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Competences of the European Council

I. Introduction

The European Council is one of the main institutions of the European Union (EU).

It is based in Brussels and is intergovernmental in nature, representing the will and interests of the governments of the Member States. Its competences can be grouped into four blocks.

II. General guidance and direction competences

The European Council has as its main objective one of general guidance and direction. It provides the necessary impetus for the EU's development and defines its general political orientations and priorities, normally by means of its conclusions. It does not, however, exercise any legislative function (art. 15.1 TEU).

It will be responsible for determining the Union's strategic interests and objectives, as well as the general guidelines for the Common Foreign and Security Policy (including the Common Foreign and Security Policy) (art. 22.1 and 26.1 TEU). It also defines the strategic



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guidelines for legislative programming in the area of freedom, security and justice (art. 68 TFEU).

III. “Constituent” functions

It also has important constitutive functions, understood as powers enabling it to amend the provisions and procedures laid down in the founding Treaties. They are enshrined in both the Treaty on European Union and the Treaty on the Functioning of the European Union, as well as in several Protocols.

By way of example, some of these functions are: establishing Council configurations (art. 236 TFEU), adopting the system of rotation of the Commission if it reduces its number of members (art. 17.5 TEU), the simplified revision procedure of Part Three of the Treaty on European Union (art. 48.6 TEU), issuing guidelines for negotiating the withdrawal treaty of a Member State (art. 50 TEU), the change from the special legislative procedure to the ordinary legislative procedure (art. 48.7 TEU), and the extension of the competence of the European Public Prosecutor's Office (art. 86.4 TFEU), among others.

IV. Institutional functions

The European Council also has institutional functions.

On the one hand, it is responsible for appointments at the highest level of the European Union.

These include the appointment of its own President (art. 15.5 TEU), the High Representative (art. 18.1 TEU), the nomination of the President of the Commission (art. 17.7 TEU), and the appointment of the President, Vice-President and Directors of the European Central Bank (art. 283.2 §2 TFEU).

It also has to verify the existence, where appropriate, of a serious and persistent breach of the values referred to in article two of the Treaty on European Union by a Member State in order to activate the sanctioning mechanism of article seven of the same Treaty.

V. “Systemic” conflict resolution

Finally, it is worth highlighting the European Council's competence to resolve systemic conflicts, i.e. to resolve conflicts that are apparently irresolvable.

Among these, it has the power to suspend a draft legislative act in the field of social security when a Member State declares that it is prejudiced in certain respects (art. 48 §2 TFEU). Also, in cases where a draft directive has been suspended as affecting fundamental aspects of a Member State's criminal justice system within the Council, the European Council will decide whether or not to lift the suspension (art. 82.3 TFEU). It also has the power to establish measures relating to

police cooperation if nine or more Member States request its intervention (art. 87.3 TFEU).



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