



THE EUROPEAN COUNCIL

The European Council, formed by the heads of state or government of the Member States, provides the necessary impetus for the development of the European Union and sets out the general political guidelines. The Commission President is also a non-voting member. The President of the European Parliament addresses the European Council at the beginning of its meetings. The Lisbon Treaty established the European Council as an institution of the Union and endowed it with a long-term presidency.

LEGAL BASIS

Articles 13, 15, 26, 27 and 42(2) of the Treaty on European Union (TEU).

HISTORY

The European Council is now the summit conference of heads of state or government of the EU Member States. The first of these 'European summits' took place in Paris in 1961 and they have become more frequent since 1969.

In the Paris European summit of February 1974, it was decided that these meetings of Heads of State or Government should henceforth be held on a regular basis under the name of 'European Council', which would be able to adopt a general approach to the problems of European integration and ensure that Union activities were properly coordinated.

The Single Act (1986) included the European Council in the body of the Community Treaties for the first time, defining its composition and providing for bi-annual meetings.

The Treaty of Maastricht (1992) formalised its role in the EU's institutional process.

The Treaty of Lisbon made the European Council a full institution of the EU (Article 13 TEU) and defined its tasks, which are to 'provide the Union with the necessary impetus for its development and define the general political directions and priorities thereof' (Article 15 TEU). The European Council and the Council of the European Union (hereinafter 'the Council') have agreed to share section II of the EU Budget (Article 43(b) of the Financial Regulation), which is why the general budget only has ten sections and not eleven, although the European Council and the Council are separate institutions.

ORGANISATION

Convened by its president, the European Council brings together the heads of state or government of the 28 Member States and the President of the Commission (Article 15(2) TEU). The High Representative of the Union for Foreign Affairs and



Security Policy takes part in its work. The President of the European Parliament is usually invited to speak at the beginning of the meeting (Article 235(2) TFEU).

The president is elected by the European Council itself for a once-renewable two-and-a-half-year term and represents the EU to the outside world.

The European Council usually decides issues by consensus, but a number of important appointments are made by qualified majority (in particular that of its own president, the choice of the candidate to be elected President of the European Commission and the appointment of the High Representative of the Union for Foreign Affairs and Security Policy and the President of the European Central Bank).

The European Council normally meets at least four times a year. Since 2008, the European Council has met more often, in particular, during the financial crisis and subsequent euro area debt crisis. Lately, migration flows to the EU and internal security issues have also greatly occupied the European Council.

Since 2016, the heads of state and government have also met in an 'EU-27' format, without the United Kingdom. These meetings were at first informal, prior to the UK's formal notification of withdrawal from the EU under Article 50 TEU in March 2017. After the notification, several formal 'European Council (Article 50)' meetings of the EU-27 have taken place alongside regular meetings.

In addition, the European Council members meet in the format of 'intergovernmental conferences' (IGCs): these conferences of representatives of the governments of the Member States are convened to discuss and agree EU treaty changes. Before the Lisbon Treaty that came into force in 2009, this was the only procedure for treaty revision. It is now called the 'ordinary revision procedure'. The IGC, convened by the President of the European Council, decides on treaty changes unanimously.

ROLE

A. Place in the EU's institutional system

Under Article 13 TEU, the European Council forms part of the 'single institutional framework' of the Union. However, its role is to provide a general political impetus rather than act as a decision-making body in the legal sense. It takes decisions with legal consequences for the Union only in exceptional cases (see point C(2) below), but has acquired a number of institutional decision-taking powers. The European Council is now authorised to adopt binding acts, which may be challenged before the Court of Justice, including for failure to act (Article 265 TFEU).

Article 7(2) TEU gives the European Council the power to initiate the procedure suspending the rights of a Member State as a result of a serious breach of the Union's principles, subject to the consent of the European Parliament.

B. Relations with the other institutions

The European Council takes decisions with complete independence and in most cases does not require a Commission initiative or the involvement of Parliament.

However, the Lisbon Treaty maintains an organisational link with the Commission, since its president is a non-voting member of the European Council, and the High



Representative of the Union for Foreign Affairs and Security Policy attends the debates. Moreover, the European Council often asks the Commission to submit reports in preparation for its meetings. Article 15(6)(d) TEU requires the President of the European Council to submit a report to Parliament after each of its meetings. He also meets the President of Parliament as well as leaders of political groups on a monthly basis, and in February 2011, he agreed to answer written questions from MEPs concerning his political activities. But Parliament is also able to exercise some informal influence through the presence of its president at European Council meetings and pre-European Council meetings of the party leaders in their respective European political families, as well as through resolutions it adopts on items on the agenda for meetings, on the outcome of meetings and on the formal reports submitted by the European Council.

With the Lisbon Treaty, the new office of High Representative of the Union for Foreign Affairs and Security Policy became an additional element proposing and carrying out foreign policy on behalf of the European Council. The President of the European Council ensures the external representation of the Union on issues concerning its Common Foreign and Security Policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

C. Powers

1. Institutional

The European Council provides the EU with ‘the necessary impetus for its development’ and defines its ‘general political directions and priorities’ (Article 15(1) TEU). It also decides by qualified majority on the formation of the Council and the calendar of rotating presidencies.

2. Foreign and security policy matters ([5.1.1](#)) and ([5.1.2](#))

The European Council defines the principles of, and general guidelines for, the Common Foreign and Security Policy (CFSP) and decides on common strategies for its implementation (Article 26 TEU). It decides unanimously whether to recommend to the Member States to move towards a progressive framing of a common Union defence policy, under Article 42(2) TEU.

If a Member State intends to oppose the adoption of a decision for important reasons of national policy, the Council may decide by qualified majority to refer the matter to the European Council for a unanimous decision (Article 31(2) TEU). The same procedure may apply if Member States decide to establish enhanced cooperation in this field (Article 20 TEU).

3. Economic governance and Multiannual Financial Framework (MFF) ([1.4.3.](#))

Since 2009, the sovereign debt crisis has made the European Council and the euro summits the prime actors in tackling the fallout from the global banking crisis. Several Member States have received financial aid packages through ad hoc or temporary agreements decided by the heads of state or government and later ratified in the Member States. In future, financial aid will be channelled through the permanent European Stability Mechanism. Member State governments, with the active participation of the Commission, Parliament and the ECB, have drawn up an



international treaty — the Treaty on Stability, Coordination and Governance (also called ‘Fiscal Compact’) — permitting stricter control of Member States’ budgetary and socio-economic policies. This increasingly raises questions about the role of the Commission and Parliament in the economic governance of the euro area.

The European Council also plays an important role in the European Semester. At its spring meetings it issues policy orientations on macroeconomic, fiscal and structural reform and growth-enhancing policies. At its June meetings it endorses recommendations resulting from the assessment of the National Reform Programmes drawn up by the Commission and discussed in the Council.

It is also involved in the negotiation of the MFF, where it plays a pivotal role in reaching a political agreement on the key political issues in the MFF regulation, such as expenditure limits, spending programmes and financing (resources).

4. Police and judicial cooperation in criminal matters ([4.2.6](#))

At the request of a member of the Council, the European Council decides whether to establish enhanced cooperation in an area related to this field (Article 20 TEU). The Lisbon Treaty introduced several new bridging clauses enabling the European Council to change the decision-taking formula in the Council from unanimity to majority ([1.2.4](#)).

ACHIEVEMENTS

The European Council has been effective in adopting general guidelines for action by the EU. On 27 June 2014, the European Council agreed on five priority areas to guide the EU’s work over the next five years: (1) jobs, growth and competitiveness; (2) empowering and protecting citizens; (3) energy and climate policies; (4) freedom, security and justice; and (5) the EU as a strong global actor. These priorities are set out in a document called the ‘Strategic agenda for the Union in times of change’. It is used to plan the work of the European Council and also acts as a basis for the work programmes of other EU institutions.

The European Council has also contributed to overcoming deadlocks in the EU decision-making process. Nevertheless, its intergovernmental constitution and decision-making procedures may be curbing the federal development of European integration in general. The institutional changes brought about by the Lisbon Treaty have yet to be assessed. It is worth noting that the President of the European Council regularly reports to the European Parliament.

A. Foreign and security policy

Since the beginning of the 1990s, foreign and security policy has been an important item at the European Council’s summit meetings. Decisions taken in this area have included:

- International security and the fight against terrorism;
- European neighbourhood policy and relations with Russia;
- Relations with the Mediterranean countries and the Middle East.



Meeting in Helsinki on 10 and 11 December 1999, the European Council decided to reinforce the CFSP by developing military and non-military crisis management capabilities.

Meeting in Brussels on 12 December 2003, the European Council approved the European Security Strategy.

Meeting in Brussels on 22 and 23 June 2016, the European Council agreed on the need to launch permanent structured cooperation (PESCO) to strengthen Europe's security and defence. PESCO was established by the Council decision of 11 December 2017. All EU Member States are taking part in PESCO, except for Denmark, Malta, and the United Kingdom.

B. Enlargement ([5.5.1](#))

The European Council has set the terms for each round of EU enlargement. At Copenhagen in 1993, it laid the foundations for a further wave of accession (Copenhagen criteria). Meetings in subsequent years further specified the criteria for admission and the institutional reforms required beforehand.

The Copenhagen European Council (12 and 13 December 2002) decided on the accession on 1 May 2004 of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Romania and Bulgaria joined the Union on 1 January 2007.

Meeting in Luxembourg on 3 October 2005, the Council approved a framework for negotiations with Croatia and Turkey on their accession to the EU. The Accession Treaty with Croatia was signed on 9 December 2011, and Croatia acceded on 1 July 2013.

C. Institutional reform

The European Council meeting in Tampere (15 and 16 October 1999) decided on the arrangements for drafting the EU Charter of Fundamental Rights ([4.1.2](#)). The Helsinki European Council (December 1999) convened the intergovernmental conference in preparation for the Treaty of Nice.

The Laeken European Council (14 and 15 December 2001) decided to convene a Convention on the Future of Europe, which drew up the ill-fated Constitutional Treaty ([1.1.4](#)). After two and a half years of institutional stalemate, the European Council of 21 and 22 June 2007 adopted a detailed mandate for an intergovernmental conference leading to the signature of the Lisbon Treaty on 13 December 2007, which entered into force on 1 December 2009 ([1.1.5](#)). On 25 March 2011, it adopted the decision amending Article 136 and paving the way for the creation of the European Stability Mechanism.

On 29 June 2018, the European Council adopted the decision on the composition of the European Parliament, which enables Member States to enact the necessary domestic measures for organising the elections to Parliament for the 2019–2024 parliamentary term^[1].

[1] [European Council Decision \(EU\) 2018/937 of 28 June 2018 establishing the composition of the European Parliament, OJ L 165, 2.7.2018, p. 1.](#)



On 23 March 2018, the European Council (Article 50), meeting in an EU-27 format, adopted the guidelines on the framework for a future relationship with the UK after Brexit. According to the guidelines, the EU wants to have the closest possible partnership with the UK, which would cover trade and economic cooperation, security and defence, among other areas.

On 10 April 2019, the European Council (Article 50) took note of Prime Minister Theresa May's letter of 5 April 2019 asking for a further extension of the period referred to in Article 50(3) TEU. The European Council agreed to an extension to allow for the ratification of the Withdrawal Agreement. However, such an extension should last only as long as necessary and, in any event, no longer than 31 October 2019. If the Withdrawal Agreement is ratified by both parties before this date, the withdrawal will take place on the first day of the following month.

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