

EDITORIAL COMMENTS

European elections – is the European Parliament important today?

On the eve of European elections in June, the polls predict an even lower turnout than that of the previous European elections, five years ago. In fact, the turnout in European Parliament elections has been falling continuously ever since the first elections in 1979 – when it was as high as 63 percent – up to the previous elections in 2004, at which it was no more than 45.7 percent; of course, there are differences from one Member State to another. Now, however, the polls predict that only 34 percent of European citizens are planning to cast a vote at the coming elections. Of course, at the time of drafting this Editorial, the electoral campaigns have not really started yet and the situation may change, but it is no less worrying for that.

For political scientists, European elections are – compared with national elections – “second order”. Their political significance is not directly apparent to the voters, and they do not seem to be decisive for the choice of those holding power.

Real powers

Nevertheless, these days the Parliament possesses real power, and voters’ choices could have considerable importance for the policies pursued by the Union. It is true that at the start of the Community’s existence, the European Parliament had no more than a consultative role, but the whole history of the institutions is marked by the slow but certain progress in the powers of the Assembly, as it was initially called, and each Treaty revision has marked a new step in this progression. The revisions of 1970 and 1979 granted the Parliament a budgetary power, which that institution tried to use in order to acquire a legislative power. The confrontations of that period are now forgotten, but they were characterized by a permanent opposition between the Parliament and the Council, to such an extent that many conflicts ended up before the Court of Justice, at the request of the Council – even though the Council is not in the habit of turning as applicant to the Community Court.

The Single European Act increased the participation of the Parliament in the exercise of legislative power by means of the cooperation procedure, and – because of the success of that procedure – the Treaty of Maastricht granted the Parliament a full power of co-decision, which was adapted in favour of the Parliament and whose scope of application was extended by later revisions, up

to the Treaty of Lisbon, which makes the co-decision procedure “the ordinary legislative procedure”. In the same way, the successive reforms of the comitology procedures have strengthened Parliament’s control of the implementation of Community legislation. Finally, after the entry into force of the Lisbon Treaty, the only area where the Parliament will be largely absent is the ex-Second Pillar, the Common Foreign and Security Policy.

This evolution has without doubt been helped by the legitimacy acquired by the Parliament, following the direct election of its members, but it also owes a great deal to the strategy adopted by the elected members. Taking one small step at a time, the euro-MPs have managed to make use of each development in the treaties in order to acquire new powers. There are many examples. One could mention the way the Parliament has used its budgetary power in order to acquire a legislative influence, to such an extent that the Member States agreed to accord it a direct legislative power. Another example is the way the co-decision procedure has been used in order to gain increased powers in the adoption of implementing measures. An additional element is the spirit of cooperation with the Council, which has marked the granting of new powers. It is without a shadow of a doubt the wisdom demonstrated by the Parliament in the framework of the cooperation procedure and the excellent results that were obtained, that led the Member States to agree to transform this into the co-decision procedure. However, public opinion is not very aware of this evolution, since what is of interest in the eye of public opinion is less the growth in the Parliament’s powers, and more the use which Parliament makes of them in the interest of citizens.

The evolution of the institutional balance

Inter-institutional relationships constitute a zero-sum game, and the increase in the power of Parliament has unfortunately been accompanied by a weakening of the Commission. This weakening does not affect all sectors of activity of the Community executive. It is mainly revealed in the legislative area – which is what concerns citizens most. Originally, the institutional system was based on an alliance between the Parliament and the Commission, which counterbalanced the weight of the Council – which was the sole legislator. According legislative power to the Parliament in agreement with the Council altered the situation substantially. The intercession of the Commission – which used to be vital – is these days no longer necessary, since the two legislative institutions can have a direct dialogue. As the Commission itself says, it no longer plays the role of “broker” between Parliament and Council. Moreover, the policy which is deliberately being followed by the Commission under the motto “legislate less” involves a downgrading of its power of initiative. The main

proposals owe more to the requests of Member States and instructions from the European Council. They are frequently subject to “pre-negotiation” with the Union’s Member States, which means that the Commission is not always proposing what is in the general interest, but what is acceptable to the Member States.

Finally, in the framework of co-decision the Commission only rarely makes use of the powers granted to it by the Treaty, in particular to force the Council to alter its proposal by means of a unanimous vote. It prefers to accept the Council’s amendments, in the hope – often disappointed – that the Parliament will then remedy the situation.

In short: instead of ambitious proposals which reflect what the Commission judges to be the general interest, in relation to which the legislature must then adopt a position, accepting its responsibilities following a public debate, the Parliament and the Council are presented with texts which position themselves along the lines of a minimum consensus. Such an analysis may seem exaggerated, and certain examples could nuance it, but it indicates the general trend. Under these conditions, the Parliament and the Council occupy most of the field, which is why the Parliament, and thus the European elections, are truly important. In fact, the only power which escapes the Parliament – and which it shows respectful awareness of in its actions, even if it criticizes it verbally – is that of the European Council.

The political transformation of the Parliament

Originally, taking account of its limited powers, the Parliament primarily endeavoured to make itself the spokesman for public opinion, using resolutions for this role. It expressed itself in this way on the problems in Europe and in the world, and played the part of sounding board on the major contemporary debates. It was even so that, when it pronounced on legislative proposals from the Commission, it was more concerned with expressing public opinion than with carrying out real legislative work. It knew that, since its proposed amendments would go through the filter of the Commission and the Council, it did not need to carry out detailed legislative work. After Maastricht, the situation changed, as Parliament became a genuine legislator. That change implied a considerable amount of work in terms of detailed examination of dossiers, but it also meant being realistic. The Parliament has taken this work very seriously. Such a transformation has important consequences. Joint responsibility with the Council for the correct functioning of the procedure means that the Parliament endeavours to reach compromises – both internally and with the Council – regarding Commission proposals. Internally, compromises between political groups are essential, since no single party has a majority. As for

the compromise with the Council, this is the very essence of the co-decision procedure. On a technical level, the system functions well, since failures can be counted on the fingers of one hand and, even in these cases, except for the Directive on liberalization port services, a new Commission proposal made it possible to overcome the stalemates. The success of the procedure is evident from the large number of agreements at first reading.

This positive assessment does present some disadvantages, however, the most important being the suppression of the political aspects of the discussions. The agreements between political groups or with the Council are not negotiated in public, but at confidential meetings between persons responsible. The legislative three-way talks between the parliamentary rapporteur, the President of the Permanent Representatives Committee and a Commission representative are an illustration of this. In legislative matters, institutions are a machine for producing consensus – and consensus hardly ever stirs up public opinion. Under these conditions, the importance of parliamentary work is largely unknown by the public, except for some very sensitive cases such as the Services (Bolkestein) Directive or the Directive on working time. Badly informed about the reality of parliamentary work, the public does not perceive the issues involved. It does not see Community legislation as the result of a democratic debate between representatives of the people and the Member States, but as technocratic work – and that hardly stimulates them to take part in the elections.

It is a paradoxical situation. With the Lisbon Treaty, Parliament will have more or less finished its phase of conquest of power, and its work will be of considerable significance for the life of Union citizens. But those citizens are not really aware of this, and seem to be quite uninterested in Parliament. Taking an extreme view, it seems that when Parliament was content to pass resolutions which could be very critical, but whose effectiveness was very doubtful, it had more impact on public opinion than today, when it enjoys important powers.

What should be done?

The situation is not satisfactory for those who hoped to fill the alleged democratic deficit of the Union, and who today find themselves with a Parliament which is probably more powerful, but with limited impact on public opinion. At first sight, the remedy appears simple: the existence of a permanent public debate on Europe and European policies, led by European political groups and bodies. Such a confrontation of political ideas is the very essence of our democracies. The drafters of the treaties were well aware of this when they inserted in the Nice Treaty the legal basis necessary for the creation of European political parties. Unfortunately, these bodies are currently still only embryonic,

and are still no more than flexible federations of national political parties, with internal solidarity being weak. The choice of candidates for the European elections is made exclusively by the national political parties, and their electoral programmes remain rather distant reference points – which are hardly known and used in the Member States. Under these conditions, it is not surprising that voters see the European elections more as a substitute national election (for sanctioning or approving the majority in power in their State) than a means of determining the political course of the Union.

In these conditions, change is not based on a new revision of the treaties, but on a transformation of political practices. For Parliament, the time is no longer for the extension of its powers. This type of institutional debate is over, and a debate on the content of the policies must take its place. While the consensual approach followed up until now with the Council in legislative matters deserves to be continued because of its effectiveness, it has to be in the framework of a genuine political debate, during which the position of each of side is made clear.

The Council has to end its interminable public debates, which consist mainly of waffle. Parliament has to reorganize its debates, and to finish this succession of three-minute monologues, which are not really interesting since everything has been decided elsewhere. The Parliament's Conference of Presidents is well aware of this and has examined a number of reforms which should put the political debate back in Parliament, if MEPs are present and agree to play along. The probable presence of a larger number of Eurosceptics in the next Parliament is regretted by some people. But doesn't this rather mean a new opportunity, because it will compel the partisans of European integration to abandon their traditional speeches and justify their views point by point? Wasn't the United States first built on the basis of debates between federalists and supporters of the rights of the states? Isn't it better for this debate in Europe to be held within the parliamentary body, rather than remaining underground and appearing only when referendums are held?

In other words, participation in the elections, and thereby even the legitimacy of the Union, depends on the awareness of the existence of important political issues for the future of the voters. The system of consensual parliamentarism practised so far has hidden these issues. It is certainly time to put them back at the centre of the debate. That involves the European political parties defining their proposals for society, and implementing them in a coherent way in legislative work. The confrontation of these projects does not mean abandoning the idea of compromises, but it means that these compromises must be forged in clarity after a public debate. This is a precondition for a living democracy, and Parliament should support this during its next mandate if it does not wish the current deterioration in the participation rate to continue.