--|------------------------------|
| <ul style="list-style-type: none"><li>• 45 votes (if the act was proposed by the Commission), or</li><li>• 45 votes by at least 6 member states (if the act was not proposed by the Commission).</li></ul> | <p>+<br/>5 votes: Greece</p> |
|--|------------------------------|

### **Accession Treaty (1985–1995)**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• 54 votes (if the act was proposed by the Commission), or</li><li>• 54 votes by at least 8 member states (if the act was not proposed by the Commission).</li></ul> | <p>+</p> <ul style="list-style-type: none"><li>• 8 votes: Spain,</li><li>• 5 votes: Portugal</li></ul> |
|--|--|

### **Accession Treaty (1995–2003)**

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• 62 votes (if the act was proposed by the Commission), or</li><li>• 62 votes by at least 10 member states (if the act was not proposed by the Commission).</li></ul> | <p>+</p> <ul style="list-style-type: none"><li>• 4 votes: Austria, Sweden,</li><li>• 3 votes: Finland</li></ul> |
|---|---|

## Treaty of Nice (2003–2014/2017)

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Majority of countries:<ul style="list-style-type: none"><li>• 50% + one, if proposal made by the Commission; or</li><li>• else at least two-thirds (66.67%), and</li></ul></li><li>• Majority of voting weights: 74%, and</li><li>• Majority of population: 62%.</li></ul> | <ul style="list-style-type: none"><li>• 29 votes: France, Germany, Italy, United Kingdom:</li><li>• 27 votes: Spain, Poland</li><li>• 14 votes: Romania</li><li>• 13 votes: Netherlands</li><li>• 12 votes: Belgium, Czech Republic, Greece, Hungary, Portugal</li><li>• 10 votes: Austria, Bulgaria, Sweden</li><li>• 7 votes: Croatia, Denmark, Ireland, Lithuania, Slovakia, Finland</li><li>• 4 votes: Cyprus, Estonia, Latvia, Luxembourg, Slovenia</li><li>• 3 votes: Malta</li></ul> |
|--|---|

### *before 1 July 2013:*

- at least 14 (or 18, if proposal was not made by the Commission) countries,
- at least 255 of the total 345 voting weights,
- at least 311 mil. people represented by the states that vote in favour

### *after 1 July 2013*

- at least 260 votes out of a total of 352
- at least 15 (or 18, if proposal was not made by the Commission) countries,
- at least 313.6 mil. people represented by the states that vote in favour.

## Treaty of Lisbon

the Council voting arrangements of the Nice Treaty applied until 31 October 2014. until 31 March 2017, any member state can request that the Nice rules are used for a particular vote

- Majority of countries:
  - 55%, comprising at least 15 of them, if acting on a proposal from the Commission or from the High Representative, or else
  - 72%, and
- Majority of population: 65%.
- A blocking minority requires—in addition to not meeting one of the two conditions above—that at least 4 countries (or, if not all countries participate in the vote, the minimum number of countries representing more than 35% of the population of the participating countries, plus one country) vote against the proposal.



<http://www.consilium.europa.eu/en/council-eu/voting-system/voting-calculator/>



# ACCESS TO INFORMATION

## Council – **principle of open meetings**

- when it deliberates and votes on a draft of legislative act
- meetings are broadcasted
- records are shared on website for at least 1 month

## European Council – **secrecy of deliberation**

- European Council as a institution of the greatest political burden
- establishment of most crucial decisions in secret doesn't help to overcome the problem of lack of transparency in UE



