



The New European Parliament

One of the oldest institutions of the postwar co-operating Europe is its common assembly, the European Parliament (EP). For long it has been ridiculed for being expensive and powerless, its members grotesquely overpaid and without influence. Its perceived weakness has also brought about much of the well-known criticism of the EU's democratic deficit: the existence of a lack of democracy due to a lack of accountability of EU institutions by the citizens, combined with a lack of access to the EU's activities for the ordinary citizen. However, a closer look reveals that the EP – designed to directly represent the European citizen – has been expanding its powers with every single Treaty. The Lisbon Treaty that came into force on December 1, 2009 beefed up Parliament's powers again, this time quite drastically. Paradoxically, the increase in powers is going hand in hand with a decline in voter turnout for the EP elections, which are held every five years. As such, the problem seems to be less and less one of a democratic deficit, and ever more one of a social deficit. The information is available, checks and balances can be operated, but citizens do not (yet) seem to know how to use them – or simply refrain from doing so. This brief touches upon the evolution of parliamentary powers, the last EP elections, the EP's changing role in the European project, and the developments set in motion by the “Lisbon process”.

Evolution of Power

For decades the EP has been mocked for being a powerless cacophony of ideological, national and historical divides. Nonetheless, in many ways and instances it has proven itself to be a constructive and effective Community institution. With time, the body has gained much in standing – because of its expert debates – and in concrete powers. These powers are primarily defined by the European Union's legislative procedures. The Parliament and the European Council (Heads of State and Government) are designed on paper as the two chambers in a bicameral legislative branch with an equal distribution of power between them. However, in practice, the Parliament has always come off second-best. But the trend is toward a slightly more equal distribution of power across the institutions, and this trend has been reinforced with the Lisbon Treaty.

In previous treaties, the EP had already gathered several new fields of leverage. In 1970 the Parliament was given influence over certain areas of the Community's budget. From the 1980s onward, the Parliament began voting for proposed Commission Presidents, and later was granted a veto. The Maastricht Treaty granted general ways of supervision, such as the capability to form a committee of inquiry, which has been tried out on issues such as the role of European states in the network of CIA detention facilities. But the main

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mechanism through which the balancing of powers between the Parliament and the Council has been working and still works is the application of “ordinary legislative procedure” and “co-decision” to ever larger policy areas. When these procedures apply, the European Commission presents a proposal to both the Parliament and the Council, and both have to agree on it before the proposal can be turned into law. Before Lisbon, these procedures were not applicable to matters concerning justice and home affairs, nor to parts of the budget or to taxation. Under the new rules of the Lisbon Treaty, the powers of the EP are beefed up as follows:

- **Forty new policy fields are included in the “co-decision” procedure:** the EP now has equal rights to those of the Council in some 80% of EU policies. The newly granted areas include agriculture, justice and home affairs, immigration, energy security, health, as well as decisions regarding EU structural funds.
- **New budgetary powers:** the EP will now decide on the entire EU budget together with the Council. Prior to Lisbon, the EP did not have a final word on the “compulsory expenditure” part of the budget (around 45%). Spending on agriculture is one of the more important areas in which the EP gains influence.
- **Choice of President of the European Commission:** the EP election results will now be directly linked to the candidature for the President of the European Commission. The Parliament will elect the President on the basis of a pre-selection of the EU heads of State and Government.
- **Extension of EU citizen's Charter of Fundamental Rights:** the EP now gains a right to propose treaty changes, and will be the guardian of the “subsidiarity” principle and the citizen's initiative, in which citizens are allowed to call for new policy proposals if supported by at least 1 million signatures.
- **International agreements:** the EP now has to approve many international agreements negotiated by the Union, including for example, agreements in international trade.

In sum, with Lisbon in place, the EP has become a step closer to being a full-fledged EU institution. As such, both EU citizens and other EU institutions will have to take the Parliament more seriously.

Inside the Parliament

The Parliament is a multiparty chamber aimed at representing the European populace. Since the Lisbon Treaty the number is fixed at 751, meaning 750 Members of the European Parliament (MEPs) plus the EP President. A transition period has been negotiated for Germany (which is supposed to give up three MEPs under Lisbon): Germany can keep the extra three until the next EP elections. The current assembly thus counts 754 MEPs until 2014. The number of seats allocated to each member states does not follow a fixed mathematical formula. The main rule though is that of degressive proportionality – the larger the state, the more citizens that are represented per MEP. In June 2009, the last EP elections were held under the old rules of the 2001 Nice Treaty

(736 MEPs). The eighteen extra MEPs negotiated in the Lisbon Treaty will take office in the course of 2010. The current allotment of seats is reflected in the table below.

Allocation of MEPs per country, June 2009 elections (+ extra MEPs starting 2010)

Germany	99	Austria	17+2
France	72+2	Bulgaria	17+1
Italy	72+1	Finland	13
UK	72+1	Slovakia	13
Spain	50+4	Denmark	13
Poland	50+1	Ireland	12
Romania	33	Lithuania	12
The Netherlands	25+1	Latvia	8+1
Belgium	22	Slovenia	7+1
Czech Republic	22	Cyprus	6
Portugal	22	Estonia	6
Greece	22	Luxembourg	6
Hungary	22	Malta	5+1
Sweden	18+2	TOTAL	736+18

There is no uniform voting system for the election of MEPs. Each member state can make its own rules, as long as it keeps to some general restrictions. But while elections are run nationally – under the banner of national parties – elected members sit according to transnational political affiliation, with national parties forming broader coalition parties within the European Parliament. A “party group” is recognized – and as such gets EU funding – when it consists of at least twenty-five MEPs originating from at least seven different member states. But as the common electorate is geographically and linguistically widespread, decentralization is a common feature of European party groups. Currently, seven of these groups are present in the EP, with the following number of seats:

- European People's Party (EPP, 265 seats)
- Progressive Alliance of Socialists and Democrats (S&D, 184 seats)
- Alliance of Liberals and Democrats for Europe (ALDE, 84 seats)
- The Greens-European Free Alliance (Greens-EFA, 55 seats)
- European Conservatives and Reformists (ECR, 54 seats)
- European United Left-Nordic Green Left (GUE-NGL, 35 seats)
- Europe of Freedom and Democracy (EFD, 32 seats)
- Non-inscrits (NI, 27 seats)

Reflecting the situation in most national parliaments, the two main groups are the conservatives and the social-democrats (EPP and the S&D). Since the first elections,

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these two parties have continuously held fifty to seventy percent of the seats, while neither has been able to get a simple majority. As the executive body is not extracted from the party groups, they have been more inclined to pursue politics along consensual lines rather than majority rule of competing parties and coalitions. The EPP and the S&D often cooperate to find a compromise, leading to proposals endorsed by vast majority. Recently though, a more pronounced government-opposition dynamic is present, which is likely to be the consequence of increased powers, and a reflection of polarization in national politics.

The Role of National Parliaments

Addressing the criticism of a democratic deficit, the EU has given its Parliament a stronger voice. It has also led to a change in the role of national parliaments in the Community structures. Before 1979, MEPs were seconded from the national level. But from then onwards, when direct elections were institutionalized, citizens rather than national officials have elected the MEPs. As a result, national parliaments felt increasingly left out of the European loop.

One of the first serious initiatives to bring the national parliaments back into EU politics was taken by Laurent Fabius in 1989, then speaker of the French National Assembly. The outcome was the foundation of the Conference of Community and European Affairs of Parliaments of the European Union (COSAC). Six members represented each parliament. National parliaments from candidate and acceding countries were also invited to participate with three observers each. Related to this outcry from the national parliaments, the 1999 Amsterdam Treaty stressed the principle of subsidiarity: decisions should be taken as closely as possible to the citizen and constant checks should be in place on whether action at the Community level is justified in light of possibilities available at the national, regional or local level. In the past decade, the word “subsidiarity” has become one of the buzzwords of Brussels. Also with the Amsterdam Treaty, all Commission consultation documents are required to be forwarded to national parliaments.

Other examples are the recent “Barroso-initiative” adopted during the reflection period following upon the 2005 rejection of the Constitutional Treaty by Dutch and French voters. President of the European Commission Barroso developed a practice in which legislative proposals are systematically sent to national parliaments for inspection at the same time that they are submitted to other EU institutions, so that they can participate in debates right away. From the EP side, the chosen attitude was uttered in 2007 by then-president of the EP, Hans-Gert Pöttering. He promised “to collaborate with the national parliaments in constructive partnership for the good of our nations and of the whole European Union”.

The Lisbon Treaty aims once again at strengthening the influence of national parliaments on EU decision-making. The Treaty introduces a soccer-match-inspired “yellow and orange card” procedure intended to enforce the concept of subsidiarity. National

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parliaments can now raise objections to Commission proposals. Yellow can be raised if one third of the national parliaments agree that a proposal breaches the subsidiarity principle. The Commission will be obliged to review its proposal. An orange card can be raised if the Commission maintains the proposal but a simple majority of national parliaments continues to object. Nonetheless, national parliaments still have no veto.

But, with these new measures available, the ball is back in the court of national parliaments. The reality is that most national parliaments lack the capacity to follow everything the EU does. Also, they are likely to find the task of forming a sufficiently broad alliance with other parliaments to block EU legislation rather complex. The challenge will be to find eight other national parliaments to then be able to raise a yellow card together. Some parliaments have been better prepared than others. For example, the French Parliament has changed the Constitution to enshrine subsidiarity mechanisms, while the Finnish Parliament has added a specific procedure for subsidiarity in its Rules of Procedure. But many more national parliaments have not yet turned their attention or political will to these measures. Most likely, the expected coordination problems will boost the activities of single issue lobby groups that seek to motivate and coordinate across member states – in a certain way providing an alternative route towards a “whole Europe” debate.

The Last EP Elections: A More Conservative Outlook

Elections for the European Parliament were last held in June 2009. As mentioned, despite the alleged pan-European objective, almost all MEPs campaigned under national party names on national issues. When referring to the European level, differentiation of parties often stopped at being “pro-Europe” or “Eurosceptic”. No party seemed to stress that 75% of national legislation is produced in Brussels. Nor did any party address the issues the European institutions will have to deal with in the coming five years to any depth. Surely, the last election did have one unifying theme: the economic crisis. But again, the accent was mainly on national, not on specific pan-EU approaches to that crisis. Unsurprisingly then, the elections were once again seen as an opportunity to give signals of (dis)approval to respective national governments.

The past elections brought a substantial victory for the center-right European People's Party (EPP), and a clear defeat for the Socialists (S&D). Therefore, the Parliament is overall likely to show itself less in favor of enlargement and will be looking at the Community budget – now including the Common Agriculture Policy – with relatively conservative eyes. In Germany, France, Italy, Spain, the UK and Poland – the largest EU Member States – the EPP did well. The new EP President, the Polish Jerzy Buzek, was drawn from the ranks of the EPP, though as always in agreement that a social-democrat would take over after two-and-a-half years. Also noteworthy is that the further-right made substantial gains in the Netherlands and Austria. To strengthen its impact, a new far-right Eurosceptic party group (Europe of Freedom and Democracy (EFD)) was formed, uniting several national parties in their strong opposition to integration and immigration.

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Probably the most worrisome trend regarding EP elections is that since the first direct elections in 1979, the turnout has fallen steadily. Paradoxically, while the parliament obtained ever more powers, its voters have become ever more apathetic – a pattern replicated across national elections in the EU area. The table below reflects the development of the turnout in a snapshot of EU countries. Note that the Belgians are eager to vote, but probably only because they are obliged to do so by law. Without the Belgian boost, the EU average would be even lower. What this electoral inertia exactly points to remains an issue of debate. Some see it as a participation crisis at the level of national democracy rather than at the level of European institutions, while others stress a general tiredness with democracy, and still others consider it a direct protest against the EU structures. Nonetheless and regardless of the fact that the level of “European” awareness is indeed disappointing, it can also be viewed with other standards in mind. As the former president of the EP, Pat Cox, said in 1999, when the turnout across Europe was higher than in the last US presidential election, “I don't hear people questioning the legitimacy of the presidency of the United States”.

European Parliament election turnout since 1979 (in %)							
	1979	1984	1989	1994	1999	2004	2009
Germany	65.7	56.8	62.3	60	45.2	43	43.3
France	60.7	56.7	48.8	52.7	46.8	42.8	40.6
UK	32.4	32.6	36.4	36.4	24	38.5	34.7
Italy	85.6	85.7	81.1	73.6	69.8	71.7	65.1
Belgium	91.4	92.1	90.7	90.7	91.1	90.9	90.4
Netherlands	58.1	50.9	47.5	35.7	30	39.3	36.8
Greece	0	80.6	80	73.2	70.3	63.2	52.6
Czech Republic	0	0	0	0	0	28.3	28.2
Cyprus	0	0	0	0	0	72.5	59.4
Poland	0	0	0	0	0	20.9	24.5
EU average	62	59	58.4	56.7	49.5	45.5	43

Conclusion

There is a persistent supposition that the European Parliament is powerless. This stems from its history as a purely consultative body, as well as from an implicit comparison with national parliaments. But moving from one Community Treaty to another, the criticism has gradually lost most many of its justifications. With the ratification of the Lisbon Treaty, the EP is to be treated as a fully-fledged player in the process of European decision-making. The powers gained are substantial and useful. The freshly elected MEPs will be the ones to experiment working with these new powers and possibilities. Nevertheless, their main challenge remains to bring back the European citizen's appetite for elections at the Community level. The real “deficit” seems to be found there, in the link between Community and citizen.

Revision Date: March 31, 2010.

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