

Citizen Representation in the EU after the 2009 elections to the European Parliament: The Role of National Parliaments (ARI)

*Daniel Ruiz de Garibay**

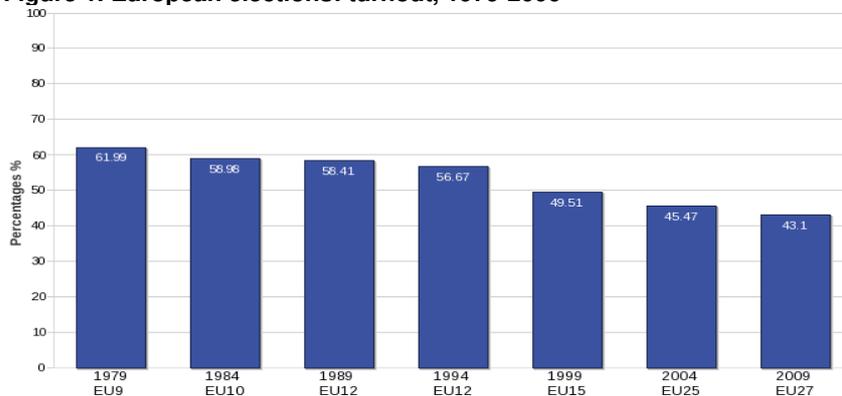
Theme: The EU has a democratic deficit and some reforms have been proposed to increase the involvement of national parliaments in its political system.

Summary: The existence of the EU implies a dispossession of national parliaments that has only partly been resolved at the European level. This classic definition of a democratic deficit leaves two possible solutions. The immediate solution is to increase the power of the European Parliament (EP) so that it can fully compensate the loss suffered by national parliaments. However, problems relating to the EP's legitimacy and its currently limited capacity to engage with citizens restrict this solution's possibilities. A second option is to involve national parliaments in the EU. This option is not problem-free, given the limited capacity of national parliaments to equally represent European citizens regardless of their nationality. As a result, a third option is proposed: cooperation between the European Parliament and national parliaments. In this respect, the establishment of a representative office for national parliaments in Brussels can be considered the best possible investment.

Analysis: The last European elections resulted in a far from encouraging scenario. There was a decreasing turnout, down from 62% of citizens voting in 1979 to 45% in 2007 and 43.39% in 2009. Spain, at 45.81%, remained within the average, but countries such as Rumania (27%), Slovakia (19%) and Poland (24%) recorded particularly low levels. Even countries with a traditionally high turnout, such as Italy, saw a decrease in the number of voters from 71.2% in 2004 to 65% in 2009.

* Basque Government Research Scholar, University of Reading.

Figure 1. European elections: turnout, 1979-2006



	1979	1981	1984	1987	1989	1994	1995	1996	1999	2004	2007	2009
BE	91.36		92.09		90.73	90.66			91.05	90.81		90.39
DK	47.82		52.38		46.17	52.92			50.46	47.89		59.54
DE	65.73		56.76		62.28	60.02			45.19	43		43.3
IE	63.61		47.56		68.28	43.98			50.21	58.58		58.64
FR	60.71		56.72		48.8	52.71			46.76	42.76		40.63
IT	85.65		82.47		81.07	73.6			69.76	71.72		65.05
LU	88.91		88.79		87.39	88.55			87.27	91.35		90.75
NL	58.12		50.88		47.48	35.69			30.02	39.26		36.75
UK	32.35		32.57		36.37	36.43			24	38.52		34.7
EL		81.48	80.59		80.03	73.18			70.25	63.22		52.61
ES				68.52	54.71	59.14			63.05	45.14		46
PT				72.42	51.1	35.54			39.93	38.6		36.77
SE							41.63		38.84	37.85		45.53
AT								67.73	49.4	42.43		45.97
FI								57.6	30.14	39.43		40.3
CZ										28.3		28.22
EE										26.83		43.9
CY										72.5		59.4
LT										48.38		20.98
LV										41.34		53.7
HU										38.5		36.31
MT										82.39		78.79
PL										20.87		24.53
SI										28.35		28.33
SK										16.97		19.64
BG											29.22	38.99
RO											29.47	27.67
EU total	61.99		58.98		58.41	56.67			49.51	45.47		43.1

Source: TNS opinion in cooperation with the EP.

Elections to the only directly-elected EU institution do not seem to appeal to citizens. Those who bothered to vote used the excuse to punish their governments. What is more worrying, the European elections have in some cases become golden opportunities for extremists and xenophobes to gain seats. It is not the electors who are to blame: time after time, political parties present European elections as second-rate contests. Issues affecting the EU, such as the reform of its institutions, its role in the world and the debate over the ever expanding Union rarely appear as key issues between parties. Even in traditionally pro-European countries like Spain parties generally do not promote a sincere debate with citizens about their 'vision of Europe'. In this scenario it is not surprising that Europe's citizens should choose not to get involved in European elections. Additionally, given the impenetrable nature of the EP's multilingual debates, it is no wonder that European citizens are apathetic.

It would be wrong, however, to deduce from this that European election results do not matter or that the EP is simply a talk-shop. The EP's history is one of a continuous increase in power. The Parliament has evolved from simply having the right to be consulted to having a general right to influence legislation through the so-called co-decision procedure. Moreover, as shown by the case of the services directive –where a progressive majority in the EP managed to water down the directive significantly–, the EP can shape the nature of the legislation it approves. In addition to the perception of its in-existent power, the EP has a legitimacy problem in the eyes of certain European citizens. Recent scandals over MEPs' expenses are certainly no help in enhancing the legitimacy of a Parliament that has already had to fight against being seen as a waste of tax-payers' money due to its nomadic character.

According to classical democratic-deficit theory, the EU's democratic deficit involves the dispossession of national representative institutions that are only partly compensated at the EU level. The strengthening of democratic mechanisms at the European level is required if the EU's democratic deficit is to be resolved. An option would be to increase the power of the European Parliament *vis-à-vis* other EU institutions. There are several ways of achieving this, from establishing a winner-takes-all approach for the assignment of positions at the EP to linking the results of the European elections to the composition of a hypothetical European government. Indeed, the President of the Commission could easily be determined according to the results of the elections of the European Parliament. Stronger transnational European parties would be required in order for this to be put into practice. Reality, however, could not be more different. This year's elections have shown up the failure of creating an alternative to the EPP's (Conservatives and Christian-Democrats) candidate around the Danish ex-prime minister Poul Nyrup Rasmussen. The ongoing process of ratification of the Treaty of Lisbon and the need to ensure that the Commission has a clear vision in order to provide the lead in fighting the global recession are amongst the reasons put forward by the socialist Prime Ministers when opting to support Durão Barroso. However, were the EP's power to be extended, there are serious doubts that the democratic deficit would be reduced. As noted, despite the EP's increasing power since its creation, European elections continue to be second-tier elections used by national parties to show and measure their power for their upcoming national elections. This will continue to be the case unless European elections involve competing for government offices. At the end of the day, what is the point of winning (and voting for) an election in which there is 'nothing to win'. Additionally, the EP's decreasing turnout and legitimacy problems lead some to see the EP itself as part of the problem rather than of the solution.

This situation suggests that it might be better to find alternative sources to enhance legitimacy at the European level. One proposed solution is to include national parliaments in the EU's political system. Aside from the possibility of thereby reducing the EU's democratic deficit, the inclusion of national parliaments in EU affairs would affect the very nature of the Union itself. Europe's integration process is being developed by states that are already well-defined polities. The implication of this for representative democracy in the EU cannot be ignored. Involving those polities or 'pre-existing national democracies' in the EU is not a matter of willingness but of necessity (Crum, 2005, p. 456).

The Danish model is always mentioned when talking about the inclusion of national parliaments in the EU. The Danish Folketing possesses a mandate whereby it dictates the position the government can adopt when negotiating at the Council. However, in practice, the method does not lack problems. Very tight mandates can reduce the bargaining capacity of a given government and sometimes make agreements impossible. Moreover, if the so-called Danish model were to be adopted in every country or even in a majority of them, the Council's ability to reach agreements would certainly be reduced. This would diminish the EU's capacity to deliver results for its citizens. According to Fritz Scharpf (1997, 1999), democratic legitimacy is a matter of both the input and output of a political system. On the output side, democratic legitimacy requires mechanisms to link political decisions with citizens' preferences. In our democratic systems this is done through parliaments. On the input side, Scharpf argues that democracy would be an 'empty ritual' if the democratic procedure were to be unable to produce effective outcomes, i.e., 'achieving the goals that citizens collectively care about' (1997, p. 19). Adherents of input legitimacy would emphasise that apart from the fact that national parliaments are closer to citizens and reflect in a more adequate manner citizens' preferences, only national parliaments can provide democratic legitimacy. This view of input legitimacy rests on the idea that national parliaments will hold their ministers accountable for decisions taken in the Council. However, European integration has eroded the position of national parliaments within the national institutional framework reducing the real possibility of national parliaments exercising control over government. The main assumption behind this argument is that even if a given parliament were to be able to provide parliamentary control over its own government, nothing would prevent the government being outvoted in the Council under the majority voting rule. Nonetheless, many important decisions in the EU are still taken by consensus even though the Council's rules allow other arrangements. Another argument for seriously considering the involvement of national parliaments at the EU level is that they are the authorisers of the Treaties. Thus, as long as the EU continues to develop by successive revisions of the Treaties, national parliaments will continue to play a role.

Some commentators have gone as far as to suggest the idea that political representation at the EU level could be arranged by side-lining the EP (*The Economist*, 6/VI/2009). This option, apart from being politically impossible now that the EP is well established, is not exempt from problems either. Relying on national parliaments and excluding the EP would produce political inequality and a situation in which citizens would be represented differently depending on where they live, due to the national parliaments' differing powers and capabilities. Unlike national parliaments, the EP represents citizens of the Union regardless of where they live, and since it operates at the level of the Union it is in a position to take part in a deliberation process that takes into account the views of all the Union's members. For that reason, unless good functioning networks of interparliamentary cooperation are established, national parliaments are not 'the most obvious fora' (Lord, 2004, p. 181) either for deliberation at the level of the Union's political system or for taking

decisions on behalf of the polity as a whole. In sum, relying on national parliaments to solve the EU's democratic deficit involves a problem of representation because only the EP represents every citizen equally at the EU level. Consequently, it would seem logical and desirable to prescribe an increase in the EP's powers. Ultimately, certain kinds of collective goods are currently possible only at the European level. An example would be, for instance, the need for durable solutions to the current economic crisis, which protectionist policies could only aggravate. However, unless current problems such as the 'second-rate' nature of its elections and the perceived low legitimacy enjoyed by the EP are resolved, an increase in the powers of the national parliaments would only aggravate the problems.

A possible solution to this dilemma is to understand representative institutions at the national and European levels as two sides of the same coin rather than as two competing or opposing systems. Parliamentary cooperation, however, is not an easy task. First of all, parliaments regard each other as a threat. An increased role of the national parliaments could prompt EP resistance since it could be used as an excuse to question the need for a stronger EP. At the same time, national parliaments have interpreted every increase in the EP's powers as a downgrading of their own role (Norton, 1996). It should also be noted that national parliaments –or, more specifically, MPs– do not always see a clear reward for the time they spend on scrutinising EU policies. However, it could also be argued that cooperation between parliaments could help to enhance one of the main roles of parliaments: controlling the executive. It is in this context that the interest of national parliaments in institutionalising parliamentary control over national governments' actions at the European level needs to be understood. As for the EP, increased parliamentary cooperation would enhance its position as a representative body of European citizens. This requires a change of paradigm regarding the relationship between the national parliaments and the EP. The relationship between the EP and the national parliaments has been based on a level approach, that regards them as mutually exclusive (Wessels, 1996). From this it follows that 'the legitimising and accountability function of national parliaments is sufficiently exhausted wherever the European Parliament has a formal decisive role'. As a result, issues classified as 'European' risk being immediately excluded from national scrutiny (Besselink, 2006, p. 129). A different paradigm, based on a polycentric approach, would consider the two types of parliaments as complementary, with the EP fulfilling a role at the EU level that is not identical to the role of national parliaments with regard to EU issues (Besselink, 2006, p. 129). In short, the role of national parliaments and the EP should be understood as additive and complementary rather than as mutually exclusive. In practical terms, this would imply a division of labour, that would make it possible for democratic control to be shared between the EP acting at the level of the political system itself and national parliaments influencing the input of national governments to the Council of Ministers. The role of national parliaments would be to influence ministers at the level of the Council *ex-ante*. This would require sufficient and timely information regarding the issues at stake as well as knowledge on the EU's decision-making timetable. The EP's role would be to fill the information and expertise gaps by extracting information from the EU's institutions and evaluating Union policy. Effective channels of communication between national parliaments and the EP would thus be essential.

The advantages of this model are that national parliaments would be able to use their superior ability to engage public attention and control governments at the level of the Council, while the EP would provide control over the Council as a whole by applying checks and balances on everyday policy-making. The EP would also be able to provide

information and analysis on European affairs due to its permanent focus on the European arena and its higher (compared to national parliaments) competence in monitoring a highly complex political system. Instead, national parliaments would bring the Union 'closer to its citizens'.

Building on this idea, the Lisbon Treaty (if finally ratified) provides that one third of national parliaments can object to a draft legislative proposal on the grounds of a breach of subsidiarity. This provision shows two main things. First, that the EU is serious about providing an increasing role for national parliaments, considered for years to be outside the EU's political system. Secondly, that parliamentary cooperation is needed if parliaments are to make use of the possibilities the Treaty offers them. National parliaments would need a considerable amount of information if they are to follow every EU legislative initiative. Apart from the need to develop effective sifting systems, fluid cooperation with the EP could help with acquiring and filtering of information regarding the EU's legislative process. The requirement of a minimum of a third of the national parliaments opposing a legislative proposal for it to be withdrawn requires parliaments to coordinate their views. National parliaments have established representative office at the EP's premises in Brussels. These representative offices have, in most cases, one or two permanent staff. Brussels liaison offices follow the EU legislation process closely and report back to their parliaments. The offices are useful tools for sharing information and good-practices. They can also be key players if national parliaments are interested in coordinating their views. The spirit amongst delegates helps, since they often exchange information which might be relevant to other parliaments. Meetings with the respective EP staff in charge of relations with national parliaments also provide further possibilities for information and relations. This means that parliaments lacking a representative at the EP are missing out. So far, all Member States except Slovakia, Spain and Malta have a representative at the EP. Giving the EU's current and future development, the need to explore the possibilities of parliamentary cooperation seems of extreme importance. The opening of a national parliamentary representative office at the EP's premises is certainly one of the best possible investments in this direction.

Conclusion: Certain reforms have taken place in order to increase the involvement of national parliaments in the EU's political system. An example is the possibility for national parliaments of activating a fire-alarm mechanism if the principle of subsidiarity is violated. Admittedly, this type of reforms, intended to increase the system's input legitimacy, increase the number of veto players and can eventually compromise its effectiveness and capacity to satisfy citizens' demands. However, the challenge must be accepted and overcome intelligently.

Daniel Ruiz de Garibay
Basque Government Research Scholar, University of Reading

Bibliographical References

- Besselink, L.F.M. (2006) 'National Parliaments in the EU's Composite Constitution: A Plea for a Shift in Paradigm'. In P. Kiiver (Ed.), *National and Regional Parliaments in the European Constitutional Order*, Europa Law Publishing, Groningen, p. 117-131.
- Crum, B. (2005), 'Tailoring Representative Democracy to the European Union: Does the European Constitution Reduce the Democratic Deficit?', *European Law Journal*, vol. 11, nr 4, p. 452-467.
- Katz, R., & B. Wessels (1999), 'Parliaments and Democracy in Europe in the Era of the Euro', in R. Katz & B. Wessels (Eds.), *The European Parliament, National Parliaments, and European Integration*, Oxford University Press, Oxford, p. 231-247.
- Kiiver, P. (2006), *The National Parliaments in the European Union – A Critical View on EU Constitution-Building*, Kluwer Law International, The Hague/London/New York.
- Lord, C. (1998), *Democracy in the European Union*, UACES/ Sheffield University Press, Sheffield.
- Lord, C. (2004), *A Democratic Audit of the European Union*, Palgrave Macmillan, Basingstoke.
- Norton, P. (Ed.) (1996) [1995], *National Parliaments and the European Union*, Frank Cass, London.
- Scharpf, F. (1997), "Economic Integration, Democracy and the Welfare State", *Journal of European Public Policy*, vol. 4, nr 1, p. 18-36.
- Scharpf, F. (1999), *Governing in Europe: Effective and Democratic?*, Oxford University Press, Oxford.
- The Economist* (2009), *From Strasbourg with Indifference*, 6 June, p. 14.
- Wessels, W. (1996), 'Institutions of the EU System: Models of Explanation', in D. Rometsch & W. Wessels (Eds.), *The European Union and Member States*, Manchester University Press, Manchester/New York, p. 20-36.