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Policy Brief

Assessing and Addressing the European Union’s Democratic Deficit

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This policy brief summarizes some of the key findings from my book, Resolving Controversy in the European Union (Cambridge University Press, 2011), that are relevant to the EU’s democratic deficit. The policy brief also draws out some policy implications of these findings. The research on which the book and this policy brief are based examines the inputs, processes and outputs of the decision-making process on 125 controversial legislative proposals from the past decade. It also draws on insights from over 350 interviews with policymakers in Brussels. Since this research focuses on the legislative decision-making process at the EU-level, I do not pretend to give a comprehensive assessment of the democratic deficit here. Nonetheless, the research is highly relevant to four of the main charges that have been prominent in discussions regarding the democratic deficit.

While there are different versions of the argument that the EU has a democratic deficit (e.g. Habermas 2008; Hix 2008; Weiler et al. 1995), there are four recurring charges. These concern citizens’ relationship with the EU, the decision-making process itself and the outcomes of the decision-making process.

The first charge is that ‘unelected bureaucrats have too much power.’ According to this charge, the EU has usurped democratic politics at the national level. Instead of democratically elected representatives deciding on matters of concern to citizens, Brussels bureaucrats are now in control.

Several research findings are pertinent to the charge of ‘bureaucratic despotism’. These findings lead us to question this charge, but raise new concerns. First, the Commission, to which the charge of being unaccountable is most relevant, holds a modest amount of power in the EU’s decision-making process compared to the Council. In the co-decision procedure, and by implication the now widely used ordinary legislative procedure, both the Council and EP have more power over decision outcomes than the Commission. This implies that unelected officials in the Commission are not in control, but the research raises the more specific concern that unelected officials in the Council working groups wield too much power. Given that national ministers spend most of their time on national issues, they must delegate the task of representing their countries’ interests to officials in the Council’s working groups. The findings indicate that officials usually do this well. Member states’ policy demands reflect their domestic interests, and all member states’ policy demands are taken into account when formulating decision outcomes. However, the Council is far from being a transparent...
decision-making body, which means that citizens have little opportunity to monitor how their national representatives behave.

The second charge is that ‘the European Parliament has too little power.’ The EP is the only institution in the EU with members directly elected by citizens. As such, a powerful EP is an important part of the EU’s democratic infrastructure of checks and balances.

This second charge is often rebutted with the argument that the EP has been given a stronger position in the formal legislative procedures in successive revisions of the EU’s treaties, most recently in the Lisbon Treaty (e.g. Hix 2008: 73). In the co-decision procedure as revised in the Treaty of Amsterdam, and in the almost identical ordinary legislative procedure introduced by the Lisbon Treaty, the EP is formally a genuine co-legislator together with the Council. However, political scientists should not be content with a reading of the formal procedural rules. What matters is how these rules are brought into practice. A key research finding is that across a broad range of legislative proposals subject to the co-decision procedure (now the ordinary legislative procedure), the EP is considerably less powerful than the Council. This finding does not detract from the important changes that the EP makes to specific legislative proposals. Rather, the finding is that when the Council and EP disagree, it is the Council that generally wins, despite noteworthy exceptions. This finding implies that there is a large discrepancy between the formal rules and the practice of politics in the EU as far as the EP’s power is concerned. It also implies that there is evidence for this second claim of the thesis that the EU suffers from a democratic deficit.

The third charge is that ‘the EU lacks an electoral competition regarding European issues with which citizens can engage.’

This charge raises two main questions regarding political competition in the EU. The first question is whether the controversies dealt with in the EU’s day-to-day politics have the possibility of engaging citizens. The answer is a qualified yes. My study examined more than 300 controversial issues that arose in the EU during a recent decade. Each controversy was of substantial interest to at least some groups of citizens. The controversies included choices between different levels of subsidies for various programmes, new rules to liberalize or protect different markets, and rules to harmonize regulations across Europe. Choices between free markets and strong regulations are similar to those faced by national politicians. It is true that controversies in the EU do not refer to the electorally salient policy areas of taxation and spending in which voters generally say they are most interested. However, EU-level controversies relate to the same themes that energize national politics. Arguably, these controversies are important enough to warrant more informed public debate than they currently receive.

The second question is whether it is possible for the main political actors in the EU to offer citizens competing comprehensive packages of policy proposals, as is the case in many national contexts. The answer is no, not without damaging one of the most important features of the political system that makes the EU successful. For a group of political actors to formulate a coherent and comprehensive package of proposals, they must have similar policy positions across a broad range of issues. This contrasts with the situation found in the Council of Ministers, where member states’ policy positions are marked by variation across issues. My analyses identified some important patterns in member states’ policy positions, but these patterns are found in no more than substantial minorities of issues. It is notable that none of the patterns in member states’ positions related to the left-right positions of their national governments, terms that structure politics for citizens at the domestic level. This lack of structure contributes to the absence of clear winners and losers in the EU across a broad range of decision outcomes. Maintaining this desirable feature of the EU’s political system runs counter to Hix’s (2008: 90) call for more structured competition across a range of issues so that citizens can identify ‘the winners and losers of policy outcomes’. I agree that information on the winners and losers of each controversy should be publicly available. However, redesigning the system of political competition so that some member states are forced into the losing side on a range of issues is neither feasible nor wise.

The fourth charge is that ‘EU policy outcomes do not reflect European citizens’ policy preferences’ or more generally that outcomes are biased in favour of certain interests. This charge has been levelled partly by people with left-wing social democratic convictions. Scharpf (1999), for instance, argues that EU policies are generally to the right of what most
citizens want. According to Chari and Kritzinger (2006), business groups have a disproportionately large amount of influence in EU policymaking. Equally however, people on the right complain that the EU imposes too much regulation on companies. According to Hix (2008: 75) ‘radical free-marketeers are just as frustrated with the EU as left-wing socialists’, because decision outcomes are often centrist.

My research does not examine citizens’ preferences on EU issues, which is part of the fourth charge. However, my findings regarding decision outcomes are relevant to the charge of bias. The research findings are consistent with Hix’s judgement that outcomes are centrist. Decision outcomes generally lie between the most extreme policy positions advocated by any of the actors. This does not imply that decision outcomes in the EU do not bring change. Indeed, decisions often appear radical to people who would have preferred no change at all. Decisions on choices between free markets and strong regulations generally lie between these extremes. Likewise, if we consider decisions to cut subsidies for agricultural production, these cuts are generally less than Denmark’s representatives would like, but more than France’s representatives would like. Moreover, the more polarized member states are on regulatory issues, the more likely it is that the decision outcome will delegate discretionary powers to national authorities. So it is precisely where citizens’ national representatives disagree most that member states preserve the most autonomy.

Pragmatic reforms to improve the European Union

Europeans are unlikely to make fundamental changes to the EU’s formal structures anytime soon. The EU has reached a constitutional equilibrium that is unlikely to shift in the foreseeable future (Moravcsik 2005). Despite the great difficulties of ratifying the Lisbon Treaty, the institutional reforms it brought were modest in scale compared to previous reforms. The EU’s constitutional equilibrium includes the division of policy areas into those that fall under the EU’s jurisdiction and those that are left to the national level. The EU’s jurisdiction excludes electorally salient policy areas of public expenditure. Even with higher levels of fiscal coordination following the financial crisis, national governments remain responsible for deciding on levels of taxation and expenditure. The recent fiscal treaty and related discussions do, however, raise the salience of the EU for citizens. This makes it all the more important that citizens’ voices are heard effectively and that citizens have the opportunity to become well informed about discussions regarding policies that affect their lives. The research findings strengthen support for the following two reform proposals, which are realistic in the sense that they are possible within the established constitutional settlement.

The first of these reforms is that the European Parliament’s real capacity to exercise power on a par with the Council should be strengthened. Formally, the EP is equal to the Council in the ordinary legislative procedure that applies to most important policy areas. My findings indicate that even when the EP is formally a co-legislator with the Council, in practice it is far weaker. The problem is not with the formal rules laid down in the Treaty, but rather with deficiencies in MEPs’ informal power resources that enable them to use the formal rules as effectively as possible.

What practical steps could be taken to increase MEPs’ informal power resources? MEPs should be given greater support in terms of more personnel at more senior levels. MEPs’ support compares unfavourably to the support available to representatives of members states in the Council of Ministers, who draw on the resources of large national ministries. By comparison, Members of Congress in the United States have large teams of advisors at their disposal. In supporting this proposal, I do not wish to denigrate the work and expertise of many dedicated MEPs and EP staff. In many ways it is remarkable that the power of the EP is so marked given the resources they have at their disposal; this is testimony to their hard work and skill. However, the fact remains that the power of the EP is far less than the Council, even when the formal rules stipulate that it should be the same.

High levels of turnover in the EP negatively affect MEPs’ experience, which in turn weakens the EP relative to the Council. Strengthening personnel support for MEPs would encourage more MEPs to stay longer. Larger teams of more senior staff increase the prestige of being an MEP, which would dissuade some from returning to a career in national politics or elsewhere. Better-resourced MEPs are more likely to achieve desired changes to legislative proposals, and such successes would encourage more MEPs to run for office again.
Funding to strengthen staff support for MEPs should be found in the current EU budget. The EP should abolish its sessions in Strasbourg to find the required savings. Every month, the EP moves all its operations from Brussels to Strasbourg, to hold meetings in a building that remains empty the rest of the time. The yearly cost of doing so is estimated at about Euro 200m, enough to fund a significant number of full-time senior-level staff members to support MEPs. The Strasbourg routine also wastes time and energy that could otherwise be devoted to checking the power of the Council of Ministers and Commission. There is no serious intellectual argument for keeping the Strasbourg sessions. Defenders of the status quo refer to the importance of symbols for political systems. Symbols are indeed important, but Strasbourg is not a symbol that benefits the EU. On the contrary, EP sessions in Strasbourg are used by Eurosceptics to perpetuate the image of a wasteful EU. Opponents of the Strasbourg sessions generally argue that abolishing these sessions would reduce waste. A more important argument in my view is that abolishing these and investing the savings appropriately would make the EP a more powerful legislature.

The second reform is that the Council of Ministers should introduce greater transparency when it acts as a legislative body. Citizens are denied the opportunity to see what positions their national representatives defended during the decision-making process, particularly in the working groups. The first reason for transparency is that a more open Council would partly correct the imbalance of power between the Council and EP. Secretive Council meetings institutionalize information asymmetries between the Council and the EP. While Council members know what goes on in the EP, MEPs depend on Council members for information on discussions in the Council. The second reason for opening up the Council is that it would give citizens the opportunity to engage in debates on issues that affect their lives. It would also allow citizens to monitor whether their national representatives are representing their interests adequately in the EU’s most powerful legislative body. My research shows that the legislative system works well in representing member states’ diverse policy demands. Therefore, a more open Council could lead to increased support for the EU among citizens. Journalists have an important role to play in informing citizens about European issues. Opening the Council would give journalists a source of news events regarding political issues of substantive importance on which there are often marked differences of opinion among national representatives. It is not realistic to think that European citizens will become as interested in European issues as they are in national issues. However, citizens’ apathy toward the EU is partly a consequence of the way in which European issues are presented to them, or not presented to them at all, by national media.

The arguments for preserving secrecy when the Council acts as a legislature are weak. One argument is that there is already enough transparency in the EU compared to other political systems (Moravcsik 2008: 334). This is true of the EP, but not of the more powerful Council. There is no other legislative body in the free world that meets in such secrecy. The Council pays lip service to transparency in its formal procedures, but these formalities do not give citizens and journalists access to useful information on political differences among member states. Another argument against opening up the Council is that it would destroy the consensual nature of decision-making that currently exists. According to this argument, if subjected to public scrutiny, national representatives would be unable to make the concessions required to resolve controversies. Against this argument, I contend that national representatives make concessions out of national self-interest, and such self-interested behaviour is defendable to domestic audiences. This kind of self-interested willingness to compromise is the stuff of coalition politics at the national level with which almost all European citizens are now familiar. Therefore, opening the Council would not disrupt decision-making as supporters of secrecy suggest it would.

The practical steps that should be taken to increase transparency in the Council are well known and have been detailed in a recent study by Hix (2008: 149-55). All documentation regarding legislative decision-making in the Council should be publically available in uncensored form in real time. Citizens should have access to information on the amendments proposed and supported by each member state in relation to each legislative proposal. Whenever the Council or a relevant Council working group considers a legislative proposal, its deliberations should be conducted public. Finally, all legislative proposals should be put to a recorded vote. Only with such transparency can citizens ensure that their representatives are acting in their interests. With such transparency, the most powerful legislative body in the EU could credibly claim to be democratically accountable.
REFERENCES


