

The European Parliament in an enlarged European Union: Beyond the Lisbon Treaty

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Conference Report

In the first session, entitled **"The European Parliament and the European Demos"**, **Andrew Duff MEP** observed that the European Parliament and the demos were still searching for each other, but their finding each other was impeded by the member states, the national political parties and the media. In his view the referendums held on the Constitutional Treaty had been a sign of weakness of the national political systems. He then turned to discuss ten moments which had helped the EU overcome the crisis brought about by the failed referendums. These moments included the process of negotiating the new Treaty in 2007, which was conducted in a pragmatic and discreet way. Other critical moments were of an electoral nature, such as the election of Nicolas Sarkozy in France and the change of government in Poland. A further set of turning points had to do with the decision by certain member states not to hold a referendum, which had previously planned to hold one. Further factors in overcoming the crisis were of a geo-political nature, such as questions of EU foreign policy and climate change. Finally, there were some factors which were still in the future, such as the Irish referendum in June 2008 and the European elections in June 2009. In conclusion Mr Duff observed that the motto of the Constitutional Treaty - "United in Diversity" - seemed to have been transformed into "United in Obscurity". Yet in his view the process had sharpened the definition of the demos and increased the powers of the European Parliament.

In her response, **Professor Simona Piattoni** of University of Trento, remarked that the ratification process of the Lisbon Treaty offered the chance for an encounter between the EU and the demos. Despite the wish for transparency however, reality seemed to suggest that when the EU made progress it was not as a result of greater transparency. Moving on to the question of the demos, Professor Piattoni observed that the EU would take a very long time to develop a demos along either a top-down or bottom-up path, as followed by most EU member states. Instead the US model of a demos, which builds on the separation of powers and a compound polity without clear government and in which no constituent

state feels threatened despite the vast differences within the Union, could be a better example for an EU demos.

The second session was entitled **"The European Parliament: An equal partner to the Council?"**. **Dr Andreas Maurer**, Stiftung Wissenschaft und Politik Berlin, highlighted how the EP's powers had consistently increased; and would continue to do so under the Lisbon Treaty, after which the EP would legislate in 84 areas, including trade. In addition, the EP had an increasing role in the selection / election of key post-holders such as the Commission President and the High Representative, and it would probably soon have selection procedures akin to those used in the US senate. On the other hand, the number of areas in which consultation with time limits operates had increased, something which effectively denied the EP its ability to postpone legislation. Equally, the expansion of the 'open method of co-ordination' meant the EP was increasingly sidelined in these areas. Dr Maurer went on to highlight the challenges facing the EP as it attempted to become an equal partner with the Council. For example, it had to be selective in what business it would focus on, given its new time constraints and greater quantity of work. To this end, it needed to keep legislative matters 'centre-stage', instead of investing great energy in broader geo-political discussion - though how to interest an audience in legislative matters would be a continual challenge. The EP also had to look at its internal structures: currently certain committees, such as the 'security' and 'freedom' committees worked at odds with one another. As regards its relationship with the Union's other institutions, the EP should try to have more influence in the Commission's legislative initiatives, which currently take far more account of views in the Council. Dr Maurer went on to suggest that the twin 'foreign policy' posts of the Union should exercise their responsibilities in clearly separate areas of competence. Otherwise, conflict of responsibility would be the inevitable result.

In his response, **Dermot Scott**, Head of the European Parliament Office in the UK, began by quoting Elmar Brock:

"The European Parliament has all the power it ever wanted". Indeed, he went on, it had all the power that Spinelli would have wished it had. He referred in particular to Dr Maurer's reference to the increasing pressure of business felt by the European Parliament as its competences had increased, citing this as a potential problem from the perspective of transparency. If there was greater pressure to deal quickly with legislative proposals to avoid a 'clogging-up' of the system, the number of 'first reading' deals struck with the Council 'behind closed doors' might well increase, to the detriment of transparency. Much of the future balance between the EP and Council would depend upon the Parliament's implementation of the reforms in the Lisbon Treaty; whether or not the EP would, for example, be able to exert some control over the External Action Service. Mr Scott stressed in particular that the Parliament would be under some pressure to organise itself effectively in the first half of 2009, after the Lisbon Treaty came into effect and before the European Elections in June 2009 - particularly given that from spring 2009, parliamentarians would be increasingly focused on electoral campaigning. It remained to be seen how a 'strong' Council President might affect the balance of power between the Council and the Parliament, but it was up to parliamentarians to link their actions, and their elections, directly to the choice of President, by forming groups which explicitly supported different candidates for the Presidency. These groups might split along traditional left/right axes, or might coalesce around 'Atlanticist' or 'European' candidates, or divide along, say, 'Eurozone' / 'Non-Eurozone' lines, but the priority was that parliamentarians lean support transparently to candidates by early 2009; something requiring the existence of candidates by the turn of the year.

In the third session of the workshop, entitled "**The European Parliament and national parliaments**", **Brendan Donnelly**, of the Federal Trust, discussed whether the new powers given to national parliaments in the Protocol to the Lisbon Treaty were substantial and indeed desirable. He first pointed out that in fact the powers were not new but were a consolidation of previous practice. The procedure of involving national parliaments in the EU was never straightforward because of the different cultures and practices in all member states. The Protocol on national parliaments sought a fine balance, in order to accommodate diverse views of parliamentary legitimacy in the European Union. Mr Donnelly then observed that the problem of the lack of democratic legitimacy in the EU still persisted despite increased powers of the European Parliament. The acceptance by the minority of being outvoted by a majority was one definitional characteristic for a "demos" and in the EU this acceptance did not always exist. The proposal for political parties to nominate their candidates for the Commission Presidency ahead of the European elections had the potential to create one of the building blocks for an EU demos, by ensuring that the European Elections had a democratically legitimated "outcome".

In response, **Professor Edward Best** from the European Institute of Public Administration (EIPA) in Maastricht started off his intervention with the observation that the football-related image of red and yellow cards was not helpful and would not have great practical effect. Statistically, the number of opinions likely to be submitted by national parliaments was very low, since the scope of issues they could look at under the Protocol was very narrow. Different parliaments interpreted the principle of subsidiarity differently and it would therefore be difficult for them to act jointly. Some parliaments might anyway not want to be seen contradicting their government in public. The benefit of the practice of mandating was questionable as it made negotiations very cumbersome, as the case of Austria showed. Even COSAC had been cautious about the protocol, recommending its members not to get distracted by the question of subsidiarity and not to see the mechanism as a miracle cure. The image of national parliaments as "superlegitimate gatekeepers" was not helpful. In conclusion Professor Best observed that the EU was seen by citizens as part of the "global level", while national parliaments were perceived to be closer to the citizens. This was a problem unresolved by the Protocol on national parliaments of the Lisbon Treaty.