Introduction

As the United Kingdom is a member of the European Union (EU) it is bound by the various treaties and agreements which govern that organisation. These treaties lay down the powers of the EU and their extent, and like all members of the EU the UK has agreed to hand over responsibility for developing and implementing policies and laws in certain specified areas to the EU, whilst maintaining independence and sovereignty in other areas. The EU is now the source of a significant amount of policy and new law which are binding on the UK and many aspects of our lives and. As with UK domestic law, many of these will affect the way that scientists and engineers work. Further as many EU policies and laws should be based on sound scientific evidence and it is for the Science Engineering and Technology community (SET) to provide information and advice to the policymakers in Brussels. The EU also establishes ‘Framework’ and other programmes for research and development which make available some considerable sums of money. Therefore it is important that the SET Community are aware of the way that the EU and its institutions work, and also of the different routes through which scientific advice and information may be fed into the EU policy makers. Only this way will new policy and law be based on the surest of foundations and pitfalls, which are not unknown, are avoided. This booklet seeks to provide an introduction to the EU, its Institutions and processes and the ways that are available to gain access to the policy makers.

The European Union has been the result of a long period of evolution spread over some 65 years. Although idea of a united Europe dates back to the inter-war years, a seminal event was a speech made by Winston Churchill in Zurich in 1946 in which he called for the “re-creation of the European Family, or as much of it as we can, and to provide it with a structure under which it can dwell in peace, in safety and in freedom”. The seeds for the Union were sown in 1947 with the US Marshal plan for financial aid for war-torn and the establishment of the Organisation for European Economic Co-operation (OEEC) and the Council of Europe in 1949. An early achievement of the latter was the adoption of the European Convention on Human Rights and the creation of the European Court of Human Rights to enforce compliance with the convention.

In 1951 Treaty of Paris, signed by France, Germany, Italy and the three Benelux Countries (Belgium, Luxembourg and the Netherlands), brought the European Coal and Steel Community (ECSC) into being. This was the first ‘Supranational’ organisation and went some way to creating a Common Market in coal and steel. It also set up and its institutional structures which have provided the model for the later EEC and EU. The next landmark was in 1957 when the Treaties of Rome lead to the creation of the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM). The treaty bringing the EEC into existence affirmed the aim “to lay down the foundations of an ever closer union among the peoples of Europe”.

From the six countries that signed the Treaties of Rome as the founding member states the membership of the EU has grown until by 2011 there are 27 member states with further European nations seeking to swell the number still further (See Box 1.) After some difficulties the UK joined the EEC in 1972.

**BOX 1.**

The Growth of the European Union

| Year | Members
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1957</td>
<td>6 France, Germany, Italy, Netherlands, Luxembourg, Belgium</td>
</tr>
<tr>
<td>1972</td>
<td>9 UK, Ireland, Denmark</td>
</tr>
<tr>
<td>1981</td>
<td>10 Greece</td>
</tr>
<tr>
<td>1986</td>
<td>12 Spain, Portugal</td>
</tr>
<tr>
<td>1995</td>
<td>15 Austria, Finland, Sweden</td>
</tr>
<tr>
<td>2004</td>
<td>25 Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Malta, Cyprus</td>
</tr>
<tr>
<td>2007</td>
<td>27 Romania, Bulgaria</td>
</tr>
</tbody>
</table>
1949 Creation of the Organisation for European Economic Co-operation (OEEC)

1951 Treaty of Paris – European Coal and Steel Community (ECSC)

1957 Treaties of Rome - European Economic Community (EEC) -European Atomic Energy Community (EURATOM)

1960 Establishment of the European Tree Trade Association (EFTA). (UK, Austria, Denmark, Norway, Portugal, Switzerland and Sweden)

1985 Schengen Convention – creates a territory without borders. (France, Germany, Italy, Belgium, Luxemburg and Netherlands)

1986 Single European Act

1989 - 90 Fall of Berlin wall, re-unification of Germany and collapse of Communism

1992 Treaty of the European Union (Maastricht Treaty) – establishes the European Union

1993 EC lays down key conditions for EU membership – ‘Copenhagen Criteria’

1997 Treaty of Amsterdam – Social Charter, Schengen Convention incorporated into EU Law Concept of EU citizenship European Central Bank created

1999 Eurozone established

2000 Treaty of Nice – adjusts EU Institutions and their procedures in preparation for enlargement of the EU

2004 Treaty Establishing a Constitution for Europe (TEC) – Treaty failed to be ratified

2007 Treaty of Lisbon - legal personality for the EU: - Charter of Fundamental Rights incorporated into EU law; - Provisions to increase democracy and transparency; - Efficiency of the EU improved. - Treaty of Rome renamed - “Treaty on the Functioning of the European Union (TFEU)”

From then on through a process of successive treaties the European Union took shape until it arrived in the form that we know today. (See Box 2.) It is now a very large common market and its policy areas cover a wide range and its influence is considerable not only with the member states but also outside the Union.

Chapter 1

The Nature and authority of the European Union

The European Union is not a European federal superstate, but is an economic and political alliance of independent European Nations who choose to be involved. The States that make up the EU remain independent sovereign nations. The EU’s powers, institutions and procedures are defined by the various treaties listed above which were negotiated by these States through a process involving InterGovernmental Conferences (IGCs) and member state agreement. This allows decisions to be made at a pan-European level giving the EU greater strength, and therefore influence, in world affairs.

The distribution of powers, or competences, between the EU and its Member states are governed by three important principles:

- **Conferral**: the EU may take on powers only where these have been agreed by the member states as expressed in the terms of the various treaties.

- **Subsidiarity**: where defined powers are shared by the EU and Member states the EU may act only if by doing so it can achieve objectives more effectively than can the individual member state alone. Although this principle was recognised in the early 1990s it was formally laid down in the Treaty of Amsterdam as a mechanism for ensuring that decisions are taken as near to the citizens as possible - that is at national or regional level. However where issues or problems cross national borders, such as epidemic diseases, crime and pollution, then action at the pan-European level is going to be most effective.

- **Proportionality**: the EU may only exercise its powers to the extent that is necessary to achieve the objectives of the treaties and it may not
exceed this. This principle therefore has the effect of setting boundaries for the EU’s powers and leaves some freedom of action for the member states and their citizens.

The TFEU now distinguishes three sorts of ‘competence’ which define the respective powers of the EU and its Member states. These are:

- **Exclusive competences** are in particular areas for which the member states give up their sovereignty and right to make laws on their own; thus only the EU can legislate and adopt binding acts. The role of the member states in these areas is limited to applying these laws in their own countries. **Areas covered by exclusive competence include**
  - the customs union,
  - competition rules governing the internal market and common trading policy,
  - the Common Fisheries Policy and conservation of marine biological resources, and
  - the monetary policy of the Eurozone.

- **Joint or shared competences** are areas in which both the EU and member states are authorised to create binding laws. However the powers of the member states in these areas is limited to where the EU has not exercised, or has decided not to exercise, its own competence. When the EU does legislate in these areas its Acts have supremacy over National laws. **Areas covered by this category of competences include**
  - the internal market,
  - agriculture and fisheries,
  - transport, trans-European networks,
  - areas of social policy,
  - economic, social and territorial cohesion,
  - environment, pollution,
  - some areas of public health,
  - consumer protection, and
  - areas of freedom, security and justice.

To these the Lisbon Treaty has added energy and space.

If a boundary dispute arises in an area of shared competence between the EU and a member state it is for the European Court of Justice (see below) to decide.

- **Supporting competences** which are areas in which the EU has no power to create laws or interfere with the powers of the member states to legislate. It can only act to support or co-ordinate the actions of the member states. These include areas such as
  - human health,
  - industry,
  - tourism,
  - education and professional training,
  - youth and sport,
  - civil protection, and
  - culture.

The EU has no competence in any area not specifically mentioned in the various treaties. These remain entirely the responsibility of the individual member states.

In addition to these three categories of competence the EU has special competences in some areas such as

- the co-ordination of economic and employment policies, where it defines broad directions and guidelines for the Member states to follow,
- the Common Foreign and Security Policy (CFSP), where it defines policy and implements it through the High Representative of the Union for Foreign Affairs and Security Policy and other vehicle, and
- it may conclude international treaties on behalf of the EU under certain conditions.

The TFEU includes a “flexibility clause” which allows the EU to act beyond the powers given to it by the various treaties provided that the objective of the action
being followed requires it. This power is however governed by restrictions in the way that it can be exercised and also by a strict procedure.

Chapter 2

The Institutions of the European Union

The Treaties upon which the European Union is founded establish and define the roles and responsibilities of the various institutions which determine the strategies and policies of the EU, create its laws and ensure they are interpreted and observed. These are modeled upon those first established for the ECSC.

The European Council (EC) was first set up in 1974 as an informal body. The Maastricht Treaty formalised it in 1992 as the highest level body of the European Union providing guidance and political direction for the Union. It has no powers to make law. It became one of the Institutions of the EU in 2009 by the Lisbon Treaty. The members of the EC are the Heads of State, or Government, of the member states, together with the President of the European Commission and the involvement of the High Representative of the Union for Foreign Affairs and Security Policy. It meets four times a year although additional special meetings may be called by the President of the EC in special circumstances. It makes its decisions by consensus except where treaty provisions require them to either be unanimous or decide by a Qualified Majority Vote (QMV).

Until 2009 the Presidency of the EC was held by the Heads of State of Member states in rotation. However the Treaty of Lisbon created the position of Permanent President who is elected by the EC Members by a QMV. The President holds the post for two and a half years and his/her role is to arrange the meetings of the EC, resolve political issues or disputes that may arise between members or the other Institutions. The President also acts, in effect, for the EU as a “collective Head of State” in external affairs, and in ratifying and signing international treaties and agreements.

An important function of the EC is to call the IGCs which negotiate the development of, or amendments to, the Union’s governing Treaties. These conferences involve the Heads of the member states, the Commission and sometimes also the EU Parliament. At the end of an IGC the EC will meet to resolve any issues and reach political agreement on the Treaty before it goes on to the member states for ratification.

The day-to-day work and law making functions of the EU is carried out by three Institutions which will be considered in turn:

- the Council of the European Union;
- the European parliament; and,
- the Commission.

The Council of the European Union (CEU) (“Council of Ministers” or “the Council”) is one of the two lawmaking (legislative) institutions of the EU. It is made up of one minister from each of the 27 member states and represents the governments of the states. Although it is regarded legally as one body the CEU meets in ten different configurations depending on the area of EU activity being discussed. These configurations cover the major fields of EU concern and their titles are mostly self-explanatory:

- General Affairs (GENAFF) – prepares for the EC meetings, ensures the consistency of the CEU’s work across all of the configurations and is responsible for the follow-up meetings of the EC in conjunction with the President of the EC and the Commission.
- Foreign Affairs (FORAFF) – this was split off from the previous ‘General Affairs and External Affairs Council’ by the Treaty of Lisbon. It is chaired by the High Representative and it deals with EU external actions including foreign trade, supporting developing countries and the EU’s Common Foreign, Security, and Defence Policies.
- Agriculture and Fisheries- also responsible for broader issues such as food safety and public and animal health.
- Economic and Financial Affairs (ECOFIN).
- Justice and Home Affairs (JHA).
- Employment, Social Policy, Health and Consumer Affairs (EPSCO).
- Competitiveness – this covers issues including industry and research.
- Transport, Telecommunications and Energy.
- Environment.
- Education, Youth and Culture (EYC.)
Apart from the first three configurations which meet monthly, the others meet at irregular intervals throughout the year.

The Presidency of the CEU is held by the Governments of each of the member states in turn for a period of six months. Except for FORAFF, the appropriate minister from the country holding the presidency chairs the meetings of the various CEU configurations. As many of the issues faced by the EU are longer term, and continuity could be important, there is a system of “presidential trios” with the three successive presidencies, spanning an 18 month period, co-operating and sharing a common agenda and programmes. The 2010/11 “Trio” comprises Spain (January-June 2010), Belgium (July to December 2010) and Hungary (January to June 2011).

The Presidency sets the CEU agenda for the next six months and generally administers and manages the workings of the Council. It is also responsible for

- deciding the priorities between the issues for discussion,
- brokering compromises between the EU’s institutions (particularly when it comes to getting consensus in the legislative process),
- coordinating National policies, and
- obtaining compromises between the member states in the CEU.

The CEU is supported by permanent civil servants who make up the “General Secretariat of the Council” headed by the Secretary General, usually a very experienced person within the EU. It makes the preparations for the meetings, carries out translations, drafts reports and other documents and agendas for the meetings and generally assists the Presidency.

The CEU is also supported by a body, the Committee of Permanent Representatives (Comite des representants permanents - COREPER). Every member state has its team of permanent representatives in Brussels who represent the interests of their National Governments. The senior member of the team, effectively the Country’s ambassador to the EU, along with a deputy, are members of COREPER. This provides an interface between the EU and their respective national governments and also between the different member states.

The COREPER is divided into two committees; COREPER II, the senior committee, is made up of the ambassadors themselves whilst COREPER I is made up of their deputies. These two Groups discuss the political issues coming onto the agenda of a forthcoming CEU meeting, or the EC in order to try to get agreement and consensus on them ahead of the meetings. They also prepare the work of the CEU, monitor EU activities and work with the EU Parliament on matters requiring co-decision.

COREPER I handles matters falling within the following CEU configurations:

- Employment, Social Policy, Health and Consumer Affairs;
- Competitiveness (internal market, industry, research and tourism);
- Transport, Telecommunications and Energy;
- Agriculture and Fisheries;
- Environment; and
- Education, Youth and Culture;

COREPER II works on matters that will be dealt with by the EC and is also concerned with issues falling within the following CEU configurations:

- General Affairs CEU;
- External Relations CEU (including European security and defence policy and development cooperation);
- Economic and Financial Affairs; and
- Justice and Home Affairs (including civil protection).

The configuration for agriculture has a special body, the Special Committee on Agriculture (SCA), which performs the functions of the COREPER. The members are senior officials from the member states dealing with agricultural policy in their own governments, or are among the country’s permanent representatives in Brussels. The SCA was heavily involved in the development, and various reforms, of the Common Agricultural Policy and it prepares the work of the configuration where issues on the organisation of the common market, agriculture and rural development are involved.
The COREPERs are supported by working groups established on a permanent basis to cover all the areas of EU activity. These are usually made up of the Permanent Representatives in Brussels and officials from the national Governments of the member states and will include representatives of the Commission. Where an issue is one that none of the Working Groups have the expertise to deal with, an ad hoc expert working group will be established. The role of the working groups is to carry out the preliminary work relating to the matters assigned to them to enable proposals to be considered by the CEU. This may involve reviewing the technical aspects of the proposal and, if necessary, negotiating and making proposals for amendments to produce a draft that will be acceptable to the CEU. When their work is concluded, or an impasse reached in the negotiations, they report to COREPER which takes the matter forward.

The European Parliament (EP) is the second legislative institution of the EU first established in 1958 by the Treaty of Rome. It is the only EU body which is democratically elected every five years by its citizens. From 1958 the EEC and the ECSC shared one ‘Parliament’ which became the European Parliamentary Assembly and was very different from its present form. This was renamed the European Parliament in 1962.

Originally the members of the European Parliament (MEPs) were appointed by each of the member states from among their own Parliamentarians. It was not until 1979 that universal suffrage became a reality and the MEPs were elected by the people but there was a tendency for MPs of the national Parliaments to stand for election to the EP as well. With the increasing workload of MEPs, the dual role became more difficult and the numbers of “dual MP/MEPs declined. In 2009 the practice was banned altogether in all member states.

The EU Parliamentary elections are held in different ways in different countries, the only proviso being that the system should obey democratic rules, specifically that it should recognise universal suffrage, equality of the sexes and be by secret ballot. Over the years since 1978 the shape, powers and responsibilities of the EP have undergone evolution to arrive at its present form. Two major drivers for change were the reunification of Germany and, the collapse of Communism in the Eastern Bloc. There has been a striking increase in the number of member states.

(See Box 1) There was also the desire for lawmaking in the EU to be much nearer to the citizen. Thus the number of legislative areas in which the CEU and the EP hold equal powers of decision (co-decision) have gradually increased until now, when the Treaty of Lisbon granted the Parliament almost equal power to the Council, including powers over the whole of the EU’s budget.

The number of MEPs allocated to each of the member states depends on the size of the population of the country and the Parliament elected in 2009 is made up of 736 members. By the Treaty of Lisbon the number of seats will be raised to 751 with 96 being the maximum number of seats for any country and 6 being the minimum. As the Treaty was not ratified in time for the 2009 elections these changes will be given effect in the next Parliament. Currently Germany has most MEPs, with 99, whilst the smallest countries such as Cyprus, Luxembourg and Estonia have 6 and Malta has only 5. The UK has 72 MEPs and for the EP elections is divided into constituencies based on the regions.

The President of the Parliament is elected by the MEPs and holds the position for a renewable period of two and a half years. He presides over the plenary sessions of the EP and oversees its work and that of its bodies. He, with the President of the ECU, signs the Acts adopted by the EP in order for them to become law, and also the Budget to bring it into operation. The President ensures that the EP’s “Rules of Procedure” are followed, acts as arbiter between parties and ensures that the activities of the EP run smoothly. He also represents the EP in all its external relations and legal affairs. He is helped in his role by 14 Vice-presidents who chair debates in his absence.

There are seven transnational Political Groups recognised in the present Parliament and an additional Group of non-attached members – the “non-inscrits.” The MEPs then sit in the chambers of the EP according to depending on their political affiliation and not by Nationality. (Box 3) In the present EP the two major groups are the European People’s Party (Christian Democrats) (EPP) and the Socialists and Democrats (S&D) which between them hold over 60% of the seats but neither holds an absolute majority.

To be recognised political groups must have more than 25 members representing at least 25% (7) member states and no MEP can belong to more than one group. Each group has its own President (chairman), receives financial support and is
guaranteed to have seats on the Parliamentary committees in proportion to its strength in the EP. Each group arrives at its common position on issues before the EP sessions by discussion within the Group. A Conference of Presidents, comprised of the President of the EP and the Chairmen of each political group is responsible for preparing the timetable and legislative programme of the EP and agendas for the plenary sessions. It also allocates the seating in the chambers, decides upon the membership of the Committees and delegations and is responsible for the relations between the Parliament and other EU Institutions, national Parliaments and non-EU countries.

23 official languages of the member states the Secretariat has to provide extensive translation and interpreter services in order that all documents dealt with in the plenary sessions are translated into the official languages and that each member can hear and contribute to debate in their own language. The EP’s work is divided between its two “seats” with the principal seat being in Strasbourg where it must hold twelve plenary sessions each year. The second seat is in Brussels where committee and group meetings, and a number of plenary sessions, are held.

The formal business of the EP consists of debates during plenary sessions and the meetings of the 20 Standing Committees and two Special Committees covering a range of topics (See Box 4). Each Committee has a chairman and between 24 and

<table>
<thead>
<tr>
<th>BOX 3</th>
<th>Political Groups in the EU Parliament</th>
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<tbody>
<tr>
<td>Group of the European People’s Party (Christian Democrats) (EPP)</td>
<td></td>
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<tr>
<td>Group of the Progressive Alliance of Socialists and Democrats (S&amp;D) in the European Parliament</td>
<td></td>
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<tr>
<td>Group of the Alliance of Liberals and Democrats for Europe (ALDE)</td>
<td></td>
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<tr>
<td>Group of the Greens/European Free Alliance</td>
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<tr>
<td>European Conservatives and Reformists Group</td>
<td></td>
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<tr>
<td>Confederal Group of the European United Left - Nordic Green Left</td>
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<tr>
<td>Europe of Freedom and Democracy Group</td>
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</tbody>
</table>

NI Non-inscrits - Non attached MEPs

The EP is supported by a “Bureau” made up of the President, Vice-Presidents and five “Quaestors” which looks after its internal functioning and administrative matters and is responsible for the Secretariat. The Quaestors act in an advisory capacity and are elected by the EP to serve for renewable periods of two and a half years. The EP’s Secretariat is based in Brussels and Luxembourg and employs over 4,500 civil servants. It is overseen by a Secretary-General. As the EP uses all

<table>
<thead>
<tr>
<th>BOX 4</th>
<th>Standing Committees of the EU Parliament</th>
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<tbody>
<tr>
<td>◇ Foreign Affairs</td>
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<tr>
<td>◇ Human Rights</td>
<td></td>
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<tr>
<td>◇ Security and Defence</td>
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<tr>
<td>◇ Development</td>
<td></td>
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<tr>
<td>◇ International Trade</td>
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<td>◇ Budgets</td>
<td></td>
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<tr>
<td>◇ Budgetary Control</td>
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<tr>
<td>◇ Economic and Monetary Affairs</td>
<td></td>
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<tr>
<td>◇ Employment and Social Affairs</td>
<td></td>
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<tr>
<td>◇ Environment, Public Health and Food Safety</td>
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<tr>
<td>◇ Industry, Research and Energy</td>
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<td>◇ Internal Market and Consumer Protection</td>
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<td>◇ Transport and Tourism</td>
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<td>◇ Regional Development</td>
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<td>◇ Agriculture and Rural Development</td>
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<td>◇ Fisheries</td>
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<tr>
<td>◇ Culture and Education</td>
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<tr>
<td>◇ Legal Affairs</td>
<td></td>
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<tr>
<td>◇ Civil Liberties, Justice and Home Affairs</td>
<td></td>
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<tr>
<td>◇ Constitutional Affairs</td>
<td></td>
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<tr>
<td>◇ Women’s Rights and Gender Equality</td>
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<tr>
<td>◇ Petitions</td>
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<table>
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<tr>
<th>Special Committees</th>
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</thead>
<tbody>
<tr>
<td>◇ Financial, Economic and Social Crisis</td>
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<tr>
<td>◇ Policy Challenges Committee</td>
</tr>
</tbody>
</table>
70 MEPs in proportions that reflect the political make up of the EP. The Committees meet in public and their proceedings are published. Through the Committees MEPs can examine the legislative proposals in detail before the EP debates them. They can adopt or amend Commission’s proposals and also formulate their own proposals for new legislation. Their reports are then presented to the EP Plenary sessions. Their work is coordinated by the Conference of Committee Chairs and they are supported by a bureau and secretariat.

In addition to the Standing Committees the Parliament also has a number of ‘Delegations’ each made up of about 15 MEPs through which they interact with countries outside the EU. There are two types of delegation:
- Inter-parliamentary delegations which maintain relationships with parliaments outside the EU;
- Joint Parliamentary committees whose role is to keep in contact with parliaments of countries which are candidates for membership of the EU, or which are associated with the Union.

In addition there are five other Multilateral Assemblies in which MEPs meet with parliamentarians from:
- African, Caribbean and Pacific States (ACP-EU),
- the Mediterranean states (EMPA),
- Latin American states (EUROLAT), those eastern neighbours of the EU (EURONEST), and
- NATO.

The CEU engages with the EP through its own president who can contribute to plenary session debates. At the beginning of each CEU presidency the President of the ECU presents its programmes to a plenary session where they will be debated. At the end of the presidency the ECU will give a report to the EP. Similarly the President of the EC reports the outcomes of its activities to the EP at the conclusion of each Summit meeting. The Commission also has a representation at each plenary session and MEPs can call on the Commission to give account of its policies. It must also defend its proposals for new legislation to the appropriate Parliamentary Committee and must listen to the EP when it calls for changes to proposed new law. The Commission is also required to provide answers to questions – whether written or oral – that MEPs may raise with them.

**The Commission** is the executive body of the EU and although the Commissioners who make it up are appointed by each of the member states, their duty is to represent the common interest of all the member states. It has policy making, legislative and administrative roles and oversees the implementation and observance of EU laws by the member states.

Currently the Commission, which will run until 2014, is made up of 27 individuals and is elected every five years following the EP elections. One member of the Commission is the President and along with the High Representative for Foreign Affairs and Security Policy, is nominated by the EC and then the Presidential candidate must be elected by the EP. The remaining Commissioners are then nominated by the individual member states, in consultation with the President, excluding those from whence came the President and High Representative. They are people who have held senior political roles in their own country, or even been members of their National Governments. The Commissioners then work as a *quasi* Cabinet.

The President assigns a nominee commissioner to each of the 26 policy areas – or portfolios - within the EU’s areas of responsibility. His list of nominees must then be adopted by the CEU. The EP then subjects the President’s proposed team to Parliamentary hearings. It may find a nominee, or nominees, unsuitable, as happened in 2004 when the Parliament objected to a number of the nominations. The President must then either reshuffle his team, or ask for a new nomination from that candidate’s member state. If he fails in this then the EP, which cannot vote against particular candidates, will vote the whole Commission down *en bloc*. There is thus a strong incentive for the President to reach a compromise. Once it has EP approval the new Commission it is voted on by the CEU by a QMV. The President appoints Vice-Presidents from amongst the Commissioners including the First Vice-President who stands in for him in his absence, and one who must be the High Representative. The Commission attends the sessions of EP and is accountable to it. The EP in fact has the power to dismiss the whole Commission by a vote of censure.

Each major policy area is the responsibility of one of the Commissioners and is divided into a number of Directorates-General (DGs), each lead by a Director-
General, dealing with particular facets of the portfolio. (See Box 5) They are staffed by over 20,000 European Civil Servants in the EU’s Brussels and Luxembourg offices and are overseen by the Secretary-General, the head of the Civil Service, who is responsible to the President for the co-ordination of the Commission’s activities. The Commission also has offices – Representations - in all member states which speak for the Commission and provide information about the EU to the public and businesses. They also report to the Commission on political, economic and social developments in the member states. The EU is also represented in most of the world’s major capitals.

An important role of the Directors-General is to come forward with detailed proposals for new EU legislation within his or her area of responsibility. These are then placed before the weekly Commission meeting for discussion and possible adoption. If the proposals are accepted by the majority of the Commissioners they will then have the support of the whole Commission as they are sent forward to the CEU and the EP for their consideration. Other roles of the Commission are:

- Implementation of EU laws and policies, such as the CAP and competition policy,
- ensuring that Laws and policies are enforced by the member states,
- overseeing the proper implementation of the EU’s budget by the member states, such as for example the Research Framework Programmes,
- ensuring that the budget is well managed and supervised, and,
- representing the EU on the world stage, acting as its spokesman in international discussions and negotiating international agreements on behalf of the EU.

**BOX 5**

**Policy-related Directorates-General**

| Agriculture and Rural Development | Budget |
| Climate Action | Competition |
| Economic and Financial Affairs | Education and Culture |
| Employment, Social Affairs and Inclusion | Energy |
| Enterprise and Industry | Environment |
| Health and Consumers | Home Affairs |
| Information Society and Media | Internal Market and Services |
| Justice | Maritime Affairs and Fisheries |
| Mobility and Transport | Regional Policy |
| Research and Innovation | Taxation and Customs Union |
| Enlargement | European Aid Development & Cooperation |
| Foreign Policy Instruments Service | Humanitarian Aid |
| Trade |

**The Court of Justice (CJ).** One of the ECSC Institutions that the Treaty of Paris established was a Court of Justice which was then shared by the EEC and EURATOM when they came into existence. The Maastricht Treaty then extended the CJ’s powers and Treaty of Lisbon changed its name from the ‘Court of Justice of the European Communities’ to simply the ‘Court of Justice’.

The CJ has its seat in Luxembourg and is responsible for ensuring that the provisions of the various EU Treaties are observed by the member states and the EU’s Institutions. It is also responsible for ensuring that EU laws are interpreted and applied in a uniform way across the EU. It is able to decide issues and disputes involving EU Law that arise with member states, the EU’s Institution, companies and also individuals. However the national courts in each of the member states have the responsibility of ensuring that EU law is being observed and properly applied in their jurisdictions. They are able to refer issues involving EU Law to the CJ for a ruling. Its decisions and interpretations must then be applied by the national courts to cases according to the particular facts. Although the CJ is the supreme court as far as EU law is concerned it has no jurisdiction over matters of national law which remain the responsibility of the national courts.

The 27 CJ Judges are nominated by the member states. They are individuals qualified to take up the highest judicial posts in their own country. The nominations are by all of the member states appointments made for six years. The Judges must act in an independent and impartial manner. The President of the
CJ is elected from among their numbers serves for a renewable period of three years. The President is responsible for the smooth running of the CJ, presiding over hearings, for the time table of the CJ’s hearings and for assigning cases to the Chambers (q.v).

Where certain exceptional situations defined in the treaties arise, or the court decides that the issue before them is of exceptional importance all of the judges sit together in a plenary session. More usually the Court sits as “chambers”. A Grand Chamber is made up of 13 Judges and is used where a case involves issues of considerable complexity or importance. Member states and the EU Institutions can also ask for cases to be heard by a Grand Chamber. Usually however the Court sits in smaller chambers of either three or five judges. Unlike in the UK higher courts, judgments handed down by the CJ Judges are the decisions of the whole Court and no minority, or dissenting, opinions are reported.

The judges are assisted by eight Advocates-General (AGs) selected from the member states. The Treaty of Lisbon provides for this number of AGs to be increased to 11. An AG assigned to a case examines the issues involved, and may question the parties, and will then produce a written reasoned legal opinion which goes to the judges. Though the AGs’ opinions are influential the judges are not obliged to take their opinion into account in reaching their judgments. Since 2003 an AG is assigned only to those cases which involve a new point of law.

The administration of the CJ is the role of its registrar who is accountable to the CJ President. The Registry receives and deals with all the paperwork involved in a case and assists the President and judges in their work. They also provide the translation and interpretation facilities for the court.

The CJ has a two stage procedures for dealing with cases. Once a case is submitted to the Registry it is assigned to a judge and possibly an AG. The parties then submit their written statements, or pleadings which, together with the legal issues involved, are considered by an AG, if appropriate, who will produce an opinion. The case then enters the second stage in the form of a public hearing by one of the Chambers. The parties put their cases through their lawyers and can be questioned by the judges and the AG. Where an AG is involved he or she will give his or her opinion and the judges then consider and deliver their judgment in public. Although applicants to the court may use any of the official languages of the EU, the court’s proceeding, its reports and Judgments, are give in French.

Matters which come to the court generally fall within one of five categories:

- **Preliminary rulings procedure** – where national courts ask the CJ for advice, or a ruling, on the interpretation of a matter of EU law.
- **Proceedings for failure to fulfill an obligation** – are brought by the Commission against a member state which is not following its legal obligations. Where found to be at fault that state must put things right failure to comply with the judgment can result in a fine.
- **Action for annulment** – where a member state, the CEU, Commission, EP, or even a private individual believes an EU law is illegal or, in the case of an individual, adversely affects them. Where the CJ finds that the law is incorrect it can declare it to be null and void.
- **Actions for failure to act** – where a member state, EU institution or, under some circumstances, companies or individuals complain that an EU Institution has failed to do something required of them.
- **Actions for damages** – where an individual or company claims compensation from the EU for damage done to them as a result of actions, or inaction by the Community or a member of staff.

The General Court -

The increasing case loads in the CJ made it necessary in 1989 to establish a “Court of first Instance”, later renamed the “General Court (GC)”, to deal with some kinds of case, and particularly those brought by individuals or companies. Appeals from the GC are heard by the CJ where a point of law is involved.

The structure of the General Court is similar to that of the CJ. Twenty seven 27 judges appointed by the members states hold office for six years. They appoint a President and are divided into Chambers of 3 or 4 Judges. A registrar to the court is also appointed. There are no AGs but if required, a judge-Rapporteur is appointed to perform functions similar to an AG. The GC’s procedures are very similar to those of the CJ. Cases are distributed to Chambers and are dealt with in
two phases - written and oral. The types of case heard by the GC are identical with those within the jurisdiction of the CJ.

The Court of Auditors (CA) was established in 1977 but not given legal status as the fifth Institution of the EU until the Maastricht Treaty in 1992. It has no judicial function its purpose being to check that the EU’s Budget is properly managed and spent. Each member state appoints one person with national auditing experience to serve for six years. They elect their own President and are supported by a Secretary-General with responsibility for assisting the President, the general management, writing minutes of its meetings and ensuring the Court’s report are published in the *Journal of the European Union*. There is also a staff of auditors who produce reports for the Court.

To ensure that taxpayers’ money is spent properly, and within the rules, the CA has considerable powers of inspection of the accounts of the EU Institutions and it can also inspect the accounts of member states and any person receiving and spending EU funds. Member states are responsible for managing about 90% of the EU’s funds. If irregularities are found the CA reports them to the EU’s anti-fraud agency as it cannot take action on its own.

The Commission is particularly concerned with the Court’s reports as it makes decisions and takes actions based on them. Where the CA finds defects in a member state’s management of its EU funds the Commission may suspend the funding and can impose a fine unless the offender does not meet the required standards. If the CA is satisfied that the EU’s affairs have been handled effectively, that money used correctly and the whole budget is accounted for it issues a “Declaration of Assurance” certificate. This is sent to the CEU and the EP. Even a minor glitch in the budget will lead to a refusal to issue this Assurance. Each year the CA provides a report to the EP and it then decides whether or not to sign off Commission’s handling of the budget for that year. There have been occasions when the EP has refused to give this sign off. In 1999 such a refusal brought about the Commission’s resignation. Finally, the Court of Auditors must be consulted when any new legislation with financial implications is being considered. It then gives its opinion but this is not binding.

Other Bodies of the European Union

The Committee of the Regions (CoR) was established by the Treaty of Maastricht to serve as an advisory body for the EU and to provide a bridge between the Brussels and the citizens of the European Union. It provides them with a voice in the decision-making processes of the Union’s Institutions. The CoR must be consulted before any decisions are taken on matters of concern to regional and local governments. For example, in areas such as those impacting on the environment, transport and, of course, regional policies. Originally this applied only to the CEU and the Commission but the Treaty of Amsterdam made it mandatory for the EP also to consult the CoR. These Institutions may also, if they wish, consult the CoR on any other issues.

The CoR is made up of 344 members distributed among the member states roughly in proportion to the size of their populations. They are nominated by the national governments and are appointed by the CEU for terms of four years. Since the Treaty of Nice the members must be either elected, or otherwise politically accountable, to a regional or local assembly. Many are mayors of cities or leaders of regional governments. The members of CoR sit in four political groups:

- European Peoples Party (EPP),
- Party of European Socialists (PES),
- Group of the Alliance of Liberals and Democrats for Europe (ALDE), and
- The European Alliance Group

The CoR elects its president and Vice-Presidents, who hold office for two years, and a Bureau of 60 members. This is effectively its governing body and which it reflects both national and political balances within the EU. The Bureau and President are responsible for drawing up the CoR’s policy programme and also overseeing the implementation of decisions of it’s the Secretariat-General.

The power of the CoR has increased since its foundation. The Treaty of Amsterdam in 1997 increased the range of issues on which the CoR must be consulted to cover about two thirds of all of the EU’s legislative proposals. The CoR’s job is to examine proposed EU legislation and express the views of the
regions and localities that will be affected. They also respond to matters on which they are consulted by the CEU, Commission or EP. This means that the CoR must deal with a wide range of topics and so does much of its work in six smaller specialist groups, or Commissions which cover,

- Cohesion Policy,
- Economic and Social Policy,
- Sustainable Development,
- Culture and Education,
- Constitutional Affairs, and
- European Governance and External Relations.

Their deliberations and the opinions are then discussed and adopted in their plenary sessions held five times a year. It is there that the overall strategy of the CoR is determined. The CoR communicates its views on proposals by issuing opinions which must then be taken into consideration in the legislative process – but need not be accepted. The CoR can also produce opinions on its own initiative and submit them to them the CEU, Commission or EP. They therefore can have an important role in the policy and law making processes of the EU.

In addition to its consultative function the CoR arranges conferences and meetings to bring other regional bodies together from across the EU to discuss issues of mutual concern. As the issues of Cohesion and regional development are considered to be of particular concern to the CoR it takes on a supervisory role in the way in which two key funds - the Regional Development fund and the Cohesion fund - are being managed.

The European Economic and Social Committee (EESC) was established by the Treaty of Rome in 1957 and, like the CoR, its aim is the involvement of the social and economic interest groups in the provision of grass roots views, advice and opinions to the EU. It involves the citizens and civil society of the member states in the workings of the EU, thus reinforcing its “democratic legitimacy”.

The EESC has 344 members distributed in proportion among the member states and nominated by the governments of the member states and appointed by the CEU for five years. The members are drawn from three groups – employers, employees and others with various other interests. The EESC members elect a President and two vice-presidents and a bureau of 37 members responsible for developing the policy guidelines for the Committee and co-ordinating its work. The remit of the EESC is now wide, having been broadened by the Treaties of Maastricht, Amsterdam and Lisbon; it therefore carries out its work in specialist Sections, or commissions, and opinions developed in smaller study groups. These deal with:

- Agriculture, Rural Development and the Environment,
- Economic and Monetary Union and Economic and Social Cohesion,
- Employment, Social Affairs and Citizenship,
- External Relations,
- the Single Market, Production and Consumption, and

It also has a Consultative Committee on Industrial Change (CCMI) made up of 48 EESC members and 48 external experts with experience in sectors affected by the “modernisation of the economy”.

The aims of the EESC are to help promote participatory democracy in the EU, to ensure that the policies developed by the EU and its legislation are in harmony – as far as possible – with the economic and social situations on the ground and to keep the Institutions in touch with the views of the wider civil society in the Union. It must be consulted by the CEU, the EP and the Commission on issues falling within the areas of policy laid down for it and may also be consulted on other issues. It responds by developing its opinions in its Sections which are discussed in plenary sessions which meet nine times a year and then passed on to the Institutions which may accept or reject them. The EESC is also able to produce opinions on subjects on its own initiative and about 15% of its opinions fall into this category.

The EESC also sees as its role the provision of a forum for the areas it covers to bring the EU closer to its citizens. It maintains contact with the national economic and social councils as well as various other organisations involved with economic and social issues throughout the EU and more internationally. It acts as an exchange for information and views on particular topics and organises conferences and meetings where grassroots experiences and views can be shared and common approaches to issues can be reached.

The Agencies of the EU.

The EU has created a number of Agencies and bodies covering a very broad field of subjects to undertake a variety of functions on its behalf. Many of their
functions involve dealing with significant amounts of SET. They fall into three broad groupings:

- The Regulatory Agencies: These are intended to support the EU’s member states and their citizens and are decentralised, with many having their seats outside Brussels and in a member state. They deal with matters within their area of responsibility of a legal, technical or scientific nature and so they are usually of a highly specialised nature.

- The EURATOM Agencies: These support the objectives of the EURATOM Treaty, and particularly to coordinate research programmes to develop the peaceful use of nuclear energy in member states. They also provide information, infrastructure and also funding to ensure atomic energy supply into the future.

- The Executive Agencies: These are based in Brussels or Luxembourg and are established for a fixed period of time to carry out particular functions with regard to the management of EU programmes – such as FP7.

The Regulatory Agencies: Within the Regulatory Agencies are Policy Agencies which carry out very specific managerial, scientific or technical functions within specialised areas of EU activity. (See Box XX). They come into being by a Regulation, which lay down their framework, terms of reference and responsibilities. They are autonomous legal entities and are quite distinct, and independent, from the EU Institutions. They are funded from the EU’s budget. An important role of these agencies is to ensure consistent policies and activities in their area or responsibility within the member states. They are also responsible for increasing the effectiveness of policies across the EU in areas where collective action would be more effective than individual states acting alone. The activities of these agencies therefore have major impacts upon the citizens, consumers, companies and other organisations within the EU (and, in some cases, other European countries outside the EU). Included within this group are the Common Security and Defence Policy agencies which operate to assist member state co-operation in the field of effective combating of organised international crime.

Some examples of Science related Policy Agencies are:

The European Centre for Disease Prevention and Control (ECDC) which came into effect in 2005 and is based in Stockholm.

It relies heavily on networks involving the health protection agencies of the member states and EFTA countries. By this means it provides a Europe-wide system of disease surveillance and makes for more effective control of outbreaks and epidemics of major infectious diseases such as in the case of the 2009 Swine H1N1Flu pandemic. It allows for a sharing of knowledge and collaboration in the field of public health and provides a critical mass of scientific expertise, particularly in the area of new and emerging infectious diseases, and in understanding the risks they present to the European community.

**BOX 6 Policy Agencies of the European Union**

- Agency for the Cooperation of Energy Regulators (ACER)
- Community Fisheries Control Agency (CFCA)
- Community Plant Variety Office (CPVO)
- European Agency for Safety and Health at Work (EU-OSHA)
- European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)
- European Aviation Safety Agency (EASA)
- European Centre for Disease Prevention and Control (ECDC) *
- European Centre for the Development of Vocational Training (Cedefop)
- European Chemicals Agency (ECHA)
- European Environment Agency (EEA)
- European Food Safety Authority (EFSA)
- European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)
- European Institute for Gender Equality (EIGE)
- European Maritime Safety Agency (EMSA)
- European Medicines Agency (EMA)
- European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
- European Network and Information Security Agency (ENISA)
- European Railway Agency – promoting safe and compatible rail systems (ERA)
- European Training Foundation (ETF)
- European Union Agency for Fundamental Rights (FRA)
- Office for Harmonisation in the Internal Market (OHIM)
- The European Global Navigation Satellite Systems (GNSS) Supervisory Authority (GSA)
- Translation Centre for the Bodies of the European Union (CdT)

* Those show in bold are described in more detail.
It is able to act on its own initiative when serious new contagious diseases of unknown origin emerge to ensure “complementary and coherent action in the field of public health by … [coordinating the actions] … of the member states, the EU Institutions and the relevant International Organisations.”

The European Chemicals Agency was established in 2007 to be responsible for the consistent management of chemicals across the EU. In particular it is responsible for the implementation and observance of the REACH (Registration, Evaluation, Authorisation and restriction of Chemical substances) regulations across the EU. It is based in Helsinki and its Board is made up of individuals representing the EP, the Commission, member states and the Chemical Industry, Trade Unions and relevant NGOs. REACH regulations are intended to enhance the protection of human health and the environment by the identification of harmful properties of chemical substances before they come into use. They also aim to improve innovation and competitiveness of the EU’s chemical and related industries. A major role for the Agency is therefore to act as a single point of access to scientific and technical information on chemicals and provide advice and guidance to companies on how the regulations are to be complied with.

The European Medicines Agency is responsible for the scrutiny of medicines intended for either human or veterinary use. Its headquarters are in London but through its network of national medicines authorities in the EU and EFTA it has access to over 4,000 experts. Companies wishing to market medicinal products in the EU must submit applications to the Agency which undertakes detailed scientific and clinical evaluation of products before issuing a European Marketing Authorisation for them which applies across the whole of the EU. The Agency also has a surveillance function (pharmacovigilance) to ensure the post-marketing safety of new medicines. It will take action where an unexpected adverse side effect of the medicine shifts the risk: benefit ratio. It can also provide advice and guidelines on the quality, safety and efficacy testing requirements for pharmaceutical companies to help them in the development and testing of novel medicines.

The European Environment Agency (EEA) came into existence in 1993 and is based in Copenhagen. Its role is to provide good and independent information across wide areas of environmental concern to the CEU, EP, the Commission and EU member states together with Iceland, Liechtenstein, Norway, Switzerland and Turkey, (who are also members of the Agency). It helps these bodies with the making of long term policy decisions affecting the environment and sustainability. The agency covers major areas of environmental concern including biodiversity, climate change, water quality and availability, flood control, air pollution, land use and renewable energy. It also provides information and advice to universities, NGOs, businesses and the general public.

Like other EU agencies the EEA relies on a network of experts and is responsible for the coordination of the work of the European Environment Information and Observation Network (EIONET). This is a partnership between the EEA and about 1,000 experts in over 350 national environmental agencies and other environmental bodies. Such as the National Focal Points (NFPs) and the National Reference Centres (NRCs) to be found in 39 countries. Through this network high quality environmental data and information is collected, validated and then disseminated to the EEA members through an extensive information technology infrastructure. This helps them to formulate policies to protect the environment and develop national environment management systems. This Network can also monitor the effectiveness of implemented policies and the environmental impact of natural and man-made disasters - such as followed the recent volcano eruption in Iceland and the consequences of the earthquake and Tsunami in Japan.

The European Food Safety Authority (EFSA) based in Parma, Italy was established in 2002 to improve food safety following a number of food scares, and to create a high level of consumer protection and confidence. EFSA’s responsibilities are in the field of human food safety and nutrition but its remit also covers animal feed safety, animal health and welfare, plant protection and plant health. It provides independent scientific advice and carries out risk assessments in the field of food safety. EFSA works closely with the Commission, the EP and the food safety authorities of member states. Its advice will underpin new policies and legislation. It also provides a sound basis for actions taken by the EU in respect of emerging, or existing, food-related threats. For example, in the case of Genetically Modified Organisms (GMOs) and the food chain, the Agency makes assessments of potential risks to human and animal health and provides their advice to the Commission. The decisions about the authorisation of a new GMO are taken by the Commission and members states.
The Authority responds to requests for advice on specific issues but can examine issues on its own initiative. The outcomes from EFSA’s scientific work and advice are published.

In order to make this food protection system work the Agency is supported in the provision of sound and up-to-date scientific information by a network (the Advisory Forum) of representatives from the food safety bodies of the member states. It also has a Scientific Committee for the generation of scientific advice and opinions and which is responsible for coordinating the work of nine scientific panels each covering a particular aspect within the food chain. In addition to these bodies the Authority maintains a database of external scientific experts in the field who can be called on to support specific aspects of the work of the Scientific Committee and its Panels.

The Agency meets various organisations and groups of stakeholders to get their feedback on issues affecting the food chain and to share information. These stakeholders include consumers, NGOs, scientists and those involved in the production and marketing of food products (farmers, manufacturers and processors and distributors). They consult stakeholders via conferences, public meetings and web-based consultations. Interested groups, including members of the public, are also able to contribute to these events.

The EU Executive Agencies are bodies which are established by Regulation and are charged with the task of managing one or more of the EU’s programmes. They are based in either Brussels or Luxembourg and have a fixed life span. (See Box 6). Although they are autonomous bodies they report to one, or more, Directorates General of the Commission and are accountable to it or them.

The European Research Council Executive Agency (ERC Executive Agency) was established in 2007 as the executive arm of the European Research Council (ERC) and is based in Brussels. It is an EU Funding body and is a major part of the “Ideas Programme” of the EU’s 7th Research Framework Programme (FP7) described below. The Council of the ERC is the independent scientific body which defines its research strategies and acts on behalf of, and is accountable to, the Commission. The Agency’s main role is to implement these strategies and administer the programme of work defined by the ERC Council. This involves putting out calls for research proposals, providing information and support for applicants, organising the evaluation of proposals by peer review and managing the grant agreements through which the 7.5 billion Euros they are responsible for is spent. This is therefore an important executive agency for the European research community.

The Research Executive Agency was established in 2007 and is a fully autonomous body which reports to the DGs for Research, Enterprise, Information Society & Media, Energy, and Mobility and Transport. It is separate from the ERC and its Executive Agency and is responsible for the evaluation and management of projects supported by the EU, including a large part of the FP7, and dedicating facilities and services to support the research community - particularly in the fields of space research and security research. It manages a budget of over 6.4 Billion Euros and provides a one-stop-shop for enquiries about the Framework Programme. It also manages research grant agreements which benefit companies in the SME sector. This Agency manages the Marie Curie Programme, a part of the Framework Programmes, which aims to foster the development of research careers and encourage mobility of young researchers.

The Executive Agency for Health and Consumers was formerly the Public Health Executive Agency originally established in 2005, with the aim of supporting the...
implementation of EU Public Health Programme, its life has been extended until the end of 2015 and its role enlarged to take into account consumer protection and the ‘safer food’ agenda. It now manages over 200 projects in these fields on behalf of the EU Commission and reports to the DG for General Health and Consumers. In managing the programmes it is responsible for, the Agency co-funds projects, conferences and joint actions involving players from a number of the member states. For example, in the Health Programme, its main objectives are to improve citizens’ health security, to promote health, to reduce health inequalities and to generate and disseminate health information and knowledge. Similarly in the Consumer Programme its work programmes are aimed at improving consumer-related data and information and taking consumer protection to higher levels. It also aims to develop co-operation between the different authorities responsible for consumer affairs to gain an effective application of consumer protection rules.

Chapter 3

The Law making in the European Union

The EU’s law-making powers are conferred by the treaties but, as mentioned above, in making new laws the EU must take account of the principles of subsidiarity and proportionality. Thus the EU will make laws where the objectives are better achieved by the EU than by individual member states acting alone. The EU makes three categories of laws which have different effects when it comes to their implementation.

◊ Regulations – are laws that are immediately binding and enforceable on all member states as soon as they come into force. No action is needed by the member states to bring them into effect. Importantly they also override any domestic laws which may be in conflict with them;

◊ Directives – are laws aimed at achieving a particular end result in some, or all, member states. However the method of achieving that result, that is how they may give effect, or “transposed”, into their own domestic law, is left to the discretion of each member state. Although there is some latitude to allow for the different situations in member states the Directive will set down a time limit for the member states to achieve this. Failure to act within the time limit will result in actions being taken. Like Regulations, Directives override national laws. Most commonly Directives are used to bring about harmonisation of the laws of the member states in particular areas.

◊ Decisions – are laws dealing with very specific matters and aimed at a particular member state or organisation, or even individuals, within them. They can require an action from the ‘target’ state or body which including demands that they stop an action. They can also confer rights on the target body. These laws are fully binding on the state or body.

In addition to these three forms of EU law it may also issue Recommendations and Opinions which are non-binding acts having no legal force on member states, but which may have political weight.

The EU Commission is responsible for ensuring that member states observe and apply EU laws or fulfill the obligations under them - such as transposing a Directive. It can take actions against an offending member states, including taking them to the CJ and can impose sanctions on individuals contravening EU laws.

The EU’s Law making processes.

Changing the Treaties

The treaties establishing the EU in its present form are its ‘Primary Legislation’ and provide its authority and lay down its competences. Amendments to these treaties can only be made by the EU using one of two procedures depending on the nature of the revision. 1.) The Ordinary Revision Procedure and 2.) The Simplified Revision Procedure.

The Ordinary Revision Procedure is triggered by a proposal to amend the treaties being submitted to the CEU by a member state, the EP or the EU Commission. It is then passed on to the EC and all member states are also informed of the proposals. The EC will then consult with the EP and Commission about the proposal and then decides on a simple majority vote if it will consider it further. The EC then convenes a meeting, or ‘convention’, made up of representatives from the national governments, national parliaments, the EP and
the Commission. This will consider the proposal(s) and make its recommendations to the EC. The President of the EC then convenes an IGC conference of representatives of the national governments of all member states. Alternatively the EC may decide not to convene a convention but will create the terms of reference for the IGC itself. The IGC will produce the draft of the new treaty based on the ‘Convention’s’ recommendations, or the terms of reference of the EC. This is then submitted to the national governments for ratification and, once ratified by all member states, it becomes law.

The Treaty of Lisbon introduced a Simplified Revision Procedure applicable in some restricted circumstances by which treaties could be amended but it cannot be used to increase the powers of the EU. By this procedure, after a proposal has been submitted to the EC and notified to the member states as outlined above, the EC consults the EP and EU Commission and then adopts a decision to amend the treaty according to the proposal by a unanimous vote. The revised treaty must then be ratified by member states for it to become effective.

The treaties usually prescribe the legislative and voting procedures to be used by the EU’s Institutions. Previously if these procedures needed to be changed the whole treaty had to be amended. This is now no longer always the case as a so-called “Passerelle Clause” can be included in the treaty. The effect of this will be to allow the CEU, on a unanimous decision and with the consent of the EP, to make decisions, previously requiring to be unanimous, to now be by a QMV. This allows legislation previously required to be adopted by the ‘special legislative procedure’ (see below) to be passed using the ‘ordinary legislative process’ using co-decision route and QMV. It also allows for additional policy areas to be dealt with by QMV or using the ordinary legislative procedure. However an intention to invoke either of these two measures has to be brought to the notice of all the national parliaments and it would come into effect only if, within six months, none of these raised objections. The Passerelle provisions are also very limited in their scope, being restricted to very particular areas of EU activity. However the Treaty of Lisbon extended these to include areas of common foreign and security policy, the EU budget and all other areas of policy with the exception of defense.

Making new laws in the EU.

The initiation of lawmaking in the EU is the responsibility of the Commission which must bring forward the proposals for new laws. Neither the CEU nor the EP has the power to initiate legislation, although they may make proposals to the Commission for new Acts. For a proposal to become law the approval of both the CEU and the EP is required as discussed below.

The appropriate DG of the Commission will be responsible for the drafting of the new legislation and it usually does this after extensive consultations with –

- other DGs which may be affected by, or which may have a view on, the issues involved,
- the governments of the member states,
- various stakeholders, including industry,
- the CoR and EESC (which in some cases is mandatory), and
- other interested parties. (See Figure 1)

In the early stages of formulating new laws the Commission may hold public consultations, issue questionnaires, or publish a Green Paper on the topic. This is intended to stimulate discussion and obtain wider views on the issues under consideration. They are generally accessible on the internet. The EU Commission may also issue a White Paper on the subject to engender discussion. Once the new legislation has been drafted by the relevant DG it is considered by the Commission as a whole and if 14 or more of the Commissioners approve the proposal it is adopted and is sent on to the CEU and EP for their consideration.

![Fig. 1. The formulation of new Policy](image-url)
There are two processes for making the new law and the one to be used in a particular case will have been specified by a treaty, unless modified by a Passerelle clause. Much law making in the EU today is now subjected to what was originally referred to as the “Co-decision process” first introduced in the Maastricht Treaty and gives the EP equal rights of decision with the CEU. Since the Treaty of Lisbon however this is called the “Ordinary Legislative Process.” (Fig 2) Originally co-decision was applicable to only restricted areas of EU legislation but since the Treaties of Amsterdam, Nice and Lisbon the range of areas in which it applies have been increased, giving the EP equality with the CEU for the majority of areas of EU competence.

The Ordinary legislative Process

The Commission’s draft legislation will be considered simultaneously by the CEU and the EP. In the EP the proposals will be examined by a committee which may accept it, amend it or revise it. The text, with any revisions, is then considered at a first reading in a plenary session and adopted by the EP. The original, or amended, draft then goes to the CEU in its appropriate configuration, depending on the subject matter. If the CEU accepts the amendments the draft will be adopted and it becomes law. (Fig 2a) In the event that CEU does not agree with the EP’s revision then it will formulate the text of its own position - a “Common Position” which is then sent to the EP for consideration. (Fig 2b) At the same time the Commission will inform the EP about its position on the amended draft.

Should the EP reject the CEU’s “Common Position” text by an absolute majority the draft law will fail. However the EP can amend the “Common Position” and send it back to the CEU. At the same time the Commission gives its opinion once again and if it rejects the amendments then the CEU must act, not by a majority, but unanimously. The Council may approve the Parliament’s amendments to the “Common Position” in which case the revised text passes into law.

If however the CEU cannot accept the changes then a “Conciliation Committee” is set up made up of an equal number of members from each of the CEU and the EP, together with Commission representation. (Fig 2c) This Committee tries to arrive at a mutually acceptable text within a limited time period and if it fails to reach agreement then the draft law will fail. If agreement on a “joint text” is reached then this will go back to the CEU and the EP for approval which, if given, results in the revised draft becoming law. Should either body not give their approval then the draft will fail.
The Special Legislative Procedures

There are some areas of EU policy which are regarded as being particularly sensitive. In these cases the treaties will have laid down “Special Legislative Procedures” which must be followed. The number of such areas is however diminishing with the increasing need for transparency. The most common use of the Special Legislative Procedure is where the CEU alone is empowered to adopt laws brought forward by the Commission on the basis of either a unanimous vote or QMV. Before it can do this it must have consulted the EP and, in some cases, also the CoR or EESC on the proposed legislation. However the CEU does not have to be bound by Parliament’s opinion and may ignore it altogether. At one time the CEU would go so far as to act before receiving the EP’s opinion. The CJ however ruled that this was wrong and has struck down laws made in this way. The EP can take advantage of this ruling and can use it to stall the special legislative process where it disapproves of a proposal. Today this procedure is used for some narrow areas such as competition law and laws concerning the internal market.

The Consent Procedure

The other Special Legislative procedure applying in some areas is the “Consent Procedure”. This is a means by which new law based on a Commission proposal may be passed into Law by the CEU but only after obtaining the EP’s consent. Parliament may accept the proposal or reject it but has no power in these cases to amend it. Processes have been developed which enable the EP to put its concerns to the CEU through interim reports with the implication that unless these are considered consent will be withheld.

In a small minority of areas of EU activity, usually involving regulatory or technical matters, the Commission has the power to make law without consulting or obtaining the consent of either the CEU or the EP.

The Role of National Governments and Parliaments in EU Lawmaking

Member state governments are closely involved in the development of EU Policy and Law as their heads of State, or Government, make up the EC, and their departmental ministers make up the CEU. They can therefore influence the directions taken by the EU and, through the CEU, are partners with the EP in many areas in process of passing Commission proposals into law. In addition, the Permanent Representatives to the EU from each of the member states forms the COREPERs and provides an interface in their work for the CEU.

A number of EU treaties have increased the access of the National Parliaments to EU proposals which they can subject to scrutiny. In 1989 COSAC, a conference of the parliamentary committees of member states dealing with European Affairs and representatives of the EP, was established. Originally an informal organisation designed to strengthen the role of the National Parliaments in EU affairs, it was recognised by the Treaty of Maastricht to encourage exchanges between MPs and MEPs. In 1999 COSAC was formally recognised by a protocol on the ‘Role of the National Parliaments’, in the Treaty of Amsterdam. The Treaty of Lisbon also gave it some specific functions to fulfil. It can now examine proposals for new EU Law in the areas of justice and home affairs and can also to submit “any contribution it deems appropriate” for the attention of the CEU, the Commission or the EP. It is charged with the exchange of information between the national parliaments and the EP and the promotion of best practice between them. COSAC is also able to organise interparliamentary conferences - particularly on matters of common foreign policy, common security policy, and defence policy. It is now made up of six MEPs from each of the member states and accession candidate states may also send three observers to its twice yearly meetings.

The direct role of the National Parliaments in European lawmakering has been progressively strengthened. First, with the enlargement of the EU competencies
into the areas of justice and home affairs, the Treaty of Maastricht asked that, the governments should ensure that proposals for new EU law should be passed on to national parliaments with enough time for the MPs to examine and discuss these proposals. The Treaty of Amsterdam then stated that all Commission documents must be promptly passed to national parliaments who then have a period of six weeks from their date of publication on the agenda of the CEU to consider them. Finally the Treaty of Lisbon brought about a considerable expansion in the role of National Parliaments. They now have the right to receive and scrutinise information, and Commission policy proposals in the areas of freedom, justice and security with the ability to veto such proposals.

The National Parliaments have the important function of reviewing new proposals for infringement of the principle of subsidiarity. If a Parliament believes that a Commission proposal violates that principle it can raise an objection which starts a two stage process. If one third of the National Parliaments agree with the objection they issue a “yellow card” the effect of which is that the proposal must be looked at again and the Commission may withdraw it, amend it or maintain it. Where the majority of the Parliaments object then it results in an “orange card” meaning that the Commission must explain its position, but it may still continue with it. However the CEU or EP can vote it down forthwith.

National Parliaments are now also able to take part in the amendment of treaties by invoking the Passerelle clause. They can also be engaged in the enlargement of the EU and in dialogue with the EU Institutions more generally. The National Parliaments therefore now have a significant impact on proposals for new EU law.

Chapter 4

Science and technology in the European Union

The EU clearly appreciates the vital importance of science and technology and also Research & Development to the health and wealth of the Community. It is therefore committed to increasing the amount spent on these activities to ensure that good research is done in the EU and results are translated into patents and then into new products and processes. It pursues these objectives through policies and initiatives that actively encourage and support SET. The most important of these are the successive Framework programmes through which very significant sums of money are distributed in support of research in defined areas of activity. The current Framework 7 programme is due to run until 2013. It is the Commission’s responsibility to propose the structure of the Programme and the amount of funding to be allocated to the various activities within it. The CEU must then approve these proposals. The Budget for Framework 7 was given approval in 2006 and amounts to over 50 Billion Euros, over 32 Billion Euros of which are for the support of co-operative research within defined “themes” reflecting the priority areas of the EU. (See Box 8)

In addition to the ‘co-operative research’ themes, the Framework 7 programme provides 7,510 million Euros for the European Research Council, 4,750 million for the Marie Curie Actions and 4,097 million to support research capacity in the EU. The Euratom Treaty provided for support for nuclear research and training and for the period 2007-2011 2,751 million Euros have been allocated.

Planning is now underway for Framework 8 which will cover the period from 2014 to 2020 with an anticipated budget of 140 billion Euros. The EU
Commission put out a consultation document to gather the views of member state governments and other interested parties including organisations and individuals. The UK’s Department of Business, Innovation and Skills (BIS) has consulted widely in order to develop the UK’s position on Framework 8 and how it should be progressed. In February 2011 the Commission also issued a Green Paper “A Common Strategic Framework for future EU Research and Innovation Funding”. The consultation process closed with over 2,000 submissions being received from member state governments, research institutions, lobbying groups, companies and individual scientists. The main demands that emerged from these responses, in addition to those for increased funding, were for simplification of administrative processes, a focus on excellence and for help with funding large-scale scientific infrastructures. The Commission will in due course present its proposals for the next framework to the CEU and EP for approval.

The European Research Council (ERC): An important new development within the EU is the ERC. The idea for this came from the grass roots of European science and technology and followed extensive Europe-wide discussions between various individual scientists and scientific bodies. They saw the need for an organisation which could provide cohesive support for investigator-driven basic research of the highest calibre across the EU and across all scientific disciplines. By late 2002 the debate had moved on. Ministers with responsibility for science and research in the member states called for by the member states and the Commission to discuss the concept of an EU-wide Research Council and to examine the purpose such a body should serve and how it should be structured. An expert group was established to this and reported its findings in 2003.

By 2005 the concept had achieved considerable support from both politicians and the scientific community. Its establishment as an autonomous body was proposed by the Commission with funding coming from the “Ideas” programme of FP7. A Council was then appointed for the new ERC comprised of 22 senior researchers. They met for the first time in October 2005 to decide the strategy and modus operandi of the ERC. By December 2006 the new ERC was adopted by the EP and its budget of 7,500 million Euros was approved by the CEU. The ERC was launched with an inaugural conference in Berlin in February 2007.

The ERC now comprises Scientific Council made up of senior scientists from the member states, with a President who chairs the meetings and represents the ERC. This Scientific Council is the body responsible for setting out the ERC’s strategy, for monitoring the performance of its management, practices and grant management, and for establishing an information strategy that is open and transparent. It also makes recommendations for future development and actions. The management and operation of the ERC is in the hands of an Executive Agency which was set up in 2009 and is described above.

The aim of the ERC is to support research at the frontiers of science and engineering across all disciplines and to encourage the most creative scientists and engineers in Europe to come forward with their research proposals. It is therefore based on the concept of bottom-up, investigator lead responsive mode funding, rather than directing funding towards priorities set by politicians and political objectives. It also aims to support more risky, and potentially innovative, research at the frontiers of knowledge. It also now has a specific grant scheme aimed at young scientists starting out on their careers as independent researchers. Its first call was made in April 2007 and resulted in 9,167 applications.

Chapter 5

Can scientists have an influence on EU Policy and Law Making?

The EU is now a major source of new laws and regulations which must be incorporated into member states’ National law. Of the EU policies, the one that has the most direct bearing on the science community will be the Framework Programmes. It is important therefore that ideas are fed into the Commission when it begins to consider those areas of science and technology to be supported, and the levels of funding, that it will propose for Framework 8 and future programmes. The ERC is a good example of an important EU initiative that came into being as a result of the influence and actions of the scientific community.

There are many more policies and regulations coming out of the EU that will affect the way the scientists, engineers and technologists work. They have the potential to put significant barriers in the way of progress through scientific research and the implementation of that research. A good recent example of this is the 2004 EU Physical Agents (ElectroMagnetic Fields (EMF)) Directive. This sought to limit occupational exposure to electromagnetic fields and, when implemented,
it would have had the effect of severely limiting the use of important medical diagnostic tools such as the MRI scanner and also the use of NMR in chemical research and analysis. However as a result of effective lobbying, including by the European physics community, the implementation of this Directive has been delayed until 2012 while the matter is properly debated. Here we see how scientists and technologists with expertise in a field can have an influence on the policy makers in Brussels. It also highlights the importance of scientists becoming involved with the formulation of new policies and regulations where scientific issues arise. The question will be - what routes can be used by individuals and organisations to achieve this?

**Access to the EU Institutions:**

Some of the EU Treaties give the citizens of the EU rights to become involved with the workings of the EU. The Maastricht Treaty gives the right to address or petition the EP on EU matters which affect them directly. It also gives citizens the right to take complaints of maladministration by any of the institutions to the European Ombudsman who is appointed by the EP but in dealing with complaints he acts quite independently. The Treaty of Amsterdam gives us the right of access to all EU documents, and to be able to communicate with all of the EU Institutions.

The Treaty of Lisbon introduces a new route to the EU – the “Citizens Initiative”. Through this citizens of the EU may call on the Commission to bring forward proposals for new policies. However to bring an issue forward by this means requires a million people from a number of member states to sign up to it. In any but the most general policy areas which may affect the scientific community this is not a practicable way to bring particular scientific issues to the notice of the policy makers in the EU. Social networking media may of course make it easier to acquire a million signatures but this mechanism remains of limited use. There are however other channels by which to bring issues and advice to the attention of the policy makers in Brussels.

**The EU Commission:** From time to time the Commission issues consultation papers, Green papers or White papers when it is developing proposals for new policies, or is looking to modify existing ones. These are available to the public and evidence and comments are invited. A number of these consultations will affect the scientific community, or have a science and technology component and responding to them is therefore a good means of getting expert views or scientific advice or information brought to the notice of the Commission.

It is also possible to gain direct access to the Commission to raise issues of scientific importance, or to input advice to try to influence policy decisions. Each of the DGs has Desk officers, generally more junior civil servants, who, depending on the particular DG, are often prepared to meet and discuss areas of mutual interest. They are also best placed to provide advice on whether it makes sense to take the issue further up the DG hierarchy and how to do it. The Commission also has its ‘Representations’ offices in all Member States and in the UK these are in London, Belfast, Cardiff and Edinburgh. Some of the Commissioners and Commission bodies have their own Blogs through which they may be contacted. Some EU offices, agencies and institutions can be contacted via social networks and other similar sites.

Some policy proposals being developed by the Commission have a significant scientific or technical content and so the Commission has expert working groups to examine particular issues. The members of these groups are generally senior people but they can be approached to discuss concerns or input information. The various EU Regulatory and Executive agencies, described above, may often deal with matters of science, technology or engineering. They should therefore be seen as other channels for feeding in scientific advice, information or concerns.

**The European Parliament:** Under the Treaty of the Functioning of the European Union (formerly the Treaty of Rome) any EU citizen, alone or with others, or any organisation or association based in Europe has the right to petition the EP. The subject of the petition may be any which come within the EU’s fields of competence and affects the petitioner(s) directly. The petition can be in the form of a request to the Parliament to consider an issue. It is possible to use this route to raise issues of concern affecting the science community in proposed new legislation or the way that current EU law is being applied. It would seem that the petition route can be used to ask The EP to take some particular scientific evidence into consideration during their deliberations on new policy.

The Members of the European Parliament themselves, and particularly constituency MEPs, may also be approached. As in the case of UK MPs, few MEPs have any science background and yet they will often find themselves in debates
where scientific or technological issues may be raised. In such cases information from scientists may be welcomed.

**The Council of the European Union and National Government:** As mentioned earlier, the governments of each of the member states have bases in Brussels. The UK’s Permanent Representation to the EU (UKRep) is made up of teams of civil servants drawn from various Government Departments who will be able to deal with particular issues as they arise. Senior members of UKRep are members of the COREPERs and represent the UK at the highest levels (as described above). UKRep teams will provide the UK Government position in negotiations on proposed EU policies and also, when necessary, provide scientific input during discussion within the EU Council. In doing so they consult with their colleagues in the relevant UK Government Departments. They also consult the various stakeholders such as organisations representing sectors of industry and business, NGOs and professions who may be affected by proposed new laws. Contacting the relevant members the UKRep with scientific information, advice or to raise concerns about current Regulations or Directives, or about future Commission policy proposals, could therefore provide a channel of communication to the CEU.

In addition to UKRep there are also other groups in Brussels to be aware of which may provide useful contacts for some specific issues. These include other public sector organisations or fora covering different aspects of UK national life such as groups representing the three devolved Governments and the English regions who also work to influence EU legislation which may have impacts upon their interests.

**Access via the UK Parliament:** The various EU treaties have given the national parliaments considerable powers of scrutiny of Commission proposals for legislation in some areas of EU activity. They also have the power to veto proposals under some circumstances. There are also Parliamentary Committees whose specific role is to examine and discuss documents such as the Green and White Papers and proposals for legislation coming out of the EU Commission. These are

- the House of Commons European Scrutiny Committee (ESC), and
- the House of Lords European Union Committee (EUC).

To assist these two bodies the UK Parliament has its National Parliament Office in Brussels which gets advance information of Commission proposals and provides regular briefing on topical issues for the ESC and EUC. It is also now not unusual for UK Parliamentary Select Committees to carry out detailed inquiries into the impact of proposed EU legislation. Therefore concerns and scientific insights surrounding the subjects of these inquiries can be raised with the MPs or Peers who are members of the European Committees or other relevant Select Committees. Contacts can also of course be made with constituency MPs in the same way as with issues concerning UK domestic policies.

**Access via other non-parliamentary bodies:** There are now a multitude of non-parliamentary bodies which have developed a presence in Brussels to represent their particular interests to the EU. Examples of these include the British Chamber of Commerce, which is exceptionally well connected in the EU and provides assistance the UK’s business community in dealing with the EU Institutions, the various Trade and Industry Associations and the Non-Governmental Bodies (NGOs). Increasingly British Universities are opening offices in Brussels. In addition to these bodies there are also a number of consultancies and lobbyists dealing with various aspects of EU policy and activity who have access to the Commission and EP. All of these organisations and individuals are now expected to register their details in the “Transparency Register” which, as well as providing accessible details of these bodies and individuals and their areas of interest, also lays down a binding “Code of Conduct” together with mechanisms to ensure compliance.

**Access via the Learned Societies:** These bodies can be influential when it comes to providing scientific information and advice to the UK Government and Parliamentarians. The major Societies can also make a contribution to the development of policy in the EU. This may be done through UK Government Department organisations such as, in the case of the Royal Society of Chemistry (RSC), the DEFRA Chemicals Stakeholder Forum. Through this body advice and information is gathered from the various participants and fed into the UK Government and also, through it, into the EU at CEU and other levels.

The EU prefers to talk to larger groupings of Societies and so the best route for a UK Learned Society to get its voice heard is often via its equivalent Pan-European
body. For example, in the case of the proposed EU legislation on animal experimentation the European Biomedical Research Association has been the body co-ordinating the responses of the UK biological community. In the case of the chemicals directive REACH the RSC works with the European Association for Chemical and Molecular Sciences (EUCheMS) which includes more than 40 Chemical Societies throughout Europe in its membership.

Another route which Learned Societies can use is through Select Committees holding an Inquiry into EU proposals. In the case of the Physical Agents Directive which would have had the effect of severely limiting the clinical use of MRI, the Institute of Physics and other bodies contributed evidence to the House of Commons Science and Technology Committee Inquiry. In this case effective action was taken by the ‘Alliance for MRI’ which brought together different interested parties, including the Learned Societies and Professional Bodies involved in this field. The result of these actions was the delay in implementation of the Directive until 2012 to allow reconsideration of the exposure limits. Many Societies have horizon scanning activities to enable them to be aware of developments in Brussels. This puts them in a better position to respond to Consultations, Green papers etc in a timely way. They may also be in a position to draw the Commission’s attention to emerging problems and issues with current Regulations and Directives.

However for the Learned Societies to be effective in their work with policymakers they are dependant on their members being willing to engage with them and make their own contributions.

Appendix

How to find out what is going on in the EU

It is obvious that to be effective in contributing to policy-making in the EU we must have information about what is being proposed and what is passed into law. The easiest way of keeping abreast of what is going on in the EU Institutions is through the various official websites which give a wealth of information.

For general information about the EU and its workings: http://europa.eu/

For access to official EU documents, Council of Europe, CEU, EP and Commission Minutes, agendas and papers etc: http://europa.eu/documentation/official-docs/

For all of the official publications of the EU; The Journal of the European Union is published in all official languages every day. The ‘C’ Series includes minutes of parliamentary meetings, parliamentary written questions and answers from the CEU or Commission, summaries of judgments of the Court of Justice, statements from the European Economic and Social Committee and the Committee of the Regions. The’ L’ Series includes Regulations, Directives, Decisions, Recommendations and Opinions: http://publications.europa.eu/official/

Commission Consultations and discussion documents: http://ec.europa.eu/yourvoice/discussions

For information, the latest news and progress and the initiatives in European innovation, research and development from the Community Research and Development Information Service (CORDIS): http://cordis.europa.eu/

For Directory of MEPs: http://www.europarl.europa.eu/members/

For access to the Transparency Register of organisations, Consultants and lobbyists working in the EU Policy-making arena: http://europa.eu/transparency-register/