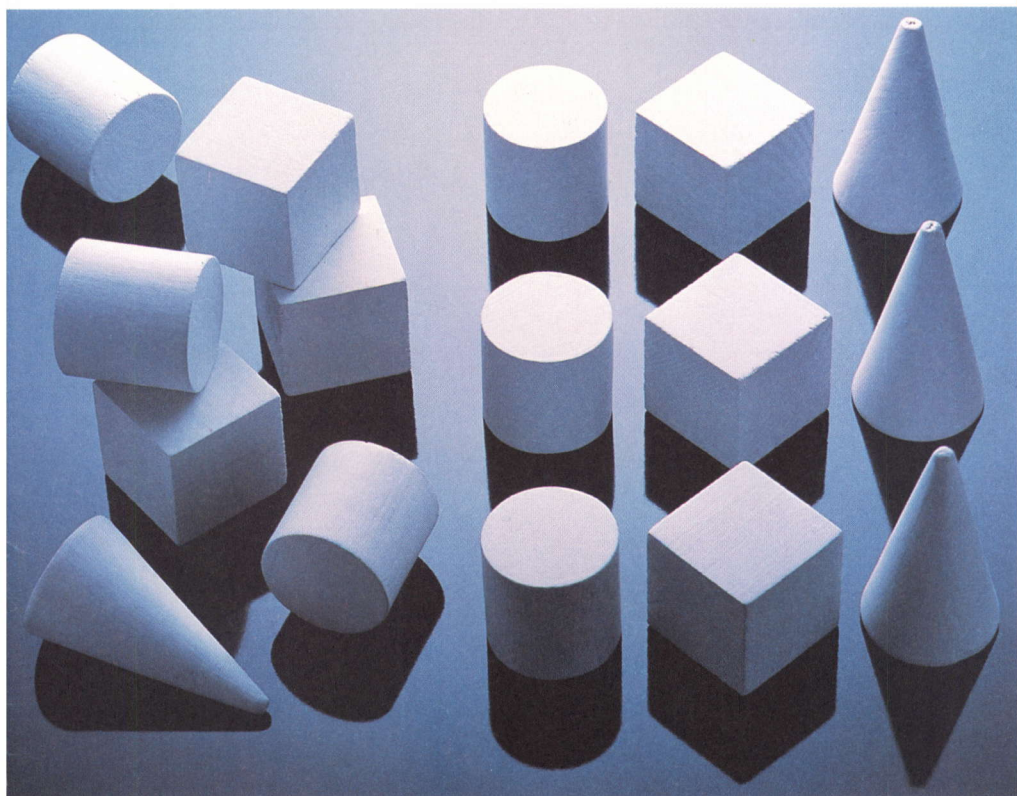
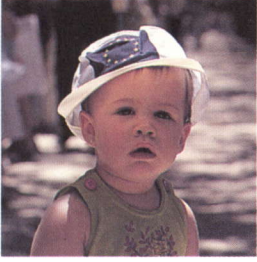




STRENGTHENING DEMOCRACY IN THE EC



Series! Europe
on the move



The Member States of the European Community are pluralist democracies. In fact, this is a requirement of EC membership. It follows therefore that any organization they create will be fundamentally democratic too. Such is the case of the EC. Alongside the Community's instruments of economic policy is a political structure to ensure democratic control. The powers of the EC's institutions have developed over the years as the activities of the Community have expanded and deepened. This is particularly true of the European Parliament. Its rights have been extended with the successive constitutional reforms of the Community. But the expansion of Parliament's powers has not always matched the pace of the transfer of authority from individual countries to the EC. As a result, a 'democratic deficit' has arisen. National parliaments have lost the control over executive power transferred by their governments to the EC, while their right of control has not been fully handed on to the European Parliament. Other criticism of the degree of democracy in the EC has centred on the lack of openness in the way EC decisions are taken and on the inadequate accountability of the European Commission. Some of these problems received answers in the 1987 Single European Act; others are dealt with in the Maastricht Treaty on European Union. Further reforms are foreseen when the Maastricht Treaty is reviewed in 1996.

'The subsidiarity principle gives us not so much an alibi as a demarcation line, so we know who's doing what. The philosophy is simple: problems should be tackled and solved as close as possible to the citizen.'

Jacques Delors
Address upon receiving
the Charlemagne Prize,
Aachen, 28. 5. 1992



EKA

European Union belongs to Europe's young. They should therefore learn about the European Community while at school. They will then know what they are doing when, later, they take part in Europe's democratic routines.

TRANSPARENCY: SEEING IS BELIEVING

One of the criticisms levelled at the Community is that too many decisions affecting the lives of ordinary people are taken in Brussels behind closed doors. This is why governments and public opinion have been calling for more transparency or openness in the way the Community works. Transparency in the form of public scrutiny already exists at several levels of EC decision-taking but access to information is uneven and often unstructured.

The Community, like any other democratic entity, has three separate branches of government — legislative, executive and judiciary. The problem is that they are split among four institutions. The position of the European Court of Justice is

clear. Totally separated from the executive and legislative branches, its judges sit as the EC's supreme court.

The other two functions are split between the European Commission, the European Parliament and Council of Ministers. The European Commission has wide executive powers entrusted to it by the Rome Treaty which created the Community. The European Parliament has legislative responsibilities. The Council of Ministers, whose members are ministers from the 12 EC governments, is part legislative and part executive. The Council is the Community's most powerful institution.

Criticism at the lack of transparency concerns primarily the Commission and the Council of Ministers.

The Commission, as an executive body and the initiator of EC policies, meets in closed session as do governments in all democracies. However, during the preparation and drafting of legislation, it consults widely with experts from national governments, representatives of the sector concerned by the legislation and other interested parties. There can be dozens of consultation meetings on a single issue. Once finalized, its decisions and proposals

are made public at the same time as they are submitted to the European Parliament and the Council of Ministers for adoption.

The Commission decided in December 1992 to broaden the consultation process, to increase the amount of information it releases to the public and to announce well in advance any new initiatives it is planning to take.

The Council of Ministers always meets in closed session. This is because for part of the time it acts as the executive branch of government.

However, there is growing pressure on the Council to hold those parts of its meetings where its function is legislative — the adoption of EC laws — in public. This would add transparency to the Council when it is operating in effect as one of the two

Parliament's President speaks to Heads of State or Government

The European Parliament's President attends every meeting of the European Council and tells the Heads of State or Government how Europe's elected representatives feel about the different items on the agenda.

The following is a short extract from a summary of what Mr Egon Klepsch, the present President of the Parliament, told the European Council meeting in Edinburgh in December 1992:

Outlining the position of the European Parliament Mr Klepsch categorically opposed changes to the Maastricht Treaty, special agreements which require ratification or the establishment of an 'à la carte' Europe. The ratification process had to be completed by 30 June 1993.

Parliament demanded a solemn declaration by the three institutions on transparency and democracy and an interinstitutional agreement on the application of the subsidiarity principle. Checks on conformity with the subsidiarity principle had to take place throughout the discussions on a legislative proposal and not be a preliminary stage in the legislative procedure.

The EP supported the measures announced by the Commission to boost economic growth and employment and demanded a successful conclusion to the GATT negotiations.

As for the Delors II package Parliament stuck to the maxim: new tasks call for new resources. Economic and social cohesion, the cornerstones of the Maastricht Treaty, made the establishment of the Cohesion Fund in 1993 essential.

Parliament demanded the speedy creation of a common immigration and refugee policy and the introduction of common rules to govern the granting of asylum.

Egon Klepsch, President of the European Parliament (next to John Major, who is in the Chair) explains to the Heads of State or Government the European Parliament's views on the items on the order paper of the European Council in Edinburgh.



EEC



It is primarily through the European Parliament that European citizens take part in the gradual unification of Europe.

chambers of the EG legislature, alongside the European Parliament. At the Edinburgh summit, Community Heads of State or Government took a first step in this direction when they decided to televise some formal sessions of the Council.

Like legislatures in all democratic countries, the European Parliament is an open institution. Plenary sessions of the European Parliament are public. So are many of its committee meetings. Parliament and its committees also organize public hearings on topical issues.

'But a Community based on the rule of law exists first and foremost through its institutions. Jean Monnet managed to plan these institutions so that in their workings none is subordinate to another. The Community institutions are not structured hierarchically. Their principal raison d'être is to cooperate and to seek the common good.'

Jacques Delors, Brussels, 21. 4. 1989

EEC

DEMOCRACY AND ACCOUNTABILITY: WHO CONTROLS THE BUREAUCRATS?

The ordinary citizen is at the basis of the democratic process within the European Community. He or she has two direct votes. One is at national level when voters elect their national parliament and government.

Ministers of this government then represent the country concerned in the EC Council of Ministers. The second comes when the electorates in all Member States choose the Members of the European Parliament.

These European elections take place every five years. The first direct elections took place in 1979. Previously, MEPs were nominated from among members of national parliaments of EC countries.

Thus it can be seen that Community citizens have a say in who represents them in the European Parliament and in the Council of Ministers.

What about the European Commission? Is it an unelected, unrepresentative super-bureaucracy, accountable to no one, as some critics contend? We should not forget, first of all, that elective office is not a requirement for ministers in some European governments or members of the American executive branch.

In fact, the Commission is under two-fold democratic control at present and this control is due to be

reinforced under the Maastricht Treaty on European Union. In the first place, the Commission is accountable to the European Parliament which has the power, through a vote of censure, to dismiss the entire Commission. Members of the Commission have to give account of their activities to Parliament both in plenary sessions and in numerous meetings of parliamentary committees.

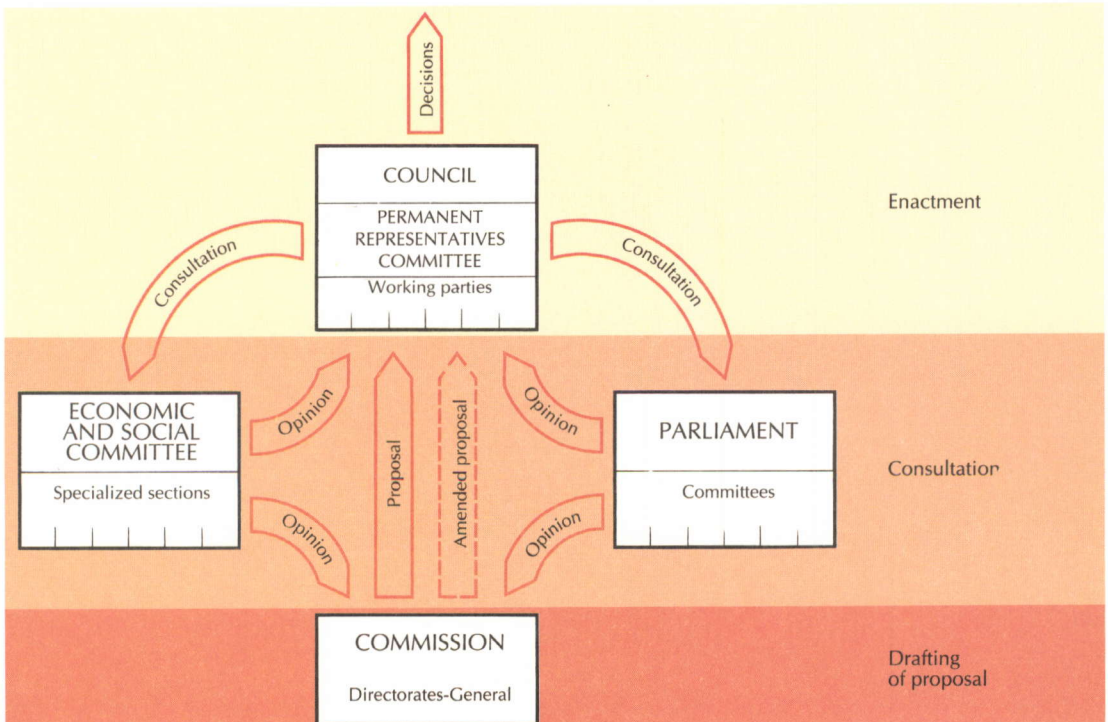
In the second place, it is the European Council which chooses by consensus the president of the European Commission. The nominee proposed for the job by a Member

State has to be acceptable to all the others. It was, for example, the European Council in Lisbon in June 1992 which nominated Jacques Delors for a further two-year term running until the end of 1994. In this

'... I am still concerned at the complexity of our procedures. It is up to all of us, the Parliament, the Council and the Commission, to use these procedures as effectively as possible and not to make them more complicated... In other words, we must all strive to make things as simple as possible.'

Jacques Delors, reporting on the Maastricht European Council to the European Parliament, Strasbourg, 12. 12. 1991

The Community's decision-making process



role, the members of the Council act like grand electors, representing their individual nations in a sort of electoral college.

The 16 other Commission Members are chosen by individual Community governments. Their nominations are invariably rubber-stamped by the Council of Ministers. These commissioners are not faceless bureaucrats, however. They are political figures or important personalities from public life in their home countries.

The system of appointing Commissioners is being changed. Democratic control will be strengthened by the Maastricht Treaty. The Council's choice for the post of Commission president will be submitted to the European Parliament for approval. In addition, each new Commission — once all its Members are appointed — will need a vote of investiture from the Parliament before it can take office.



THE FOURTH ESTATE: THE ROLE OF THE PRESS

The press, a vital instrument in the democratic process, plays an important role in ensuring a high degree of openness in Community decision-taking in the absence of formalized public scrutiny. More than 600 journalists from 60 countries follow the activities of the EC institutions on a daily basis. They use the abundant official statements and communiqués of the Commission and the Council of Ministers as source material.

They also have wide-ranging, but informal, access to Commission officials and representatives of

First meeting of the new European Commission that took office on 6 January 1993. This is the third Commission chaired by Jacques Delors. The European Commission's 17 Members come from the 12 Member States of the European Community. All Members but one are well-established politicians who have been ministers in their home countries. The last member was a senior diplomat. The average age of Commission Members is 56.

'With this new Treaty [the Treaty on European Union, also known as the Maastricht Treaty] our European democracies are being given a new lease of youthful life. It is for us to make a success of this venture. I have felt for a long time that either Europe becomes more and more democratic, steered by citizens who feel loyalty not only to their own country but to a collective venture, or there will be no Europe!'

*Jacques Delors,
President of the
Commission of the
European Communities.
Address at the sitting to
commemorate the 40th
anniversary of the
European Parliament,
Strasbourg, 15. 9. 1992*

Member States in order to ensure the public's right to know what lies behind the jargon of official documents and diplomatic utterances. Contacts with such a wide range of sources means that Brussels journalists are sometimes better informed than colleagues in national EC capitals who may depend on the patronage of their home government to provide the sole access to certain kinds of non-official information.

FILLING THE DEMOCRATIC DEFICIT

No parliament anywhere in the world has acquired its rights without a fight. This is true of the European Parliament. Its precursor, the Assembly set up by the European Coal and Steel Community in 1952, was a purely consultative body. Since then, the Parliament has gradually acquired a degree of democratic control over the Commission and a limited right of co-decision with the Council of Ministers. It has seen its own democratic legitimacy rein-



forced through the introduction in 1979 of the direct election by voters throughout the EC of its 518 Members.

The founding Treaties gave the Parliament the right to dismiss the European Commission through a vote of censure. In 1975, the Parliament acquired the right of co-decision alongside the Council of Ministers over the Community's annual budget. The Council cannot have the budget adopted without the agreement of the European Parliament and vice versa.

The first real extension of the Parliament's legislative power came in 1987 with the Single European Act (SEA). This gave Parliament — through the so-called cooperation procedure — the right to a second reading of draft legislation concerning the single European market and to propose amendments. But the final decisions still lie with the Council of Ministers. Under the SEA, Parliament acquired the right to veto treaties signed by the Community concerning the accession or association of non-member countries.

A further step in democratic control is being taken under the 1992 Maastricht Treaty. The Treaty extends the Parliament's right of co-decision to all legislation concerning the single market and to other areas like the free movement of workers, research and development policy, the environment, health, education, consumer protection and so on. In these areas,



Kürschner

The Treaty on European Union, signed at Maastricht on 7 February 1992, gives all European citizens the same right to vote and to stand for election in local and European elections in the country where they live as if they had been born in that country.

Parliament will have the power to veto draft EC legislation it does not approve of. In addition, the cooperation procedure which was introduced in 1987 will be extended to new areas too.

Although the Maastricht Treaty continues the process of extending the European Parliament's powers, it was agreed that more still needed to be done. This is why the Treaty contains a clause under which its provisions will be reviewed in 1996.



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