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Competences of the European Commission

I. Introduction

The European Commission is one of the main institutions of the European Union, known as the “Guardian of the Treaties”. Its main role is to safeguard and promote the general interest of the European Union. The Commission has a number of competences such as the legislative initiative, decision-making and implementation, management, control and external relations. We will now look at each of these in more detail.

II. Right of initiative

The European Commission has a quasi-monopoly of the right of initiative (art. 17.2 TEU).

There are exceptions provided for in the Treaties, for example, to reform the Treaties (arts. 48.2, 6 y 7 TEU), or to adopt legislative acts (art. 289.4 TFEU), as well as instances where the initiative belongs to other institutions such as the European Central Bank for certain matters (art. 129.3-4 TFEU).



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The Commission is responsible for designing and preparing secondary legislation inspired by the interests of the Union. It can be promoted by the European Parliament (art. 225 TFEU), the Council (art. 241 TFEU) or by popular initiative (art. 11.4 TEU), but the final decision on the proposed text is its own.

Its legislative proposal is a precondition for action by the Council and the European Parliament under the co-decision procedure of the ordinary legislative procedure.

III. Decision-making and implementing powers

The Commission has limited decision-making powers of an executive or regulatory nature. It may adopt regulations, directives and decisions.

It may also adopt non-legislative acts of general application when delegated by a legislative act on certain non-essential elements which supplement or amend it (art. 290 TFEU).

Implementation is in principle the responsibility of the Member States, but where uniform conditions for implementing legally binding acts are required, the Commission is responsible for adopting these “implementing acts” (art. 291 TFEU).

The Commission may also adopt acts of individual scope (arts. 95.4; 96; 106.3; y 108.2 TFEU). For example, if it finds that aid granted by a State or through State resources is not compatible with the internal

market, or that such aid is being misused, it will decide that the State concerned must abolish or alter it within a period of time to be determined by the Commission.

IV. Management skills

The European Commission also has management powers. Among other matters, it is responsible for managing the Union's financial funds through which economic aid is granted, such as the European Regional Development Fund and the European Social Fund.

V. Control powers

The European Commission has to monitor compliance with the provisions of the Treaties and secondary legislation.

This monitoring takes various forms. On the one hand, it monitors the actions of the Member States by gathering all kinds of information and carrying out the necessary checks. If a Member State has failed to fulfil one of its obligations, the Commission issues a reasoned opinion on the matter and, if it does not comply, it may refer the matter to the Court of Justice of the European Union (art. 258, 260 TFEU).

It also monitors the actions of the institutions. It can bring actions for annulment before the Court of Justice of the European Union against acts of the other institutions if it considers them to be contrary to EU law (art. 263 TFEU).

Finally, the power of investigation and control may be directed against private individuals, in particular companies (art. 105 TFEU). If they do not comply with the rules on competition enshrined in the founding Treaties, the Commission can exercise its power to impose penalties.

VI. External action competences

The Commission shall represent the Union externally, except in matters of common foreign and security policy and in other cases provided for in the Treaties. It may request the Council to open international negotiations, as well as negotiate a treaty or international agreement if the Council so authorises (art. 207.3, §2 TFUE, art. 218.3 TFUE).

Its powers in this area are shared with the High Representative for Foreign Affairs and Security Policy, who is one of the Vice-Presidents of the Commission.



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