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Political Representation in the European Union: A Common Whole, Various Wholes, or just a Hole?

Karlheinz Neunreither

University of Heidelberg

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ABSTRACT

Who represents whom in the European Union (EU)? And what is actually represented? The composing parts of the EU are well provided for: the Member States are represented via their governments in the Council, the peoples of the same Member States are represented in the directly elected European Parliament, the regions in the Committee of the Regions, and finally various economic and social groups in the respective Committee.

But is there a political representation of the EU as a whole? A purely theoretical and perhaps slightly out of date (looking at some research paradigms) question, were it not for the notion of flexibility or differentiated integration, which will make its entry in the EU treaty.

How will flexibility affect political representation in the EU, especially the European Parliament (EP)? The paper argues that despite the dynamic evolution of the EP it might have major difficulties in remaining indivisible, that is to act with all its members on all EU policies, even if in the future they will only be endorsed by a limited number of Member States.

A forward strategy would consist in defending its right to represent the whole of the EU, not just its composing parts. This would be close to a federal option. Other scenarios include a strengthening of national parliaments, or an increase of the so-called democratic deficit which might result in a thinning out of political representation both in the Member States and the EU. The fundamental questions with which the EU is confronted, go far beyond those formally on the agenda of its present treaty revision.

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Comments welcome: Fax: (00 352) 34 13 94

e-mail: KhNeunreither@compuserve.com

Karlheinz Neunreither

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(Draft. Please do not quote. Comments welcome.)

1. The present limited constitutional agenda of the European Union

At present, the European Union (EU) is engaged in a treaty revision process which contains important institutional elements. Many suggestions are tabled, both by the formal participants - above all the Member States and to some extent the EU institutions - and by indirectly involved groups, including political parties , NGOs, and others. But the more the Intergovernmental Conference (IGC) proceeds, the more it becomes evident that the constitutional agenda of the EU is nevertheless rather limited, and that it avoids taking up fundamental questions which will inevitably come on the agenda very shortly, above all with the introduction of a common currency and its possible economic and political impacts. The reason for this is rather simple: the governments want to avoid by all means reopening the debate on the major achievement of Maastricht I, the Monetary Union. That is why not only many questions concerning this Union - including the so-called Stability Pact - are treated on a subconstitutional level, but the whole treaty revision is presented as a pragmatic approach, a lean process with the minimum of adaptations possible. In other words,

questions on the political finality of the EU are not even asked or far reaching alternative constitutional designs put forward.

On the other hand, it has become evident that the Community Method has to be adapted to the present realities and that a serious evaluation cannot be avoided any longer. Future enlargements are certainly an incentive in this respect, but even with the present 15 the EU is not well prepared to handle successfully the forthcoming internal and external challenges. New concepts like differentiated integration or flexibility (1) are discussed, but one does not see very clearly - in the absence of an overall scheme - how they would be linked with the existing fundamental notions, like that of political representation, democratic accountability, or the role of the citizen.

It should not be forgotten, however, that only quite recently Maastricht I introduced a limited number of institutional reforms : co-decision procedure in legislation, a slightly enhanced political profile for the Commission due to its nomination, the principle of subsidiarity , a timid opening towards a European citizenship, and a few more. One could argue, therefore, that it needs some time for these new elements to be applied in practice - this is certainly true for subsidiarity - in order to be able to evaluate their real impact. Maastricht II could then have concentrated on the more immediate questions, like institutional adaptations for enlargement, or a possible revision of the three pillar structure which was considered from the beginning as an uneasy compromise and especially mentioned as one of the subjects for the 1996 follow up conference, the present IGC (2).

But, of course, once you open Pandora's box, it is difficult to control what comes out of it. The French Presidency tried to limit the agenda of the conference right from the beginning, but was not followed by the European Council in its Cannes meeting in June 1995 (3) which, on the contrary, gave the Westendorp preparatory group a rather wide mandate. If one would have expected that this would lead to a fundamental discussion not only of the present functioning , but also the future of the EU, including its economic, social, political, and societal impact at the end of this century, the results were certainly rather disappointing. The preparation of the IGC did not take into account the questions put forward during the the Maastricht ratification process, perhaps the first challenging

and widespread public debate on European integration in most EU countries: why Europe at all, how much of it, and how should it be organised?

The main reason for the auto-limitation of the Westendorp group did not consist in the restrictions of its mandate but in its composition: it was not a group of independent "wise men", but mainly composed of direct and personal representatives of the foreign ministers of the Member States. The addition of two MEPs - the German Christian democrat Elmar Brok and the French socialist Elizabeth Guigou - was certainly useful, but could not basically change the overall orientation. In addition, it must be said, that the Commission had chosen, in its preparatory report, a somewhat low profile, being less prophetic than during the launching of the Single Market under Jacques Delors. Obviously, the aggressive overtones during the ratification debates in some Member States against the "Brussels bureaucracy" which had left the Commission standing alone out in the rain, had shown some effect.

The European Parliament (EP), on the other hand, which had much to gain and little to lose in widening the constitutional debate, chose also a more pragmatic approach than many might have expected. As a matter of fact, the EP had become over the years, since its Spinelli report of 1984, the main institutional defender of a federal option for the EU. First signs, that the underlying consensus in the Socialist and Christian democrat groups was breaking up, came to light only when the Herman report which followed this line, was not put to the vote any more in the plenary in January 1994, but only considered as a basis for further discussions. The following reports on the results of Maastricht and the preparation of the IGC (4) clearly marked a departure from the former institutional choice: the EP considered itself from now on less as a challenger of the basic options of the EU than a pragmatic co-player in the mainstream of a slow but acceptable evolution.

As far as our immediate subject, political representation, is concerned, this situation does not contribute very much to a clarification of the issues involved. The present discussion in the IGC contains, it must be admitted, a number of institutional elements which are important: Council presidency, weighting of votes of Member States, composition of the Commission, possible limited

extension of the powers of the EP, etc. All these can be considered as classical adaptations, except for the possible introduction of the principle of flexibility. It is this last principle, by the way, which indicates most clearly the need for an urgent clarification of the notion of political representation in the EU. Maastricht I, it should be reminded, had only brought limited adjustments in this respect. The two underlying lines of representation were basically unchanged : the representation of Member States in the Council, and the representation of the peoples (plural!) of these same Member States in the EP. The Committee of the Regions added a new, but rather weak dimension.

2. The notion of representation in the EC treaty

It might be useful to have a quick look at the EC treaty to remind us of the basis of our discussion. The term of representation is used in connection with the composition - but not the functioning - of four institutions of the EU:

1. The EP consists of „representatives of the peoples of the States brought together in the Community“ (Art.137 EC treaty)

The treaty does not assume a unique basis of representation, a whole, a nation, a common European people, but an addition of the peoples of the Member States. Direct universal suffrage and the requested uniform procedure for it in all Member States (Art.138) do not question the principle that the treaty does not recognise a single EU demos, but rather 15 demi. The representatives of these peoples can, it is true, also be nationals from other EU states, as EU residents may participate in EP (and local, but neither regional nor national) elections (Art. 8 b EC treaty), thus blurring to some extent the original formula of clearly separated national “constituencies“. To some extent, where you live becomes as important as which national passport you have, somewhat an extension of „jus terrae“ or „jus loci“.

For the time being, we shall retain that the EP, the only EU institution endowed with a direct basis of legitimacy by universal elections without passing through the political order of the Member States does

not receive its credentials from a unique basis but rather from 15 separate ones. This might perhaps remain a purely theoretical question, i.e. whether the whole is more than its component parts if it would not, among others directly affect the position of the members of the EP, the parliamentary representatives. If they are elected on a national basis, does not their loyalty belong to that entity, to their Member country or to their national political party? And - more crucially - if the country from which they received their mandate, does not participate in a specific EU policy or given action, will the respective MEPs exercise their mandates, participating in discussions, voting by majority, allowing credits, designating high ranking political personalities?

What is striking, by the way, is the absence of any reference to the nature of the parliamentary mandate in the treaty. What is even more striking is that the EP has not asked for precisions on this important question in its submissions to the IGC. The freedom of the mandate, the general interest of the EU, or some other well sounding principle might have been useful. Only in the Rules of Procedure of the EP itself we find some short remarks: The MEPs "shall exercise their mandate independently". They shall not be bound by instructions and "shall not receive a binding mandate" (Rule 2). This is a rather low legal level for such a basic issue. Astonishingly, the EP has never taken up this matter for a possible treaty revision.

2. The Council consists of „, a representative of each Member State at ministerial level, authorized to commit the government of that Member State“ (Art. 146)

This somewhat twisted formulation sets the basis of the second - or rather first, in terms of importance - principle of representation in the EU: that of the Member States through their governments. The present text replaces the former more simpler one, according to which the Council was composed of representatives of the Member States (pre-Maastricht Art.146 EC treaty), and that each government would be represented by one of its members. The new wording takes into account the possibility for federal states to be represented - with the consent of the national government - on a regional level, if the Council deals with matters which are in the respective country within the competence of the regions (as

in Germany cultural affairs). On the other hand, it prevents the Permanent Representatives from replacing completely their political superiors in official Council meetings, which is not a bad thing.

What is not said, is how the “delegation“ of a Member State in the Council should be composed. This term does not even exist. In connection with the present IGC some ideas were launched to include in a “delegation“ national MPs, including those from opposition parties (5). One does not quite see how such a formula could have worked in the present Council set-up where representatives from the various ministries dominate the preparation of decisions, and - even if some transparency would certainly be welcome at that stage - only one representative, a national minister, or in some cases a regional minister mandated to this effect casts the votes for his country.

What is, by the way, not mentioned either, is that in majority voting, the votes of one Member State can only be cast in one way. Obviously, the lawyers drafting the treaty were so much inspired by the international tradition, that the question was not even asked whether, e.g. the 10 French or German votes (Art. 148, par. 2) must be all “yes“, “no“, or “abstention“. Some federal constitutions, like the German one, are more cautious in this respect: Art. 51, par.3 of the Grundgesetz stipulates that the vote of a Land in the Bundesrat (the federal chamber) can only be cast “globally“, avoiding the easy way out for coalition Land governments to cast their votes - ranging according to the size of the Land from 3 to 6 - a long national political party lines. As a result, if a Land coalition government cannot agree how to vote, it usually abstains. Only recently one government has forwarded a major innovation: if there is no agreement, lots should be drawn, and the respective Land should vote accordingly (6). This is - on a lighter tone - a perfect example of how federal procedures could be made relevant for the EU.

3. The Economic and Social Committee (ECOSOC) consists of „representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public“ (Art.193)

If we continue to look for the use of “representation“ in the EC treaty in connection with its institutional set-up, we have to leave the category of “institutions“ properly speaking and have to go to the second class bodies which are defined as having only an advisory status.

In the first group, it is no surprise that neither in connection with the Court of Justice, nor with the Court of Auditors is there a question of representation. The same is true for the Commission, where the vague impression one might have that its members might be expected to “represent“ to some extent the state of which they are a national (7), is not covered by the text of the treaty, on the contrary. Members of the Commission must not only be independent “beyond doubt“ (Art.157, par.1), but act, in performance of their duties, “in the general interest of the Community“ (Art.157.par.2). So, no question of representation, but at least a first clear hint at the “general interest“ of the EU which might give us some hope of finding a common basis for our political construct after all.

Going back to the ECOSOC, its composition has to take into account an “adequate representation“ (Art.195) of the various categories of economic and social activity. Its members, appointed for a renewable period of four years by the Council, are also required to be “completely independent“ and act “in the general interest of the Community“ (Art.194).

4. The Committee of the Regions consists of „representatives of regional and local bodies“ (Art. 198a)

The respective treaty provisions follow closely those for ECOSOC. While the treaty fixes the number of representatives per Member State, it remains silent on the question, how regional and local bodies should be defined. In addition, the Member States submit the exact number of candidatures directly to the Council which has just to comply, while for ECOSOC the Member States have to introduce twice the number, giving the Council at least formally a power to select from these lists.

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To sum up, the treaty provisions concerning representation provide a few useful indications, but do not lead us very far. At least, we are told that parliamentary representation is based on a mandate of the peoples of the Member States, that the Council again is composed of ministerial representatives speaking on behalf of those Member States' governments. The general interest of the EU, a solemn call to feel obliged not to act on the basis of particular interests, is lacking. This is perhaps normal in relation to the Council, but the need to fill the gap concerning parliamentary general provisions is underlined.

3. The theoretical dimension: who represents whom?

Political representation is a major element of contemporary democratic theories. The mainstream approach during the last decades was considerably influenced by studies on pluralism which concentrated on the highly complex and agglomerated structure of society and the resulting interplay of interests. Neo-corporatist theories, studies on concordance and consensus systems, and other approaches added additional insights (8).

Parliamentary representation is often understood in these general approaches which look more at processes than at systems - and in which the word „static“ has almost become an intellectual insult - mainly as participation in bargaining and levelling out of interests. The question what is the outcome of these processes , is not always asked because it presupposes an impartial umpire and an agreed set of rules. Some authors would find it sufficient if certain criteria for the composition of the society and for the access of various interests were guaranteed, leaving the rest to the free market of competition (9). Others insist nevertheless on a sort of general interest, something which transcends factual compromises. The question is how to define this and how to reach agreement and acceptance of it. If

one does not want to go back to superior categories of Hegelian dimensions (10), one might find the approaches offered by Habermas concerning a public discourse, which is more than a confrontation of segmented interests (11) , promising but perhaps not easy to realise.

Where does the European parliamentarian come into this theoretical discussion? Obviously, his political role is likely to be analysed by using existing concepts which have generally been elaborated for analyses of national political systems (12). Political theory has come a very long way from the days of Edmund Burke who insisted that parliament was not a representation of different and hostile interests, but “a deliberative assembly of *one* nation, with *one* interest, that of the whole“ (13). By the time of writing (1790) the Federalist Papers had already admitted that competition among factions was a necessary evil (14), and Walter Bagehot, almost a century later lifted the veil of beatified explanations and told us bluntly that Parliament consisted in just an addition of functions, the most important of which were the partition into majority and opposition (15).

The functionalist approach to the role of parliaments has certainly many merits as also evidenced in studies of the EP (16). Sometimes, however, the role of the representative is only seen in his part in the mediation of interests, a small cog in the mechanism for channelling influence into the governmental machine. The framework in which he exists - usually the nation state - and his possible interest in it are almost redundant. This may be understandable in a confirmed national set-up where the presence of the state is felt less and less and where political parties, interest groups, and other factions, and their feuds dominate the news. But it should not be overlooked that this framework - the we-feeling so important for any community - exists, even if it is silent or often veiled. Only recently (early April 1997) the German government authorized the first military mission after the last war in order to rescue people - a few Germans, most of the others EU citizens - from Albania. Though parliamentary procedures, which had been controversially debated and finally agreed upon were not respected, the Bundestag gave after the operation its consent: German national interests preceded partisan feuds. Could the same have happened in the EU ?

In the EU a comparable framework, open, hidden, or partly veiled does not exist. This is not even a matter of missing trust, beliefs, or identity - this adds to it - but of the peculiar nature of this political construct. To some extent it is artificial because as in some theatre scenes , you just have a one-dimensional facade and nothing behind it. For example a national government may have a policy which is not expressed via formal decisions, e.g. it may have the policy on a current crisis of "wait and see". In the EU such cases are extremely rare: where there are no decisions, there is usually no policy line at all. This makes comparisons with national systems so difficult. This applies, by the way, also for institutions: e.g. it is highly misleading to compare only the functions of the future European Central Bank with those of the Bundesbank if you want to know how its decisions might be accepted. It is the second dimension, the integration of the Bundesbank into a complex political and societal system which makes the difference.

Later we shall see how the EP has continued to evolve and that it is to-day certainly much more than a composite of national parliamentarians. Our question is here, in how far this evolution has had any influence on representation. Does the individual member still only represent his people - i.e. the one on the quota of which he is elected, even if he is not a national - or does the EP's institutional evolution include consequences for his mandate as well? If the EP as an institution is representative for the whole EU, is he also? The question may again seem highly abstract, but the following chapter on flexibility might give some second thoughts in this respect.

4. Flexibility: The end of the federal dream?

The present IGC has to some extent formalised a debate which was up to now more political and academic: the one on flexibility or differentiated integration. The idea behind it is quite simple: The original Community was conceived as a unitarian system. Decisions should be taken by all and according to Community rules, and they should apply to all. Exceptions were foreseen, it is true, but they were also granted according to EC rules and concerned mostly temporary measures for a country to catch up with EC standards. The Maastricht treaty introduced a major deviation from this principle by

allowing Member States not to agree on common objectives, to opt in or out of newly formulated policies. The obvious examples are the EMU and the Social Chapter. But even here the goals were defined in common and all Member States participated in the drafting of the rules. Concerning EMU, the UK and Denmark obtained a special clause allowing them not to be forced to enter the common currency system automatically if they fulfilled the conditions, but to maintain their freedom of decision in that respect. The same is true for the Social Chapter, where the UK declared it would not participate, but where a later revision of this position is not excluded.

Was this the moment of expulsion from the federal paradise? Perhaps it is a bit early to come to a final conclusion. The Social Chapter is not yet of a predominant importance, and the EMU is still in its preparatory phase. The damage that was done in Maastricht was in any case limited in two respects: the following enlargement negotiations with Austria, Finland, and Sweden made it clear that no future members could expect to get the same exceptions, and secondly, the institutional set-up of the EC remained intact.

The question now put forward in the Maastricht II revision is whether and in how far clauses of general differentiated policies should be introduced. The terms of "flexibility", or "differentiated integration" have by the way been abandoned, and the politically correct notion is now "enhanced" or "closer cooperation". Nothing could be more misleading. As a matter of fact, at least in pillar I the objective would be to allow some Member States - after a discussion and agreement by all, which is very important - to go ahead. "Ahead" implies that the direction should be known and approved. It would be monitored by the EU institutions, first by the Commission, in case of complaints, by the Court, and in more general political terms, by the EP. Decisions would be taken and enacted according to EU rules with some adaptations for majority voting, etc., due to the limited number of participating states, but nevertheless closely following the Community method. So we should speak of "closer integration", and not of "co-operation", a term which is largely reserved for non EC decision making. This latest linguistic modification adds to the confusion over the correct term to use, despite the valuable efforts of learned scholars to set up a terminology based on a classification of the various concepts introduced in the debate during the last years (17).

Even in the present narrower sense „closer co-operation“ in the first pillar would mean that some areas of possible actions - either defined by a „positive“ list or identified by not figuring on a „negative“ list - would be open for those Member States which want to go „ahead“. The non-participants would have to agree, the EP would be consulted - but not more - , and a number of rules to be observed. The question which interests us in this context is the impact of this flexibility on the institutions, and beyond that on the EU political system, its transparency, its legitimacy, and - seen from outside - its credibility as an actor in international affairs.

If the debate has become official within the IGC, it has become so in a rather late stage of this complicated process. At the beginning, everybody shied away from this subject as from others concerning fundamentals of the EU. During the last months the delegations were obviously busy to define areas which might be suitable for flexibility, that the consequences for institutions are still rather vague. The main line of approach is to distinguish between two groups of institutions: those which are basically of a collegial nature, and those which are not. In the second group, the composition by Member States would be the predominant element, this is the case of the Council, and of the future Central bank. Others are collegial by nature: the Commission, or the Court. The EP is classified in this unofficial listing also as a collegial body.

The immediate consequences of this would be far-reaching: the collegiate bodies would continue to act as a whole, even in cases of „closer co-operation“, while the others would have to split up. The Council, the most important “non-collegial“ institution, would deliberate, and more important, vote only with those members present which would actually participate in a given „advance“ project. This principle would, by the way, only apply to the political level, not to the staff: the Council secretariat would continue to function as a unit, i.e. Greek or Danish staff members would continue their duties also in areas where their countries of origin did not participate. Fair enough; this would be in accordance with the principle of a non-national European Service.

But the Commission, in contrast, would not split up. It would stay together as a unity, both on the political as on the administrative level. In other words, a Commissioner would continue to be

responsible for environmental, research, or educational programmes, even if his government had declined to participate, his national parliament voted against it, and the financial contributions came from other Member Countries taxpayers. Also fair enough, one could say. But here one could already imagine the beginning of institutional strains. Would the Commission be the same as now? Would its collegiality not begin to suffer? And in addition: if it would have a general bias towards more integration, would it then have a tendency to recommend additional programmes, even if some member were sceptical, and would this not damage the trust of these members in the Commission as a fair broker ?

But our subject is not the Commission, it is political representation. Here lies the heart of the matter. If the European Parliament is indivisible, if it will always stay and act together as a unity, than a major battle has been won for a certain vision of the EU, that of a territorial entity provided with strong central political institutions, at least the beginning of a whole, which Edmund Burke would recognise.

As a matter of fact the EP has chosen exactly this position. In its first resolution on the IGC in May 1995 it stated that: "The European Parliament as a whole will be responsible for exercising control over Union policies which are pursued by a limited number of Member States on a temporary basis" (18). This position was maintained all through the negotiation process and only recently, in March 1997, confirmed in a formal vote. The EP "condemns" in this resolution the suggestions of the Dutch presidency to limit, in cases of "close co-operation", participation in parliamentary debates and votes to those members who are elected in the respective states (19).

This position of the EP might have been comprehensible at the beginning of the IGC. One might argue that the EP had at that time chosen a pragmatic approach and did not want to enter into difficult discussions on matters which were not yet part of the official agenda of the IGC. But in the meantime, at least from the end of 1996, flexibility or closer co-operation is actively discussed by the governments and are likely to be part of the official draft revision which is supposed to be signed already in mid-June. What will then be the situation? A revised EU treaty will be submitted to national parliaments for ratification providing clauses for closer co-operation in the above sense and will accordingly include

rules on how at least to adapt voting in the Council. The general rule will be that only those states participate in actual decision making which have signed up in an additional initiative of integration or co-operation. Now, the EP has always demanded to be part not only of the advisory and scrutinising group of EU institutions, but of the decisionary one as well. First in budgetary matters, then in general legislation with the introduction of the co-operation and the co-decision procedures these demands have been at least partially satisfied. No one can doubt that in the present state of evolution of the EU, the EP is also part of the decision making process.

The likely result of this situation is obvious: The revised treaty would foresee specific rules of procedure at least for the Council, but none for the EP. The EP could not act unilaterally but would then be forced to apply the present procedures the main elements of which - majority of members, etc. - are fixed in the treaty itself, not in its internal rules. Even if it changed its mind, the EP would have to stick to the treaty provisions, and that for quite some time, since the following treaty revision round is very unlikely to come before enlargement makes it necessary. An substantial institutional dilemma seems to be in the making.

Some examples might illustrate this issue: Let us assume that 6 or 7 out of the present 15 Member States agree - after consultation of the EP, after a positive proposal from the Commission, and after a unanimous vote in the Council - to embark on a closer co-operation activity. It is very likely that this activity will include - at least in the first pillar - legislative decisions, either directives addressed to the participating Member States to be transformed into national legislation, or regulations. The EP would be called to give its opinion on the respective drafts, or to participate more effectively in application of the co-decision procedure, or possibly the co-operation procedure if it is not abolished by then. Even in its simplest form - the opinion - the outcome will be by definition influenced by members from non-participating states. Whether this influence would be decisive, is even of secondary importance. The basic question is the nature of parliamentary participation in EU legislation. If its nature implies that the representatives of those who are the object of such an act should have a say in shaping and deciding on it, then there is no reason why representatives from other countries should participate in this activity.

It goes without saying that the EU treaty is not designed to handle such questions. It is still based on the concept of the unity of the system without defining the consequences of this unity and indicating at least some general principles. What a relief it would be to read in the treaty that the parliamentary mandate should be exercised in the general interest of the Union, and that each MEP while being elected in a given member state is also a representative of the Union as a Whole. But nothing of the sort. And not even the EP has asked that the parliamentary mandate should be highlighted in the IGC by provisions of that kind which are traditional in continental constitutions.

To be precise, the Maastricht treaty introduces a few limited insights into the panoply of institutional arrangements possibly connected with differentiated integration: when it speaks about monetary union, it suspends a number of rights for non-participating countries. But this exclusion - mainly Art. 109 k - is conceived only as temporary, the treaty speaking about "Member States with a derogation". The new dimension which might be opened, will not necessarily be temporary.

The crucial question the EP will have to face is either to go ahead and act as a representation of the whole of the EU which then would have to be defined more closely, or to be condemned to retrograde and to face the hard fact that it is in the end not much more than the assembly of representatives from the various Member States, a view which was dear to General De Gaulle. Differentiated integration presents a major challenge to this institution which it must face one way or the other.

Of course, the EP could apply a "wait and see" strategy. Depending on the final version of the treaty revision it might well be that possible areas of application will be rather limited. Then it will take time until concrete proposals will be discussed and enacted. After all, no major debate has taken place on the precedent that British MEPs fully participate in EP's activities concerning the Social Chapter, despite the present out-option of their country.

On the other hand, there are at least four reasons which advocate a thorough reconsideration of the whole issue: Firstly, if the principle that the EP represents the whole of the EU population needs to be confirmed either on a lower legal level - by EP resolution, interinstitutional agreement, etc - or on a higher, constitutional one - i.e. at least by an annexed protocol to the treaty - then it might be rather late

to get a substantial majority for such an initiative within the EP itself. As a matter of fact, the EP has given up its mainstream option for a quasi-federal evolution of the EU and has joined the ranks of those who prefer not to mention final goals (20). This has certainly short and medium term advantages. But it prevents the EP from taking action on this matter of substance.

Secondly, the national parliaments are still waiting to get their Maastricht promise for closer participation in the EU fulfilled (21). Their large majority rejects for the time being the ideas of an additional parliamentary chamber composed of national MPs on EU level and even a stepping up of the present role of the COSACs to the same end (22). But this position may change if a major debate on the legitimacy of the EP to act with all its members on matters where only a few of them participate, were launched. If the EP has major difficulties of splitting up, the national parliaments have not; they are “variable geometry“ by definition. Adequate representation of the various wholes by those who are elected to that effect, might become an argument.

Thirdly, and in close connection with this, the anti-EU political forces are likely to take up this matter , as soon as a concrete and popular case would come up. Would it help the identification of the citizen with the EU if he were told that MEPs of those Member States which refused to participate in certain areas, would have a possibly decisive say in their handling, including normative rules or individual decisions which might be directly applicable? How would the Court rule on such a case? The classical principle “No taxation without representation“ might be reversed in areas with budgetary consequences into: “No representation without taxation“.

Fourthly, time does not stand still, and the EU is rapidly moving towards enlargement. Six months after the end of the IGC , talks are supposed to start with a number of applicant countries. This will increase the pressure for more flexibility within the treaty - in all three pillars - but make adaptations of principles of political representation more difficult. Should the EU tell these countries that the representatives of the present 15 are indivisible, but that the 4 or more newcomers could not count on the same privileges? Or should it not open a debate on this, with the very likelihood that with 19, 22, or

eventually 27 members you would in most cases of closer co-operation, have a majority of countries and of MEPs which are “outs“?

We do not argue here that flexibility or closer co-operation should be avoided by all means. On the contrary it might be necessary for the further evolution of the EU. The point is that it is likely to create difficulties for some institutions and above all for the EP. The minimum you should expect in this situation is a thorough discussion of these problems. This is not the case, as it is for other basic issues, and that is why we might call the present constitutional debate a limited one.

5. Treaty provisions and the European Parliament's actual political role

One might argue that the EC treaty provisions are one thing and that the reality of the EP's political role has evolved so much, that it has become quite different and that this fact should be taken into account. This argument is certainly valuable for many aspects of EP activities.

As many studies show, the EP has, indeed, shown proof of an institutional evolution which is amazing (23). It is far away from the original assembly of national delegated MPs who had not much time to spend outside the obligations of their national mandate, and - it must be said - of the additional mandate most of them had in the beginning in the Council of Europe Assembly. In Jean Monnet's vision, it was, together with the Court, an institution of control and scrutiny, not of decision-making.

The „Common Assembly“, as it was first called, boldly steered away from these conceptual limitations. One of the main decisions was that members should not sit in official meetings according to the alphabet but according to their political affiliation, as in most national parliaments which helped very much the setting up of multinational political groups. These groups became over the years, and definitely since the first direct elections, the core of the internal power structure of the EP. In the plenary, the speakers on behalf of political groups take the floor before others, the groups table amendments, decide on the

distribution of political mandates - presidency of EP, committees, delegations, vice-presidents, quaestors, etc. - , their visible, and sometimes invisible hand is everywhere.

The second important element which marks the difference between the actual EP and the lean treaty provisions is the possibility of a European discourse. Many MEPs come straight from a national career and are selected not on the basis of their specific European convictions but according to national, regional, sometimes constituency considerations. But even if they go to Strasbourg and Brussels in order to defend their national interests, or that of their national party to which they might owe a place on a list of candidates, they will get involved in discussions, sets of problems, searches for compromise, which is likely to influence their own thinking considerably (24). Again, very much of this takes place in multinational political groups, in addition to committees, delegations, and informal intergroups. These members do not become a sort of "apatride" non-nationals, to the contrary, very often, and especially in the political groups where the national sub-groups continue to play an important role, they are reminded of their origin, either by arguments, by the language they use, and by the way they are addressed by others. Consequently, the influence of this discourse can less be „measured“ in the EP context than in the contacts they have with their own national counterparts, or with their constituents. There they often appear as „europeanised“ . More field studies are needed on this interesting subject.

What is also difficult to evaluate is the individual conception of whom a MEP he feels he represents. I have asked questions on this subject to a number of them. The answers vary a great deal, showing also the differences in political culture and election procedures in the Member States. British members tend to mention their constituents in the first place, others refer to their country, their region, or their political party. Though the question was not directly asked, a few MEPs declared spontaneously that they felt by no means they would represent an artificial European people. One said, how he could be supposed to represent, e.g. the fishermen in Crete while he could not speak their language and did not know very much about their problems. Again, this kind of inquiry needs systematisation.

As a result, on the decisive question in our context, in how far the astonishing institutional evolution of the EP has resulted in a preparedness of its members to fulfill a role which would require a very strong

identification with the EU as a whole, comparable to the identification which still - despite all differentiations and nuances recent political theory has concentrated on - exists in national states, the answer is not too reassuring. One could argue that this individual consciousness is not required and that in fact it might exist only very partially in national systems as well. It would then be left to the parliament as an institution to represent the whole, and not to its composing members who might have other loyalties. This would be not too far from the day to day reality of many parliaments. But the difference is that in a national system the identity is usually strong despite party and other divisions. Separatists and others are the exception. In the EU a comparable identity does not exist, neither by language, by common history, nor by other important factors contributing to a we-feeling.

But why insist on the old-fashioned notion of a whole at all? Are we not told that the EU still contains strong, if not predominant elements of an international organisation, that we should coin new terms for it like consociation, that it is sui generis, that its corporate or neo-corporate character gives more importance to the composing parts than to the overall construct (25)? If the EU is a negotiation system, a sort of permanent bazaar, are then the participants, the traders, not more important than the roof or the tent - even if it is a legal system - in which they are trading?

As far as the EP is concerned we have noted that it has achieved very much in overcoming its original fragmentation. But there are nevertheless limits to this. The selection of candidates should be mentioned which is almost exclusively dominated by national political parties. The election campaigns are also largely on national and not European subject matters. Furthermore, one of the main functions of elections, to enable the voters to identify themselves with leading personalities, has not even been attempted to be put in practice. The most striking example was the nomination procedure for the President of the Commission in 1994 which coincided with the elections to the EP. The chance was lost to present some of the outstanding European personalities to the public at large, and thus to strengthen the image of the Commission as a possible forerunner of a parliamentary responsible government. Since the terms of office of the Commission and the EP have been synchronised, the same may happen again in 1999. At least at present - about a year before election preparations should start - there are no signs of a strategy in this respect.

As a result, there is still room for improvement on the long way towards a real “European“ EP, if one wants to embark on that journey. Our immediate question is slightly different. Will the EP be strong enough to face the challenge which is inherent in differentiated integration? Will its internal coherence be sufficient, and will it be in a position to stave off outside attacks on its basis of legitimacy which might come from some national parliaments and from the media? In connection with the EU the image of a halfway built house has often been used. Will the EP be this house, possibly being intimidated into going back on a difficult path it has just passed, or challenged to look ahead as it always has done? In the latter case, it might well be advised to analyse more precisely where it stands and to elaborate a strategy for the future.

6. Schemes of political representation in the European Union

If we try to visualise political representation in the EU we have to take certain options. In the annex you find a preliminary attempt which is based on the assumption that legitimacy is provided by two major sources: the first, and still stronger one basically via national elections, national parliaments, and democratically chosen national governments. In the EU the Council and the European Council are the main institutional configurations of that first source of legitimacy. The Member States are represented there, basically through their governments.

We should, however, keep in mind that this line of legitimacy needs not be exclusively executive. The national parliaments may step up their role in community affairs, either as full bodies, or by giving new functions to the COSACs, or by creating additional smaller committee type institutions. This is a minority position now, but it may not remain so forever. In addition, it was already mentioned that there were some intellectually interesting, though not very practical suggestions to include national MPs in the Council delegations which, to some extent, would break up the executive monopoly even there. But for the sake of simplification, let us call this part “executive representation“.

The second source of legitimacy is the direct one, a beautiful line which many political theorists would enjoy because it links directly the citizen to the top, to his parliamentary representation in a most innovative form, known as the European Parliament. If you look at the institutional scheme, the simplicity of this link compared with the twisted and complicated one on the executive or national side is striking.

A major question concerning institutional representation is whether to include the Commission or not. Choosing a restrictive, formal approach you could leave it out because its specific role is not linked to a national or a direct EU basis. Until a few years ago, the power of the EP to sack the Commission was interpreted as one of its outstanding political characteristics (26). Starting with the SEA, a silent evolution has taken place. The Commission has lost its monopoly of handling legislative matters with the Council, the EP coming in as a junior partner, getting more stature with the Maastricht co-decision procedure. An institutional triangle has evolved, where the EP also became a direct partner of the Council. Secondly, the new nomination procedure of the Commission, and its extensive application by the EP added to its political stature. In addition, the new powers of investigation of the EP, as recently shown in the BSE case (27), linked with the formerly rather inefficient power to sack the Commission, promises to become an effective weapon. As a result, the Commission's profile is presently changing, perhaps not directly towards that of a forerunner of a parliamentary government, but certainly towards more parliamentary responsibility. This makes it difficult to leave the Commission out of our scheme while, it is true, it is not easy to find an adequate place for it.

So much for the purely institutional side. But we should go one step further and try include at least a few factors which constitute the political and societal environment, in which these institutions exist. Some of these factors, like political parties, are part of the political system even in a classical sense. Others, like interest groups, are active within the complex networks and negotiation systems which characterise more and more policy making. Still others, like the media, are vital elements in assuring a

link between the citizens and their representatives. Finally, a dimension should be at least mentioned on the basis of which the citizen make their choices: trust, beliefs, identity, and others. The functional scheme - far from being perfect and more an invitation for discussion than anything else - is still oriented towards political representation. It only indicates that some of these factors have to be taken into account when evaluating the role of the institutions. Among others, it leaves out the question, of how far these actors are involved in the system, whether e.g. it can be considered as neo-corporate or not. A more elaborated study would have to go in this area as well.

If one compares the two schemes a few preliminary conclusions can be drawn: First the strength of representation by the Member States is underlined. From strong beliefs, a strong we-feeling, via national interest groups, and national political parties, a media scene which amplifies largely these elements, the build-up goes impressively until the governments which - at the time being - represent their country. On the side of the direct representation, the rationale of the institutional scheme is not met by the functional one, quite on the contrary. Trusts and beliefs are more diffuse, the we-feeling less developed, political parties, interest groups still organised on national bases, and the media are not paying sufficient attention. The EP is certainly not to be envied in that respect. The question is where to go on from there.

7. Possible scenarios, likely challenges.

The title of this paper indicates three possible fundamental choices for the further evolution of political representation in the EU: the strengthening of the **common whole**, perhaps but not necessarily a federal solution; a return to the still functioning national basis, the **composing wholes**; or the possible collapse of the representational system, resulting in a **hole** in our democratic web of government. Let us start with the last scenario, the hole option.

The hole scenario: This scenario sounds somewhat exaggerated. But we talk also about the hole in the ozone layer while in fact it is a thinning out. In the same way we might talk about a thinning out of

existing structures and processes of political representation which first may pass unobserved, then be only the object of scientific observation, then of possible public debate. The main question is whether a decrease of political representation in functional terms has taken and is still taking place. These terms include full acting capacities for parliaments, transparency of policy processes, and accountability, as well as an acceptable output for the citizens, maintaining or even strengthening their trust and beliefs in the political system.

This decrease has been analysed in the context of the debate on the democratic deficit. We can not go into the details of this debate here (28), but will only insist on its composite nature. Its first part is institutional and maintains that due to the transfer of powers from the national level to the EU substantial functions have been lost by the national parliaments which are not being exercised by the EP but by the Council, resulting in an imbalance between parliaments and executives. The two other, equally important elements consist in the weakness of the intermediate structures - above all political parties and media - and of the relations with the citizens.

If the evolution of the EU has weakened the effectiveness of political representation, this is perhaps only partially linked to the insufficient transfer of powers to the EP. If full parliamentary powers were transferred, the EP would not only become the EU legislator, but also the body to decide on a European government, or in its absence, the composition of the Commission, but as a political choice. Majority and opposition would have to be formed on an EU basis, and the European discourse would finally include clear options and preferences for the voter. The question is whether the EP, whether the political parties, whether the whole EU construct is prepared for such a radical change.

In its absence, the national political discourses will continue to predominate with their permanent part of EU bashing. Complex, non-transparent procedures, the multitude of bureaucratic committees with enormous powers of decision - as shown by the BSE case - add to the uneasiness. The introduction of the EURO and its far-reaching implications will add to this situation: for the first time a small

committee of experts will be given a free hand to decide on basic data for the economies of the participating, but also for the non-participating neighbouring countries. And - as already stated - while their competences are similar to those of the Bundesbank, their integration in a political system will be not comparable. As a result, there are reasons for not excluding a priori a further deterioration of political representation, both in the Member States and in the EU.

The composing wholes scenario: If the EU institutions have such difficulties to make a qualitative leap forward, why not strengthen the existing national basis of legitimacy? A good question. National parliaments, once much better informed than they are now on EU affairs - a process which needs relatively small input so it is not easy to understand the present deficiencies - could follow closely the handling of European questions by their governments. They could discuss more frequently EU questions, both along lines of national interests and political cleavages. In this scenario, if majority voting in the Council can not be avoided, ministers should at least report to a national parliamentary body, before decisions are taken. In addition, a permanent parliamentary institution composed of national MPs could be set up as a watchdog in Brussels. If the national parliaments now complain that at least half of their legislative work derives from EU decisions, they could try to regain control over it.

Furthermore, this scenario is apt to respond to any flexibility initiatives. The composition of any institution in this context could vary according to the subjects treated. So why not make better use of the composing wholes? This question is not easy to answer. The main obstacle would be the foreseeable increase in the complexity of decision making. The more scrutinising bodies you introduce, the more blockages you are likely to produce. If additional institutions composed of national MPs could go before the Court at any stage of the legislative procedure - e.g. to get a legal check on subsidiarity, as some suggest (29) - many proposals would risk facing substantial delays.

As a result, efficiency advocates an equilibrium between central institutions and national ones. The EU has lived with it so far and undertaken several efforts to readjust it, as the present IGC demonstrates in

questions like the balance between larger and smaller nations and their voting rights, the composition of the Commission, and others. Where it has failed so far is the domain of political representation, where no comparable efforts are made due to the absence of a real European discourse on fundamentals.

The EU as a unique whole scenario: We have seen, when discussing flexibility that it might be difficult for the EP to act as a indivisible institution on matters in which only some Member States participate. A national parliament, in a federal state would not encounter the same problems. Its members would be considered as representatives of the whole people and could therefore not be excluded from any discussions on the federal level. Where is the difference? The basis of legitimation is firmly established, even in a federal state, as a unitary one. This is even the case of elected senates, where formally the senators are elected by the people of the respective state, but exercise their mandate within a well established national political system. If a national or federal program only applies to some constituent parts, it remains nevertheless within the national sphere of government. The same can be said of the structural programs of the EU: they are common initiatives which have effect only in a number of regions. Nobody would require a division within any EU institution on this.

The category which would be introduced by flexibility is of a completely different nature. It does not have - to my knowledge, but I am open for any comments - precedents in national federal systems, that is an authorisation given to some of the constituent parts, to enact a policy in a field where the federal government is either competent exclusively or jointly with these parts. This new category implies that the centre - the Commission, all Member States in the Council , the EP - would be interested in such an initiative, but unable to act. The interest would be shown by consenting that the initiative contributes something to the further uniting of the whole. To go "ahead" can only have this meaning.

Flexibility is not an authorisation for Member States to enact agreements among themselves in policy areas where they are competent. These kinds of international agreements already exist, and sometimes they come very close to Community competences. In federal systems we have often the possibility for the constituent parts to conclude agreements among themselves in fields where they are competent,

either a few of them -as in Germany the Länder on radio and television questions - or all of them. In the latter case we might speak of the confederal dimension within federal systems.

As a result, neither the institutional experience of the EU, nor the practice of national federal systems provide us with clear indications how to solve our problem. The EU is likely to enter into a new form of co-operation/integration which requires new answers. In order to be accepted, these answers must be well founded. As far as a possible “unique whole“ scenario is concerned, there is certainly still quite a bit to do in this respect.

Internal flexibility or pre-community arrangements: The predominant feeling of participants in the IGC is that flexibility cannot be avoided if the EU has to improve its capability for action. Therefore they search desperately for formula for including mechanisms for it in the treaty with as many safety valves as one can imagine. The outcome might well be that either you have too many valves, and the desired effect will not be produced, or they are not sufficient and negative side-effects will occur.

An alternative might be to explore further the possibility of co-operation agreements which might work outside the EU but are already conceived to be eventually absorbed by it. Schengen might be an example, though it was installed the other way round. That is why it is presently considered as a negative case, an international agreement between Member States where the EU as such should have acted. There are certainly shortcomings in the Schengen institutional arrangements, but the negative image seems more due to the circumstances of its creation than to its actual functioning. One might, on the contrary, imagine categories of international arrangements which some Member States conclude, and which might be integrated in the formal EU in pillars I, II, or III once they have “matured“. By this approach one might achieve a much more substantial flexibility than by insisting that the policies in question should from the beginning be considered as inside the EU treaty.

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8. The dignified parts of representation.

It was Walter Bagehot who introduced the distinction between efficient and dignified parts of the English constitution (30). At present, we have in the Member States of the EU institutions which are not only dignified in constitutional terms, but add also to the we-feeling, to the identity of a nation. Outside their own country the respective personalities and their high functions are mainly “used“ for official visits and similar rare occasions. One has the impression, that all these kings, queens, and heads of states only see each other in a group when one of their kind has died. Why has this important “reservoir“ of identification never been activated for the cause of the EU? Is our imagination so limited as not to imagine formula how they could come together - not only ceremonial, but with some cultural or humanitarian content - to bear testimony to the links which unite their peoples?

This is just an example. The EU heads of governments are permanently on the search for symbols and elements of possible identification. The burgundy red passport and the requisition of the former Council of Europe’s flag for EU purposes are amongst the rare results. Representation requires much more.

9. Summary and conclusions

We have tried in this paper not so much to present an exhaustive analysis of political representation in the EU; this would require a different, much more methodological approach. Our objective was rather limited: to highlight on the background of the present institutional discussions in the IGC some of the basic problems which the EU has to face now, or inevitably during the next years.

The present situation is still dominated by a reluctance to discuss seriously the finality of the EU. The EU has become a large club where free-traders, federalists, and many others in between can happily live together as long as they do not ask that their underlying convictions - if they have any - be made the

subject of a frank and, even worse, public discourse. Political Science has somewhat followed this by insisting on the increasing complexity of the construct, the evolution of which seems less and less to follow a single master plan but a multitude of sectoral inherent rationales. This may be so. But if the EU is mainly characterised in its functioning as a negotiation system, including substantial shortcomings in accountability and transparency, we should make an effort to develop our comprehension of legitimacy (31).

What we have tried here is to comment a peculiar problem in this wider context. If we look at the EC treaty we find, in institutional terms, representation mentioned mainly in two ways: the very effective representation of Member States in the Council - still exercised with marginal exceptions by the national governments - and the representation of the peoples of the Member States in the directly elected EP. Obviously, the EP is the more interesting institution in our context. It has demonstrated from its beginning, but more dynamically since the introduction of elections, an astonishing evolution away from the limitations of its original mandate. Reluctantly, the Member States had to respect this evolution by granting budgetary powers, participation in legislation, an enhanced political control of the Commission, and other rights. Internally, the creation of multinational political groups was the main driving force in overcoming to a considerable extent national divisions. The EP can be proud of these achievements.

But in terms of political representation, how far do these improvements carry? Are they important enough to maintain that the EP represents in any event the general interest of the EU in its whole? For the time being, there is no major actual challenge to this assumption. But the deficiencies which have accumulated over the last years, may prove fatal one day. They concern above all the national political parties which have failed to create a European dimension for the parliamentary mandate. Selection of candidates and campaign issues are largely dominated by national factors. A possible identification with European leaders has been neglected. The various European party confederations play a role which is marginal in this context. The situation resembles that of a Bundestag or a French Assemblée only composed of members from regional parties.

As a result we could say that there are within the EP certain elements containing representation of the EU as a whole, but that on the other hand reasons remain valid - both on the constitutional side and on that of actual attitudes from main actors - that the representation of the composing wholes is likely to remain stronger than the majority of EP members seem to admit. The proof of the pudding will be flexible integration. If in the present EU of 15 members, and the future of 20, 25, or more members, some of the more active and capable ones want to go ahead - respecting certain procedures - would then the whole of the EP be in charge to control, legislate, authorise credits for the respective policies, or only those who actually are elected in these countries?

At the time of writing (April 1997) the EP has repeatedly and clearly said that it would never split up and that it considers itself in its present composition as competent also for these possible additional policies. On the other hand, earlier this year, the Dutch presidency has indicated for the first time in a public document, that it is of the opposite opinion and that the EP should, like the Council, split up in these cases. A constitutional conflict of some magnitude is therefore opened.

To limit the damage, one could either restrict decisively the possible application of flexibility, or, explore the alternative formula to leave temporarily such programs outside the community system. The second option obviously contains the danger of adding to the opaque layer of intergovernmental arrangements around the EU. So the first one may seem to be the easy way out. The only shortcoming is that it would not solve the underlying questions of output. Will the EU be able to answer the major challenges it is confronted with? If you do not care, or think that the EU is not the right place for it, then you would mind less than others in the club

What about Political Science in this? Perhaps it has, influenced by the pluralist tradition, then by neo-functionalism, neo-corporatism, multi-tier network and other approaches - which all have their merits - not insisted enough on the fact that political representation, in a democratic system, must define its base. In

a national state, this base is there, and that is why so many studies can just concentrate on its composing parts and the mediation of interests, some even pretending that the state has largely withered away. In the EU, a comparable framework does not exist. This may be an advantage for day to day activities. But it is a serious shortcoming when fundamental questions can not be longer avoided. Flexibility is likely to become such a question.

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Notes:

(1) I use in this paper the notions of “differentiated integration“ and „flexibility“ as interchangeable. The more recent “politically correct“ notion of “closer“ or “enhanced co-operation“ which is presently favoured in the IGC, adds rather to the existing confusion. See also note 17.

(2) A narrow interpretation of Art. N of the EU treaty would have limited the IGC to examine only the present pillar structure and the question whether to include additional EC policies as objectives. More political views tended to see a much wider need for having an overall review of the EU before enlargement. See for example for this second approach: *Working document on the realization of the Union*, by the French MEP Jean-Louis Bourlanges, PE 212.450/fin, part I.3

(3) See for a critical analysis of the French position: G.Ross, *A Faltering French Presidency*, Ecsa Newsletter, Vol. V III, No.3, Fall 1995

(4) See for the fate of the Herman Report: EP resolution on the constitution of the European Union, Febr.10, 1994, in EC OJ No. C 61/155. The first direct example of the new pragmatic approach is found in the resolution on the functioning of the treaty on European Union with a view to the 1996 Intergovernmental Conference (Bourlanges/ Martin report) of May 17, 1995, in EC OJ C 151. This

approach was confirmed by the Dury/Maiy- Weggen report in March 1996 (EC OJ C 96) and more recently by a resolution on the present state of the IGC of March 17, 1997, doc. PE 257. 133.

(5) missing (Lamassoure/Bourlanges proposals concerning composition of Council delegation)

(6) This case concerns the Land Rhineland-Palatinate. When the present coalition was formed between social democrats (in opposition in Bonn) and the liberals (junior partner in Mr. Kohl's government), it was announced that the land government would in cases where it could not agree on a common position how to vote in the Bundesrat (federal chamber), not just abstain, like other coalition Land governments, but rather draw lots. It seems that this announcement provoked very negative reactions from the public. I checked on the present situation and found out that this solution was never used, and that the Land like others abstains in cases of disagreement. Too bad, a chance for a major innovation has been missed.

(7) A perfect illustration of how the independence of Commissioners is seen by the national governments, provides the present bargaining in the IGC. The larger countries, it seems, may give up "their" second Commissioner, if in return they would be rewarded by two additional votes in the Council. This is institutional horse trading of a higher dimension.

(8) missing (pluralism)

(9) idem

(10) Hegel's notion of the state as a higher category, even as the highest possible conception of the "spirit" (in: *Philosophie der Weltgeschichte*) is to some extent still in the classical tradition , but if looked at from our times comes very close to an ideal type of the nation state of the 19th century.

(11) The endeavour to transcend mere interest arbitration is present through Habermas' work. For the European dimension see: J.Habermas, *Citizenship and National Identity: Some Reflections on the Future of Europe*. Praxis International, Vol. 12 (1).

(12) Ph.Schmitter is among the few who try to analyse the EU with a set of specific theoretical notions. See e.g. his contribution on: *Imagining the Future of the Euro-Polity with the Help of New*

Concepts, in: G.Marks, F.Scharpf, P.Schmitter, and W.Streeck: *Governance in the European Union* , 1996.

(13) In his speech to his electors in Bristol. Edmund Burke: *Works*, Boston, 1839, Vol. II, pp.12ff.

(14) Federalist Articles, above all the 10th article, first published in the Daily Adviser. 22 November 1787.

(15) Walter Bagehot: *The English Constitution*, 1867.

(16) Various publications by W.Wessels , e.g. O.Schmuck/ W.Wessels, eds. *Das Europäische Parlament im dynamischen Integrationsprozess - Auf der Suche nach einem zeitgemässen Leitbild*, Bonn 1989.

(17) A.Stubb has published: *A Categorization of Differentiated Integration*, Journal of Common Market Studies, Vol.34, No.2, June 1996, which illustrates the still existing confusion in terminology. As often, inaccurate notions hide vague thinking..

(18) See EP resolution of 17 May 1995. Reference in note 4.

(19) See EP resolution of 17 March 1997. Reference in notek 4.

(20) I have published my version of this historical change of attitudes in the EP in a contribution to the ECSA Newsletter, Vol. VIII, No.3, Fall 1995: *The EP's strategy in view of the Intergovernmental Conference 1996*.

(21) See Declaration No.13 annexed to the EU treaty. This declaration mentions the goal of encouraging "greater involvement" of national parliaments in EU activities. The instruments to that end are rather modest: more information and more contacts with MEPs interested in the same issues, i.e. practically on committee level. In contrast, Declaration No.14 is full of dynamite. It invites the EP and the national parliaments to meet "as necessary" as a Conference of the Parliaments (or "Assises"). This declaration was never enacted.

(22) missing. (elaborate on present position of national parliaments. COSAC conclusions in Dublin and EP hearing April 1997)

(23) missing (EP evolution)

(24) Ghita Ionescu has conducted a number of interviews with MEPs trying to evaluate in how far their views had changed or were different from those of national MPs. See his contribution in: Roger Morgan and Clare Tame, eds., *Parliaments and Parties*, MacMillan Press, 1996.

(25) missing (recent research)

(26) missing (legal texts on EP).

(26) missing (elaborate on recent EP committee of inquiry and its political consequences)

(28) I have told my own version of this subject: *The Syndrome of Democratic Deficit in the European Community*, in: Geraint Perry (ed.), *Politics in an Interdependent World*, 1994.

(29) missing (elaborate on respective proposals).

(30) See note 15.

(31) missing (elaborate starting from a remark by F.Scharpf).

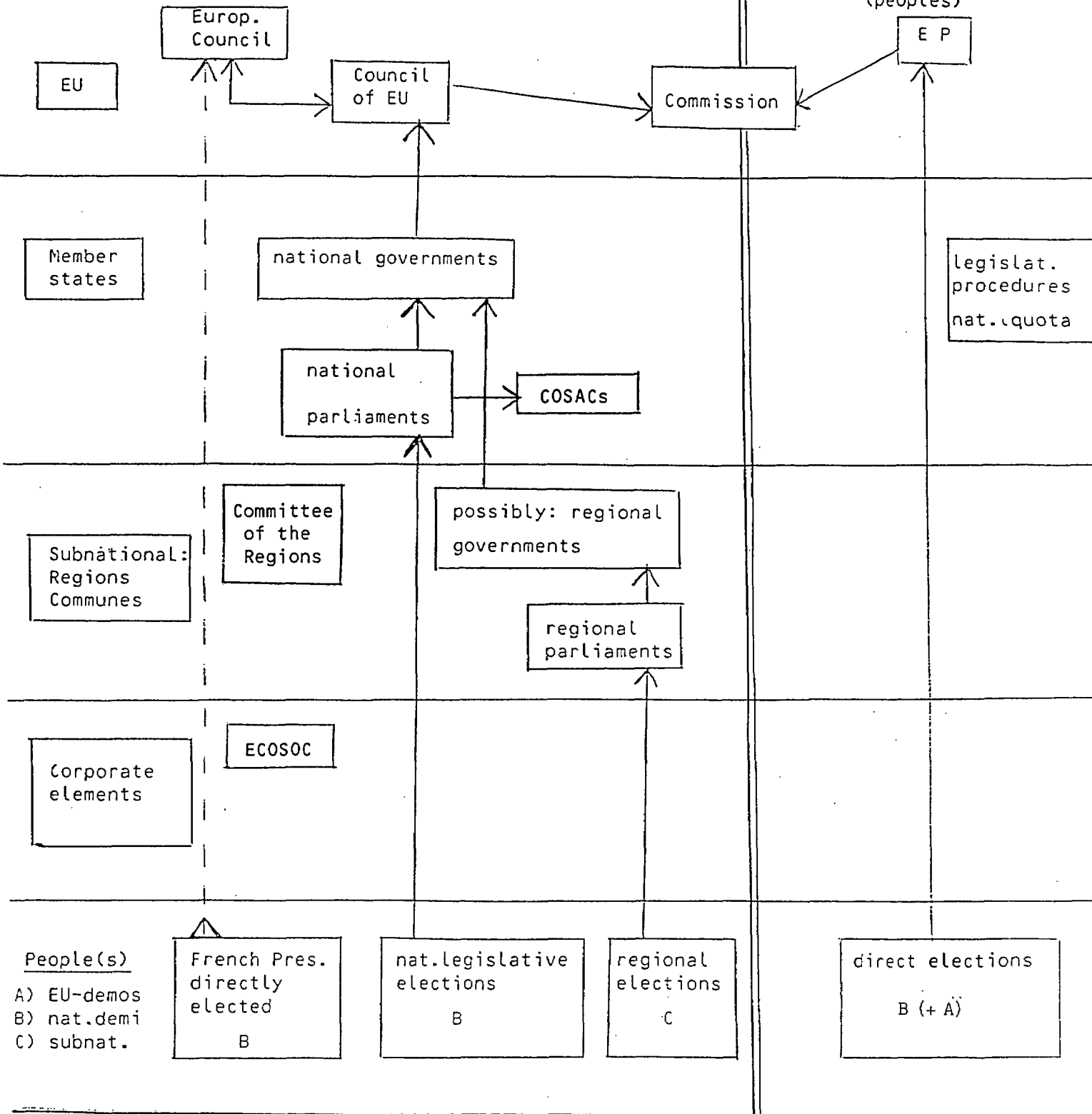
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POLITICAL REPRESENTATION IN THE EU

(A. Institutional Scheme)

Executive Representation
(member states)

Parliamentary Representation
(peoples)



People(s)
A) EU-demos
B) nat.demi
C) subnat.

Citizens: A EU
B National
C Subnational (referenda)
D Extra - EU

- petitions
- Ombudsman.

POLITICAL REPRESENTATION IN THE EU

(B. Functional Scheme)

Executive Representation
(member states)

Parliamentary Representation
(peoples)

