



EU-upplysningen

Rapid, comprehensible and impartial information about the EU

- What does the Council of Ministers do?
- Does the EU decide everything?
- Where does a directive come from?



ENGLISH

SVERIGES 
RIKSDAG 

EU-UPPLYSNINGEN

How the EU works

FACTS FROM THE EU INFORMATION CENTRE OF THE SWEDISH PARLIAMENT • AUG. 2011

Sweden and another 26 countries are members of the EU. They work together in a whole range of areas. To ensure that this cooperation works, there are seven institutions with different tasks. Here you can read about the institutions, what they do and how they decide on new EU laws.

The European Union (EU) was created to promote cooperation by a number of countries now totalling 27. This cooperation is regulated in treaties, or agreements, that state which issues the EU should work with and how the work is to be carried out.

There are three treaties containing provisions determining how the cooperation should work. These have been changed a number of times when the member states have adopted treaty amendments. The last treaty amendment is the Lisbon Treaty, which came into force on 1 December 2009.

What does the EU decide on?

The EU can only take decisions within certain areas. These areas have been established in treaties by the member states. The EU's rules apply mainly to issues that in one way or another affect several of the member states. Originally, the idea was to remove various trade barriers between the countries, but this has since developed to include other matters, for example agricultural policy and environmental policy.

Cooperation between member states varies depending on the particular issue at hand. Within some areas, the EU decides everything, in other words the EU has exclusive competence. This is the case for example for trade policy and the customs union.

In other areas, the EU and the member states share the right of decision; this is called shared competence. Areas in which decisions can be taken both at EU level and national level include the environment, energy, consumer protection and asylum policy. However, member states may only legislate if there is no EU law that regulates the same issue and as long as they respect the EU's fundamental principles, such as non-discrimination.

In addition to this, there are areas that each individual member state may decide on, for example education, medical care and culture. The EU can support joint projects between member states.

THE THREE EU TREATIES

- 1958 Treaty on the Functioning of the European Union (EUF Treaty). This was previously called the Treaty Establishing the European Community.
- 1958 The Treaty Establishing the European Atomic Energy Community (Euratom Treaty).
- 1993 The Treaty on European Union.

EU institutions

To ensure that cooperation between the member states functions smoothly, there are seven institutions. The institutions have different tasks.

The European Council

The European Council establishes guidelines for future EU cooperation, but does not take part in the day-to-day decision-making process. The European Council consists of a President, the heads of state and government of the member states, and the President of the European Commission.

The President is elected for a two-and-a-half-year term, and may be re-elected for a second term. The President's task is to lead the meetings of the Council. At the end of 2009, Herman Van Rompuy was elected as President.

The European Council meets at least four times a year for EU summits. The meetings are held in Brussels, where the European Council has its headquarters. If necessary, the President can convene extra summits.

The European Commission

The European Commission initiates new laws and implements common legislation. The Commission also manages the EU budget and ensures that member states follow the legislation. The European Commission represents the common interests of the EU and may not accept the instructions of any government.

The Commission consists of a Commissioner from each member state that is appointed for a five-year term of office by the governments of the member states and the European Parliament.

The work of the Commission is led by its President, who during the current term is José Manuel Barroso. The High Representative for Foreign Affairs and Security Policy, often known as the EU Foreign Minister, is also one of the Commissioners. Catherine Ashton is the holder of this post.

The Swedish Commissioner is Cecilia Malmström, who is responsible for issues concerning EU police cooperation, border controls and asylum and migration issues.



Elections to the European Parliament take place every five years.

How does the EU make decisions?

The European Commission, the Council of Ministers and the European Parliament are the institutions that participate in the legislative process. The way in which they participate varies according to which area the decision concerns. The EU treaties distinguish between the ordinary legislative procedure and special legislative procedures. The ordinary legislative procedure is the one used for decision-making in most cases. Here is how the decision-making procedure works:

1. THE EUROPEAN COMMISSION PROPOSES A NEW LAW

The European Commission initiates the process by proposing a new law. The Commission elaborates the proposal, which is then adopted by a majority of the Commissioners.

The Commission sends the proposed legislation to the European Parliament, the Council of Ministers and to the member states.

2. THE GOVERNMENT AND THE SWEDISH PARLIAMENT – THE RIKSDAG – ADOPT A POSITION

In Sweden, both the Government and the Swedish Parliament – the Riksdag – are presented with the Commission's proposed legislation. The Government informs the Riksdag of its view of the proposals and collects comments from the Riksdag. It is the Government that presents Sweden's views and negotiates with the other member states in the Council of Ministers.



The Council of Ministers

The Council of Ministers (officially known as the Council of the European Union) takes decisions on new laws in the EU. In most cases, the Council must reach agreement with the European Parliament. The Council also has the task of entering into international agreements on the EU's behalf.

The Council is composed of a minister from the government of each member state. The matters to be discussed at each particular meeting of the Council dictate which ministers will attend. If environmental issues are to be discussed, for example, then the environment ministers of the member states will meet.

The work of the Council of Ministers is led by the country holding the Presidency. The member states take turns in holding the Presidency for six months at a time according to a pre-determined order. The exception to this is foreign and security issues, in which activities are led by the High Representative for Foreign Affairs and Security Policy, Catherine Ashton.

The European Parliament

For most issues, the European Parliament takes part in decisions on new laws together with the Council of Ministers. They also have to jointly approve or reject the EU budget every year.

The tasks of the European Parliament also include electing the President of the Commission and approving the Commission as a whole before it can begin its

work. The European Parliament also monitors the work of the Commission and has the power to remove the Commission by way of a vote of no confidence.

The members of the European Parliament (MEPs) are appointed by means of elections in the member states. Elections to the European Parliament are held every five years. When the MEPs meet to debate and make decisions, they meet in groups according to their political affiliation. 736 MEPs were appointed in the elections in June 2009, 18 of whom were from Sweden. When the Lisbon Treaty came into force on 1 December 2009, the number of MEPs was changed to 751, with 20 from Sweden. Until the next election in 2014, however, as a result of transitional rules, the number of MEPs will temporarily be 754.

EU Court of Justice

The EU Court of Justice is officially called the Court of Justice of the European Union. The main tasks of the EU



The EU Court of Justice in Luxembourg judges in disputes between the EU institutions and the member states.

The Riksdag has to consider whether the proposed legislation conflicts with the principle of subsidiarity (see fact box). If a certain proportion of parliaments in the member states consider that the proposed piece of legislation is not compatible with the principle of subsidiarity, the Commission must reconsider its proposal. The Commission can then choose to keep, amend or retract the proposal.



3. THE EUROPEAN PARLIAMENT DECIDES

In the European Parliament, the President appoints a committee to be responsible for considering the Commission's proposal. The committee proposes what the European Parliament's view should be on the particular issue. All the members then vote on the committee's proposal. If the proposal is given a majority of votes, it is adopted as the European Parliament's position on the issue.

In its position, the European Parliament can either approve the Commission's proposal or propose amendments.

4. THE COUNCIL OF MINISTERS DECIDES

While the proposed legislation is being considered by the European Parliament, it is also considered in the Council of Ministers.

Decisions are taken in the Council by qualified majority. This means that the proposal must be supported by at least half of the member states, and receive a certain proportion of votes from the member states. The member states have different numbers of votes depending on their populations (see fact box).

Each individual member state may also request verification that the member states supporting a decision constitute at least 62 % of the total population of the Union. If the Council approves the Commission's basic proposal or the European Parliament's amended proposal, the law is adopted.



Court of Justice are to interpret EU legislation and to provide rulings in disputes between EU institutions and member states. If a national court, for example a Swedish district court, is uncertain as to how EU law is to be interpreted, it may ask the EU Court of Justice for advice. This is referred to as requesting a preliminary ruling from the EU Court of Justice.

The EU Court of Justice comprises one judge from each member state. The governments of the member states appoint the judges for a period of six years. The judges are assisted by eight advocates-general.

The EU Court of Justice also includes the General Court that judges in disputes between the EU institutions and individual people and companies. There is also a Civil Service Tribunal dealing with cases concerning employees in the EU institutions.

The European Central Bank

The European Central Bank (ECB) is the common central bank for the EU member states that have introduced the euro as their currency.

The Bank is tasked with managing the monetary policy of the euro countries, and its principal objective is maintaining a low rate of inflation. Apart from working to maintain low inflation, the ECB also supports the general economic policy of the EU. The ECB is the only institution that can give the go-ahead for issuing the euro. The ECB is led by the heads of the national central banks and six members appointed by the European Council.

The Court of Auditors

The European Court of Auditors has the task of monitoring the correct use of EU funds, both in the EU institutions and in the member states. The Court of Auditors examines whether revenue and expenditure have been legally managed and that financial management has been sound. The Court of Auditors reports to the European Parliament and the Council of Ministers.

The Court is composed of a member from each member state. The members are appointed jointly by the governments of the member states for a six-year period. The members must be completely independent and have no other posts.

NUMBER OF VOTES IN THE COUNCIL OF MINISTERS

Member state	No. of votes
France, Germany, Italy, United Kingdom	29
Poland, Spain	27
Romania	14
Netherlands	13
Belgium, Czech Republic, Greece, Hungary, Portugal	12
Austria, Bulgaria, Sweden	10
Denmark, Finland, Ireland, Lithuania, Slovakia	7
Cyprus, Estonia, Latvia, Luxembourg, Slovenia	4
Malta	3
Total	345
Number of votes required for a qualified majority	255

IF THE INSTITUTIONS DO NOT AGREE

The Council can choose to reject both the Commission's proposed law and the European Parliament's proposed amendment. In this case, the proposal has to take a new round through the legislative process. If the institutions still do not agree the second time around, the proposal goes to a conciliation committee. In the committee, both representatives from the Council and the European Parliament are given a last chance to agree. If the institutions do not succeed in agreeing on the proposed law, there will be no EU law as a result.



OTHER WAYS OF MAKING DECISIONS

In exceptional cases, for example for decisions on taxation policy or the activities of the institutions, special legislative procedures are used. These procedures vary according to what the decision applies to. It may be the Council of Ministers that takes a decision following contributions from the European Parliament or the European Parliament that decides with the participation of the Council.

THE PRINCIPLE OF SUBSIDIARITY – DECISIONS MUST BE TAKEN AS CLOSE AS POSSIBLE TO THE CITIZENS

The EU's decision-making powers vary according to the matter concerned. In the case of matters for which the EU shares decision-making powers with the member states, the principle of subsidiarity should be applied. According to the principle of subsidiarity, decisions must be taken at the political level at which the decision can be made most effectively; as close to the citizens as possible. When the EU institutions are to make a new law, they have to justify why a particular decision at EU level is better than one at the national level.

How to influence EU decisions

If you want to influence EU decisions, you can contact one of the following people or bodies working with EU matters.

Members of the European Parliament (MEPs)

There are a number of Swedish MEPs who participate in and influence EU decision-making. The European Parliament has an information office in Sweden.

Government ministers

They participate in meetings of the Council of Ministers that decides on new EU rules.

Members of the Riksdag (MPs)

The members of the Riksdag make the laws in Sweden and submit points of view to the Government before decisions are taken in the Council of Ministers.

The European Commission

Before it submits a proposal for new legislation, the Commission often presents a draft version to which comments are invited. You may always contact the Commission even when it has not requested comments on a particular proposal. The Commission has an office in Sweden.

Citizens' initiatives

EU citizens can join forces and urge the European Commission to submit a proposed piece of legislation in any of the EU's fields of decision-making. To do this, one million signatures are required from citizens in at least a quarter of the EU member states.

Organisations

Many organisations work together at the European level and attempt to influence the European Commission when proposals are first made.



LEGAL INSTRUMENTS – EU LAWS AND RULES

The EU uses different types of legal instruments and other rules to implement its legislation. The type of legal instrument to be used depends on the nature of the decision. What all the legal instruments have in common is that they must be based in the treaties or in other, already existent legal instruments. There are five types of legal instruments:

REGULATIONS are binding and apply simultaneously and in the same way in all member states. Regulations are often used for more technical issues, for example limits for environmentally hazardous emissions.

DIRECTIVES set binding goals that the member states have to meet. The member states themselves may decide how the goals of the directives are to be implemented in national legislation. Directives generally apply to laws that concern major issues for which greater freedom of action may be required on the part of the member states when they introduce the new laws. Directives are used for example for rules concerning work environment or consumer issues.

DECISIONS are binding. If it is stated in a decision to which person or persons the decision applies, it is binding only for the person or persons stated.

Decisions can for example concern one specific member state or a company and are common in the field of competition policy.

RECOMMENDATIONS AND OPINIONS are not binding. This means that a member state is not obliged to follow what is stated in them. Recommendations and opinions are common in cases when EU institutions can only recommend how the member states should act, for example within the areas of employment and economic policy.

EU member states

In 1952, six countries began to cooperate with each other, which has today resulted in 27 countries with a population of 500 million. EU membership has expanded during various periods.



Members

Belgium, France, Italy, Luxembourg, the Netherlands and West Germany formed the European Coal and Steel Community in 1952. This cooperation expanded and in 1958 the European Economic Community (EEC) was formed.

New members were added in 1973; these were Denmark, Ireland and the United Kingdom. During the 1980s, Greece (1981), Portugal (1986) and Spain (1986) became members. The community had thus expanded from six to 12 countries.

The next enlargement came in 1995 when Austria, Finland and Sweden joined. By this time, the EC had become the EU – the European Union.

During the 21st century, a further 12 countries have become members. Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia became members in 2004. Bulgaria and Romania joined the EU in 2007.

The Presidency

The EU member states take it in turns to hold the Presidency of the Council of Ministers of the EU. Each member state holds the Presidency for six months. The member state holding the Presidency has to lead and organise work in the Council of Ministers (with the exception of foreign and security issues) and deal with the Council's contacts with the other EU institutions.

The three countries holding the Presidency in succession cooperate as a trio. These countries have a joint work programme with overall priorities for the 18-month period for which they are jointly responsible. Each country then presents a more detailed work programme for its own six-month period.

Sweden held the Presidency of the EU in autumn 2009. In 2011, it is the turn of Hungary and Poland. They will be followed by Denmark and Cyprus (2012). There is a pre-determined order in place up to and including 2020.

EU MEMBER STATES

Austria	Germany	Netherlands
Belgium	Greece	Poland
Bulgaria	Hungary	Portugal
Cyprus	Ireland	Romania
Czech Republic	Italy	Slovakia
Denmark	Latvia	Slovenia
Estonia	Lithuania	Spain
Finland	Luxembourg	Sweden
France	Malta	United Kingdom

WOULD YOU LIKE TO FIND OUT MORE?

You are welcome to put questions direct to our information officers by telephone, e-mail or letter. Our contact information is available below.

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