

## Relative direct democratic legitimacy

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26 June 2014

*As the European Council convenes today and tomorrow to confirm Jean-Claude Juncker as the candidate for President of the European Commission, this Commentary shows that the Council should de facto also be considered more a 'mini parliament' than an assembly of states and that the European Parliament cannot claim the monopoly on democratic legitimacy.*

It is clear that the voting powers in neither the European Council, nor the European Parliament conform to a pure principle of equality of states or equality of votes. For example, the 14 smallest member states make up one-half of the total number of member states. In a hypothetical 'Senate' made up of the same number of representatives for each member state, they would have one-half of the votes. Under the voting weights currently in force in the Council, however, these states account for only 24% of all votes – or about one-half of the weight they would have under a principle of equality among states.

These 14 smallest member states also account for only about 10% of the population of the EU-28. This implies that representatives from these countries should have only 10% of the seats in a parliament in which voters are equally weighted under the principle 'one man, one vote'. However, the MEPs elected in these 14 countries represent almost 20% of all MEPs, which is double the population share.

One way to measure the relative weights given to the two fundamental principles 'one man one vote' and 'one state one vote' is to ask which kind of weights would lead to the observed distribution of votes in both Council and Parliament.

This weight (denominated by  $\alpha$ ) can be calculated from the same equation, separately for the Council and the EP:

Share of MEPS<sub>14 smallest</sub> =  $\alpha$  \* share in population<sub>14 smallest</sub> + (1-  $\alpha$ )\*percent of member states<sub>14 smallest</sub>

Share of Council votes<sub>14 smallest</sub> =  $\alpha$  \* share in population<sub>14 smallest</sub> + (1-  $\alpha$ )\*percent of member states<sub>14 smallest</sub>

Daniel Gros is Director of CEPS. For a practical application of the principles he presents in this commentary, see his column in Project Syndicate, 17 June 2014, in which he rejects the view that Jean-Claude Juncker has a democratic mandate to lead the European Parliament ([www.project-syndicate.org/commentary/daniel-gros-rejects-the-view-that-jean-claude-juncker-has-a-democratic-mandate-to-lead-the-european-commission](http://www.project-syndicate.org/commentary/daniel-gros-rejects-the-view-that-jean-claude-juncker-has-a-democratic-mandate-to-lead-the-european-commission)).

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For the example given above, it turns out that the weight assigned to population in the Council votes is about 65%, (and that given to the equality among member states only 35%). This outcome means that the Council is far from representing the principle of equality of states, which would have implied a weight of zero for population. In actual practice, the Council appears to be closer to a mini-Parliament than to an assembly of equal states. For the European Parliament, the weight assigned to population is naturally higher, at about 76%. This outcome implies, however, that the EP also deviates considerably from a pure representation of the principle of equality of voters, independently of where they live (which would have implied a weight of 100% for population). In reality the European Parliament still adheres 24% to the principle of equality of states. In other words, popular representation in the EP could be considered as a hybrid reflecting 24% of the US Senate and 76% of the US House of Representatives.

The same calculation can also be done for the four largest member states, which account for approximately one-half of the EU's total population, but only 14% of all member states and still exercise one-third of the Council votes. In this case the implicit weight for the population in determining Council votes is about 50% (implying in reality that the Council is about half way between a Parliament and an assembly of equal states). Given the number of MEPs coming from these four countries, the weight of the population principle for the EP is, at around 73%, again rather high, but clearly below 100%.