

CONFERENCE 'THE EUROPEAN PARLIAMENT IN AN EVERCHANGING UNION: WHERE TO GO FROM HERE'

Luc Verhey¹

Montesquieu Institute Maastricht

Maastricht, 5 maart 2009

Ladies and gentlemen, dear colleagues,

The conference we will have today and tomorrow is one of the first events we organize here in Maastricht as part of the academic programme of the Montesquieu Institute, the Centre of European Parliamentary History and Constitutional Development. The Montesquieu Institute is an initiative of four Dutch universities, the universities of Nijmegen, Leiden, Groningen en Maastricht, and is dedicated to stimulating the comparative and interdisciplinary study of parliaments and parliamentary government in Europe. The initiators thought that this was a very good idea because parliamentary studies receive little attention in the academic world at least in the Netherlands, while on the other hand it is abundantly clear that parliaments are still crucial public institutions in contemporary democracy; public institutions which have run into all kinds of problems which deserve more attention of academics on constitutional law and political science than they get nowadays.

¹ Professor of Constitutional and Administrative Law , Faculty of Law Maastricht University and Director of Maastricht branch of the Montesquieu Institute .

Obviously this is not only a Dutch problem. Parliaments elsewhere in and outside Europe seem to meet similar difficulties. It is therefore our ambition to build up international contacts with academic researchers and practitioners in this field elsewhere and, perhaps on the long run, let the Montesquieu Institute become an international institute being an international network of academic researchers.

Today and tomorrow we will talk about and discuss the position of the European Parliament and its future. Of course it is no coincidence that we do this just now. In June we will have the next elections for the European Parliament. These will take place in times of great uncertainty. It is a time in which we have run into the biggest economic crisis since the 1930's. It is a time in which serious problems like climate change, international crime and religious and ethnic conflicts are still far from resolved. These are all problems which cannot be solved by national states; they all ask for an urgent response at a transnational level.

From the perspective of the European Union one could presume that the difficulties we face, can also have its positive side. It is a time in which the European Union can show again what it is worth, a time in which it can show that the Union can really mean something for the daily life of ordinary people. However, the political situation within the European Union itself is far from easy. On all kinds of crucial issues it seems hardly possible to reach consensus between the Member States. The urgently needed constitutional reform which should decision-making at the European level at least somewhat easier, has still not yet been finished. Although the Treaty of Lisbon can perhaps entry into force after the second Irish referendum at the end of this year, it is still uncertain whether this will ever happen. In this uncertain situation the elections for the European Parliament will take place.

Last year the European Parliament has celebrated his fiftieth birthday. Its history is the story of the gradual transformation of a relatively powerless assembly to the relatively powerful institution it represents today. Gradually the powers of the European Parliament have been strengthened to the point that on many policy areas the Parliament exercises its legislative functions on equal footing with the Council.

The Treaty of Lisbon will enhance the role of the European Parliament even further. The current codecision procedure will become the general rule as it will be extended to almost all areas of legislation, including justice and home affairs. The Parliament will get stronger powers on the budget, more influence on international agreements to be signed by the European Union and a new role in initiating amendments to the European Treaties. And the Parliament also seems to get more grip on the nomination of the President of the Commission. According to the Treaty of Lisbon the President of the Commission will be elected by the European Parliament, on a proposal of the European Council, (I quote), ‘taking into account the elections of the European Parliament’.

At first sight all this would the Parliament give cause for being very satisfied. One could assume that step by step a parliamentary model at the European level is developing with, at the end, the Parliament as the prevailing power. And indeed the Parliament itself sometimes seems to believe that the European constitutional system is going in that direction. In its recent draft report the Committee on Constitutional Affairs says that it welcomes the role of the Council as a second branch of the legislative and budgetary authority of the Union sharing the bulk of decision-making with the European Parliament, within (I quote) ‘an institutional system that has gradually evolved according to

a bicameral parliamentary logic'. Although the latter is not completely untrue it marks a view that is too optimistic.

Let us go back to the roots of representative democracy. The percentage of people voting in the elections of the European Parliament fell from 70 per cent in 1984 to 59 per cent in 1994, 49 per cent in 1999 and 45 per cent in 2004.

There seems to be a good explanation for this low turnout. After all, what are the elections of the European Parliament all about? What is really at stake for ordinary citizens? Not so much, many people still presume. Elections should allow voters to choose between competing policies and politicians. They should allow voters to 'throw the rascals out' and to put an alternative government in place in order to implement an alternative policy agenda. To this end political parties should compete in a political campaign over European policy issues and over who could deliver the best candidates to translate the voter's preferences into legislative and executive action.

As we all know we are still far removed from this situation. There is still an enormous distance between the European Union and its citizens. Many citizens do not know and do not understand how the EU works and what the EU stands for. This also affects the role of the European Parliament. People are ignorant about what the Parliament is exactly doing apart from travelling between Brussels and Strasbourg.

Although many things have been improved crucial conditions which could raise public awareness and could stimulate people to vote, have still not been fulfilled. The causes are well known and have been put forward in academic literature many times before. To summarize very roughly:

- There is no real public debate on European policy issues.

- The media is not interested in Europe except when there is a scandal or disagreement between national political leaders.
- A strong party organisation at the European level which could foster public debate and media attention is lacking. National parties are still the key factors in the European level party organizations.
- The campaigns for the European Parliament elections until so far were not focusing on European issues. Politicians and journalists treat the elections like mid-term national contests.
- And last but not least, it is unclear to what the elections actually lead. It does in any case not lead to the formation of an EU government with a clear policy agenda.

The question whether this must change in order to strengthen the significance of the European Parliament and if yes, how this could be achieved, is a very complicated one. Let me finally and very briefly just say two things about it.

My first remark deals with European democracy in general. In which direction should the European Union go? The answer given until now shows great ambivalence. The Treaty of Lisbon is not only strengthening the European Parliament by giving it more powers, it is also making the role of the Member States represented in the European Council and the Council of Ministers more important. The crucial question we will have to address in terms of democracy is what the institutional balance will be between the Parliament, the Council and the Commission after the Lisbon Treaty will be entered into force. I doubt whether this question will be answered in favour of the Parliament. It is unlikely that the member state governments will permit a too powerful Parliament that could significantly reduce the power of the governments to run the European Union. On the contrary, after the referenda in France and in the Netherlands in 2005 and in Ireland in 2007 there seems to be a tendency to make the Member

States even stronger than they are already now. In this respect it is in my view an illusion to think – like the European Parliament Committee on Constitutional Affairs has recently stated – that the future President of the European Council could not ‘de facto’ grow into the President of the European Union. On the contrary: in my view this is a realistic scenario and if this would appear to be the case then it will be to the detriment of the President of the Commission and possibly of the European Parliament as well.

This brings me to my second point. If and to what extent the institutional balance will change, will to a great extent also depend on the European Parliament and by the parliamentarians themselves. What will be the political strategy in the run-up to the coming elections and afterwards? What is the quality of the candidates for the European Parliament the national political parties have put forward? What will and can they do to fill the gap between the European Union and its citizens? Will the campaign deal with real European issues or will the elections once again be a popularity poll of each and every national government?

And what will happen after the elections have taken place? Will the European party organization be further strengthened in order to make the Parliament more political? Will the Parliament indeed get more influence on the nomination of the President of the European Commission? Will there indeed be appropriate consultations between representatives of the European Council and of the European Parliament before the European Council proposes its candidate as the European Parliament Committee on Constitutional Affairs has recently suggested? Will the Parliament focus itself on using its legislative powers or will it invest more time in calling to account the European executive (which is not only the Commission but also the Council)? Will the European Parliament and the national parliaments cooperate more closely or will they persist in seeing

each other as rivals in the first place? And finally, what will the Parliament do if the Treaty of Lisbon once has entered into force? Will for example the Parliament let the European Council choose its President completely on its own like the Treaty seems to suggest or will it be possible to have some influence on this important nomination as well?

All these and other questions can and hopefully will be addressed today and tomorrow by the distinguished speakers and discussants and of course by all of you participating in a lively debate. I wish you all a very pleasant and fruitful conference.