

# DEMOCRATIC PARTICIPATION



Instruments and Bodies of

EUROPEAN UNION

&

PORTUGAL

# THE EUROPEAN UNION



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All the decisions on the destinies of European Union are made by four institutions:

- European Parliament
- European Commission
- Council of the UE
- European Council

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[“At home with the European institutions”](#)

## ABC of the EU institutions

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### European Parliament

The only directly-elected EU body. Represents the EU's 28 Member States.  
Plays a key role in electing the President of the European Commission.  
Shares power over EU budget and legislation with Council of the European Union.

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# 751

## MEPs

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### Seats per country from 2014

BELGIUM	21	GERMANY	13	FRANCE	12	NETHERLANDS	13	ITALY	13	SPAIN	13
CYPRUS	6	GREECE	13	IRELAND	6	PORTUGAL	13	UNITED KINGDOM	13	POLAND	13
CZECH REPUBLIC	13	HUNGARY	13	ROMANIA	13	FINLAND	6	EUROPEAN PARLIAM.	751	EUROPEAN PARLIAM.	751
DEUTSCHLAND	13	ITALY	13	SLOVAKIA	6	SLOVENIA	6				
ESTONIA	6	NETHERLANDS	13	UNITED KINGDOM	13	FINLAND	6				
FRANCE	12	PORTUGAL	13	IRELAND	6	NETHERLANDS	13				
GERMANY	13	UNITED KINGDOM	13	FRANCE	12	NETHERLANDS	13				
GREECE	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
HUNGARY	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
IRELAND	6	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
ITALY	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
NETHERLANDS	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
POLAND	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
PORTUGAL	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
ROMANIA	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
SLOVAKIA	6	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
SLOVENIA	6	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
SPAIN	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				
UNITED KINGDOM	13	NETHERLANDS	13	FRANCE	12	NETHERLANDS	13				

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### European Commission

The EU's executive body, responsible for proposing and implementing EU laws, managing the treaties and the day-to-day running of the EU.

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### Council of the European Union

Government ministers who share budgetary and legislative power with European Parliament.

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### European Council

Heads of state or government of EU Member States.  
Strategic body that decides the EU's political direction.



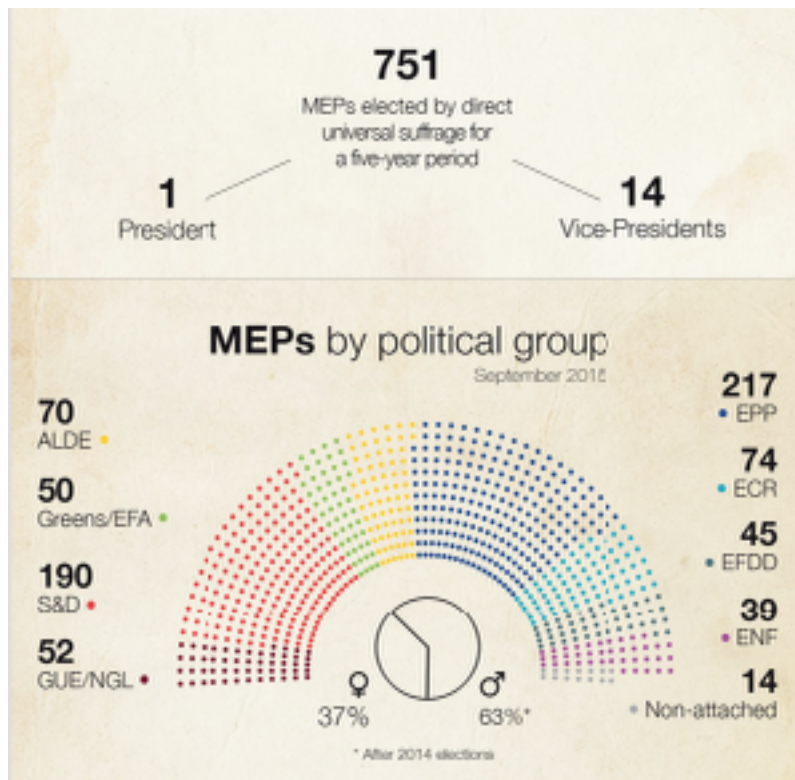
Source: [european-council.europa.eu](http://european-council.europa.eu)

# European Parliament

All the decisions on the destinies of European Union are made by four institutions, but only the members of the Parliament are directly elected.

## Overview

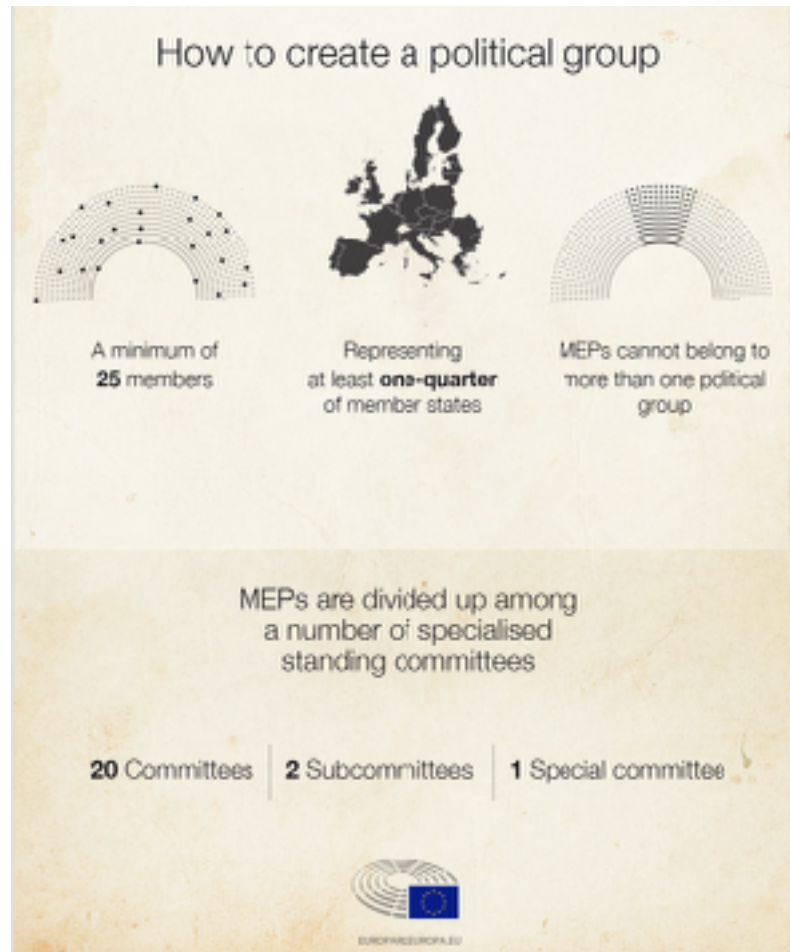
- Role: Directly-elected EU body with legislative, supervisory, and budgetary responsibilities
- Members: 751 MEPs (Members of the European Parliament)
- President: Antonio Tajani
- Established in: 1952 as Common Assembly of the European Coal and Steel Community, 1962 as European Parliament, first direct elections in 1979
- Location: Strasbourg (France), Brussels (Belgium), Luxembourg
- Website: [European Parliament](http://www.europarl.europa.eu)



The European Parliament is the EU's law-making body.

It is directly elected by EU voters every 5 years.

The last elections were in May 2014.



WATCH VIDEO:

[“How it works: The European Parliament”](#)

["The Parliament near you"](#)

# What does the Parliament do?

The Parliament has [3 main roles](#):

## Legislative

- Passing EU laws, together with the [Council of the EU](#), based on [European Commission](#) proposals
- Deciding on international agreements
- Deciding on enlargements
- Reviewing the Commission's [work programme](#) and asking it to propose legislation

## Supervisory

- Democratic scrutiny of all EU institutions
- Electing the Commission President and approving the [Commission as a body](#). Possibility of voting a motion of censure, obliging the Commission to resign
- Granting discharge, i.e. approving the way EU budgets have been spent
- Examining citizens' petitions and setting up inquiries
- Discussing monetary policy with the [European Central Bank](#)
- Questioning Commission and Council
- Election observations

## Budgetary

- Establishing the EU budget, together with the Council
- Approving the EU's long-term budget, the "Multiannual Financial Framework"

## Composition

The number of [MEPs](#) for each country is roughly proportionate to its population, but this is by degressive proportionality: no country can have fewer than 6 or more than 96 MEPs and the total number cannot exceed 751 (750 plus the President). MEPs are grouped by [political affiliation](#), not by nationality.

The [President](#) represents Parliament to other EU institutions and the outside world and gives the final go-ahead to the EU budget.

## How does the Parliament work?

Parliament's work comprises two main stages:

- [Committees](#) - to prepare legislation.
  - The Parliament numbers 20 committees and two subcommittees, each handling a particular policy area. The committees examine proposals for legislation, and MEPs and political groups can put forward amendments or propose to reject a bill. These issues are also debated within the political groups.
- [Plenary sessions](#) – to pass legislation.
  - This is when all the MEPs gather in the chamber to give a final vote on the proposed legislation and the proposed amendments. Normally held in Strasbourg for four days a month, but sometimes there are additional sessions in Brussels.

## PARTICIPATION:

### The Parliament and citizen/people

If citizen/people want to ask the Parliament to act on a certain issue, he can [petition](#) it (either by post or online).

Petitions can cover any subject which comes under the EU's remit.

To submit a petition, citizen/people must be a citizen of an EU member state or be resident in the EU. Companies or other organisations must be based here.

## Petitions

**One of the fundamental rights of European citizens: Any citizen, acting individually or jointly with others, may at any time exercise his right of petition to the European Parliament under Article 227 of the Treaty on the Functioning of the European Union.**

Any citizen of the European Union, or resident in a Member State, may, individually or in association with others, submit a petition to the European Parliament on a subject which comes within the European Union's fields of activity and which affects them directly. Any company, organisation or association with its headquarters in the European Union may also exercise this right of petition, which is guaranteed by the Treaty.

A petition may take the form of a complaint or a request and may relate to issues of public or private interest.

The petition may present an individual request, a complaint or observation concerning the application of EU law or an appeal to the European Parliament to adopt a position on a specific matter. Such petitions give the European Parliament the opportunity of calling attention to any infringement of a European citizen's rights by a Member State or local authorities or other institution.

- [Petitions Portal: Start a petition](#)

Other ways of getting in touch with Parliament include contacting citizen/people local MEP or the [European Parliament Information Office](#) in his country.



More information:

<http://www.europarl.europa.eu/portal/>

## European Council

### Overview

- **Role:** Defines the general political direction and priorities of the European Union
- **Members:** Heads of state or government of EU countries, European Commission President, High Representative for Foreign Affairs & Security Policy
- **President:** Donald Tusk

- Established in: 1974 (informal forum), 1992 (formal status), 2009 (official EU institution)
- Location: Brussels (Belgium)
- Website: European Council

The European Council brings together EU leaders to set the EU's political agenda. It represents the highest level of political cooperation between EU countries.

One of the EU's 7 official institutions, the Council takes the form of (usually quarterly) summit meetings between EU leaders, chaired by a permanent president.

## What does the European Council do?

- Decides on the EU's overall direction and political priorities – but *does not pass laws*.
- Deals with complex or sensitive issues that cannot be resolved at lower levels of intergovernmental cooperation
- Sets the EU's [common foreign & security policy](#), taking into account EU strategic interests and defence implications
- Nominates and appoints candidates to certain high profile EU level roles, such as the ECB and the Commission

On each issue, the European Council can:

- ask the [European Commission](#) to make a proposal to address it.
- pass it on to the [Council of the EU](#) to deal with

## Composition

The European Council is made up of the [heads of state or government of all EU countries](#), the [European Commission President](#) and the [High Representative for Foreign Affairs & Security Policy](#).

It is convened and chaired by its [President](#), who is elected by the European Council itself for a once-renewable two-and-a-half-year term. The President represents the EU to the outside world.

## How does the European Council work?

It usually meets 4 times a year – but the President can [convene](#) additional meetings to address urgent issues.

It generally decides issues by consensus – but by [unanimity](#) or [qualified majority](#) in some cases. Only the heads of state/government can vote.

## PARTICIPATION:

### The European Council and citizen/people

Citizen/people can put general questions about the Council's work to its [Public Information Service](#).



### WATCH VIDEO:

[“Differences between the European Council and The Council of the European Union”](#)

[“How it works: European Council Summits”](#)



More information:

<http://www.consilium.europa.eu/en/european-council/>

# Council of the European Union

## Overview

- Role: Voice of EU member governments, adopting EU laws and

coordinating EU policies

- **Members:** Government ministers from each EU country, according to the policy area to be discussed
- **President:** Each EU country holds the presidency on a 6-month rotating basis
- **Established in:** 1958 (as Council of the European Economic Community)
- **Location:** Brussels (Belgium)
- **Website:** Council of the EU

In the Council, government ministers from each EU country meet to discuss, amend and adopt laws, and coordinate policies. The ministers have the authority to commit their governments to the actions agreed on in the meetings.

Together with the [European Parliament](#), the Council is the main decision-making body of the EU.

Not to be confused with:

- [European Council](#) - quarterly summits, where EU leaders meet to set the broad direction of EU policy making
- [Council of Europe](#) - not an EU body at all.

## What does the Council do?

- Negotiates and adopts EU laws, together with the [European Parliament](#), based on proposals from the [European Commission](#)
- Coordinates EU countries' policies
- Develops the EU's foreign & security policy, based on [European Council](#) guidelines
- Concludes agreements between the EU and other countries or international organisations
- Adopts the annual [EU budget](#) - jointly with the European Parliament.

## Composition

There are no fixed members of the EU Council. Instead, the Council meets in

[10 different configurations](#), each corresponding to the policy area being discussed. Depending on the configuration, each country sends their minister responsible for that policy area.

For example, when the Council meeting on economic and financial affairs (the "Ecofin Council") is held, it is attended by each country's finance minister.

### **Who chairs the meetings?**

The Foreign Affairs Council has a permanent chairperson - the [EU High Representative for Foreign Affairs and Security Policy](#). All other Council meetings are chaired by the relevant minister of the country holding the [rotating EU presidency](#).

For example, any Environment Council meeting in the period when Estonia holds the presidency will be chaired by the Estonian environment minister.

Overall consistency is ensured by the General Affairs Council - which is supported by the Permanent Representatives Committee. This is composed of EU countries' [Permanent Representatives to the EU](#), who are, in effect, national ambassadors to the EU.

### **Eurozone countries**

Eurozone countries coordinate their economic policy through the [Eurogroup](#), which consists of their economy and finance ministers. It meets the day before Economic & Financial Affairs Council meetings. Agreements reached in Eurogroup gatherings are formally decided upon in the Council the next day, with only ministers of Eurozone countries voting on those issues.

## **How does the Council work?**

- All discussions & votes take place in public.
- To be passed, decisions usually require a [qualified majority](#) :
  - 55% of countries (with 28 current members, this means 16 countries)
  - representing at least 65 % of total EU population.

To block a decision, at least 4 countries are needed (representing at least 35% of total EU population)

- Exception - sensitive topics like foreign policy and taxation require a [unanimous vote](#) (all countries in favour).
- [Simple majority](#) is required for procedural & administrative issues

## PARTICIPATION:

### The Council and citizen/people

Citizen/people can put general questions to the [Council's public information service](#).



#### WATCH VIDEO:

[“Decision-making process in the Council of the EU”](#)

[“Voting System in the Council of the EU”](#)

[“Differences between the European Council and The Council of the European Union”](#)



More information: <http://www.consilium.europa.eu/en/contact/visits/>

## European Commission

### Overview

- Role: Promotes the general interest of the EU by proposing and enforcing legislation as well as by implementing policies and the EU budget
- Members: A team or 'College' of Commissioners, 1 from each EU country

- President: Jean-Claude Juncker
- Year established: 1958
- Location: Brussels (Belgium)
- Website: [European Commission](#)

The European Commission is the EU's **politically independent executive arm**. It is alone responsible for drawing up proposals for new European legislation, and it implements the decisions of the [European Parliament](#) and the [Council of the EU](#).

## What does the Commission do?

### **Proposes new laws**

The Commission is the sole EU institution tabling laws for adoption by the Parliament and the Council that:

- protect the interests of the EU and its citizens on issues that can't be dealt with effectively at national level;
- get technical details right by consulting experts and the public.

### **Manages EU policies & allocates EU funding**

- Sets EU spending priorities, together with the Council and Parliament.
- Draws up annual budgets for approval by the Parliament and Council.
- Supervises how the money is spent, under scrutiny by the [Court of Auditors](#).

### **Enforces EU law**

- Together with the Court of Justice, ensures that EU law is properly applied in all the member countries.

### **Represents the EU internationally**

- Speaks on behalf of all EU countries in international bodies, in particular in areas of trade policy and humanitarian aid.
- Negotiates international agreements for the EU.

## Composition

**Political leadership** is provided by a team of [28 Commissioners](#) (one from each EU country) – led by the [Commission President](#), who decides who is responsible for which policy area.

The College of Commissioners, includes the President of the Commission, his seven Vice-Presidents, including the First Vice-President, and the High-Representative of the Union for Foreign Policy and Security Policy and 20 Commissioners in charge of portfolios.

The **day-to-day running** of Commission business is performed by its staff (lawyers, economists, etc.), organised into departments known as [Directorates-General \(DGs\)](#), each responsible for a **specific policy area**.

### Appointing the President

The candidate is put forward by national leaders in the European Council, taking account of the results of the European Parliament elections. He or she needs the support of a majority of members of the European Parliament in order to be elected.

### Selecting the team

The Presidential candidate selects potential Vice-Presidents and Commissioners based on suggestions from the EU countries. The list of nominees has to be approved by national leaders in the European Council.

Each nominee appears before the European Parliament to explain their vision and answer questions. Parliament then votes on whether to accept the nominees as a team. Finally, they are appointed by the European Council, by a qualified majority.

The current Commission's term of office runs until 31 October 2019.

## How does the Commission work?

### Strategic planning

The President defines the policy direction for the Commission, which enables the Commissioners together to decide strategic objectives, and produce the [annual work programme](#).

### Collective decision making

Decisions are taken based on collective responsibility. All Commissioners are equal in the decision-making process and equally accountable for these

decisions. They do not have any individual decision-making powers, except when authorized in certain situations.

The Vice-Presidents act on behalf of the President and coordinate work in their area of responsibility, together with several Commissioners. [Priority projects](#) are defined to help ensure that the College works together in a close and flexible manner.

Commissioners support Vice-Presidents in submitting proposals to the College. In general, decisions are made by consensus, but votes can also take place. In this case, decisions are taken by simple majority, where every Commissioner has one vote.

The relevant [Directorate-General](#) (headed by a Director-General, answerable to the relevant Commissioner) then takes up the subject. This usually done in the form of draft [legislative proposals](#).

These are then resubmitted to the Commissioners for adoption at their weekly meeting, after which they become official, and are sent to the Council and the Parliament for the next stage in the EU legislative process.

## PARTICIPATION:

### The European Commission and citizen/people

If citizen/people want to [give us their views](#) on EU policies or suggest changes or new policies, he has various options:

- send a response to a Commission [public consultation](#) on an issue that concerns him
  
- launch a [European Citizens' Initiative](#)
  - A European citizens' initiative is an **invitation** to the **European Commission to propose legislation** on matters where the EU has competence to legislate. A citizens' initiative has to be backed by at least one million EU citizens, coming from **at least 7 out of the 28 member states**. A [minimum number of signatories](#) is required in each of those 7 member states.
  - All **EU citizens** (nationals of a member state) **old enough to vote\*** in the European Parliament elections (18 except in Austria, where the voting age is 16) can sign a citizens' initiative.
  - More information: <https://bookshop.europa.eu/en/guide-to-the-european-citizens-initiative-pbNA0415686/>

- make a [formal complaint](#) if he thinks EU law is not being applied properly in his case.



WATCH VIDEO:

[“At home with the European institutions”](#)



More information:

[https://ec.europa.eu/commission/index\\_en](https://ec.europa.eu/commission/index_en)

# Court of Justice of the European Union (CJEU)

## Overview

- Role: Ensuring EU law is interpreted and applied the same in every EU country; ensuring countries and EU institutions abide by EU law.
- Members:
  - Court of Justice: [1 judge from each EU country](#), plus 11 advocates general
  - General Court: 47 judges. In 2019 this will be increased to 56 ([2 judges from each EU country](#)).
- Established in: 1952
- Location: Luxembourg
- Website: [Court of Justice of the European Union \(CJEU\)](#)

The Court of Justice of the European Union (CJEU) interprets EU law to

make sure it is applied in the same way in all EU countries, and settles legal disputes between national governments and EU institutions.

It can also, in certain circumstances, be used by individuals, companies or organisations to take action against an EU institution, if they feel it has somehow infringed their rights.

## What does the CJEU do?

The CJEU gives rulings on cases brought before it. The most common types of case are:

- interpreting the law (preliminary rulings) – national courts of EU countries are required to ensure EU law is properly applied, but courts in different countries might interpret it differently. If a national court is in doubt about the interpretation or validity of an EU law, it can ask the Court for clarification. The same mechanism can be used to determine whether a national law or practice is compatible with EU law.
- enforcing the law (infringement proceedings) – this type of case is taken against a national government for failing to comply with EU law. Can be started by the [European Commission](#) or another EU country. If the country is found to be at fault, it must put things right at once, or risk a second case being brought, which may result in a fine.
- annulling EU legal acts (actions for annulment) – if an EU act is believed to violate EU treaties or fundamental rights, the Court can be asked to annul it – by an EU government, the [Council of the EU](#), the European Commission or (in some cases) the [European Parliament](#).
- Private individuals can also ask the Court to annul an EU act that directly concerns them.
- ensuring the EU takes action (actions for failure to act) – the Parliament, Council and Commission must make certain decisions under certain circumstances. If they don't, EU governments, other EU institutions or (under certain conditions) individuals or companies can complain to the Court.
- sanctioning EU institutions (actions for damages) – any person or company who has had their interests harmed as a result of the action or inaction of the EU or its staff can take action against them through the Court.

# Composition

The CJEU is divided into 2 courts:

- [Court of Justice](#) – deals with requests for preliminary rulings from national courts, certain actions for annulment and appeals.
- [General Court](#) – rules on actions for annulment brought by individuals, companies and, in some cases, EU governments. In practice, this means that this court deals mainly with competition law, State aid, trade, agriculture, trade marks.

Each judge and advocate general is appointed for a renewable 6-year term, jointly by national governments. In each Court, the judges select a President who serves a renewable term of 3 years.

## How does the CJEU work?

In the Court of Justice, each case is assigned 1 judge (the "judge-rapporteur") and 1 advocate general. Cases are processed in 2 stages:

- Written stage
  - The parties give written statements to the Court - and observations can also be submitted by national authorities, EU institutions and sometimes private individuals.
  - All of this is summarised by the judge-rapporteur and then discussed at the Court's general meeting, which decides:
    - How many judges will deal with the case: 3, 5 or 15 judges (the whole Court), depending on the importance and complexity of the case. Most cases are dealt with by 5 judges, and it is very rare for the whole Court to hear the case.
    - Whether a hearing (oral stage) needs to be held and whether an official opinion from the advocate general is necessary.
- Oral stage – a public hearing
  - Lawyers from both sides can put their case to the judges and advocate general, who can question them.
  - If the Court has decided an Opinion of the advocate general is necessary, this is given some weeks after the hearing.
  - The judges then deliberate and give their verdict.

- General Court procedure is similar, except that most cases are heard by 3 judges and there are no advocates general.

## PARTICIPATION:

### The CJEU and citizen/people

If citizen/people – as a private individual or as a company – have suffered damage as a result of action or inaction by an EU institution or its staff, he can take action against them in the Court, in one of 2 ways:

- indirectly through national courts (which may decide to refer the case to the Court of Justice)
- directly before the General Court – if a decision by an EU institution has affected him directly and individually.

If he feels that the authorities in any country have infringed EU law, he must follow the [official complaints procedure](#).

## European Central Bank (ECB)

### Overview

- Role: To manage the euro, keep prices stable and conduct EU economic & monetary policy
- President: Mario Draghi
- Members: ECB President and Vice-President and governors of national central banks from all EU countries
- Established in: 1998
- Location: Frankfurt (Germany)
- Website: [European Central Bank](#)

The European Central Bank (ECB) manages the [euro](#) and frames and implements [EU economic & monetary policy](#). Its main aim is to keep prices stable, thereby supporting economic growth and job creation.

## What does the ECB do?

- Sets the [interest rates](#) at which it lends to commercial banks in the [eurozone](#) (also known as the euro area), thus controlling money supply and inflation
- Manages the eurozone's foreign currency reserves and the buying or selling of currencies to balance exchange rates
- Ensures that financial markets & institutions are well supervised by national authorities, and that payment systems work well
- Ensures the safety and soundness of the European banking system
- Authorises production of euro banknotes by eurozone countries
- Monitors price trends and assesses risks to price stability.

[Full list of ECB tasks](#)

## Composition

The ECB President represents the Bank at high-level EU and international meetings. The ECB has the 3 following decision-making bodies:

- [Governing Council](#) – the main decision-making body.
- Consists of the Executive Board (see below) plus the governors of the national central banks from eurozone countries.
- [Executive Board](#) – handles the day-to-day running of the ECB.
- Consists of the ECB President and Vice-President and 4 other members appointed for 8-year terms by the leaders of the eurozone countries.
- [General Council](#) – has more of an advisory & coordination role.
- Consists of the ECB President and Vice-President and the governors of the central banks from all EU countries.

## How does the ECB work?

The ECB works with the national central banks of all EU countries. Together they form the [European System of Central Banks](#).

It leads cooperation between central banks in the eurozone. This is referred

to as the [Eurosystem](#).

The work of the governing bodies

- Governing Council – assesses economic and monetary developments, defines eurozone monetary policy and fixes the interest rates at which commercial banks can borrow from the ECB.
- Executive Board – implements monetary policy, manages day-to-day operations, prepares Governing Council meetings and exercises powers delegated to it by the Governing Council.
- General Council – contributes to advisory and coordination work and helps to prepare for new countries joining the euro.



[WATCH VIDEO:](#)

[“The European Central Bank”](#)

## European Economic and Social Committee (EESC)

Overview

- Role: Advisory body representing workers' and employers' organisations and other interest groups
- President: Georgios Dassis
- Members: 350 from all EU countries
- Established in: 1957
- Location: Brussels (Belgium)
- Website: [European Economic and Social Committee](#)

The European Economic and Social Committee (EESC) is an EU advisory body comprising representatives of workers' and employers' organisations and other interest groups. It issues opinions on EU issues to the European

Commission, the Council of the EU and the European Parliament, thus acting as a bridge between the EU's decision-making institutions and EU citizens.

## What does the EESC do?

It gives the interest groups a formal say on EU legislative proposals. Its 3 key tasks are to:

- ensure that EU policy and law are geared to economic and social conditions, by seeking a consensus that serves the common good
- promote a participatory EU by giving workers' and employers' organisations and other interest groups a voice and securing dialogue with them
- promote the values of European integration, and advance the cause of participatory democracy and civil society organisations.

## Composition

[EESC members](#) represent the 2 sides of industry and social interest groups from across Europe. They are nominated by national governments and appointed by the [Council of the EU](#) for renewable 5-year terms. The number of members [per country](#) depends on that country's population.

The EESC elects its [President](#) and 2 Vice-Presidents for two-and-a-half-year terms. Members belong to one of [3 groups](#):

- employers
- workers
- other interest groups (e.g. farmers' organisations, small businesses, the crafts sector, the professions, social economy actors (mutualities, cooperatives, foundations and non-profit associations), consumer organisations, environmental organisations, and associations representing the family, women's and gender equality issues, youth, minority and underprivileged groups, persons with disabilities, the voluntary sector and the medical, legal, scientific and academic communities).

## How does the EESC work?

The EESC is consulted by the [European Parliament](#), the Council of the EU and the [European Commission](#) on a variety of subjects. It also issues opinions on its own initiative.

Members work for the EU, independently of their governments. They meet 9

times a year. Opinions are adopted by a simple majority vote.

Meetings are prepared by [the EESC's specialised sections and the consultative commission on industrial change](#). The EESC's specialist think-tanks (known as '[observatories](#)') and the Europe 2020 steering committee track the progress of EU strategies.

The EESC keeps in touch with regional and national economic and social councilsthroughout the EU - mainly to share information and discuss particular issues.

## PARTICIPATION:

### The EESC and citizen/people

The EESC holds [arts, youth and other events](#) to bring the EU and its citizens closer together.

# European Committee of the Regions (CoR)

## Overview

- Role: Advisory body representing Europe's regional and local authorities
- President: Markku Markkula (EPP/FI), City Councillor of Espoo, Finland
- Members: 350 from all EU countries
- Established in: 1994
- Location: Brussels (Belgium)
- Website: European [Committee of the Regions](#)

The European Committee of the Regions (CoR) is an EU advisory body composed of locally and regionally elected representatives coming from all 28 Member States. Through the CoR they are able to share their opinion on EU legislation that directly impact regions and cities.

## What does the CoR do?

The CoR gives regions and cities a formal say in EU law-making ensuring that the position and needs of regional and local authorities are respected.

- The [European Commission](#), the [Council of the EU](#) and the [European Parliament](#) must consult the CoR when drawing up legislation on matters concerning local and regional government such as health, education, employment, social policy, economic and social cohesion, transport, energy and climate change;
- If this is not done, the CoR can bring a case before the [Court of Justice](#);
- Once the CoR receives a legislative proposal, it prepares and adopts an [opinion](#) and circulates it the relevant EU institutions;
- The CoR also issues opinions on its own initiative.

## Composition

The [CoR members](#) are elected representatives serving in local or regional authorities. Each country nominates members of its choice who are appointed for a renewable five-year terms by the Council of the EU. The number of members per country depends on the size of that country's population.

Members from one country form the [National delegation](#) which reflects the political, geographical, regional and local balance of their country.

Each member can also choose to be part of a political group in the CoR. Currently there are five [political groups](#) reflecting a range of political affiliations: European People's Party (EPP), Party of European Socialists (PES), Group of the Alliance of Liberals and Democrats for Europe (ALDE), [European Alliance Group](#) (EA) and [European Conservatives and Reformists Group](#) (ECR). Members can also choose to not be part of a political party if they so wish (non-aligned).

The CoR appoints a [president](#) from among its members for a two-and-a-half-year term.

## How does the CoR work?

The CoR appoints a rapporteur (one of its members) who consults stakeholders and prepares the opinion. The text is discussed and adopted by

the [CoR commission](#) in charge of the policy area concerned. The opinion is then presented to all members in plenary session who vote to amend and adopt it. Finally, the opinion is shared and communicated to all relevant EU institutions.

There are up to 6 [plenary sessions](#) per year, adopting opinions that cover 50 to 80 EU legislative projects.

## PARTICIPATION:

### The CoR and citizen/people

The CoR encourages [participation at all levels](#), from regional and local authorities to individual citizens. Regional and local authorities, associations, NGOs, experts and academics can take part in online surveys, consultations and events. European Entrepreneurial Region Awards are open to all regions with political competencies, while thesis competitions are open to academics.

The CoR has set up a number of [networks](#) to enable all EU regions and cities to exchange best practices, work together and contribute to the EU debate on topics such as growth and employment, fight against climate change, cross-border cooperation, development and subsidiarity.

Local and regional authorities can also sign the [Charter for Multilevel Governance in Europe](#) which contributes to publicising the legitimacy and responsibility of cities and regions in the implementation of EU public policies.



### WATCH VIDEO:

[“European Committee of the Regions”](#)

# European Ombudsman

## Overview

- Role: Investigates complaints against EU institutions, bodies, offices & agencies
- Ombudsman: Emily O'Reilly
- Established in: 1995
- Location: Strasbourg (France)
- Website: [European Ombudsman](#)

The European Ombudsman investigates complaints about poor administration by EU institutions or other EU bodies. These may be lodged by citizens or residents of EU countries or by EU-based [associations or businesses](#).

## What does the Ombudsman do?

The Ombudsman investigates different types of poor administration, for example:

- unfair conduct
- discrimination
- abuse of power
- lack of information or refusal to provide it
- unnecessary delays
- incorrect procedures.

## How is the Ombudsman chosen?

The [European Parliament](#) elects the Ombudsman for a renewable 5-year term. This is one of its first tasks when newly elected.

## How does the Ombudsman work?

The Ombudsman's office launches investigations either in response to complaints or on its own initiative. An impartial body, it takes no orders from any government or other organisation. It produces an [annual activity report](#) for the European Parliament.

The Ombudsman may be able to solve citizen's/people's problem simply by informing the institution concerned. If more is needed, every effort is made to reach an amicable solution that will put matters right. Should this fail, the Ombudsman can make recommendations to the institution. If these are not accepted, the Ombudsman can draw up a special report to the European Parliament, which must then take appropriate action.

## PARTICIPATION:

### The Ombudsman and citizen/people

If citizen/people are dissatisfied with an EU institution, body, office or agency, he should first give it a chance to put things right. If that fails, citizen/people can [complain to the Ombudsman](#).

Citizen/people must make the complaint within 2 years of the date on which he became aware of the problem. Make sure to identify himself, which institution or body he is complaining about, and why. citizen/people may ask for the complaint to remain confidential.

If the Ombudsman cannot deal with the complaint, citizen/people will be informed of other bodies that may be able to help.



### WATCH VIDEO:

[“Tangled up in EU administration?”](#)

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# PORTUGAL



## **THE CONSTITUTION OF THE PORTUGUESE REPUBLIC**

The Constitution is the country's supreme law. It enshrines the fundamental rights that pertain to citizens, the essential principles that govern the Portuguese State, and the major political guidelines with which the latter's entities and organs must comply. It also lays down the rules for organising political power.

In other words, it establishes the structure of the state and defines the competences of the main entities that exercise sovereign power (the President and the Assembly of the Republic, the Government, and the Courts), and regulates the way in which they relate to one another.

All the other laws must respect the Constitution - if they don't, they are unconstitutional and thus invalid.

The Constitution of the Portuguese Republic was passed in 1976, and since then has been amended several times.

## **THE PRESIDENT OF THE REPUBLIC**

The President of the Republic is the senior figure in the state hierarchy.

His/her functions are to guarantee national independence and unity and the operation of Portugal's democratic institutions, and to command the Armed Forces.

The President of the Republic is directly elected by all Portuguese citizens.

Candidates for the Presidency must be born Portuguese and be at least 35 years old.

The President of the Republic can only serve two consecutive terms, which are for five years each.

### **PARTICIPATION:**

The Presidente of the Republic and citizen/people:

#### **[WRITE TO THE PRESIDENT](#)**

Citizens/people can write to the President about any subject that concerns the Republic of Portugal.

More information:

<http://www.presidencia.pt/?idl=2>

## THE ASSEMBLY OF THE REPUBLIC

The Assembly of the Republic is the national parliament, and is composed of Members who are elected to represent the country's citizens.

The Portuguese people elect the Members of the Assembly of the Republic to represent them at the national level. This means that although the Members are elected for constituencies, they represent the whole country and not the constituency for which they were individually elected.

Any Portuguese citizen can stand for election to the Assembly of the Republic, but must do so on a list put forward by a political party. The number of seats allocated to each party is proportional to the number of votes it receives in each constituency.

Elections to the Assembly of the Republic take place every four years. However, under certain conditions, which are laid down in the Constitution, the Assembly can be dissolved, in which case elections are held early.

In legislative elections the Portuguese people vote for the party which they feel ought to be called on to form the Government, or which they think will represent them best.

The Portuguese Parliament consists of a single Chamber known as the Assembly of the Republic. [The Constitution](#) says that there are a number of entities that exercise sovereignty, of which the Assembly is one (the others are the President of the Republic, the Government, and the Courts). In the words of the Constitution, it is “the assembly that represents all Portuguese citizens”.

The Constitution, [the Rules of Procedure](#) and [the Statute of Members](#) lay down the Assembly of the Republic's competences and the rules governing its modus operandi (the way it works), together with the rights and duties of its Members. In doing so they ensure that there is both a separation of powers and various forms of interdependence in relation to the other entities that exercise sovereignty.

In addition to its primordial role of representing all Portuguese citizens, the Assembly of the Republic is also responsible for passing the fundamental laws of the Republic, scrutinising compliance with the Constitution and the laws, and considering the acts of the Government and the Public Administration.

### Statute and Election

The Assembly of the Republic is the assembly that represents all Portuguese citizens. It is made up of [230 Members of the Assembly of the Republic](#).

Any Portuguese citizen (aged 18 or over) can be a Member of the Assembly of the Republic. Electoral law does make some exceptions due to the nature of certain positions, such as judges, active military personnel, diplomats and others.

Members of the Assembly of the Republic are elected from lists that parties or coalitions of parties put forward in each constituency. Votes are converted into seats using the proportional representation system and d'Hondt's highest-average rule.

Each Member represents the whole country and not just the citizens from the constituency for which he or she was elected. Their term of office is four years, which corresponds to the duration of one legislature.

Each parliamentary year is known as a legislative session, and starts on 15 September. Members' terms of office only end the first time the Assembly sits after new elections have been held.

The Assembly that was elected on 4 October 2015 initiated the 13th Legislature. The official results of the elections were published in Series I of Diário da República no. 205 dated 20 October 2015, Official Table no. 2-B/2015.

Please click on this link for a summary of the [election results](#) since the 1st Legislature.

## **Competences**

The Assembly of the Republic possesses political, legislative and supervisory competences, and also some other competences in relation to other entities.

### **Legislative Competence:**

The Assembly can legislate on anything except matters that concern the Government's organisation and modus operandi.

There are subjects on which only the Assembly can legislate. These are the matters that fall within the Assembly's exclusive legislative competence – for example, elections, political parties, the State Budget, referenda, and the basic laws on the education system and national defence.

There are other matters that fall within the Assembly of the Republic's partially exclusive legislative competence, and the Government can pass legislation on them if the Assembly authorises it to do so. Examples include rights, freedoms and guarantees, the definition of crimes and security measures, taxes and the fiscal system, agricultural and monetary policies, rural and urban rentals, the jurisdiction of the courts, and information services.

The legislative texts passed by the Assembly are called decrees, but after they have been enacted and have received the ministerial counter-signature, they are published as Laws. As a rule, their passage requires a simple majority. However, some laws, which are known as Organisational Laws, have to be passed by an absolute majority of the sitting Members of the Assembly of the Republic (this is the case, for example, with laws on elections to the Assembly of the Republic and the Presidency of the Republic, referenda, and national defence).

Laws that amend the Constitution are called Constitutional Laws and have to be passed by a majority of at least 2/3 of all the Members in full exercise of their office.

All other Assembly decisions take the form of Resolutions.

### **Supervisory Competences:**

The Assembly is responsible for scrutinising compliance with the Constitution and the laws and considering the acts of the Government and the Administration.

The Government is formed in the light of the result of the legislative elections (the name that is given to the elections to the Assembly of the Republic). After taking office, the Government submits its Programme to the Assembly of the Republic, which then has up to three plenary sittings to consider it. During the debate on the Government's Programme,

any opposition parliamentary group can move to reject it, or the Government can ask for a vote of confidence.

At any time, the Government can ask the Assembly to pass a motion of confidence in relation to any matter of important national interest. Similarly, any parliamentary group can make a motion of no confidence in the Government. Passage of a motion of no confidence by an absolute majority of Members in full exercise of their office or rejection of a motion of confidence by a simple majority of Members who are present means the Government must resign.

In each legislative session (parliamentary year), each parliamentary group can cause the holding of two debates on a matter of general or sectoral policy. This type of initiative is known as calling upon the Government.

The Prime Minister must also attend the Plenary for a session of Members' questions once a fortnight. Members may also submit written questions to the Government, and these are known as requests.

Any matter of important public interest related to compliance with laws or to acts of the Government and the Public Administration can be the object of a parliamentary inquiry. The Assembly forms an ad hoc committee for each such case.

Members can ask that the Assembly consider executive laws passed by the Government, except those concerning the Government's exclusive competences. The Assembly can entirely or partially suspend the force of an executive law until the law that amends it is published.

#### PARTICIPATION:

Citizens vote in the elections for the Assembly of the Republic.

Citizens/people can write to the President about any subject that concerns the Republic of Portugal.

Citizens/people can make an appointment with a member of the Assembly of the Republic.

More information:

<http://www.en.parlamento.pt>

## **THE GOVERNMENT**

The Government conducts the country's general policy and directs the Public Administration, which implements the State's policy.

The Government possesses legislative, administrative and political functions, which include proposing laws (on the matters which the Constitution places within the competence of the Assembly of the Republic), drafting laws (in the areas for which competence pertains to the Government itself) and drawing up regulations designed to make it possible to actually implement laws.

In addition, the Government also represents the Portuguese State, particularly on the international level, negotiating with other states or international organisations.

Governments are formed as follows:

Following elections to the Assembly of the Republic or the resignation or dismissal of the previous Government, the President of the Republic consults all the parties with seats in the Assembly and then invites a political figure to form a Government.

The Prime Minister, who is appointed by the President of the Republic, then invites the other members of the Government to join it. The President of the Republic installs the Prime Minister and the Government, which then draws up its Programme and presents it to the Assembly of the Republic. The Programme is a document that sets out the Government's main political guidelines, together with the measures it intends to adopt or to propose to the Assembly.

The head of the Government is the Prime Minister, who coordinates the work of the different ministers and represents the Government in its relations with the President and the Assembly of the Republic. The Government takes its main decisions in the Council of Ministers.

Each Government's mandate ends when a new Government takes office, be it when the latter has been formed following elections to the Assembly of the Republic, or when its formation is the result of a realignment of forces in the parliament. Whenever the legislature (i.e. the period from one election to the next, which corresponds to the life of an Assembly of the Republic with a given composition) or the Prime Minister's term of office ends, a new Government is formed.

The Government can fall when: it asks the Assembly of the Republic for a confidence motion and the Assembly rejects it; the Assembly passes a motion of no confidence in the Government by an absolute majority; the Assembly does not pass the Government's Programme; the President of the Republic dismisses the Government in order to ensure the normal operation of Portugal's democratic institutions; or the Prime Minister resigns, dies or becomes physically or mentally incapable of performing his/her functions.

In a number of matters, the Government is responsible to the President of the Republic - via the Prime Minister - and to the Assembly of the Republic - to which it accounts for its political actions, for example during the fortnightly debates in which the Prime Minister answers Members' questions.

#### **PARTICIPATION:**

Citizens/people can write to the Prime-minister or any member of the Government about any subject that concerns the Republic of Portugal.

More information:

<http://www.portugal.gov.pt/en/the-government.aspx>

#### **THE COURTS**

The courts administer justice and are the only unelected seat of power.

The courts are independent of the other entities that exercise power. Judges are not only independent, but also enjoy security of tenure (they cannot be removed from their post) and immune from personal liability (so that they can decide freely, in accordance with their conscience, and without any duty of accountability to other entities that exercise power). The courts' decisions override those of any other authority.

#### **PARTICIPATION:**

Citizens/people can take action against any violation of their rights through the courts.

More information:

<http://www.stj.pt>

<http://www.dgpj.mj.pt/sections/english-version/strategic-planning/annexes/the-portuguese-judicial/the-portuguese-judicial2566/>

#### **LOCAL POWER**

Local power is exercised by local authorities - i.e. municipalities and parishes.

Local authority elections currently involve the election of each municipal council, municipal assembly and parish assembly.

Representation in municipal councils, municipal assemblies and parish assemblies is proportional - i.e. each organ includes representatives of every political force (party, coalition of parties, or group of citizens) that obtained enough votes.

As we can see, in this case it is not only parties and coalitions that can put forward candidates for election, but also groups of citizens organised into independent lists.

#### **PARTICIPATION:**

There are several public consultations about more important decisions where people can participate.

There are also open assemblies and parish assemblies where people can speak up and be heard by the members.

More information:

<http://www.anmp.pt/index.php>

#### **THE OMBUDSMAN**

Appointed by the Parliament - with qualified majority of its members - the Ombudsman is mandated to receive complaints of all (natural or legal) persons who feel harmed by unfair or illegal public administration's acts or when their fundamental rights are violated. The Ombudsman is elected for four years, with the possibility of being re-elected once for the same period.

The main function of the Ombudsman is the defense and the promotion of the fundamental rights and freedom and the citizens' legitimate interests, ensuring, through informal means, the justice and the legality of the exercise of public powers.

The intervention of the Ombudsman is based on the complainants received. However, it is also possible that his intervention is done by his own initiative (articles 4 and 24, paragraph 1, of the Statute), in respect to facts that, by any way, come to his knowledge or through the media, whether the alerts from non-governmental organizations and reports from international organizations, both for his natural sensitivity to perceive the most problematic national situations and also by particularly acuteness with examining complaints to better provide. This State body has full autonomy to act on his own initiative, investigating, monitoring, reporting irregularities and recommending changes in order to improve public services.

## PARTICIPATION:

People/citizens can present a complaint.

More information:

<http://www.provedor-jus.pt/?idl=2>

## THE GENERAL OFFICE OF THE REPUBLIC

The Attorney General's Office is the supreme body of the Public Prosecutor's Office

It includes the Attorney General, the President, the Superior Council of the Public Prosecutor's Office, the Consultative Council of the Attorney General's Office, legal auditors and technical and administrative support services.

It is the responsibility of the Attorney General's Office:

- Promote the defense of democratic legality;
- Direct, coordinate and supervise the activity of the Public Prosecution Service
- Issue an opinion in cases of consultation provided for by law and at the request of the President of the Assembly of the Republic or of the Government;
- To oversee the criminal procedure of the criminal police
- To supervise the regime of incompatibilities and impediments of holders of high public offices

It has the following departments:

- Central Department of Criminal Investigation and Action
- Office of Documentation and Comparative Law
- Cybercrime Office
- Office of Coordination of Information Systems

- Office of Diffuse and Collective Interests
- Nucleus of Technical Advice

## **OTHER TOOLS FOR PARTICIPATION IN THE PORTUGUESE DEMOCRATIC LIFE**

### **Referendum**

The Referendum is an instrument of direct democracy, whereby voters are called to vote directly and secretly on issues that bodies of political power intend to resolve by means of a legislative act on specific issues within the jurisdiction of local authority bodies or of the respective regional legislative assemblies or the regional government.

The Constitution establishes three major types of referendums, the national, local and regional.

The national referendum, provided for in the fundamental law only after the second constitutional revision carried out in 1989, can only concern matters of national interest that must be decided by the Assembly of the Republic or by the Government through the approval of an international convention or legislative act .

Proposals for a referendum may be submitted to the Assembly of the Republic, the Government and groups of constituent citizens constituted for this purpose. The possibility of a referendum stemming from the citizens' initiative was only established in the 4th constitutional review operated in 1997 and later regulated by Law 15-A / 98.

The decision to convene it is the exclusive competence of the President of the Republic.

The local referendum institute was initially called "local direct consultation" and was incorporated into our legal order after its constitutional consecration at the time of the 1st revision of the Constitution dated 1982. In the 4th constitutional revision, held in 1997 and with the approval of the Current law, is now called a local referendum and can only have as its subject matters of relevant local interest that should be decided by municipal or civil parish bodies, exclusively or shared with the State or Autonomous Regions.

Proposals for referendums can be submitted to the municipal assembly or to the municipal council, if it is a municipal referendum, and the parish assembly or the parish council, in the case of a referendum for a parish. In both cases, it may also result from the initiative of groups of citizens registered in the respective area constituted for this purpose, attributed by the constitutional revision operated in 1997 and later regulated by Organic Law 4/2000.

The deliberation of its accomplishment, according to its scope, corresponds to the municipal assembly or to the assembly of parish and is taken by the majority of votes of the members present, and the president votes of quality. However, who determines the date of the referendum is the president of the executive body of the respective municipality.

In addition to national and local referendums, the Constitution also provides for the regional referendum, instituted with the 4th constitutional revision that was carried out in 1997, but not yet regulated by ordinary law.

The initiative of the regional referendum proposal is up to the regional legislative assembly and the decision of its convocation to the President of the Republic.

**BRIEF:**

### National Referendum

Subject matter:

- which is of national interest
- That should be legislated by the RA or Government

Proposals for referendums are submitted:

- the Assembly of the Republic, the Government and groups of citizens voting (no less than 75,000)
- is binding only if the number of voters is > 50% of those registered

(Ex: there were only 3 referenda and all non-binding: 1 regionalization, 2 on abortion)

## Local:

### Subject matter:

- That they are of relevant local interest
- Concrete issues within the competence of municipal or parish bodies

### Proposals for referendums are submitted:

- the municipal assembly or the municipal council (in the case of the municipal referendum), and the parish assembly or the parish council (in the case of the parish referendum), or groups of citizens registered in the respective area (5,000 or 8% if there are <3.750 census it has to be 300 or 20%)
- referendum is binding only if the number of voters is > 50% of those registered

(E.g.. soccer field construction, water deposit, etc.)

### More information:

<http://www.cne.pt/content/referendo>

[LORR Law 15-A/98 - 3 Abril](#)

## **Petition**

### IN BRIEF:

It is an exposition for the defense of rights, the Constitution, the law or the general interest

The right to petition can be exercised by postal or telegraph, telex, telefax, email and other means of telecommunication and braille.

It is made to any body of sovereignty (except for the courts) or any public authorities, on any subject as long as the claim is not illegal and does not refer to decisions of the courts

It's universal and free and can be made by one person or group of people

Main consequences of a petition to the Assembly of the Republic:

- communication to the competent Minister for any legislative or administrative measure;
- the referral to the Attorney General, the Judicial Police or the Ombudsman;
- the initiation of a parliamentary inquiry;
- the presentation, by any Member or Parliamentary Group, of a bill on the matter in question

More information:

Procedures: <http://www.parlamento.pt/EspacoCidadao/Paginas/ProcedimentosApresentacaoPeticao.aspx>

[Law 43/90](#)

## **Actio Popularis**

It gives the possibility of bringing legal proceedings, including the right to compensation for the injured party, to:

(A) to promote the prevention, cessation or prosecution of infringements of public health, consumer rights, quality of life, preservation of the environment and cultural heritage;

B) Assuring the defense of the assets of the State, autonomous regions and local authorities.

Any person or association defending the rights in question (eg association of environmental protection in the case of the environment) can start a Actio Popularis.

Law 83/95, de 31 de Agosto

[http://www.pgdisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=722&tabela=leis](http://www.pgdisboa.pt/leis/lei_mostra_articulado.php?nid=722&tabela=leis)