Democratic Deficit in the EU
Towards Parliamentary Democracy?!
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1. Introduction

Nowadays, the western societies are based on parliamentary democracy. Therefore, weak legislative power of the European Parliament is alleged for the democratic deficit in the EU. How it can be possible that the parliamentary democracy which is practiced on the national level can be achieved beyond the nation-states without diminishing the democracy at the nation-states? If not, how legitimacy can be obtained so that the continued existence and expansion of the EU should be justified? Since expectations for democratization of the EU are still unmet, finding answers to the actual questions is a great appeal. The thesis will explore the fundamental debates and arguments contributing to the democracy in the EU through the parliaments. I will try to reflect to the different ways of thinking and the prospects of establishing parliamentary democracy beyond the nation states.

2. Why to study European Parliament in the context of EU Democracy Deficit?

Democratic deficit became one of the core discussing issues in today’s EU when it has embarked on a new transition period with implications to the democratic accountability and a state power. Debates on the democratic deficit have provoked many ambitious proposals for institutional reform in order to bestow greater legitimacy on European governance. However, mostly it is claimed that the democratization of the EU is through increasing the legislative power of the EP as it is seen as the only source of direct legitimization.

Debates over the European parliament are concerned with the extent of power it should be granted. Over thirty years the parliament has underwent significant transformation with considerate domain over the decisions. Lisbon Treaty has put forward further increase of capacity. However, the EP is deprived of full legislative initiatives. On the other side, transfer of political decisions and allocations from the national to the European level has weakened democratic influence and control
at the national level without the compensating establishment of equally strong democratic institutions and processes at the European level (Horeth.M.1998:4). As former German Foreign Minister Joshka Fisher stated: ”today, the European Union is not a mere union of States, but more and more a union of citizens. Nevertheless, European decisions are still taken almost exclusively by the states. The role of elected European parliament direct legitimization is underdeveloped. This role has to be further strengthened if we are to overcome the democratic deficit in the Union”

While mostly arguments favour the inevitable expansion of power of the EP for further democratisation, opposite debates put forward various thoughts that makes its current power sufficient. Europe’s ‘democratic deficit’ is democratically justified in Moravchick’s statements for whom ”constitutional checks and balances, indirect democratic control via national governments and the increasing powers of the European Parliament are sufficient to assure that the EU policy-making is, in nearly all cases, clean, transparent, effective, and politically responsive to the demands of European citizens” (2004.338). Moravchick’s check and balances principle does not necessarily guarantee that EU’s democracy can be sustained through the controlling power of democratic governments. As Beetham and Lord state the integration process has itself changed national democracies and the ultimate rule-making authority of Member States in ways that render those things unavailable for the indirect legitimating of the Union power. They claim that only bodies that cannot be controlled by democracies are in need of independent democratic legitimation is no longer an alibi for a democratic EU (2001.449). In the theory of Moravchick the EU is an international organization that means it is no more than a supplementing state in the political system. He argues that international organizations like the EU cannot be judged with idealized political system, but should be evaluated through the real world constraints. Another essential aspect of illegitimacy that Moravcsik regards as ”justified exceptions” is the expertise of the technocracy, which is the only one to correct imperfection caused by complexity and blaming citizens to be inattentive, inexpert, and uncertain about future (2004: 344). Moreover, he claims that the EU is merely specializing in those aspects of modern democratic governance that typically involve less direct political participation (ibid.362). However, in the white paper of Governance the Commission clearly states that: …
Its legitimacy today depends on involvement and participation. This means that the linear model of dispensing policies from above must be replaced by a virtuous circle, based on feedback, networks and involvement from policy creation to implementation at all levels” (2001, p. 11).

The same document is also the response to Majone’s arguments who discusses the EP through the goals of integration process (1998). He claims that economic integration does not necessarily have to lead political integration, and standards of legitimacy derived from parliamentary democracies are therefore not applicable in the EU context. As long as the majority of voters and their elected representatives oppose the idea of the European federation, while supporting the far-reaching economic integration one cannot expect parliamentary practise to work within the EU and thus, the EU cannot be expected to go to the path of parliamentary democracy in the future (Majone 1998, p. 7). European Integration has, however, evolved beyond solely economic cooperation (Beetham and Lord 2001). As Warleigh argues Treaty of the EU brought political union much closer by establishing, inter alia, EU citizenship, a fledgling common foreign and security policy…, a nascent bicameral legislature, deeper cooperation in matters of justice and home affairs, and the principle of subsidiarity (2003.19). Moreover, if we get back to the official document it says:

The Union is changing as well. Its agenda extends to foreign policy and defense, migration and the fight against crime. It is expanding to include new members. It will no longer be judged solely by its ability to remove barriers to trade or to complete an internal market (White Paper of Governance: 2001, p. 11);

Thus, ”no democratic deficit thesis” is hollow now as the European Integration is developing in that way that the EU would never have public support if it did not take on a broader range of competences and increases the powers of the European Parliament (Pinder 1991:10).

What the supporters of ”no democratic deficit thesis” (Moravcsik, Majon) leaves out in their argumentation is the public support through citizens’ participation that shapes the democratic processes and without public ‘would almost definitely be produced outcomes that are different to those produced by ‘enlightened’ technocrats” (Hix.2006:550). Follesdal and Hix call for politicization and democratization of the EU’s decision making procedures and institutional structures through political debates, otherwise, there are few incentives for the Commission or governments to change these policies in response to changes in citizens preferences (Folesdal;Hix.2006:549). Moreover, political competition contributes to public opinion formation,
as the opposition has possibility to provide new positions to the citizens by evaluating and scrutinizing the present government and the citizens can form their political preferences between different policy issues by proposing alternative policy agendas. For Moravcsik “European demos are a prerequisite for genuine EU democracy”, though as Follesdal and Hix state, on the contrary, “European democratic identity might well form through the practice of democratic competition and institutionalized co-operation” (Follesdal; Hix.2006:550).

European Parliament is regarded to be the arena for the genuine contest and cooperation that will foster the change “from formal to substance” democracy at European and national level. Though, this is not the necessarily outcome, as various arguments with various consequences propose modes and roles of European Parliament in the EU; As Majone observes “we are still groping for normative criteria appropriate to the sui generis character of the European Community” (Majone 1998; 6). This is as valid now as it was when he first wrote it eleven years ago.

2.1. The Research question

The research has to answer the question: Can the EU develop into parliamentary democracy? The thesis aims to exploring both the academic and the political visions of the future of parliamentary democracy at the European level. I will try to gain understanding if the parliamentary democracy as it is practiced on the national level can be the means of democratization of the EU. Or after all, is it desirable or feasible that the EU should develop in the parliamentary democracy. The thesis does not have an ambition to present the solution, or even to construe a common ground, but to construe a limited insight of parliamentarianism in the EU through reflecting to the theorists/theories.

2.2. Methodology and Outline

Questions about the future democracy of the EU are related to emerging of the multi level structure of the governance which is “hard to catch within available theoretical nets” (Jönsson et al 2000:126). Complex representational units are displayed in differentiation of the governance, differentiation of representation, differentiation of system of knowledge and expertise and the spectrum of values and lives of ordinary citizens. Given the above mentioned complexity of the EU,
even the question of the democracy within the EU is unsettled. Therefore, issues related to the
democratic function and renewal are often focused on the basic character of the EU and how it may
develop in the future, rather than on the power and policy-making of the EU of today. Undoubtedly,
the debates are focused on the roles of parliaments as the basic for legitimating policy decision as
their roles in this complexity are limited if not largely becoming infeasible (Olsson.2003:284). But,
if the definition of the EU is still ambiguous, where can we search for the democracy in multi-level
governance, where are the parliaments or how people are represented? The member state on the one
hand and the European Union on the other hand consider the question of whether the EU integration
overcomes or strengthens the nation-states. The same applies for normative models which on this
conceptual basis can only consist of variations of the ideal-types of 'federal state' or 'international
organization'. From this perspective, political discourse and actual European policy-making are
usually perceived as a dramatic fight between these two poles in which the respective players more
or less succeed to push the reality of the European integration in one of these two directions.
Respectively, analytical models guide the theories which justify political actions or calls for
democratization (M. Jachtenfuchs.1997:4). These two competing options on how to address the
democratic deficit in the EU provides counter arguments which are generally derived from the
different understanding of the EU’s institutional structure. For my thesis construe I have chosen two
domain approaches –’’no democratic deficit thesis’’ and ’’call for parlamentarisation’’.

scholars argue that the EU is not a national model of democracy, but rather the principle of
constitutionalism, of government limited by a separation of powers and the rule of law. By this
standard, they claim that the EU fares better than its democratic critics might suggest. More
generally, given the increasing power and importance of the EU and other international
organizations, both scholars and practitioners are likely to continue the debate over the proper
democratic or constitutional-standards according to which international organizations should be
designed and normatively evaluated. Even more, in this case, there is no accountability dilemma
while parlamentarianism threatens regulatory credibility.

The second positions favors to increase the legislative power of the European Parliament so that to
establish a direct link between the citizens of the Union and those making decisions at the European
level. As Hix states, increasing the power of the European Union is the best way to ’’introduce
competition and choices into the EU process’’. In this kind of democracy, political competition is
envisaged by the electorate. The competitive process forces the parties to draw up and follow programs which reflect the people’s requirements and not the political leader’s wishes (D. Miller cited in Duncan, Graeme (ed). 1983). Since the parliament is the arena for party competitions, parliamentarisation of the EU will foster to reflect to people’s choices and thus reducing democratic shortcomings. I will analyze this position applying to the draft treaty on EU (EUT) or ’’Spinelli Draft’’ constitution, as it is known. Spinelli’s proposal is the most ambitious step to the parliamentarisation of the EU and serves as the precedence for addressing democratization issues through parliamentarisation.

It is obvious that to assess the parliamentary democracy model, it is useful to compare it with the alternative approach. The competing thoughts will provide basic contrasts and will contribute to clearer understanding when ask the questions of my research -both normative: if parliamentary democracy would be good? And empirical: if it would be possible?

The rest of the chapters are organized as follows:

Chapter two examines what the EU is. The answer about democracy is a problem because there is no single definition what the European Union exactly is. In the chapter approaches to federal state and intergovernmental organization gives rise to the understanding of the EU. The phenomena of the lack of common European identity that causes the problem of the EU’s convergence to the state analogy and respectively, practicing the nation state democracy in the EU will be presented.

Chapter three describes the current problems related with the parliament in the EU. It also deals with scrutinizing parliamentarianism in the EU and identifying some of its weakness through historical or empirical assessment. It also mentions the recommendations put forward by the working group papers for further role of the parliaments in the EU. Since the thesis has to study the future of parliamentary democracy in the EU, it is necessary that the current status and especially, gaps of parliaments should be defined for further discussion presented in the next chapters.

Chapter four will present the analytical framework where it will be assessed how the parliament can be treated in the context of the EU according to two alternative thesis mentioned above. Based on the competing arguments it will also deal with the obstacles in turning the EU into a parliamentary democracy or preserving the current democratic deficit by identifying certain obvious drawbacks proposed by the advocates of each thought.
At the end, chapter five will present the analysis where the debated theories are summed up. It will scrutinize how the obstacles related with the democratic deficit can be reasonably overcome. What the more feasible and desirable way of democratization of the EU is from the suggested perspectives and ultimately, answer the main question of the thesis.

2.3. Limitations

As I mentioned before, The European Parliament is one of the most debated issue among the scholars and politicians. Puchala (1972) has very perceptively described the debate as a situation where a group of blind men approach and touch an elephant in order to determine what kind of animal it is. Each person feels a different part of the animal and not surprisingly they all come to different conclusions. 35 years later Puchala’s illustration is even more adequate as different options and ideas about how to view the role of parliament within the whole structure of EU today is becoming more complicated. My scope within the ongoing debates is rather limited with only two ways of thoughts. However, this competing thesis dominating the literature will guide me to more accurate analysis and will also avoid the problem of ”ideological hegemony” as it proposes counterweight arguments for the possible development of the EU and respectively, puts the role of the European Parliament in the context of the EU’s future designs.

3. How Should We Treat European Union?

The first notion of democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives. But in the contemporary political discourse, democratic status of political systems became complicated with a similarly varied set of effects derived from various political games and policy practices (Schmitter, T. Karl. 1991:76).
A common point for scholars to analyze the democracy in the EU is its comparison with national democratic institutions. When comparing the Member State’s parliamentary democracy, it becomes clear that the limited powers of the EP make for serious shortcomings. However, the institutional framework on the national level would not be suitable to the task of democratizing the EU. It is far from obvious that we can ”remedy the democratic deficit by transferring more power to the European Parliament” (Lord.C.1998 citied in Karlsson.C.2001). Supported by a number of independent analyses, there is no direct correlation between the growth of power and increased legitimacy enjoyed by the European Parliament and the increase in voter turnouts in the European Parliament’s elections. To paraphrase this statement, even if we gave the European Parliament all the power it could possibly have, it would not make the idea of Europe feel closer to its citizens. At the same time though, we must realize that without expanding the powers of the European Parliament, we shall never achieve a higher degree of transparency vis-a-vis with other European institutions. Whilst empowering the European Parliament, we must use other tools and pose other questions (Liška.O)

The question is whether the EP has to take the national parliaments as its models or should it rather try to do something different. Political institutions are means to achieve some goals and the proper function of the institutions usually depend on certain preconditions that have to be provided for reaching the aim set. It is therefore far from obvious that the solution to the democratic shortcomings of the Union rests within a strategy that uses the institutional framework of the democratic nation-state as a blueprint (Karlsson.C.001:29). The democracy within the EU cannot be debated from the perspective of pure model of a state as it is not the identity of a national state. However, there is no single definition of the EU that will capture its essence.

The answer what is the EU depends who you ask and what preferences they bring to their analysis. Debates have long been raged about whether the EU is intergovernmental, supranational, or a combination of the two. Some of its institutions –notably the European Council and the Council of Ministers – are more clearly intergovernmental, because they are meeting places for the representatives of the governments of the EU member states, and decisions are reached as a result of compromises based on competing national positions. Some of the other commissions, notably the European Commission and the European Court of justice are more clearly supranational because they focus on the general interest of EU and their decision makers are not national representatives (McCormick.J.2008).
If we want to catch the some standards of democracy questions in the EU, the status of the EU itself has to be described. In the literature of European Union integration, various counter arguments are trying to define the EU:

The first, dominant in the early life of the EU, and elements of which are important even today, perceived the process of European integration as an international regime, designed by sovereign states, who seek to regulate the development of economic and political interdependence through a process of international intergovernmental collaboration. Given that the EU is a treaty based organization, it is a state centered organization, in which the member states are at the centre of the decision making process. While such a characterization of the EU might have been valid in its early years up to 1980s, state center model has changed due to some factors including introduction of qualified majority voting on increasing number of policy areas, more power of European Parliament, emergence of the European Court as the arbiter on the EU legal matters, growing process of ”government by regulation” through the regulatory decisions of the Commission and of EU agencies.

The second model is a federalist one in which the EU is a supranational state. In this model political decisions depend on relationship between different levels of government (European Union, national, and sub national) and on how the powers and functions allocated to the different levels operate in practice in both formal and informal ways. Here powerful commission is at the centre acting effectively as the policy arbiter, given its positions as the policy initiator (Featherstone.K & Radaelli.C 2003: 113-116).

Though, at the second stage the EU is more powerful with federal elements, its ardent federalists believe that more is needed. German former Foreign Minister Joschka Fischer, indicated that a “tension has emerged between the communitarisation of economy and currency on the one hand and the lack of political and democratic structures on the other.” He urged that “productive steps” be taken to avoid crises in the EU and to complete “the process of integration.” He proposed “the transition from a union of states to full parliamentarisation as a European Federation.” The White Paper on European Governance is the reflection of a federalist’s desire. While careful to avoid using the word “federal,” the document asserts: “It is time to recognize that the Union has moved from a diplomatic to a democratic process, with policies that reach deep into national societies and daily life.” However, federalists’ calling for the EU resembling the American model is destined to failing from the very beginning. Deeply entrenched national identities of the European people and their rich
cultural (and often national) histories do not leave space for converting European Union into a federalist state. Joschka Fisher was probably right when he acknowledged that the idea of a new federal state that would replace the Member States as the new sovereign power “shows itself to be an artificial construct which ignores the established realities in Europe.” (Sieberson.2008:9-20). When speaking about European integration, we should not forget that European Union is comprised of heterogeneous and traditionally fiercely nationalistic people. As Shore (2000:18) stated ”'European public’” or demos, barely exists as a recognizable category, and hardly at all as a subjective or self recognizing body- except perhaps among the small coterie of European politicians, administrators and businesspeople”. Moreover, most ”'European Union People’” perceive the integration as the economic issues rather than cultural or constitutional feature. Thus, if European Union is a new state, it is a state without European Nation, since there is still no European mass media, parties, interest groups (except in business) or public (Hoffman, 1993, cited in Shore.C.2000: 18).

If we get back to the explanation of the EU’s governance structure, on closer examination, it is clear that the EU is a mix of the international and federal state features. EU membership is voluntary and decision making is exercised on consultation rather than compulsion. Though, over years the European Union has been successful in instilling many features of a state as it has internationally recognized borders, there is a European system of law to which all members states are subject, it has authority that impacts the lives of Europeans, the balance of responsibility and power in many policy areas has shifted to the European level, and in some areas, such as trade, the EU functions as a unit, has become all but sovereign and is recognized by other states as a legitimate player (McCormick. J.2008).

Since the mid 1990s a third model emerged that defines the EU as a multi-level governance1. In this kind of model, decision making is ‘pluralistic with an elitist’ bias where mostly ”'valuable actors’” can participate. In other words nation states are losing their capacity for independent actions as they no longer can close off the European policy agenda and political arena (Featherstone.K and Radaelli.C.2003: 113-116).

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1 In the following chapters I will use the term of multi level governance when applying EU as I found it more neutral and less radical
Thus, as we have seen, the nation states are becoming less democratic at the compromise of more effectiveness that the EU has been promising. In this case, as Karlsson (2001) says, there is a dilemma on choosing between more democratic but less effective governance within the nation state on the one hand; and, more effective but less democratic governance beyond the nation state, on the other hand.

And yet, while discussing the political system in the EU, it is compared (wrongly) with the national states. The EU is certainly not a nation state, it is "sui generis", 'identified political object' according to Jacques Delors, "less than a federation, more than a regime" for William Wallace, more of a future "neomedieval empire" than a "neowestphalian state" for Jan Zielonka, a "condominio" for Philippe Schmitter, or maybe even" the first truly postmodern political form" for John Ruggie (Schmitd. V.A. 2006:8-10). The question is than to make a choice between effective or democratic governance. Or is it possible to achieve "third transformation" (Dahl.R.1989) and establish democratic practices beyond nation states?

For me the EU is a hybrid structure of the governance with supranational institutions or exerting the superiority over the national constitutions and intergovernmental institutions or the governance where the national governments of member states dominate the policy processes. Its policy is melded between numerous policy actors both at the national and supranational level which makes its political order complex to define. Even more, since its formation is in its active phase, evaluation of its institutional tendencies is rather difficult. The obvious thing for me is that the conditions are missing for Federal European Union in the future. It is also obvious that it has more impact on ordinary European citizens than a mere international organization can impose. Therefore, I as much research on the EU’s integration, see the EU as a unique system, sui generis entity. Which way of institutional democratisation it should embark, hopefully, the next chapters will reveal.
4. The Parliament in the EU

The parliament is the only central political institutions in the EU which is directly elected by the European citizens. The common debate of the democratic deficit is related with the inability of the EP to hold the European executive accountable in a manner comparable to the way in which national governments are thought to be accountable to their own parliaments. Another major issue is the principal relations between the EP and national parliaments. Since the thesis has to study the perspectives of parliamentary democracy in EU, it is essential that the current status and especially, gaps of parliaments should be defined for further discussion presented in the next chapters. The chapter is not purely descriptive. It provides not only the track of development of parliamentary democracy in the EU, but evaluates strength and weakness of the parliament, its conformity to the system of EU policy and its current and future capability to foster the principles of democracy.

4.1. The current problem of parliaments in EU

The multi-level governance of the EU poses the question of parliamentary presentation at the EU level. In the literature it is seen that European integration has meant an increase in executive power and a decrease in national parliamentary control (Andersen and Burns, 1996; Raunio, 1999; Holland, 1980). This is the starting issue for democratic deficit in the EU, which entails various considerations on the role of the parliaments in the multi-level democratic processes.

Deparlamentarization thesis blames Europe for the erosion of parliamentary control over executive office-holders. Transfer of powers from member states to the EU, effectively removed these powers from the scrutiny of national parliaments. This situation is further exacerbated by the relative weakness of the European Parliament. Another problem is the lack of proper European-wide elections, arguing that the European Parliament elections are mere second-order elections, or effectively national popularity contests (Weiler et al. 1995 cited in Thomas Jensen.2009).

The question of size also represents a dilemma intractable to representative government, because size and participation are negatively correlated: As the size of a polity increases, the possibility of
effective citizen participation decreases as a function of the time needed to express one’s views (Dahl 1998: 107)

However, as a response, Europeanization sees the European integration “as a merger of the top-down and bottom-up perspectives” (Börzel, Risse, 2003: 57), an “incremental process reorienting the direction and shape of politics to the degree that European Community political and economic dynamics become part of the organizational logic of national politics and policy-making” (Ladrech, 1994: 69). In this incremental process, democratic limitations are quite acceptable as there is no sense of transnational power if its decision will be unmade by national parliaments (Warleigh.2004:7). Moreover, sovereignty can be distributed to huger authority to prevent to be ”monopolized” by national governments (McCormick: 2008:15).

The role of the parliaments in ensuring sovereignty and providing legitimacy depends on the special role the parliaments will play in the EU. How the EP and national parliaments work and how their roles have been strengthened through the Treaty amendments is therefore necessary to be defined for further discussion.

**4.2. Power of the European Parliament**

The European Parliament started life as a consultative body in the Union, though, now it is the only elective organ with progressively increased power. Expansion of the Parliament’s legislative power has occurred in stages with major treaties. The Single European Act established a cooperation procedure; Maastricht treaty introduced the co-decision procedure. In fact, on internal acts, the assent procedure, the cooperation procedure and the co-decision procedure have been added to the consultation procedure. The assent procedure gives the Parliament a power of veto. More constructively, the cooperation and co-decision procedures call for the two institutions, EP and Council to collaborate. For cooperation, that implies that the EP can propose amendments without blocking the adoption of an act; and for co-decision it means that no act can be adopted if there is no agreement between the Parliament and the Council (Bonvichini.G.2009:14). In addition to its legislative power, the parliament exerts influence on key executives. Since the Treaty of Amsterdam in 1999, the Parliament has been required to approve the member –state governments to select the other commissioners. The commission should be approved by the Parliament. The parliament may also dismiss the Commission if it passes a vote of censure against body as a whole (it cannot dismiss
individual commissioners). There were such four precedence but none of them had resulted in dismissal. However, it is claimed that the threat of censure is a powerful weapon which can serve as a good influence over executive actions (Oudenaren. J. 2005: 91-92).

Lisbon Treaty has granted more power to EP. The fact that co-decision procedure became the ordinary procedure and extended to greater number of fields (though it is criticized for the length of time and its complexity) made the EP the fully participant of the community legislative norms. Moreover, A new budget procedure would require the approval of all the EU expenditure by both the Council of Ministers and the European Parliament; The Parliament elects the President of the Commission on the proposal of the European Council; the Parliament has to take the results of the European elections, along with the majority that won into account.

Thus, the EP as a consultative body under the 1957 Treaty of Rome has turned into a legislative body. However, despite the considerate increased power, it still lacks the power to initiate the procedure to adopting an act, which remains the exclusive power of the Commission. Moreover, it suffers from other major weakness that makes it still far from functioning as a ”proper parliament”.

4.3. Weakness of the European Parliament

Even after Maastricht and Amsterdam, the powers of the European Parliament in the legislative process leave a huge gap in democratic control for European policy-making. Despite the enhanced role of the EP in the decision-making procedures and ways of influencing legislation, some important “weaknesses” remain. Nugent (2003:203-204) singles out several major shortcomings that prevent EP from fully legislative functioning:

- The first and most obvious weakness is that the EP does not have full legislative powers. Unlike national parliaments, it does not have the final say over what should or should not become law. It does not have the full capacity to exercise a full “positive” legislative role by initiating, developing and passing into law its own proposals. On the other hand its “negative” legislative role is considerably circumscribed, although the co-decision and the assent procedures gives a veto over most legislative proposals, under both the consultation and the co-operation procedures the Council can overturn the EP amendments that have or
have not been accepted by the Commission and ignore the EP’s rejection of legislative proposals.

- The second weakness is that it is not unusual that the Council takes decisions or adopts common positions before the opinion of the EP has been delivered. This is common when there is urgency about the matter or when the initial referral to the EP is delayed. Whatever reason for this, the effect is that the EP’s opinion has little effect.

- The third weakness is that the EP is not consulted on all Council legislation. For example, certain international agreements, such as those in the common commercial policy field under Article 133(3) TEC, provide no role for the Parliament at all. Although the matters are being discussed between the EP, the Council and the Commission on an informal basis they are not obliged to do so and there is not much evidence of Parliament having influence during the negotiations. This means that the directly elected European Parliament can find itself excluded from critical legislative and policy decisions that affect the whole of Europe and the public can be affected by measures over which they have absolutely no direct control.

- The fourth weakness is that the EP does not have to be consulted on some Commission legislation. There are different views on the significance of this. Pointing to the political and expenditure implications of some Commission legislation, MEPs have long argued that this is another example of executive power and legislative and democratic weakness. However, the Council and the Commission mean that Commission legislation is usually high technical and of a kind that need quick decisions, and is sometimes similar to the minor legislative acts that national administrations issue and which are commonly accepted as an inevitable aspect of decision-making in the modern world.

Another important shortcomings related with EP is low credibility. As Warleigh (2003:86-88) states, direct election was a disappointment as in fact was actually felt at the supranational level rather than at that of the general public of the member states. Citizens still cannot perceive the EU as the platform for their voice to be heard. Therefore, in terms of substantive democracy, its increased powers are far less impressive than they are in terms of formal democracy;
4.4. National Parliaments’ integration to EU

The literature has portrayed National Parliaments as the ‘‘victims’’ of European integration (Raunio 2000, 2007). Since the first treaties of European Communities, their legislative powers have gradually been shifted to European level and thus reducing their influence on policy decision making on major areas and political scrutinizing capabilities over the governments. Deparlamentarization thesis claims that there are negative relations between integration and policy influence of national parliaments. There are two reasons of this: first, national parliaments have no formal rule in the European Union treaties. Seconds, since the Single European Act of 1987, European integration has meant encroachment into policy territory that was formally controlled by national parliaments. Conspiracy theorists might argue that it was deliberate attempt aimed to neuter national power in the decision making process or the executives are taking advantage the complicated multi structural process where the MPs are unable to monitor closely the executives at European Level. Another argument is principal agent approach which implies the delegation of the power to the agents and some information not available for principals any more. In the case of European Unions, the absence of information for national parliaments is related with several factors: in the information asymmetry, national parliaments find it difficult to identify/select important issues in the Council, whenever found out, it takes long time to proceed the information which makes national legislators rather slow and prevents them from effectively tracking the executive agents (Orr.2003:2-10). Since 2006, After ‘‘Barroso Initiative’’ national parliaments (will) receive all documents directly from the European institutions and they have a minimum of six weeks (following the Lisbon Treaty, eight weeks) to organize their scrutiny. Many parliaments have indicated that the time frame is still rather short for a thorough review of legislative documents.

Thus, the much criticized ‘‘democratic deficit’’ that has plagued the expanding Union in fact refers to a deficit in satisfactory accountability arrangements whereby the people feel they are not in control of the institutions of the Union or that their views are not fully taken into consideration. Membership of the Union has been identified as eroding the significance of national institutions such as national parliaments and in response national parliaments have been emerged as the means of resolving problem (Raunio.2007:29). The general view expressed in the reports, is an increased influence of both, the EP and national parliaments, as a way to increase parliamentary control and reduce the democratic deficit. The White Paper states:
The European Parliament and all national parliaments of the Union and the applicant countries should become more active in stimulating a public debate on the future of Europe and its policies. The strong relationship between changes at national level, EU policies and global developments cannot simply find its response in Brussels. These changes should be discussed in a national context and in each national parliament. The Commission would welcome public debates, jointly organized by the European and national Parliaments, on the Union’s policies (2001).

Treaty reforms (the single European Act of 1987, The Maastricht Treaty of 1993, The Amsterdam treaty of 1999, and the treaty of Nice of March 2001) forced national parliaments to strengthen their role in the multi-level and transnational governance structure. In addition to the key role of Treaty ratification, national parliaments now enjoy variety of opportunities to represent the public in Union affairs: they can influence the negotiating positions of their governments in advance if meeting of the Council of Ministers; they can scrutinize draft Union legislation, which, under the Amsterdam Treaty, is obligatory for all Commission consultation documents to be promptly forwarded to national parliaments, which then have a six-week period to discuss a legislative proposal and they have a margin of discretion in determining the details of how Union legislation is transposed into national law, since directives only oblige Member states to achieve certain results without specifying the methods to be employed (Euroactive.2010).

Lisbon Treaty has put forward more significant efforts to strengthen parliamentary democracy in EU. Not only does it establish binding procedures for providing national parliaments with timely information on the projects for directives and regulations (Protocol 1), but it lays down a precise procedure by which each national Parliament can oppose European norms that in their opinion are inconsistent with the principles of subsidiary and proportionality (Protocol 2). In addition, every single national Parliament acquires the power to block, with its vote, the already-mentioned “bridging clause” (TEU/Lisbon, Art. 48.7). All this is meant to involve the EU member states more directly in the integration process, but ’’it could end up turning the EU into a vehicle with strong brakes and a weak engine’’ (G.Bonvichini.2009:18).

Thus, over years parliaments have been granted to scrutinise EU’s legislation, enhancing their role in EU decision-making. However, the basic orientation of the parliaments in the EU affairs also differs with regard to the - ideally constructed – nature of the scrutiny process. Hence, the parliaments of Denmark, Austria, Sweden, and France focus their Euro related activity on the formulation and issuing of voting instructions for their respective government members in the
Council of Ministers. These parliaments build on an ideal bipolar legislature-government scenario. The other parliaments follow a more open and consensual (NL, D, SF), or supportive (IR, I, B, LUX, P, E, GR) approach vis-à-vis their governments. Their main rationale is to ensure that interested parliamentarians can track the EU policy cycles according to the constitutional rules (The European Convention: p.20)

4.5. Relations with European Parliament

Lord (2004: 166) presents three principal views regarding the relations between the EP and national parliaments. The first is that the controlling roles of the EP and the national parliaments are both additive and complementary. These bodies should collaborate and divide their labors, in order to maximize the total quantum of parliamentary control in the European arena. One notion of a desirable division of labor is that the EP should scrutinize the Council as a collective, decision-making body whilst national parliaments should concentrate all their energies on holding their governments to account for their individual contributions. Another division of labor is that national parliaments should focus on the matters where the Council decides by unanimity (Treaty Change, CFSP, and Justice and Home Affairs) and the EP on those areas where it decides by majority.

A second view is that national parliaments have delegated powers to the overall complex of Union institutions, all of which they need to monitor all of these if they are to ensure no-one oversteps the terms of their agency. They may even be especially watchful of the EP, given its history as an “energetic ‘agency-shaper’ and enthusiast for supranational solutions” (Lord 2004:167).

Lastly, the concept of labor division can also be criticized from the point of view of the EP. If the EP is the ‘parliament of the European Union’, it has responsibility to scrutinize all three pillars, given that any meaningful public control may need to include the external effects of decisions taken under one pillar on the other two (Lord: 2004.167).

In its resolution of 7 February 2002, the European Parliament expressed the view that it "does not see itself as the exclusive representative of the citizens and guarantor of democracy and that the role of the National Parliaments is very important ". Inter-Parliamentary Cooperation between the
European Parliament and National Parliaments was seen as an essential means to reinforce the parliamentary dimension of the European Union and thus reducing the democratic deficit declared in the 1997 report (EP 1997: 5). The resolution 2002 says more details on further inter parliamentary relations. It is also stated that parliamentarisation is necessary in the EU and must rely on two fundamental approaches involving the broadening of the European Parliament’s powers vis-à-vis all the Union’s institutions but also the strengthening of national parliaments’ powers vis-à-vis their respective governments. The primary task and function of the EP and the national parliaments, is to take part in legislative decision-making and scrutinize political choices at both the national European levels respectively.

Regarding the current relations with the national parliaments it is stated that it has developed fairly positively in recent years, but not yet to a sufficient extent. A number of positive measures is mentioned including: Joint parliamentary Meetings on horizontal topics going beyond the competence of one committee, regular Joint Committee Meetings at least twice per semester, inter-parliamentary meetings at the level of committee chairs, visits by members of national parliaments to the EP in order to take part in meetings of corresponding specialized committees and meetings within the political groups or parties at a European level, bringing together politicians from all Member States with Members of the European Parliament (EP 2002).

4.6. Weakness of the national parliaments

As Raunio states, national parliaments that have been described as the ’’victims’’ or losers of European Integration, are gradually learning to play the European game. They are designing scrutiny systems to hold national executives accountable. The scope and the intensity of parliamentary scrutiny vary significantly across parliaments, but it has at least raised awareness and secured a stable and continued attention for EU affairs in the assemblies (see more in O’Brennan & Raunio:2007). Nowadays, All EU-27 national parliaments have a European Affairs Committee (EAC) and many sectoral standing committees to tackle EU policies through institutionalized control mechanisms. However, commons constraints exist and as Lord states still ’’national parliaments do not operate at the level of the Union’s political system itself (1998:58). Some of the problems outlined by Lord some ten years ago are still present. Lack of Expertise is one of them. Even the European parliament, with a permanent presence at the heart of the EU’s institutions and a
full time focus on representation at the Union level, is only able to deal with the highly specialist character of European policies by breaking up into expert committees. National parliaments are rather limited in resources and time to give the full attention to the EU issues. In most parliaments the EAC is the main forum for dealing with European issues, with varying levels of cooperation with Sectoral Standing Committees (SSCs). The house of Commons is only able to give an estimated 5 percent of the time to Union and much of this has to be accommodated within ‘’adjournment debates’’ after 10 pm. The ’’expert ’’ committees of national parliaments operated as EACs and SSCs have also disadvantages: EACs may lack the sectoral and domain-specific expertise, although this is often compensated through the input of SSCs. Putting sectoral committees in charge of scrutiny has the benefit of mainstreaming European concerns across parliament, but the SSC may lack the European institutional expertise or global vision on EU affairs.

Another problem Lord (1998:58-60) mentions is the executive domination of Western European parliaments. Institutionalized scrutiny can be the part of ’’democratic deficit’’ than an aspect of its ’’solution’’. While it can be coped on the national level through active political arenas with high voter mobilization, at European level it turns out to have limited effectiveness as no ’’European public opinion’’ has been created yet.

Moreover, national parliaments have poor coordination systems. On the one hand, extensive administrative coordination across policy levels (e.g. in federal systems) and across agencies and ministries are rather difficult for national parliaments. One the other hand, interparliamentary coordination which is carried out through COSAC2 cannot operate smoothly due to the tendency for both kinds of parliaments to regard the other as a threat. Proposals for a senate made up of national parliaments have therefore been seen by some MEPs as an attempt to supervise their own work. On the other hand, many national parliaments regard the EP as the downgrading of domestic institutions. Thus, seeking for distinctive and equally valid roles for two kinds of parliaments is essential that’s has been illustrated in EP’s further resolutions which I will discuss below.

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2 COSAC is a Conference of the committees of the national parliaments of the European Union Member States dealing with European affairs as well as representatives of the European Parliament.
4.7. Further power of national parliaments

The 2009 resolution reassess the previous achievement to the way of parliamentarisation of the European Union and declares that further steps should focus on two fundamental approaches involving the broadening of the European Parliament's powers vis-à-vis all the Union's decisions and the strengthening of the powers of the national parliaments vis-à-vis their respective governments. All forms of interparliamentary cooperation should accord with two underlying principles: increased efficiency and parliamentary democratization. New competences accorded to national parliaments under the Treaty of Lisbon, notably with regard to the principle of subsidiary, encourage them to get actively involved at an early stage in the process of policy formulation at EU level. Article 12 of the Treaty reads: "National parliaments contribute actively to the good functioning of the Union." Most notably, the treaty introduces the right to raise objections to Commission proposals via the so-called 'yellow and orange card' procedure (EurActiv 09.05.2008). This is essentially a means for national parliaments to enforce more stringently the principle of subsidiary. However, it should be noted that opinions are divided as to whether this genuinely constitutes additional power: national parliaments cannot ultimately veto a new proposal, instead merely being able to express their disapproval. Though, more radical alternatives contain risk of blocking the EU decision or lengthening the process. In this case, there is no sense of European Union if it would not be able to take the vigorous decisions which are necessary to handle the international problems or to "harness" the globalization.

As O`Brenan and Raunio (2007: 284) suggests it could be more optimal solution if the countries should be more selective in deciding which legislative initiatives need more scrutiny instead of revising individual pieces of the EU legislation. The work should then be complemented with proactive European work that would enable the national MPs to send political messages to the European level before the policy process begins.

To sum up, fully parliamentarisation of the EU is unrealistic for two major reasons: first, the EU organized as a federal state is not desirable for the European Community with homogeneous identity. Second, fully parliamentarisation cannot be practiced due to the absence of the European political discourse which on its own cannot be implemented due to the linguistic barriers and along with various national preferences. Even more, effectiveness of the decision making relied only on public discourse does not seems conceivable for me (I will discuss a type of policy acceptable for
However, the EP must actively respond to the constitutional and policy concerns of the national states. Otherwise, it will lose its roles as a legitimate player that will disrupt the overall legitimacy of the EU.

5. Analytical Framework

As it was mentioned in the previous chapters, the democratic deficit problem of the EU is mostly judged by the same criteria which are applied to the nation states. However, one can question if that is really a suitable comparison since the Union clearly is not a state and never will be. Much research says that the EU is a sui generis entity instead. But if we will see the EU as a unique entity, we would have to grope for the benchmarks in the vacuum where no standards exist. Thus, we need systematic analysis where we compare at least two alternative perspectives to understand the logic behind democratic deficit critique.

In the chapters below I will present two groups of arguments according to standards of democracy. The first groups’ arguments are based on the derived standards of legitimacy. The most prominent scholars of these groups, Majone and Moravscik, claim that democratic legitimacy of the process of European integration and of the institutions is derived from the member states and the aim of integration itself.

The second groups’ arguments rely on national standards which are derived from the parliamentary democracy practices on national level. The strong version of this argument claims that the EP is the only repository of democratic legitimacy in the EU. Spinelli is the advocate of fully parliamentarisation of the EU. ‘’Spinneli Draft’’ or European Union Treaty was an attempt to introduce competitive democracy in the EU which could only be implemented through the enhancement of the European Parliament’s role.

The Analytical Framework is divided into two parts: ’’No Democratic Deficit’’ and ’’Calling for Parliamentarisation’’: In the first analytical approach I will try to provide the clear argumentation of those scholars who think that there is no democratic deficit in the EU. Through the debates of the most prominent advocates of this thesis, I will try to answer the questions: How they explain the democracy in the EU? How they answer a number of democratic shortcomings visible at the EU
level? What are their justifications for such shortcomings if any and, what are their main options for addressing the democratic deficit? In the second analytical approach, I will review the ‘Spinneli Draft’ or European Union Treaty. The document addresses the most commonly discussed problem of democracy in the European Union. For me, its analysis is important as it presents the precedence of the EU’s development through the parliamentarisation which this thesis aims to study. The analysis of ‘Spinneli Draft’, I hope, will give me the clue what I am searching for: what are the main obstacles for parliamentarisation of the EU? Are these obstacles resolvable? Or, can parliamentarisation have any meaningful impact of the European Community? In each analytical approach, other scholar’s reflection to their thoughts will also be presented.

5.1. No Democratic Deficit

5.1.1. European Union as a Regulating State

Majone (2005:23-38, 2006) formulates the democratic deficit in the EU as the state of affairs that has proved to be effective. But before his arguments for the EU’s effectiveness will be presented, we must examine how he views democracy in the EU. He states that the standards according which the EU has been categorized have been seriously misleading. First and the most common arguments are distilled from the national analogies and claims that the EP should have an independent power of legislative initiative because national parliaments are so empowered. Majone thinks that arguments by analogies are logically suspect as it does not consider the peculiar architecture of the EU that has been designed by treaties, dully ratified by all national parliaments and in some cases approved by national referenda. Such institutional architecture is far from classical standards of parliamentary democracy which is characteristics of majoritarian model of governance with majority rule at the centre. Instead, the EU should develop to the alternative, or non majoritarian model that aims to share, disperse, delegate and limit power. In the non majoritarian institutions, the major players are non-elected, politically independent bodies and thus, operate within poorly specified accountability structures. For instance, even though the Commission may be submitted to parliamentary censure, in practice the threat of censure is often a strategic weapon in the permanent inter-institutional struggle which characterizes EU politics, rather than an instrument of control of the Commission by the directly elected Parliament. Even if the EP took seriously the task of enforcing public accountability, it would run against two major obstacles. First, the collegial nature of the Commission: Parliament is
understandably reluctant to dismiss the entire college in order to sanction a single commissioner – in spite of this possibility having been offered by the Amsterdam Treaty. Second, because the Commission has been assigned a large number of separate tasks, it is extremely costly to dismiss it even when there is intense dissatisfaction with how it carries out one such task. If the non majoritarian model weakens clear accountability standards and in this case, increases the monopoly of the Commission, why Majone favors it? He says that in the nonmajoritarian model, reliance upon qualities such as expertise, professional discretions, policy consistency, fairness and independent judgment is more important than reliance on direct accountability. In Majone’s view, the majoritarian model is ill suited to the EU. Even more, it would be dangerous to take any further steps along the majoritarian road as In this case, elected executives are pursuing the politics of interest of class. The electoral contests limit their commitment to a long term strategy and sets them before the accountably dilemma. Majone prefers majoritarian model because of its expertise and the possibility of making credible policy commitments. Unlike elected politicians, regulators’ career opportunities are encouraged by their professionalism and the jobs they have accomplished.

But how Majone deals with the question of legitimacy? He claims that ”legitimacy involves capacity of a political system to endanger and maintains the belief that the existing institutions are the most appropriate for a given society” (2006b:4). The EU has to increase the credibility of its policy-making so that public should accept the EU as legitimate and concerns about the democratic deficit would disappear. He sees credibility increase through transparent decision-making which is possible by reviews from courts and ombudsmen, professionalism and technical expertise, scrutiny by private actors, the media and parliamentarians at both the EU and national levels. Majone thinks that the EP should limit itself with control mechanism. It should not try to move EU legislation beyond the preferences of the elected governments or try to influence the policy positions of the Commission through the investiture and censure procedures (Majone.2006a).

Though such institutional arrangement of the EU suggested by Majone is far from classical power separation doctrine, it serves important functions. In terms of function, Majone singles out three types of public intervention in the economy which he applies to the EU’s policy functioning: income redistribution; macroeconomic stabilization; and market regulation. Redistribution includes all transfers of resources from one group of individuals as well as the provision of “merit goods for citizens”, Macroeconomic stabilization attempts to achieve and sustain satisfactory levels of economic growth and employment and regulatory policies are aimed at correcting various types of
“market failure”. The first two types functioning are revealed in the positive state labeled as ’’planner, direct producer of goods and services, and employer of last resort’’ while the third one is linked to the regulatory state with ’’flexible, highly specialized rule making independent agencies’’. In Majone’s view, the redistributive model creates unavoidable conflict between majority and minority as the decision is taken in a pure redistribution mode where the gain of one group in society is the loss of another group. In a regulatory state, decision making is a positive-sum game where everybody can gain. Thus, as Majone demonstrated:

The distinction between efficiency-enhancing and redistributive policies turns out to be crucial to the substantive legitimacy of regulatory policies. To repeat, the delegation of important policy-making powers to independent institutions is democratically justified only in the sphere of efficiency issues, where reliance on expertise and on a problem-solving style of decision-making is more important than reliance on direct political accountability (1997:29)

Majone agrees with Moe who states that independence and accountability can be easily checked with clear and limited statutory objectives to provide unambiguous performance standards; reasons-giving and transparency requirements to facilitate judicial review and public participation; due-process provisions to ensure fairness among the inevitable winners and losers from regulatory decisions; professionalism to withstand external interference and reduce the risk of an arbitrary use of agency discretion (ibid.pg.29-30)

Finally, Majone claims that, in the EU, the greatest threat to legitimacy is not the supranational institutions technocratic character. The system has to produce the results which are expected by the major group members to sustain legitimacy and stability. The concern is that worsened economic performance erodes its institutional credibility and endangers the ’’narrow legitimacy basis on which the entire edifice of European integration rests so precariously ’’ (2006b:5).

Karlsson.C. (2001) examines Majone’s overall position and declares it as ’’flawed’’. He says that Majone’s Regulatory State can be hard to implement in the practice as there is no clear distinction between regulative and redistributive effects. Regulative decision can also derive the redistributive effects and thus, it cannot always be positive sum. Though Majone recognize this fact, he calls it policy constraints rather than policy objectives. However, the fact that the regulatory state has redistributive effects means that certain individuals or groups oppose certain policies. Even if
everyone stands to gain from the certain regulations, some will gain more than others. In such a case
unanimity may fail to supply a solution. As Karlsson shows there are no clear distinctions whether
the regulative decisions are of zero –sum or positive –sum. Hix and Follesdal give more evidence
that many EU regulatory policies have significant redistributive consequences. For example, private
producers for domestic markets are losers from the liberalization of trade in a single market (e.g.
Frieden and Rogowski, 1996). Similarly, producers tend to suffer from environmental ‘process’
standards, such as factory emissions standards. On the other hand, some workers benefit from social
policy ‘process’ standards, such as equal rights for part-time and temporary workers. Accordingly,
in expenditure issues, ‘net contributors’ and ‘net beneficiaries are apparent. Beneficiaries from EU
expenditure policies, such as farmers, depressed regions, or research scientists receive large amounts
from the EU budget as a percentage of their income, but the consumers and taxpayers who pay into
the EU budget are highly diffuse, with widely varying net benefits of larger markets (Follesdal.A,
Hix.A.2006: 542-544). As we see from analysis, the premise that the EU should remain regulatory
state is seriously undermined.

Karlsson also questions Majone’s claim that the regulatory state is incompatible with the
majoritarian model of governance. Though Karlsson himself does not push the EU to the
majoritarianism, he argues that regulatory state itself does not have any problem to incorporate the
aspects of majoritarian governance. Moreover, sharply categorization of majoritary and
nonmajoritary rule is not adequate to actual polities. It is quite common as democratic system
mostly fall within the category of mixed governance. Karlsson argues that if majoritarian democracy
as Majone acknowledges himself is ‘’exception rather than rule being limited to the United
Kingdom and countries strongly influenced by the British traditions’’ it means that he leaves out the
most commons polity practice where the principles of both model are incorporated. For example,
the USA, which according to the Majone is a prototype of a regulatory state, shows majoritarian
features. According to Majone, a democratic deficit is likely to arise in non majoritarian politics, but
it seems difficult to see ‘’ how such virtues as public participation and transparency can be said to
derive exclusively from a majoritarian model of democratic governance’’. Insufficient public
participation is surely regarded as a problem - and not just advocates of majoritarian democracy,
but those favoring non majoritarian democracy as well’’. Finally, Karlsson concludes that since all
the premises of Majone’s arguments are seriously suspect, his main claim that the EU is a regulatory
state and should be isolated from the democratic contestation is ambiguous (2001:141-156)
5.1.2. Check and Balance Principle

Moravcsik (2004) agrees the thinking of Majone in that the EU is rendered a ‘regulatory polity’ that has deliberately been constructed in order to constrain the actions of its member states. He views the claim about the democracy deficit overstated and the problem of democratic legitimacy more philosophical than empirical without studying the real world practices with complex constraints exerted over the governments. According to Moravcsik, international conflict and cooperation can be modeled as a process that takes place in two successive stages: governments first define the sets of interest and bargain among themselves in an effort to realize those interests. Thus, the EU is a conventional international organization posing no essential threat to the sovereignty. In his view the threat of European super state that can undermine the sovereignty of the nations is a myth. The EU specializes in those areas where democratic states traditionally have made extensive use of delegation to independent agencies. Furthermore, the EU is constrained by substantial legal, fiscal and procedural “brakes” enshrined in treaties and legislative provisions.

The EU is not a system of parliamentary democracy. It bases its governance on the separation of powers horizontally –local, national and transnational levels and vertically-among the Commission, Council, Parliament and the Court. In the interdependence of each separate agency there is “extremely pluralism” which makes the questions of accountability the EU rather skeptical. The overall system of the governance is embodied in the democratically elected governments of the member states, whose direct diplomatic representatives dominate the intergovernmental structure of the EU (Moravcsik 2002). This institutional structure of the EU leads Moravcsik to claim that

…though centralized electoral control and collective deliberation remains relatively weak and diffuse, constitutional and material restrictions on the EU’s mandate, inter-institutional checks and balances, indirect democratic control via national governments, and the modest but increasing powers of the European Parliament are more than sufficient to assure that in most of what it does, EU policy-making is generally clean, transparent, effective and politically responsive to the demands of Europeans (2004:338).
Moravcsik (2002:8) argues that a set of substantive, fiscal, administrative, legal, and procedural constraints on EU policy-making makes no room for any fear of the EU as the super state (see more about constraints in Moravcsik’s “Reassessing Legitimacy in the European Union”.2002). Even more, the EU has both direct and indirect accountability through the Council and the Parliament. For Moravcsik, EP’s effective system of party cooperation, proportional representation within nation states, independent voting patterns and large majority for decisions making is the reason to be declare that ”EP has been progressively usurping the role of the Commission as the primary agenda-setter vis-à-vis the Council in the EU legislative process”. Though, he states that ”if European elections were the only form of democratic accountability to which the EU was subject, skepticism would surely be warranted. Yet, a more important channel lies in the democratically elected governments of the Member States, which dominate the still largely territorial and intergovernmental structure of the EU. But, he adds that semi-autonomous judges and technocrats providing expertise and minority protection lend a certain legitimacy to the EU-level decisions.

Moravcsik (2006) presents arguments against those who say that greater participation will grow the public support for the EU. He says that insulated institutions like constitutional courts and administrative bureaucracies, for example – are often more popular with the public than legislatures and no more participation is needed to legitimate them. Even more, he believes that the competence fields of the EU are of low salience in most European polities. Trade liberalization, the removal of non-tariff barriers, technical regulation in environmental and other areas, foreign aid and general foreign policy co-ordination is not echoed by the European population. The most actual issues like health care provision, education, law and order, pension and social security policy and taxation is out of an EU competence. Other top issues such as unemployment, inflation, and “economic conditions” seem to be closely related to the EU and can be linked with European Central Bank which is an independent body, but in reality, he claims that these are not the concern of genuine electoral and if it is, as policy analysts believe that the instrument for employment growth, inflation control and economy boosting is in the hands of the national governments. Thus, he states that any strategy to expand popular participation in the EU matters by expanding institutional opportunities are likely to fail. He does not accept the proposal that institutional opportunities have to be launched for more participation. In response, he recalls constitutional deliberation as such initiatives, for example, that failed to generate more public debate.
Moravcsik regards greater participation of citizens as the implausible in practice. As he states, "in order to give individuals a reason to care about EU politics, it is necessary to give them a stake in it". This would reorient their political behavior for the gaining and those, losers would aggregate in the groups which will be formed as politically disappointed (2002:4).

Finally, Moravcsik says that the EU has been created on "bargaining" which is oriented nation states’ economic or geopolitical interests. Institutional choice (federalist ideology, centralized technocratic management or more credible commitment) has been determined by national desire. Thus, there is any room left to doubt that the EU negatively affects an important national interest or social group.

Wincott (1998:423-424) has interpreted the theory of Moravscik as the "EU’s efficient secret" that has been implemented by the undemocratic character of the Council of Ministers. Moravcsik ignores the actual possibility when by giving functional office holders the greater autonomy vis-à-vis their colleagues which could pose the problem of the internal co-ordination of government and policy. Another problem Wincott speaks about is that according to Moravcsik’s theory, the strengthening of the state which he sees through integration process is conceptualized as the strengthening of elements of the national executives against domestic interests. But, this contradicts Moravcsik’s arguments that domestic interests determine the state preferences. If the EU is a means for state to gain autonomy from domestic interests, this suggests that states are not constrained by domestic pressures. And if it is the case, it is obscure where state interests come from. Wincott blames Moravcsik that he does not consider that first, the decision making process are made by separate actors than the representatives and the second, the integration process may shape the preferences of the State. Another problem, Wincott identifies in Moravscik’s theory is inconsistency in view of domestic politics with which Moravcsik is operating. On the one side, Moravscik claims that domestic politics are liberal and on the other side; he argues that democracy on domestic level can be "self-defeating". This kind of argument does not support his liberal pluralist view of domestic politics (1998.424).

P. Magnetee blames Moravscik for "perfunctory" approach when he says that citizens show little interest in European affairs because they consider it "salient issues". Though he agrees with Moravscik that citizens’ mostly sensitive issues fall in the competence of the national governments, but national opinions perceive the EU as an organization which, by setting social and tax regimes against each other, influences national conventions. Magnetee oppose Moravscik’s claim that
institutional opportunities automatically trigger public participation. He indicates the combined methods which encourage the civic response such as the citizens’ sense of their own civic capability; the clarity of the issues; the feeling that decisions can be influenced. Although, Moravcsik denies the effect of public participation, but Magnetee, instead, suggests examining the casual link of between voting and political decision in the European context (2006). Voters’ policy preferences and the EU policies should not only occur as a matter of fact, but there should be mechanisms that reliably ensure that this power will indeed be so used. The present outcomes cannot guarantee the legitimacy of the institute. Rather, more acceptable outcomes in the future should be guaranteed through mechanisms (A.Follesdal, S.Hix.2006: 542-544).

As I mentioned before, Majone, like Moravscik, consider the EU’s democratic deficit as pseudo problem based on category mistakes. However, Majone does not share Moravscik’s optimistic view. Since he thinks that legitimacy lies in effectiveness, poor economic performance of the EU can develop the crisis and undermine the normative foundation of the entire enterprise. Majone is more concerned about the EU’s legitimacy problem and calls its legitimization. Though he agrees with Moravscik that participation and deliberation do not necessarily generate the political legitimacy, he reflects to a widespread belief that voting for a Euro-parliamentarian is an ineffectual means to influence EU policy and suggests the expansion of the role for the European Parliament, so as to convince voters their vote matters—albeit perhaps across a narrower range of issues (Majone.2006b)

In response to Majone, Moravscik indicates that polling data reveals both that European voters do in fact believe that the European Parliament is efficacious and that voting for European parliamentarians is effective means to influence them, yet most still do not participate in the European elections. Finally, he once again shows little confidence in the willingness of European voters to spend time informing themselves non-salient public policies. That is why; he says he supports a return to the traditional elite-driven politics of European integration (2006). Majone’s argument of this sort does not provide the response to the actual questions of the EU. Instead, it raises more debates how elite driven politics can guarantee acceptable, Pareto- efficient decision making of the EU.

’’No democratic deficit thesis’’ depends on the contextual level of analysis and develops into Majone’s sui genesis or Moravscik’s international organization like approach. While Majone argues that in a democracy, collective action would not contribute to find efficient solutions, for Moravcsik, the EU is not more than an international organization and thus does not require much in the way of
direct democracy. Though their arguments are derived from different perspectives, both scholars agree that democracy or majoritarian type governance cannot resolve the collective action problems. To sum up, from the wide ranging objections, for my response to Mjone and Moravscik, I would apply to Fallesdal statement:

The present basic structure is not a set of sovereign states. Rather it is a system where states and other actors enjoy several forms of decision making’’ (...) In this decision making process ‘’some political decisions can be kept away from the ordinary election cycle, but there are many other common interests that the EU and other international organizations can and do promote and which democratic contestation does not threaten. (...) Identifying this common interest and ensuring their promotion requires something similar democratic deliberation and accountability. And these regulations in pursuit of common interest should not always override domestic, democratic preferences. (Follesdal.A:2009:595)

Majone’s and Moravscik’s arguments in favor of the non-majoritarian institutions seem rather conceivable for me. I also agree the statement that the democracy is not the only way for legitimation. But, efficiency can also be a major legitimate for a new system. However, I believe that the institutional structure of the organization such a great player in ordinary people’s lives as the EU should not rely only on its efficiency. After all, without the close links with public, it will be hard to measure and sustain effectiveness. Instead, it should rely on the strong institutional organization which will determine and more or less guarantee the future performance of the system.
5.2. Calling for Parlamentarisation

5.2.1. ‘Spinelli Draft' or European Union Treaty

On 14 February 1984, by a very large majority (237 votes to 31, with 43 abstentions), the European Parliament adopts the draft Treaty on European Union, also known as the ‘Spinelli draft’, which has the ultimate aim of establishing a Federal European Union. The concept was inspired by Altiero Spinelli who was one of Europe's most important founders. The document proposed “magic formula” of unity and diversity within the EU which aimed to create European common institutions in the federal arrangements. According to Spinelli, “The question which must first be resolved …is that of the abolition of the division of Europe into national, sovereign states …to avoid future violent conflict between states and people (The Ventotene Manifesto.1941). On the other hand, only a new treaty, turning the Commission into a European Government, can resolve the institutional crisis with the backing of a directly elected European Parliament (A. Spinelli.1978).

The reason why I have chosen the ’’Spinelli’s draft’’ or Draft Treaty of Europe (EUT) for my thesis framework is its one of the important proposals dealing with the parliament. Especially important is the article 36 which states: “The Parliament and the Council of the Union shall jointly exercise legislative authority with the active participation of the Commission”. Than it follows that all draft laws shall be submitted to the Parliament… (art. 38.1). The draft law, approved by the Parliament with or without amendment, shall be forwarded to the Council of the Union…(art. 38.2). Commission shall determine the regulations and decisions required for the implementation of laws… The Parliament and the Council of the Union shall be immediately informed thereof (art.40)… a law may not be regarded as having been adopted unless it has been expressly approved either by the Parliament or by the Council (art. 38.5)… Where the draft has been put to the vote but has not secured the majorities referred … or where the draft has been amended by a simple majority or, in the case of organic laws, by an absolute majority, the conciliation procedure shall be opened… conciliation committee shall consist of a delegation from the Council of the Union and a delegation from the Parliament (art.38.4).

As it is illustrated, the document puts the Commission responsible for the parliament. Along with absolute legislative power, the parliament gains meaningful scrutiny tools such as approving the Commissions’ political program, exercising political supervision over the Commission, having power to adopt by a qualified majority a motion of censure, requiring the members of the
Commission to resign as a body, have the power to conduct inquiries and receive petitions addressed to it by citizens of the Union (art 16).

As it has been reiterated many times, the limited powers of the EP are regarded as the root cause of the democratic deficit. Since the EUT equips the EP with strong legislative power, in other words, as EUT represents the attempt of EU’s parliamentarisation, it is worth arguing to what extent, this reform could reduce democratic deficit in the EU?

Karlsson.C (2001) makes two empirical criticisms of democratizing the EU through parliamentarisation as it was proposed by Spinelli: First- majoritarian features of the system requires collective identity. Thus, as he states, all efforts to democratize the Union through majoritarian system will fail because no collective identity exists at the European level. As I have reviewed in the second chapter, one of the major problems facing European integration is no ”European consciences” and ”European culture” around which Europeans can unite. Moreover, ”those cultural elements which give unity and coherence to existing national identities (shared language, history, memory, and religion) tend to divide rather than unify fellow Europeans (Shore.C. 2000:18). As Garcia and Wallaca argues:” Europe’s ”federal destiny’ or vocation federale, as European officials and politicians call it, is therefore by no means inevitable or assured. Its success will depend upon the EU’s ability to acquire democratic legitimacy and authority, which, in turn, hinges on its capacity to forge a popular sense of belongings and loyalty to EU institutions and ideals (1993.cited in C.shore, 2008:21). Second- Parliamentarisation is not an adequate mean to establish more ”efficient and democratic institutions”. Real elections should put forward important agendas and have clear impact on either the formation of the policy or selection the executives at the European level. Even the strengthened EP is limited to offer citizens something important. Though the parliament has increased legislative power, the Council as a co legislator will still be composed of the people chosen by the government. This means that the formation of the policy at the European level will largely be dependent on the national elections that logically make the European election ”second order national contests”’. (C.Karlsson.2001.203-205). Even more, as Moravscik says: ”voters simply lack the time and motivation to deliberate meaningfully about European Union (EU) politics, due to the lack of issues that are salient in their minds”. (2006:1)

3 The EUT, primarily was an attempt of federalisation, but federalising process can also be described as parliamentarisation in the EU context since it serves to strengthen the power of the central (EU) institutions at the expanse of the regional (member state) institutions-C.Karlsson.2001
Democratizing the EU through the EUT is also criticized on normative grounds. The parliamentarisation seems inadequate for introducing ‘competition over inputs ex ante and accountability for actions ex post’ as it is the goal of the EUT (C.Karlsson. 2001. 201). Competitive model draws its attention on the votes of electorate. Political representatives compete on a political arena with agendas that responds to the concern of citizens. They also have to be accountable for their actions at the next general elections and stay ‘sensitive to the electorate’s preferences’. But, competitive democracy is limited with voting in the elections and does not provide mechanisms for preference formation. The electoral contests would be more beneficial to the electorate, if it is preceded by a public discussion which would contribute to people’s preference formation. Otherwise, many policy issues important for the citizens may never enter in the politicians’ package deals. (Karlsson. C. 2001. 210)

The ‘‘Spinelli Draft’’ or European Union Treaty represents the document where the most commonly discussed problem of democracy in European Union is addressed. Altiero Spinelli believed European integration needed to draw inspiration from the US constitutional founding. His fondness for the US analogy was also linked to the conceptual premise that the US Constitution was designed as a solution to problems of sovereignty and democracy identical to those facing European states in the post-war context (Spinelli, 1993. cited in A. Glencross, 2009). However, Spinelli’s analogy was misleading. The United State is the full-fledged nation state which has undergone over two centuries of development, suffered through a bloody civil war which still marks the country’s political geography and is governed under the oldest written constitution in the world. Within the democratic world, it is known as the very old political system with the citizens of fierce nationalistic identity. The EU, by contrasts, is not a national state; it does not have an elected government and is governed by treaties rather than constitution. It is democratic credentials are questioned and it does not have the citizens with common identity (A. Menon. M. A. Shain. 2006:15-16).

Some scholars reject the casual link between the no demos and the institutional reform and argue for reciprocal relationship between these entities. They state that the political institutions are dependent on societal preconditions, but the latter can be changed by the institutionalization (C. Karlsson. 2001:171-189). However, parliamentarisation as it was represented in the EUT does not provide meaningful institutionalisation change. It seemed inadequate for introducing real elections contests or guarantee accountability. Ultimately, it would be difficult to ‘’secure the support for such
fundamental reforms from the member states. It is difficult to imagine the member states actually supporting reforms that would render them more or less powerless” (C.Karlsson. 2001:210).

Finally, when referring the EU’s institutional arrangement, socio psychological dimensions should also be explored. The question ”who is governed” should always be present as in the democracy; the authority of the government derives solely from the consent of the governed. Mere procedure of elections through the parliaments is not the principle of gaining this consent. Democracy is rather complex concept which constitutes not only formal rules but incorporates the substantive process of in-depth understanding of various socio-political construes. As Lincoln said once, government comes from the people; it is exercised by the people, and for the purpose of the people’s own interests. The EP is not an institution where the people’s voice is heard. Neither the federal system of government is favoured by the people. Thus, any strengthening of the EP that will move forwards some kind of federal system is predestined.

6. Conclusion

Traditionally, democracy is defined as the government by the people through elected representatives with Parliament as the central political institutions or, as Steiner says, ”democracy is a regime in which citizens elect their leaders in regular and competitive elections and in which the basic civil rights are protected”. (Steiner 1991:2 cited in Andersen.S, Eliassen.K.1996) In the EU, democratic deficit refers specifically to the weakness of the European Parliament as the only directly elected EU institution, and even more specifically to the inability of the EP to hold the European executive accountable in a manner comparable to the way in which national governments are thought to be accountable to their own parliaments.

Since the EU is not a national state, we need to elaborate appropriate dispersal of decision making with complex interlay where democratic standard will be preserved. If I would revisit Lord’s views on parliaments in the EU, I would say, that controlling roles of the EP and national parliaments should be both additive and complementary. This role implies more the parliament as the scrutinizing agency than the parliament as the independent legislative initiator. Fully democratization through parliaments can be dangerous for effectiveness, but the extent of power delegation to insulated nonmajoritarian bodies should be limited, as there are many other common goals which can efficiently be achieved in democratic contestation.
Lord’s ‘additive and complementary’ role of the parliament in the EU, which I tend to agree, can be criticized from the point of view of the EP. If the EP is the ‘parliament of the European Union’, it should be strengthened at the expanse of member states; otherwise, under the severe control of nations, the EU would be neither effective nor legitimate, but this case intrinsically prompts the convergence of the EU into the federal system. The precedence of such an initiative or the ‘Spinelli Draft’ has already failed. Though it strengthened the power of the parliament, it did not take into consideration that democracy is not the mere procedure of elections or exertion of supervision, it is more complex process which should be maintained and consolidated over time as ‘democracy does not keep up all alone’ with some simple mechanisms but the process of democratic values should be shared by the whole population and political elites which proves to be rather complicated in the EU, composed of ‘homogenous, fiercely nationalistic nations’. Even more, European Union is the outcome of formal treaties setting out institutional competences in a legal framework. It is not built on constitutions which are the basis of existing democracies. The treaties are simply agreement among member states to achieve specific ends through concrete institutions. The integration process has so far has been aimed at and been driven by economics. As Lipset (cited in Andersen.S.S &Eliassen.K.A 1996: 6) says, satisfactory level of economic growth could give legitimacy to a new political system and breakdown of effectiveness for a long period will endanger even a legitimate system’s stability. But the EU is neither a market nor is it a state (E.O.Eriksen, J.E.Fossum. 2002:5-12). It has the challenge to develop both democracy and effectiveness at the same time. As Lisbon treaty formulates, ‘the union shall have an institutional framework which shall aim to promote its values, advance its objectives, and serve its interests, those of its citizens and those of the Member States’. (Lisbon Treaty, Art.9.1)

Finally, Madeleine Albright was right when she said, ‘‘to understand Europe, you have to be a genius – or French’’, I have no ambitions to be genius and I am not a French. I am a student who is curious about one of the most commonly debated issues in the European politics which inspired the thesis to get in-depth understanding how the democracy dilemma can be solved in the EU? Now, what is obvious for me is that the parliamentary democracy, which is regarded as the remedy of the problem, cannot be effective as such. But if it is not through parliamentary democracy, how can the EU deal with its shortcomings and dilemmas? As Majone says, the debate about Europe’s democratic deficit is still in the ’’standard-setting stage, in a process of deliberation, and it is open to anyone to put forward proposal as to what the standards should be and to use persuasion to influence others’’ (1998). I believe that various observations will give rise to unexpected yet intriguing
implications of the European Union politics and call for a more thorough discussion and systematic analysis which will trigger the ’’third transformation’’ where the EU will embark on the principles of democracy but will remain efficient and successful in co-operation towards a future with stability and peace in Europe.
7. References:

- Fallesdal. A... 2009.’’ When common interests are not common: why the global basic structure should be democratic’’. *Indiana Journal of Global Legal Studies*, Volume 16, Issue
  ○ [Accessed 2 May 2010]


• Majone.G. 2005. *Integration and democracy, a big trade –off in ’’Dilemas of European Integration*. Oxford University Press (pp23-38)

• Majone.G. 2006. ’’The common sense of European integration’’. Journal of European Public Policy’’

• Majone.G. 2006. *Is the European Constitution Settlement Really Successful and Stable?* European University Institute, October, 2006

• Magnetee.P. 2006. Reaction for Notre Europe to Andrew Moravcsik’s article: ’’What can we learn from the Collapse of the European Constitutional Project’’ University of Princeton


• Moravcsik . 2004’’Is there a ‘Democratic Deficit’ in World Politics? A Framework for Analysis’’. Blackwell Publishing

• Moravcsik.2006. ’’What can we learn from the Collapse of European Constitutional Project? A Response to Eight Critics’’. University of Princeton [internet]
  


• Olsson, Jan. 2003. ’’Democracy paradoxes in multi-level governance: theorizing on structural fund system research’’. *Journal of European Public Policy*; Vol. 10 Issue 2

• Orr.I. 2003.’’Who is the boss’’ EUSA Conference [internet]


• Raunio, Tapio . 1999 ’’Always one step behind? National legislatures and the European Union’’. *Government and opposition*, 34(2)
• Schmitd, V.A 2006: Democracy in the Europe: The EU and national politics. Oxford University Press., New York (pp. 8-10)
• The Ventotene Manifesto.1941