



The case for a stronger European Parliament

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1 Introduction

In June 2004, around 360 million citizens from 25 member-states will have the right to vote in elections for the European Parliament (EP). With more than 60 per cent of legislation in EU member-states now coming from Brussels, one might suppose that few Europeans would miss the chance to choose representatives who can shape laws on the environment, social policy, consumer affairs and much else. Yet it is probable that in this election – like every other since the introduction of direct elections in 1979 – voter turnout will decline.

The European Parliament has never been greatly loved as an institution, and not only in Britain, where barely a quarter of the electorate bothered to vote in the last elections. The Parliament's image is that of a travelling circus, where debates are poorly attended and dull, the rules insufferably complex and the MEPs fiddle their expenses. The Parliament has done a poor job of making itself interesting to the media, while the world's press has done a lousy job of reporting the Parliament.

But it is time for journalists, politicians and voters to take the Parliament more seriously. The Parliament is the EU's only directly elected body. As Winston Churchill might have said, to enhance the powers of the European Parliament is the worst method of overcoming the EU's democratic deficit – except for all the other methods that have ever been proposed.

In fact, unnoticed by most EU citizens, the European Parliament has already gained considerable powers, and it is likely to gain more in coming years. The Parliament has established a track record of responsible behaviour in examining, amending and sometimes rejecting European legislation, in monitoring the EU budget and in

scrutinising the actions of the European Commission. MEPs now work in tandem with the Council of Ministers to make laws on issues as diverse as accountancy standards, waste disposal and the limits of stem-cell research. The Parliament can veto legislation – as happened in the case of the takeover directive in 2001 – if MEPs and the Council cannot reach agreement on the content of a new law. And the Parliament has shown it can use its powers of investigation to crack down on fraud and mismanagement in the Commission, as it did when it threatened a vote of no confidence and thus forced the resignation of the Santer Commission in 1999.

MEPs arguably enjoy more power and independence than many of their national counterparts who work in parliaments dominated by the governing executive. The European Parliament is also the most open of the EU's institutions, a fact not lost on the hundreds of lobbyists who throng its buildings in Brussels and Strasbourg. Businesses, pressure groups and even a few private citizens understand that MEPs are more likely to take up a grievance than member-state governments or Commission officials – and that the Parliament now has the power to make significant changes to legislation.

But only very few European citizens take the EP seriously. This is partly because its methods of working and its role in EU decision-making are so hard to understand. The Parliament needs to reform its own internal procedures, so that it becomes a better-organised, more effective and therefore a more credible institution. It would then be able to make a stronger case for extending its powers. This paper outlines a number of reforms that would make European decision-making more democratic and the European Parliament more effective. Achievements on both fronts would help to improve the legitimacy of EU decision-making.

On May 1st 2004 ten new countries will join the EU, bringing about 425 million citizens under European jurisdiction. This requires a major overhaul of the EU institutions. The key tasks are not only to reconcile effective decision-making with such a wide array of

competing national interests, but also to describe better who does what in the EU, and to inject more democracy and transparency into the system.

To address these issues, a European Convention, comprising representatives of national governments and parliaments, and the European Commission and Parliament, started work in February 2002. After months of public meetings, a draft constitution was presented on July 18th 2003. This is the first time that the EU has produced a draft treaty through an open, public process – with a majority of those involved directly elected – as opposed to an ‘inter-governmental conference’ (IGC) which involves negotiations behind closed doors. Though the draft constitution is far from perfect, it is a step in the right direction. Many of the constitution's innovations are in line with my reform proposals, but where they are insufficient, I have suggested further improvements.

In October 2003 a new IGC got underway, and the governments began to argue over whether, and how much, to revise the draft constitution. In the past they have used such IGCs to engage in unseemly political trade-offs, often leading to flawed conclusions and the need for another IGC a few years later. This time, hopefully, they will resist that temptation, and come up with a constitution that will last for decades. They should aim to create EU institutions that are more legitimate and more democratic, and that means that the Parliament has to become stronger.

2 The need for a stronger European Parliament

The European Parliament needs to be reformed for two reasons: all decisions that affect citizens' lives should be under some form of democratic control and, equally important, citizens should perceive the process of decision-making as legitimate. Americans, for example, cannot vote directly for their president and only about 50 per cent bother to vote for the electoral colleges that do elect him. Yet few Americans feel they do not live in a democracy. Most decision-making in the EU involves an element of democratic control, yet many Europeans feel estranged from Brussels and complain they have no control over what happens there.

The European Parliament has successfully managed to extend its powers with every treaty change in the past 20 years (see Box 1). But it still lacks the same measure of control over European decisions that national assemblies have over national governments. It has powers of 'co-decision' with the Council of Ministers – that is, an equal say – over much EU legislation, and over about half of the European budget. But the Council controls so-called 'compulsory expenditure', including the 45 per cent of the budget reserved for the Common Agricultural Policy, putting important areas outside any democratic oversight – though the draft constitution promises to give the European Parliament equal rights with the Council on all spending.

In the case of justice and home affairs (including issues like asylum policy, border controls, immigration, and cross-border crimes like money laundering and trafficking in humans and drugs) the European Parliament has only the right to be consulted. When it

comes to foreign policy, the Council does not even need to consult the Parliament: MEPs can adopt any resolution they like, but ministers do not have to take it into account.

1. The growing power of the European Parliament

Currently, around 60 per cent of national legislation comes from the EU. **The Single European Act (1986)** enhanced the Parliament's role in certain legislative areas (with the 'co-operation procedure') and made accession and association treaties subject to its consent. **The Maastricht treaty (1992)** marked the beginning of Parliament's metamorphosis into the role of co-legislator by introducing full legislative power ('co-decision') in certain policy areas, and by extending the co-operation procedure to others. It gave the Parliament the power of final approval over the membership of the Commission, an important step towards the Parliament exercising political control over the EU executive.

The Amsterdam treaty (1997) extended co-decision to most areas of legislation, and reformed the procedure to put the Parliament on an equal footing with the Council. It also made the appointment of the president of the Commission subject to the Parliament's approval. **The Nice treaty (2000)** extended co-decision to seven more areas. The new **draft constitution** would grant the European Parliament full co-decision and amending powers on all EU laws, and also the entire budget, including on hitherto taboo areas like agriculture and justice and home affairs. If upheld by EU governments in the new constitutional treaty, this would be a huge step forward for the Parliament. However, foreign policy would still be excluded from democratic oversight.

The Parliament has powers of co-decision over most of the legislative areas where the Council takes decision by qualified majority. The logic is that a national parliament cannot control legislation on a subject where its government may be outvoted, so it makes sense for there to be powerful scrutiny at EU level. Many

commentators argue there is no need for the Parliament to have strong powers in areas where the Council works unanimously, since national parliaments can exercise control. Tempting though this sounds in theory, however, it does not work in practice.

The truth is that national parliaments cannot properly scrutinise EU law-making, whether or not the Council votes on laws by qualified majority. Historically, Europe's governments have generally made foreign policy as they wished, without much parliamentary oversight. Governments have been answerable to national parliaments for their actions in multilateral fora such as the EU, UN and WTO. For decades, most people thought this provided sufficient democratic control. But foreign policy had fewer domestic consequences than EU legislation does today. Only occasionally did foreign policy lead to legislation that encroached directly on the lives of citizens, and when it did national parliaments became involved.

In recent years, as Europe's economies have become more inter-dependent and countries have faced new cross-border challenges, such as pollution, crime and immigration, the number of supranational laws flowing from the EU has soared. National parliamentarians may have been capable of dealing with the occasional international treaty, but they have not managed to keep pace with the flow of EU legislation.

This is partly because national MPs have little incentive to pursue European issues. These take a substantial amount of time, and are unlikely to lead to much media coverage. When legislation is finally agreed, it is difficult to measure one country's or one person's impact on the final outcome. It is no wonder then that most national MPs have a poor understanding of EU procedures and a low awareness of forthcoming EU legislation. The benefits of spending time on these issues seldom outweigh the costs.

National parliaments' lack of interest in EU affairs is best illustrated by an examination of their role in the areas of foreign policy, and of

justice and home affairs, where the European Parliament has little power. Since each EU country can use its veto in the Council, democratic control is theoretically possible through national parliaments. In practice, parliaments seldom exercise such control – with Scandinavian counties as the honourable exceptions – and governments decide things the way they want. Since Council meetings are often behind closed doors, governments find it easy to keep national parliamentarians in the dark.

National parliamentarians' priorities are unlikely to change, and the need for supranational decision-making will not diminish. This means the EU will continue to take decisions that affect people's lives without – in many cases – proper democratic scrutiny. Magistrates will soon be able to extradite suspects automatically to stand trial in another member-state. European cows receive more subsidies than the EU gives in development aid. European men and women may be sent to serve and sometimes die to implement EU policies in places such as Macedonia or Congo. On these and many other important issues, the Parliament still has no more than the right to be consulted.

The Parliament should be trusted to extend its ambit into such areas. After all, its members are EU specialists who have generally performed well in policy-areas where they have full legislative powers. For example, the public procurement directive now allows local and national governments to consider environmental criteria when awarding contracts by public tender, thanks to pressure from the Parliament. And in telecoms legislation the Parliament used a special procedure to 'unbundle the local loop' – thereby enhancing competition and lowering prices.

Though the Parliament has no formal power in such areas, it passes amendments on the agricultural budget, as well as legislation on justice and home affairs; and it passes resolutions on the Middle East and Macedonia. All of these texts go straight into the waste-bin. However, the only way to ensure true democratic control over

European decisions is to give these acts formal status. Whether or not the Council decides an issue by qualified majority or unanimously, the Parliament needs full powers of co-decision.

Even if all EU decisions came under full democratic control, it would still be a challenge to ensure that Europeans knew this. Public support for European integration and trust in its institutions is falling.¹ Turnout at European elections is low. While building the EU from their ivory towers, European leaders have failed to take the public along. Commissioner Frits Bolkestein has argued that low turnout in parliamentary elections is a sign that citizens are happy with existing politics, but it more likely that low turnout shows people are turning away from the Union.

¹ *The number of EU inhabitants thinking their country's EU membership is 'a good thing' has been in steady decline over the past decade. From 71 per cent in 1991 (Eurobarometer 35), it is now only 54 per cent (Eurobarometer 59, 2003) averaged over the entire EU. Support in a traditionally pro-EU country, the Netherlands, went down from 89 per cent to 73 per cent in the same period.*

There are a number of explanations for this disaffection. Some of the EU's negative image is linked to a general disenchantment with politics at any level. But there are also specific problems with perceptions of the EU. For one thing, decision-making in the Union is complicated. There are numerous institutions with strange names not found in national politics, such as Council and Commission. There is no government with a parliamentary majority. Majorities in the European Parliament can change from one amendment to another. In theory, and in practice for a small group of Brussels insiders, this makes good and exciting politics. Most observers, however, lose track and find it hard to understand what is happening. And that makes it easy for national ministers to pass the buck to 'Brussels' when convenient. At one point, one could hear a finance minister, such as the Netherlands' Gerrit Zalm, speak about the Stability Pact criteria, as if Brussels had single-handedly imposed the 3 per cent deficit rule. In reality each national minister agreed to the limits and the Netherlands has been one of the Pact's leading supporters.

A second problem is that Brussels is far away. It is full of foreigners who speak strange languages. Many citizens feel closer to local and national politics, which are covered in depth on the evening television news. Europe gets little attention from a press corps that seldom understands the structures and procedures of the EU. Some journalists would rather focus on juicy scandals than delve into complex issues that show how the EU really affects most people. Stories on expenses fraud at the Parliament and secret bank accounts at Eurostat get into most papers, while energy liberalisation and food safety do not. Experienced Brussels journalists complain that they get much less space in their papers than those who report national politics. There are exceptions, like the *Financial Times* and *De Financieel-Economische Tijd*, but their readership is largely limited to business audiences. The most important medium – television – spends very little time on EU issues.

As long as Europeans feel that Brussels is an uncontrolled black box that issues edicts, there will be a legitimacy problem. No democracy can function when people are estranged from the entities that exercise power over them. All European countries are democracies, and perceived as such: the EU's institutions need the same legitimacy. People who do not feel involved in European decision making will not know how to vote and may turn away from elections in even greater numbers. They may become easy targets for populists playing on their feelings of disaffection and insecurity. Most importantly, people need to trust those who govern them and feel in control of their lives.

The best way to address these problems is to plug the current holes in the democratic system and to improve the functioning of the European Parliament. Chapters 3 and 4 address these issues. Reform should set in motion a virtuous circle that leads citizens to see who is responsible for what, and to understand that decisions are taken democratically. If EU decisions become more visible, journalists may write fewer stories about waste and fraud, and more about environmental standards and other things people care about. And

then more electors may bother to vote in European elections. Though reforming the European Parliament will not solve all of the EU's problems, it can be a first step in the right direction.

3 Powers and location

The following chapter will outline a number of structural changes to European decision-making, such as granting the European Parliament full financial and legislative powers; giving MEPs a role in preventing the EU passing superfluous legislation; and allowing the European Parliament to hold each individual commissioner to account. The current IGC, preparing the EU constitution, provides a perfect opportunity for member-states to agree the necessary treaty changes.

The full budget under the control of the EP

The Convention proposed to bring nearly the full budget under Parliament's control. This proposal is crucial to EU democracy and government leaders should not – despite current pressure from their finance ministers – seek to change it. At present, the European Parliament can modify some individual items of expenditure, such as spending on structural funds or training, which represent around half of the EU budget. MEPs can also veto the EU budget as a whole, although the Parliament has not used this power since 1984. However, the Parliament cannot amend or abolish agricultural spending, which the EU defines as 'compulsory expenditure', thus putting it out of the Parliament's reach.

This distinction between different kinds of expenditure – compulsory and non-compulsory – is questionable. Even if the treaties stipulate that the EU should have a Common Agricultural Policy, why should the European Parliament have no powers to change it? After all, national parliaments do not have any influence over the CAP either. Since the Council of Ministers takes decisions on agriculture and fisheries by qualified majority, no elected

assembly exercises democratic control. The fact that about half the EU budget is not under parliamentary control is inexplicable to voters. It remains one of the most stunning examples of Europe's democratic deficit.

Equally bizarre are the mechanisms for overseeing the budgets for foreign policy, and justice and home affairs. According to current article 268 of the EC Treaty, 'administrative' expenditures in this field are compulsory, whereas 'operational' expenditures are non-compulsory, thereby giving Parliament a say. The Council and the EP have engaged in lengthy discussions over which expenditures are operational and which administrative, especially in the rapidly expanding (and highly secretive) field of foreign policy. The EU could resolve this problem by bringing the whole budget under the direct control of the European Parliament. This would be a net gain for clarity and democratic accountability.

No representation without taxation

Although the Parliament decides how much of the EU's budget is spent, it cannot decide how the EU raises its income. The EU's revenues come from a variety of sources: the duties paid on goods imported into the Union, plus a percentage of the Value Added Tax (VAT) levied in the member-states, topped up with a percentage of each member-state's GDP. Governments determine how the EU raises its revenues in the Council by unanimity. The draft constitution proposes no substantive changes to this system, despite the fact it is neither fair nor accountable.

First of all, the present budgetary system is not equitable. A series of political deals agreed over the years means the EU no longer applies clear criteria for member-state contributions. The UK has enjoyed a special rebate ever since in the early 1980s former Prime Minister Margaret Thatcher demanded her money back. The UK rebate is the source of much controversy and has given rise to even more complicated arrangements. Some countries, like the Netherlands,

Sweden, Germany and Austria, all four of them big net contributors to the EU budget, are now paying only 25 per cent of their normal share in the cost of the UK rebate, while the other member-states pay the rest.

Secrecy, which is the norm for Council meetings, rarely leads to effective results. The same is true for the unanimity requirement: the need to strike a deal provides obstructionists with the strongest negotiating position. For example, the unanimity requirement and the need to buy off recalcitrant countries has led to an increase in the cost of the CAP of around 25 per cent every time that EU ministers pledge to 'reform' the CAP.

Finally, there is a strong political argument in favour of giving the Parliament a say over the revenue side of the EU budget. Those who make and are held to account for expenditure decisions, i.e. the Commission and the European Parliament, should also have the power to decide on how the EU gets its income. Thus the Commission and the Parliament should have the power to decide to abolish import duties, or alter the mixture of consumption (VAT-based), income (GDP-based) and other taxes to finance the EU. In the US, the federal government levies a part of VAT. This model could work in the EU as well: VAT would thus consist of a national and an EU component, which could even be shown on purchase receipts.

An EU tax, replacing national contributions, would clarify who pays for the Union's expenses. And it would make it clear to citizens how cheap running the EU really is. But to curb fears that the EU budget could become ever larger, and to meet subsidiarity concerns, the new constitution should continue to limit the Union's budget to a certain level, such as the current 1.27 per cent of the EU's overall GDP.

Co-decision in all policy areas

Opinion polls often show that citizens want less EU interference in most issues. But at the same time, voters want Europe to fight

crime more effectively, or solve international crises such as in the Middle East. The EU's powers are expanding rapidly in the fields of justice and home affairs and the Common Foreign and Security Policy. But it is also in these areas where the EU's democratic deficit is especially large.

A real European Parliament needs full democratic powers in all policy areas, irrespective of whether the Council takes decisions with a qualified majority or by unanimity. When the Council takes decisions behind closed doors with a qualified majority, no national parliament is able to stop proposals from becoming law. This means that there is no meaningful democratic control of such Council decisions. It should be obvious that in those cases, the European Parliament must have full co-decision powers. It should be equally clear that this rule should also apply to decisions on the Common Agricultural Policy.

When the Council decides by unanimity, as is the case at the moment for justice and home affairs, each national parliament can, at least in principle, veto proposals via its minister in the Council. It may therefore seem unnecessary for the European Parliament to have co-decision powers as well. In practice, however, the national veto has little added value as a democratic safeguard. It is extremely difficult for national MPs to play a substantial role in the European legislative process (see chapter 2). The political pressure on national parliaments to accept a compromise that is reached after difficult negotiations in the Council is great. Ministers have a habit of first reassuring their parliaments that nothing has been decided, and then saying that a fragile compromise has come about in the Council which national parliaments should not unravel.

The European Parliament has tried to fill this gap. In the beginning of 2002 for example, the EU institutions discussed a far-reaching Commission proposal to combat large-scale international drug trafficking. The EP tabled numerous detailed amendments even though it had no formal powers on this issue. National parliaments,

which did have power via the national veto, only held general debates on the subject. Regrettably, the EP's amendments were simply ignored. The EU should give the Parliament full co-decision power, even where the Council decides by unanimity, to resolve the problem of national parliaments being disengaged. Naturally, there is a risk this would slow down EU decision-making further. But at least directly elected representatives of the citizens of Europe would check legislation.

The expansion of co-decision powers for the EP would have the added benefit of simplifying the EU, helping to reduce the number of decision-making procedures from 22 to 2: co-decision and assent.² Co-decision would apply to all normal legislative acts and would allow Parliament to amend and reject proposals made under this procedure. The assent procedure, which allows Parliament to approve but not amend, would apply to treaties and international agreements where the Commission negotiates on behalf of the EU.

² *In contrast, the draft constitution cuts the number of different sorts of legislative acts from 15 to 6.*

The new draft constitution goes some way towards addressing the above concerns: parts of agricultural policy will fall under co-decision; many justice and home affairs co-decisions will no longer be taken by unanimity; and the standard legislative procedure will become qualified majority voting with full co-decision powers by the European Parliament. Keeping and strengthening these elements in the IGC will be one of the key challenges for those who favour democratic accountability.

2. Protecting citizens' rights

Fighting crime and terrorism is now at the top of citizens' agendas all over Europe. The EU has responded by increasing co-operation on justice and home affairs. In a democracy, whenever the state obtains power over its citizens (such as the power to search, arrest or extradite), citizens also acquire rights to protect themselves against these intrusions. But the EU has not yet taken this step.

There are two possible remedies and luckily the draft constitution makes room for both. It has provided the EU with the legal personality needed to sign up to the European Convention of Human Rights. In addition, it incorporates the Charter of Fundamental Rights into the draft constitution. This is the healthy and necessary counterweight to moving justice and home affairs co-operation to majority voting with democratic control by the European Parliament. Protection of rights must be guaranteed before more power over citizens is given to the EU.

A foreign minister answerable to the European Parliament

At the moment, responsibility for EU foreign policy is fragmented between the Commission, the Council and the individual member-states. Co-ordination has improved since the EU established a Common Foreign and Security Policy (CFSP) with the Treaty of Maastricht, and reinforced it with the Treaty of Amsterdam. But Henry Kissinger's famous complaint still holds: Europe has at least three telephone numbers instead of one – Chris Patten, the Commissioner for External Relations, Javier Solana, the High Representative for Foreign and Security Policy, and the foreign minister holding the EU's rotating presidency. The draft constitution's plan is to merge the jobs of Patten and Solana through the creation of a 'foreign minister', who would also be a member of the European Commission. This is a step forward for effectiveness, but it is an open question how this person will be accountable to the European Parliament. Careful reading of the draft constitution

suggests that a motion of censure by the European Parliament affects only the Commissioners and not the foreign minister. This means effectively that the foreign minister remains unaccountable to any elected body.

Currently, the European Parliament does not have to be consulted on foreign policy. National parliaments may be able to hold their own foreign minister to account but they lack the means to scrutinise what happens in the common European framework. The EP needs to exert democratic control over foreign policy by having a full say in foreign affairs: control over the whole budget, co-decision on policy and legislation, and the right to hold the new foreign minister to account. Such an approach will help Parliament to focus on the main issues, instead of trying to gain influence over policy by micro-managing the budget, as it now does.

If EU foreign policy is to benefit from the collective intelligence and skills of all its member-states, the national foreign ministries need to learn to trust each other and the EU institutions. The foreign minister must have a special relationship with member-state parliaments on critical decisions like the deployment of troops. These should require the consent of not only the European Parliament, but also the parliament(s) of the member-state(s) concerned. A joint assembly of the European and national parliamentarians, should convene whenever a major international crisis erupts and troop deployment under an EU flag is a possibility.

Negotiate and adopt legislation in public

The draft constitution insists that the Council should meet in public when it discusses and adopts EU legislation. This is a step in the right direction, but it misses out on the crucial preparatory phase. Every weekday, thousands of national civil servants flock to Brussels to prepare legislation in over two hundred Council working groups. Often they finalise laws that ministers then

rubber stamp as ‘A points’ in the Council.³ But this preparatory stage of adopting legislation should be open to the public as well.

³ *Senior civil servants, the permanent national representatives, decide which point ministers will discuss (B points), and which they will not (A points).*

A second transparency problem, which the draft constitution does not address, concerns the so-called ‘conciliation’ procedure, which

is Brussels-speak for the final showdown in which legislators hammer out a compromise text. Under the co-decision procedure, European Parliament amendments rejected by the Commission or the Council go to a conciliation committee which seeks a compromise. Conciliation committees consist of 15 MEPs, acting on behalf of the whole European Parliament and 15 civil servants of the Council, chaired by a minister from the country holding the presidency of the EU. These meetings are secret and it is impossible to judge whether participants have fought for the best possible outcome. Furthermore, the outcome of these meetings is non-negotiable. There is only a final vote in a plenary meeting of the EP, without amendments. This means that 15 MEPs and 15 civil servants make European legislation behind closed doors. Clearly, this is unacceptable. The negotiation and adoption of legislation should always take place in public.

The right to initiate legislation

At present, the European Parliament can “request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this treaty”.⁴ There is, however, no obligation whatsoever for the Commission to comply with such a request, nor to draft any proposal in accordance with the wishes of Parliament.

⁴ *Article 192 in the current treaties, and article III-234 in the draft constitution. The draft constitution would extend this right to request an initiative from the Commission to European citizens if they managed to collect one million signatures.*

In established democracies national parliaments usually have the right to initiate legislation. In the US this right is reserved exclusively for Congress. If the US President wants to pass

a bill, he needs to find a Congressman to sponsor it. Most parliaments, however, do not make extensive use of this right, because drafting legislation requires time and expert support. But it is important for parliaments to have this power, since it allows them to put new issues on the agenda and turn them into law – if necessary against the will of the executive. It thus provides a strong symbol to citizens that, in the end, elected representatives have the final say.

In the European context, the greatest drawback of a formal right of initiative for the European Parliament could be the undermining of the Commission. As things stand, the Commission is the institution with the sole right to initiate legislation. In practice, however, this exclusive right of initiative no longer exists. The Council has often *de facto* initiated legislation, especially in justice and home affairs. The Spanish came up with various anti-terrorism measures that they wanted to push through during their presidency, while the European Commission was still working on a coherent strategy. Partly to avoid this type of overlap, and partly to codify existing practice, the draft constitution restricts Council initiatives to those proposals supported by at least a quarter of member-states. With two institutions having the possibility to initiate legislation, it would make perfect sense to give Parliament the same right.

Electing and sacking the Commission president

As the main initiator of European legislation and the body with final responsibility for enforcing it, the European Commission is pivotal to the smooth functioning of the EU. The Commission needs a strong president to carry out its role effectively. The members of the Convention had lengthy debates on strengthening the president’s position. Regrettably, however, the draft constitution does not seriously change the current system, by which Parliament can only approve or reject the European Council’s choice of Commission president.

Michel van Hulten and Nick Clegg, two reform-minded MEPs, have argued that the European Parliament should elect the Commission president to ensure the parliamentary majority has “every interest in helping the European Commission to make its term a success”.⁵ But it is hard to see how this would improve European democracy and the quality of EU legislation. It would risk making European

⁵ See for instance, *Reforming the European Parliament*, Nick Clegg and Michel van Hulten, Foreign Policy Centre, 2003.

debates as predictable as national ones because parliamentary majorities would be fixed. In any case, the Parliament’s role should not be to make the Commission’s term a success, but to hold the Commission to account.

Advocates of allowing the Parliament to elect the Commission president also argue that it would help increase voter turnout at European elections. This could work if candidates for the job of Commission president also led the lists of the over-arching political groupings – Liberal, Christian Democrat, Socialist and so on – at the time of the EP elections. But it could backfire as ‘Belgian situations’

⁶ In Belgium it is normal for ministers to head European or local lists, even though they have no intention of ever taking up their seat. After the elections, a substitute takes the seat.

might arise: prime ministers would run for the EP, but if it turned out that they were not going to become Commission president, they would not take up their seats.⁶ That would hardly be attractive for Europe’s voters.

The best way to improve the Commission’s legitimacy would be to have direct elections by the whole EU electorate for the Commission president. This would give European citizens a direct say in who runs the EU, and also address their feeling of being excluded from European decision-making. Naturally, voters would initially have weak links with a foreigner who came to campaign in their country, and it might be difficult to generate interest. But if a number of well-known candidates – say Joschka Fischer for the Greens, Guy Verhofstadt for the Liberals, José-María Aznar for the Christian Democrats and Tony Blair for the Socialists – each campaigned on a clear programme, it could become a real election and voters would

realise what was at stake. In any case it is better than having Jacques Santer or Romano Prodi forced upon citizens after a secretive European Council deal that is endorsed by the Parliament.

Lastly there is the question of the EP being able to sack the Commission president. Regardless of the way in which the Commission president is appointed or elected, the European Parliament should have the power to send him home.

Individual accountability of commissioners

Under the existing treaties, as well as in the draft constitution, the European Parliament can only remove the entire Commission. This is sometimes called the ‘nuclear option’. This is such a drastic measure that it requires a two-thirds majority. MEPs cannot force individual commissioners to step down, although the present Commission president, Romano Prodi, has promised to give ‘serious consideration’ to any request by Parliament to dismiss an individual Commissioner.

The Parliament’s power to fire the whole Commission is a blunt tool which it is understandably reluctant to use. Parliament took months before daring to table a motion of no-confidence in the Santer Commission. This censure followed the Commission’s refusal to ask commissioner Edith Cresson to step down after allegations of fraud and cronyism.

Supporters of the present rules defend them with the argument that they prevent ‘irresponsible’ Parliaments from sending executives home too easily. If anything, however, the Cresson case shows that the EP is too reluctant to use its powers. The EU should not withhold the right of MEPs to hold individual commissioners to account any longer.

Some member-states, such as the Netherlands, have suggested that sacking the Commission should lead also to new elections for the

European Parliament. But this makes no sense. It is the Council that ‘imposes’ Commission members on the Parliament. If such a member then fails to perform and must resign, it is unclear why that should have consequences for democratically elected representatives. The automatic link between dismissal of the executive and new elections is part of the parliamentary tradition in some member-states, but certainly not in all.

Applying subsidiarity

All federal states have a permanent debate about what should be done at which level of government. It is a question impossible to solve, but political compromises, judicial verdicts (like those of the US Supreme Court) and evolving practices shed light on the current state of affairs. The European Union is, of course, not a federal state, but it bears some traits of one. Subsidiarity, meaning the principle that decisions should be taken at the lowest possible level of government, has equally provoked a perennial debate within the European Union. The credibility of EU legislation depends on the outcome of this debate. It is primarily up to the EU institutions – the Commission when it proposes legislation, the European Parliament and the Council when they adopt it – to respect the principles of subsidiarity and proportionality.

3. Subsidiarity

The principle of subsidiarity was formally introduced at the time of Treaty of Maastricht. Article 5 states:

“The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the member-states and can therefore, by reason of the scale or effects of the proposed action, be better

achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty”.

Under pressure from public opinion, the EU was forced to adopt a lengthy protocol which leaders adopted at the Edinburgh summit in 1992, to flesh out the meaning of this clause. Yet the Zimeray report on better law-making, which the Parliament adopted in March 2003, points wryly at a “somewhat mechanical nature of the Commission’s approach” to subsidiarity, since it uses exactly the same formula stating compliance, over and over again, to justify its proposals. Maybe it is better to admit that the question of whether subsidiarity applies is a political one. It cannot be measured by clear, well-defined and legal criteria.

In the real world of European politics, it is surprising how reluctant politicians are to deny their colleagues a new political toy. How does it work in practice? Take the example of the EU’s programme to assist tourism, ‘Philoxenia’. The tourism industry persuaded Greece, which stood to benefit from the new programme, to introduce a clause on tourism into the EU treaty. The Commission subsequently nominated a Commissioner for tourism (coincidentally a Greek) and established a tourism unit. Both needed something to do, so they drafted legislation and action plans. These were submitted to the tourism committee in the EP, which was delighted to have something to do. A Council of tourism ministers was called. A number of ministers found out that they actually have tourism in their portfolios, enjoyed a trip to Brussels to meet new colleagues and approved the action plan, which then needed implementation, follow up and evaluation. Nowhere in this process did anyone say: “Excuse me, but why should Europe concern itself with tourism, something which is often not even dealt with at the national level but at the regional one?”

The European Parliament needs to get serious about applying subsidiarity. Citizens expect their Parliament to guard against excess legislation and reports, which only create extra administrative

burdens on national and local authorities, since they have to implement them at the taxpayers' expense. The European Parliament still wastes too much time on European initiatives that should never have left the Commission or the Council. Promoting tourism, regulating window washers and worrying about pedestrian safety should simply be left to member-states. The European Parliament should not have wasted its time on recent reports such as those in under-age drinking or the level of vibrations on the work floor. However, in many cases the Parliament itself is the worst offender. Its own initiative report on "women and sport" illustrates that point.

The new draft constitution gives national parliaments a say in whether EU legislation is necessary or not. When one-third of parliaments complain about a proposal, the Commission must review its position. The exception is justice and home affairs, where the figure is a quarter. This proposal sounds attractive but has two serious flaws. First, it would not be binding on the Commission. Second, national parliaments may well end up debating whether they like a particular draft law, rather than whether the EU should legislate on an issue at all.

4. Subsidiarity or hypocrisy?

In 2001 the Dutch government adopted a law on voluntary euthanasia, protecting doctors from prosecution if they complied with strict conditions before assisting a chronically ill patient with a painless death. The European People's Party (EPP, Christian Democrats and Conservatives) was quick to announce that this decision should be debated at EU level. It may concern a Dutch law, they argued, but Europeans were so shocked that Europe needed to concern itself with the issue.

Some weeks later, the Women's Committee of the EP adopted a report calling for abortion to be available to women under specific circumstances. The report

looked likely to receive a majority. EPP leader Hans-Gert Pöttering immediately indicated his party would vote against it because the report violated the subsidiarity principle. Dutch euthanasia laws would apply only in the Netherlands and people moving to Holland with the purpose of obtaining assistance would be rejected. Every year more than 6000 women make use of Europe's open borders to obtain abortions in other EU countries. So which of the two measures has the cross-border effects? And which should not be dealt with at European level?

The only way to ensure that national parliaments fully consider the question of whether the EU should legislate at all in a given area is to ensure that they are involved before a draft proposal exists. Consequently, a joint assembly of national and European MPs should meet once a year to consider the Commission's annual work programme. An assembly of national and Euro MPs already exists under the thrilling name of COSAC (*la Conférence des Organes Spécialisés dans les Affaires Communautaires*). By common account this is a useless talking shop which fails to attract the better MPs because it has no real power. Perhaps when it has a real task, COSAC could turn into a serious institution.

Every year, the European Commission, which has the prerogative of initiating legislation at the European level, presents its annual work programme. This is just a bare enumeration of the directives, regulations and recommendations to come, including everything from the Ukraine country strategy to a directive on working time. To date, the European Parliament has not taken the opportunity to limit the Commission's plans to what is absolutely necessary. In future, a joint assembly of Euro and national MPs should grill the Commission on the purpose and added value of its proposals.

The most important task for the joint assembly would be to scrap proposals or existing legislation that are superfluous, or that could be better done at national level. (It should also be able to suggest

ideas for legislation that are absent in the programme.) Such a preliminary subsidiarity check would prevent unnecessary legislation from ever leaving the Commission building. This procedure would recognise that applying subsidiarity is mostly a

⁷ *The draft constitution still allows the Court of Justice a role in subsidiarity cases.* political rather than a legal exercise, and prevent endless cases coming to the European Court of Justice. The legal uncertainty of an ex-post check would be avoided.⁷

A joint assembly debate would have other advantages. First, the assembly would increase the legitimacy of EU rules. Rather than ‘faceless bureaucrats’ in Brussels, elected national and European representatives would have the final say on whether the EU should act on a specific issue or not.

Second, national parliaments would finally become seriously involved in EU decision-making. If a joint assembly could throw out unnecessary legislation, national MPs would share responsibility at the beginning of the legislative procedure. This would also encourage national MPs to take a greater interest when EU laws were finalised.

Finally, the annual meeting of the joint assembly could become a public event that captures the citizens’ imagination in a way that the EU has thus far failed to do. Perhaps the media would pay a lot of attention. Pressure groups would form to eliminate EU legislation on lawnmower noise, or to save legislation prescribing seat belts in European buses. Optimists might argue that over the years it could become a European media event of the calibre of the US President’s ‘State of the Union’ address.

If member-states fail to set up such a joint assembly, the European Parliament should form its own subsidiarity committee to recommend which pieces of legislation the Parliament should consider and which not. The subsidiarity committee would thus formalise the role now played by the budgets committee, which tries to curb unnecessary EU actions by insisting there is no money.

Finally, the Parliament should insert ‘sunset clauses’ or expiry dates into all EU proposals. If the Common Agricultural Policy had expired after five years, it would never have mushroomed to its current absurd proportions, or remained outside democratic control.

A single seat in Brussels

Strasbourg is a beautiful, historical city. It is the symbol of post-war Franco-German conciliation. But is that an excuse for the monthly travelling circus of the European Parliament, back and forth from Brussels? This ludicrous practice causes financial, political and practical problems for European democracy and should end immediately.

The European Parliament is the only assembly in the world without a permanent seat. The Parliament spreads over nine buildings in three countries: Luxembourg, France and Belgium.

Every month more than 3000 people travel needlessly back and forth between Strasbourg, Brussels and Luxembourg, at a cost of nearly €1 million per month. The extra costs of holding sessions in Strasbourg amount to €169 million per year. A majority of MEPs consider this an unacceptable waste of taxpayers’ money and a waste of their time. However, they are bound to keep on travelling between the two cities by the Amsterdam treaty.

Politically, the European Parliament’s task is to exercise democratic control over the Council and the Commission. Both these institutions are based in Brussels. How can the European Parliament do its job when the Parliament’s seat is at times far removed from the institutions it is supposed to control? Ministers from the Council presidency and Solana have used Strasbourg’s bad plane connections as an excuse not to attend debates. Journalists are loath to spend their limited budgets on over-priced hotels when they have an apartment in Brussels. So MEPs have their debates in a largely empty chamber with busloads of senior citizens as the main spectators.

Most importantly, this waste of resources severely damages the image of the European Union. The EP should be the citizens' voice in Europe, but how can people take European democracy seriously when the only elected body cannot even decide where it meets?

The only way to move the EP out of Strasbourg is by changing the treaty, which stipulates that the Parliament is to meet in Strasbourg twelve times a year. Since treaty changes require unanimity it will be crucial to convince France (and to a lesser extent Luxembourg) that it is unwise for the EU to waste the taxpayer's money and to mock the elected representatives. The draft constitution missed this opportunity. But a better deal is possible for both Europe and France. Why not accept an institution or collection of institutions of equal prestige and income for the local economy, in exchange for giving up the Parliament? Strasbourg is the symbol of post-war Franco-German conciliation. What better place for a European University, the Committee of the Regions, a European School for Diplomacy, or the European Defence Procurement Agency? After enlargement, new institutions will go to the new member-states, so the imminent treaty change is the last chance to do what is needed for European democracy: liberate the European Parliament from Strasbourg.

4 How the Parliament should improve its own workings

The European Parliament cannot blame all of its problems on the current structure of the European Union. The EP can undertake a large number of improvements by itself. It should do so urgently, without waiting for treaty changes. This chapter proposes a number of such reforms: from organising more interesting debates, to improving the daily control of the Commission, to learning to use Parliament's existing powers more effectively.

More lively plenary debates

MEPs could make their work more interesting if their debates had more genuine discussion and MEPs staked out their positions more clearly. Current plenary debates are boring. They are organised according to strict, pre-determined lists of speakers and do not allow for interruptions or even replies. Seldom does any member raise a point which she/he has already made earlier in a committee. Even rarer are speeches which influence the way people vote. The number of representatives attending plenary debates is often smaller than the number of interpreters needed to translate what they say. Sadly, the term 'debate' is inappropriate to describe these serial monologues.

Plenary debates would be more useful if they could influence the way in which people voted. One option would be to abolish the speakers' lists and replace them with a 'catch the president's eye' system. Parliament conducted a successful experiment with this system during the debate at the start of the Danish presidency in 2002. Instead of jumping up and leaving the Chamber as soon as

they had finished their speech, members stayed for the entire debate because they wanted to be called upon a second time, or because they were curious to know how others would react to their points.

Another improvement would be to allow for interruptions and replies. This would enhance Parliament's ability to be a serious counterweight to the Council and the Commission. Recently, Danish MEP Helle Thorning-Schmidt was allocated five minutes of speaking time as a rapporteur and tried to divide this into four minutes at the beginning of the debate, and one at the end, so she could react to other speakers. She succeeded, albeit with some difficulty, in demonstrating that reform could take place without changing the formal rules of procedure.

Finally, a very simple way to improve the interaction between members would be to allow them – when few members are present – to move forward in the Chamber and sit closer to each other in debates. This would present a better picture for both the media and the public than a 700-seat chamber with 15 people separated by many metres of empty chairs.

Daily control of the EU's work

Presently, the Commission and the Council are not properly represented in the plenary debates and committee meetings of the European Parliament. In a national system, ministers are obliged to appear in Parliament. This is natural, since it is impossible for any parliament to exert its supervisory function if it cannot interrogate those politically responsible. Yet the Commission often sends civil servants to committee meetings, and only one Commissioner to the Strasbourg plenary meetings on Mondays. The Council usually sends no one at all. Since the draft constitution provides for a permanent European Council chairman and a European foreign minister, it is crucial that MEPs can also question these figures in plenary sessions.

The European Parliament should ask the Commission to present the outcomes of its weekly meetings to Parliament. Currently the various EU legislative proposals, action plans and strategies are made public to the Brussels press corps in the Commission building, except when it is a parliamentary plenary week, when this takes place in Strasbourg.⁸ If weekly mini-plenaries took place in Brussels, Parliament could ask questions and discuss the Commission's proposals, rather than learn about them in the media.

⁸ *Parliamentary plenaries take place once a month in Strasbourg (twice in October) and every second month at a 'mini-session' in Brussels. In 2003 there were 18 plenaries (see www.europarl.eu.int/plenary) compared to around 40 Commission meetings.*

Functioning of parliamentary committees

Real debates in the European Parliament do not take place in plenary, but in the specialised committees – to a much greater extent than in national parliaments. Despite the importance of these committees, no one takes minutes. The record does not even indicate how members voted on crucial pieces of legislation. Lobbyists, however, recognise the importance of committee meetings and attend in large numbers. Often, the only reports coming out of a committee meeting are notes by the European Commission, for their internal use, and by *Agence Europe*, a weekly 'newspaper's newspaper' known only to insiders. To make committee meetings more effective and accountable, verbatim records including any votes should appear on the internet.

The quality of a parliamentary committee depends strongly on the quality of its chair. The Parliament's rules of procedure state that all parliamentary posts are elected, from the third vice-president of the delegation for relations with Malta to the presidency of Parliament itself. In reality, posts are distributed according to the 'd'Hondt system', named after a Belgian lawyer, on the basis of political group size and nationality. Although this system disproportionately favours large political groups, the advantage is that small groups are at least not entirely overridden by a clique of large parties. The disadvantage is that the d'Hondt system weakens Parliament's effective functioning

because crucial jobs are not distributed on the basis of merit and skills. Some chairs undermine the neutrality of their function by taking a very active part in discussions. Weak chairs allow MEPs to hold long, repetitive monologues with little added value.

A grown-up assembly should have the courage to drop the fixed distributions of the d'Hondt system and opt for the election its chairs. All parliamentary functions should be distributed on the basis of merit, not nationality or group size.

MEPs often use committee meetings for detailed interrogations of members of the European Commission, representatives of the Council or their civil servants. However, because chairs take rounds of questions from several MEPs before giving the floor to the Commission or the Council for answers, such meetings often fail to come alive. This system makes it relatively easy to avoid giving precise answers. Cross-examination of representatives of the Commission and the Council should be made more effective by taking only one question at a time, and only moving on when the committee is satisfied with the answer.

A strict statute for members and staff

MEPs receive the same salary as that of MPs in their home country. An Italian member therefore receives more than three times as much as his Spanish counterpart – for doing the same job. Over the years, the Parliament's generous system of expense allowances has developed into an extra source of income for many MEPs. Presently, travel expenses are calculated on the basis of distance travelled, not on the basis of actual costs. MEPs can travel on budget tickets and pocket the difference. They also do not have to account for a monthly allowance of more than €3500, which they are supposed to spend on computers and paperclips.

Moreover, MEPs receive a secretarial allowance of €11,000 a month to hire support staff, including political assistants. Though

contracts are required before payment, MEPs can hire their retired grandmother under the secretarial allowance and transfer the entire sum to her. An added problem is that Parliament does not monitor the working conditions of parliamentary aides. Parliamentary assistants lack a proper statute. Many assistants do not have legal working contracts and, as a result, have to reside in Belgium without proper registration, and sometimes without health insurance.

MEPs who want to keep their irregular benefits have wrecked efforts to remedy this untenable situation. Each day that MEPs further delay the adoption of a common statute on their pay and conditions, they add to the already low esteem in which voters hold them. Such a statute should include equal salaries for all MEPs, allowances paid on the basis of actual costs, and legal and just working conditions for staff.

Focus on priorities

The European Parliament regularly involves itself with issues over which it has little or no say, notably in the area of foreign policy, and justice and home affairs. Naturally it should fight to obtain full co-decision in all areas, but until that time its focus should be on issues where it has power. In practice, this means that MEPs should devote plenary sessions to matters decided by co-decision.

Where the Parliament does spend time on issues without the power of co-decision, it should be prepared to see through its actions and threats. When the Parliament amended the law on the European arrest warrant, over which it formally has no say, it should have been ready to sack Commissioner António Vitorino if he did not take the adopted amendments on board. If the Parliament is unwilling to take such a step, it should spend its time on issues where it does have power.

Outsourcing foreign policy

One of the areas that needs to be outsourced from daily EP business is ‘urgencies’, debates on a topical issue. These are resolutions on every injustice in the world from “abuse of nuns by catholic priests” to “why China should not get the Olympic games”. Half the world’s countries have been the subject of an urgency by the EP. Follow-up is limited, however. After the debate, the resolutions are sent to the government in question. But no further action follows, even if these governments fail to respond.

Despite these drawbacks, urgency resolutions do have a function. It is still embarrassing for countries to be named and shamed by an international parliament. Frantic lobbying by the Holy See and China in the above cases makes that clear. Human rights organisations use the urgencies to strengthen their positions; and in certain cases EP pressure has probably made a difference, as with the lifting of house arrest on the Burmese opposition leader, Aung San Suu Kyi, or the deferral of death by stoning in Nigeria of alleged adulteress Amina Lawal.

Thus the Parliament should not stop adopting these resolutions altogether. But they should not overburden the plenary agenda. MEPs could achieve this by pre-cooking most of the resolutions in the Foreign Affairs Committee, and proceeding to adoption without debate in plenary. This would liberate precious plenary time, while ensuring that every urgent situation gets the attention it warrants. MEPs should follow up every resolution both internally and externally, issuing repeated requests to offenders for answers. The president of the Foreign Affairs Committee should call ambassadors to account until a satisfactory reply is given.

Using parliamentary power

MEPs have not wielded their existing powers to the full. Most parliaments in the western world have steadily increased their power by creatively using their existing competences. The European

Parliament could sack the entire Commission if, on a substantial issue, a Commissioner did not follow the will of Parliament. The Parliament could have blackmailed the Council into granting it full parliamentary powers by threatening to block the enlargement of the Union through voting down the accession treaties. It could refuse to move to Strasbourg every month and convene at the same time in Brussels. The moving circus would soon be over.

A good example where Parliament has managed to use leverage in one area to gain new powers is the employment of its budgetary power to influence EU foreign policy decisions. The EP threatened to block the foreign policy budget unless the Council agreed to inform MEPs of ‘joint actions’, which are formal EU decisions on foreign policy questions backed up with EU money and instruments, within five days of decisions being taken in the Council. The Council feared it would be unable to fulfil its commitments in Bosnia, without an increase in the budget, and caved in. Budget leverage, if used wisely, can lead to substantial concessions. Parliament needs to continue along this path and operate tactically to become a serious counterweight to the Council and the Commission. Naturally, when Parliament gains full democratic power over foreign policy, such behind-the-scenes tactics would become superfluous.

Room for radical reformers

In 1999 a new generation of MEPs was elected alongside the usual group of former ministers, professional MEPs and federalist dreamers. They were young and ambitious and saw Europe as a stepping-stone to a further political career rather than the end of the line. They were willing to spend time and stake their reputations on the reform issues their suspected their voters cared about. Around ninety united in the Campaign for Parliament Reform (CPR) which has, *inter alia*, ended the badly attended Friday sessions in Strasbourg, organised the first-ever debate between candidates for EP president and set-up cross-party voting lists on reform issues such as the statute for members and staff.

The CPR's successes are beginning to change the public's perception of the Parliament. It is difficult to maintain that the Parliament is unwilling to change when a group of new MEPs regularly proves otherwise. Hopefully, this should encourage more young people to run for Parliament.

The CPR should gradually expand its activities. In the run-up to the European elections, the CPR could ask all candidates to pledge themselves to the CPR programme. This would make clear which candidates want to keep on lining their pockets and maintain the expensive monthly moving circus to Strasbourg, and which do not. It should make the voter's choice much easier.

5. The campaign for Parliament reform action plan

- ★ Agreement on an MEP statute as soon as possible
- ★ A transparent system of MEP expenses on the basis of actual costs incurred
- ★ Publication of MEPs' financial interests on the internet
- ★ A statute for parliamentary assistants
- ★ A single seat for the European Parliament – in Brussels
- ★ Reform of Parliament's rules of procedure
- ★ Ensuring the language regime is ready for enlargement
- ★ Strict rules on the financing of European political parties
- ★ Full access to parliamentary documents and information for Europe's citizens
- ★ Modernisation of Parliament's administration and management

Time to become effective communicators

MEPs frequently complain about the low level of media coverage of their activities. The EP needs to adjust its communication strategy to the special circumstances of the Brussels correspondents. Most cover not just the Parliament, but the Commission, the Council of Ministers, the European Councils, NATO and Belgium. Journalists are rarely able to follow any directive through all stages of the legislative process. As a result, many journalists choose to cover the Commission's initiatives and their final adoption by Council, rather than the Parliament's activities in between. The monthly Strasbourg circus contributes to the Parliament's exclusion from media coverage. Many correspondents have limited time and budgets and cannot afford to get to a city with bad transport connections and overpriced hotels.

To make itself a more attractive subject for the press, the Parliament needs to politicise its debates and spell out the political differences. Press releases still say: 'Liberal Democrats express support for Commission's fisheries reform' rather than 'Tory proposals will empty our seas of fish, say outraged Liberals'. It is not always easy to narrow complex legislative proposals down to interesting political conflicts, but that is what the press needs to write a good story. British members do better than most because of their adversarial parliamentary tradition.

Another element sadly lacking in EP press releases is a reminder of how this particular report or debate fits into a bigger picture. In the fisheries example on page 40, the footnote to the editors should have read: the European Parliament has no power whatsoever in fisheries. When MEPs, political groups or the Parliament's own press department forget these simple rules they should not complain about the lack of media attention.

The media must also not let parliamentarians get away with doing a shoddy job. Only a single vote difference led to the rejection of the EU take-over directive in 2001. MEPs thus killed off 12 years of

work and an essential piece of legislation that would help to consolidate EU markets and increase competitiveness. The vote made the front page of many serious newspapers. Most, however, failed to expose those MEPs who had failed to show up or those who voted differently from their national counterparts. Five Dutch Labour MEPs voted against the directive, whereas their national counterparts and the Dutch Labour-led government were in favour. Not a single Dutch paper pointed out this inconsistency.

Examples of press releases from MEPs' websites

Boring	Confrontational
Quality indicators for Life-long learning (Rainer Wieland, Germany/PPE, July 2 nd 2002)	UK government will bully Gibraltar (Charles Tannock, UK/PPE, April 10 th 2002)
European Parliament adjusts fisheries policy (Michiel van Hulten, Netherlands/PES, January 12 th 2000)	Tory and Labour Euro-MPs betray plane-spotters (Sarah Ludford, UK/ELDR, June 12 th 2002)
European action for growth proposal should be given serious consideration (European Socialist Party group, July 8 th 2003)	Duff says Straw can do better (Andrew Duff, UK/ELDR, February 21 st 2002)

5 Summary of recommendations

An evolving European Union requires a mature Parliament to underpin its legitimacy. Europeans feel threatened by the anonymous, ungraspable power that seems to be extending its tentacles into more and more policy areas. A strong, reliable European Parliament could give EU legislation and policies the democratic legitimacy they need. It could also provide citizens with an easily accessible group of people who speak their language and take their concerns seriously.

The agenda for change ranges from the simple and obvious to the institutionally and politically challenging. The simplest improvements are those the EP can undertake by itself, without any treaty change. These should start immediately. Every day that the Parliament neglects to improve its effectiveness and image is a day lost for the EU's legitimacy. Among the changes that could be implemented now, the European Parliament should:

- ★ reform its internal workings in plenary and committee to make debates more interesting;
- ★ publish minutes of committee meetings and votes;
- ★ outsource foreign policy 'urgencies' to the committee level;
- ★ cross-examine the Council and Commission;
- ★ award committee chairs and other positions on merit;
- ★ devise a strict statute for its members and all staff;

- ★ establish a subsidiarity committee to throw out superfluous legislation at an early stage;
- ★ increase parliamentary control of the Commission's daily work; and
- ★ focus on priorities and make better use of existing powers.

In addition:

- ★ reform-minded MEPs need to maintain pressure to improve the institution;
- ★ MEPs must learn to spell out their political differences and sell themselves better; and
- ★ MEPs should help the media to find the political divisions that make sexy news.

Many more fundamental reforms require a treaty change. MEPs should of course take the lead in campaigning for the changes that are needed to produce a mature Parliament, but all those who are concerned with the Union's legitimacy should ensure that the new constitution includes the following:

- ★ the EP must have co-decision in all policy areas;
- ★ the full budget must come under the control of the EP;
- ★ the EP should have the right to raise revenue, subject to an agreed maximum percentage of EU GDP;
- ★ the EP should have the right to hold the proposed EU foreign minister to account;

- ★ Council meetings (including working groups) and conciliation procedures should take place in public;
- ★ the EU should set up an assembly of MEPs and MPs with the right to amend the Commission's annual work programme;
- ★ the Commission President should be elected by the EU's citizens;
- ★ the EP should have the power to sack the Commission president and individual commissioners;
- ★ the EP should have the right to initiate legislation; and
- ★ the EP should have a single seat in Brussels.

★

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