

Introduction to the Politics of the European Union

(PIED 2320)

Taught by: **Dr C Dannreuther**

Assessed essay:

**Should the European Parliament be granted the full powers of
a national parliament?**

By

Daniel Wolschner

(SID: 974339865)

Word Count: (2078)

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In 1951 the European Coal and Steel Community (ECSC) was born. Since then, over almost fifty years, a long process of integration has created the European Union (EU). And along with it the former, slightly obscure, ECSC Assembly has been transformed into the directly elected European Parliament (EP) with vastly increased powers. As the only directly elected institution of the EU it is now the source of at least some form of legitimacy for EU activities, in particular those of the European Commission. However, there are major differences in the set-up of the EP as opposed to the national parliaments of the member states. This has a lot to do with the current, established system within the EU, and the unique history of the EP itself. As European integration continues further, for example with the establishment of the European Monetary Union (EMU), the question arises on how far this process should continue. Some sceptics of a federalist approach to Europe have already criticised the latest developments and believe further Europeanisation would have detrimental effects on the nation-states, which constitute the members of the EU. At the same time though, others call for an even greater increase in powers granted to the supra-national level. I shall now attempt to describe what the future role of the EP should look like; whether it should continue increasing its importance or whether it should remain a sometimes rather ineffectual institution and leave the major decision-making procedures at a national level with the member-states parliaments.

The History and Development of the European Parliament

After the founding of the ECSC and later the European Economic Community (EEC) the then Assembly renamed itself European Parliament in 1962. At the beginning it was simply a small advisory institution consisting of representatives from the member-states parliaments. It was meant to provide a little democratic input into EEC decision-making (Nugent, p. 39). In the late 1970s the idea about the EPs role changed, so that in 1979 the first directly elected Members of the European Parliament (MEPs) took their seats as the new guardians of democratic legitimacy in the EU. However, it took a ruling from the Court of Justice in 1980 in the famous isoglucose-case to establish its position among the other two main European institutions. Until then the Commission and notably the Council of Ministers had always all but ignored the EP. Ever since its creation, but especially since then the EP has continued to fight to make itself heard and gain strength. Even though its formal powers are relatively weak, the EP has maximised its influence by far-reaching interpretations of the Treaties. The Single European Act (SEA) in 1986 granted the EP new powers but the Council was still a long way from accepting the EP as an institution, which would be allowed to really influence decision-making. However, with the Maastricht Treaty and in particular a few years later with the Amsterdam Treaty in 1997 the EP finally received a formal say in all the decision-making processes. The specific powers are varied depending on the particular decision-making procedure. In some instances the EP only needs to be consulted, but its opinion need not be taken into account when the Council passes EU legislation. Since the Amsterdam Treaty

the EP, however, now has to agree to any laws made under the Co-Decision and as before under the Assent procedure. The areas in which laws have to be passed using the Co-Decision procedure have been greatly boosted. There is a big but in the EPs legislative influence though. So far the only body formally permitted to initiate the majority of EU legislation is the Commission. The EP does not have that authority. It can technically adopt its own initiative reports but the Commission is not in any way obliged to act upon such a legislative suggestion. Therefore the EP hardly ever uses that right. The most powerful tool for MEPs to push the Commission to act on certain proposals is based on Article 193 of the TEC. This does not formally force the Commission to do anything, but it does pressurise it to do so, as such a proposal would be based upon a majority of MEPs. (Nugent, p. 205f). This is one of the many times the EP uses its informal powers based upon its democratic legitimacy and public opinion. The EP follows similar tactics to increase its say over high-level appointments. For instance the EP was first involved in the appointment of the Court of Auditors from 1975. However, the EP only needs to be consulted by the Council and as the EP found out in 1993 the Council does sometimes ignore the EPs opinion. As Martin Westlake says though, “the attitude of the Council might have been very different if Parliament’s reservations had attracted media interest” (Westlake, p. 432). Once the public is involved the Council and its candidates do react in a greatly different way. A great example of this is the appointment of the heads of the European Central Bank (ECB) and the new Commission. In order for his new role as head of the ECB to be more credible and appear more legitimate, Wim Duisenberg willingly accepted to be questioned before the EP in 1998. The ECB also

conceded to hold regular meetings with the EP to exchange information, much like the chairman of the US Federal Reserve does with the Congress (Westlake, p. 436 and *The European* (1998), in: Westlake, p. 436). The situation surrounding the appointment of the Commission has changed slightly since the Amsterdam Treaty as the EP now has the formal right to veto the nomination for President of the Commission and also of the entire Commission per se. This is something the EP nearly used in 1999 when the entire Commission was about to be censured before it resigned. The Treaty on European Union (TEU) also gave the EP the recognized right to set up temporary Committees of Inquiry to investigate alleged maladministration of Community law. The EP has done this twice so far since 1995, once concerning the Community's transit system and shortly after when the BSE crisis hit Europe. One of the main problems for the Committees was the trouble in calling witnesses to appear before it. In particular national government officials, including the Council, are not very inclined to come, as they do not feel accountable to the EP. Commissioners are far easier to get access to, especially as they need to be able to co-operate with MEPs in legislative processes (Shackleton, p. 119ff).

The differences between the powers of national parliaments and the EP are still great, in particular when it comes to passing laws. However, in certain areas the EP is nearly more powerful than those parliaments. For instance, the Commission often involves the EP at an early stage when it is initiating new legislation. MPs in the member states often do not enjoy as much access to their own governments during the drafting process (Nugent, p. 211). The EPs committees are also more active as most of the parliamentary

discussions take place there and are only later quickly discussed in the monthly plenary sessions.

Possible future developments, problems and criticisms

A big difference between the EU administration and national ones is that the de facto government, ie the Commission, is not composed of MEPs and not based upon the majorities existing within the EP. MEPs therefore, and due to fact that they come from within national parties rather than trans-European parties, work along very different lines than national MPs would. For most important decisions absolute majorities are needed so MEPs work across party lines in order for the EPs opinion to be heard.

For the future, changes in the EUs processes will be needed to make sure that its institutions remain workable. Germany's Foreign Minister Joschka Fischer said that one possibility would be to make the EP a proper parliament and also to create a real European government based upon a constitution, which will have to be drawn up (Der Spiegel; 20/2000). Britain's Shadow Foreign Secretary Francis Maude criticised this development towards a "European superstate" as something Britain does not want and Europe does not need (Maude; 12/5/00). Emotions often run high when it comes to deciding Europe's future and one has to admit it is a difficult decision. A problem for the EP is that it currently does not have as much political legitimacy as national parliaments do. Most European citizens still identify themselves with their nation-state as opposed to having a European identity. The elections to the EP have had some of the lowest turnouts in voting history.

In some countries only 30% of voters actually cast their vote and of those the majority often simply uses that chance to register a protest against their own national governments rather than voting on some European issue. The “view among voters [is] that the election ... is not altogether serious. No “real” power is at stake”. This is a serious problem as it “traps the EP in a potentially vicious circle”. As long as voters do not turn up for European elections the EP cannot call for greater powers, but without real powers voters will not care about it. The positive thing is that the EUs governments have come to grant the EP more and more power over the past 20 years (The Economist (2)).

I believe the EP should in the end probably become the legislative assembly of a future political union. However, at the moment there is still a strong case to be made for national parliaments. The people of Europe will need to come to identify themselves more with the EU before greater political union can be achieved. Forcing it on them will cause more problems than solutions. With the establishment of the EMU a big step toward that goal has already been made. If the leaders of Europe can prove to the people that this was a sensible idea and really works for the benefit of all, then support for further European integration should not be too hard to find. I think Joschka Fischer’s idea of creating a second chamber for the EP to be constituted of representatives selected on a national basis is probably a good start too. The first chamber of the EP should then be elected more along trans-European lines. This kind of system has worked well in many European countries, for example in Austria and Germany. As long as the main aim of the founding fathers of the European community, ie long-lasting peace, is not lost, then the EUs work will not have been in vain. Especially in the wake of recent

successes of xenophobic election campaigns all around Europe a stronger effort will be needed. In the long run, however, I believe that in order to sustain such a goal we will need to continue working together.

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