

'Musical chairs in Brussels' from Le Monde diplomatique

Source: Le Monde diplomatique. April 1999, n° 541. Paris.

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URL: http://www.cvce.eu/obj/musical_chairs_in_brussels_from_le_monde_diplomatique-en-bd38d2bc-3831-4446-ade9-1f4e8b2ff468.html

Publication date: 18/09/2012

Musical chairs in Brussels

The resignation of the European Commission in mid March followed by the appointment of a new president, Romano Prodi, one week later has highlighted the problems in the running of Europe's institutions. However, the much spoken of "democratic deficit" is due less to lack of supervision by MEPs than to the gulf that separates EU citizens from the machinery of the Union and the Central Bank. Only greater involvement by the various national parliaments can remedy this situation.

by BERNARD CASSEN

For every simple problem there is an equally simple solution: the resignation of the European Commission on 16 March could be seen as a victory by the European Parliament - the Community's "knight in shining armour" of democracy - over a Brussels executive body that five independent experts have found guilty of cronyism, mismanagement, fraud and loss of political control over the administrative body for which it was supposed to be responsible⁽¹⁾. France's most widely read columnist, Alain Duhamel, immediately identified those responsible for the crisis for the edification of the general public: "In this public humiliation, the most significant ever delivered to this key European institution in all its 40 years, the French are also at fault and bear a heavy share of the responsibility. This is a French failure". France was, he said, "more directly responsible than the other 14 member states for the democratic deficit in the European Union"⁽²⁾.

To sum up an analysis widely taken up by others, the "lack of democracy" in Europe could be put down to incompetence or a failure to exercise the powers of the Strasbourg parliament. Furthermore, the deepening of the democratic deficit could be attributed in the main to French political figures for whom, within the monarchic culture of the French Vth Republic, the concept of being accountable to an assembly elected by universal suffrage by the peoples of Europe would seem intolerable. There is one point which our analyst does not develop in detail here but which underlies his comments: in France there is a powerful sector of public opinion that is at least as much in favour of European unity as paid-up Europhiles, but does not identify with the predominantly market orientated aims nor the mainly anti-democratic means of the present building of Europe. Behind the criticism of "France" in general, we should read between the lines a criticism of those among the French who think a different sort of Europe is not only necessary but possible⁽³⁾.

If we ignored these questions, the solution to the problem would be very simple, lying mainly in the Amsterdam treaty, ratified by Paris on 16 March, which widens the powers of the European parliament⁽⁴⁾. If Members of the European parliament (MEPs), due to be elected on the 13 June this year, were vigilant and conscientious enough, and a newly-appointed, competent Commission with total integrity could be swiftly set up, the whole affair would blow over and the building of Europe could recommence to the satisfaction of all concerned. This is about as convincing an argument as explaining the Gulf war in terms of Washington's concern to preserve the territorial integrity of Kuwait, or the global financial crisis in terms of the corruption of Asian leaders. We need to put recent events in Brussels into perspective so their real sense becomes clear.

However dreadful the deeds of which the Commission stands charged by the committee of "wise men", its wholesale indictment has not come about because of the determination of the peoples of Europe to conduct a "clean-up" operation. The international repercussions of the scandal are specifically due to the relative notoriety of those public figures "caught in the act". Here we should also note something that the right-thinking Europhile French media who are being so tough on Edith Cresson have interestingly omitted to mention: more than half the problems listed in the "wise men's" report go back to the time when Jacques Delors was "boss" in Brussels. But no doubt people think it is not seemly to dwell on this point, especially on the eve of elections when many of those at the head of the different lists - and more precisely those supported by these same media - have claimed or are claiming to represent Delors' "vision" of Europe.

The investigation initiated by the Belgian press (and in particular *La Meuse* and *Le Soir*) was rapidly transformed into a power struggle between two EU institutions - the parliament and the Commission - a struggle far removed from real-life experience except in Belgium, the scene of the confrontation. Europeans

did not feel directly involved in the conflict. They were delighted with the outcome, but they were merely interested bystanders. The conflict brought the two supranational bodies into direct confrontation, with each determined to assert its independence of national institutions, in particular the Council, representative of the governments of member states.

Within the complex machinery of the EU there is a significant overlap in the distribution of power, which is of course confusing for its citizens. The reason for this lack of clarity is historical. In 1957 the "founding fathers" did not wish to create the European Economic Community (EEC) according to a state model, but rather to bring about integration by means of a carefully controlled limitation of the sovereignty of individual states. They did not therefore set in place a vertical hierarchy, with a government accountable to a parliament - that is, a federal system. Instead, they created a horizontal power structure which would involve the whole "institutional triangle" (Commission, parliament and Council) in any legislative process. The Commission, whose members were to be appointed by the member states, but were expected thenceforth to think and act as "Europeans", has the monopoly on proposals for EU legislation: regulations and directives. The Council, grouped into specialist bodies (agriculture, environment, etc.) makes decisions on the basis of these proposals.⁽⁵⁾ It therefore holds the true legislative power.

But this power is shared in part with parliament, whose powers have increased with each new treaty (the Single European Act, Maastricht, Amsterdam) through procedures for consultation, then cooperation and finally co-decision in ever-widening areas. Even if MEPs do not have the right to initiate legislation or have the final say in the overall decision-making process, they still have some influence and are determined to make their presence felt. Their message is of course directed to the Commission - but even more to national governments over whom they have little influence and whose legislative power they envy⁽⁶⁾.

In leaving the 20 Commissioners no choice but to resign by threatening a vote of censure which would have received overwhelming support, the MEPs took no risks. But nor did they bring about a major disaster, contrary to the dramatic statements that followed this event. After the investiture of Romano Prodi by the European Parliament, another Commission will be appointed, which will take care to be less arrogant and continue to be an ally of the European parliament in the pursuit of a common objective in the medium term: this is for the Brussels college to become the sole governing body and for parliament to be the sole legislative body for EU affairs. In other words, taking this to a logical conclusion, there would be a federation that would reduce national parliaments and governments to a subordinate role. Meanwhile the principle of subsidiarity - whose definition and implementation remain problematic - would still allow them to retain responsibility for issues which would thus have become "regional".

This ambition throws quite a different light on the question of the famous "democratic deficit". It would appear that the European parliament, elected by universal suffrage, is far more democratic than the Commission. However, due to the fact that elections to the parliament take place at national level, and really on the basis of national issues, it is less democratic at the European level than national parliaments and governments are in their own country, where both are accountable to their own electorate. In the absence of a "European people", which identifies itself as such, from the Canaries to Estonia, can we speak of a truly "European" parliament other than in theoretical terms? Does this not risk making the Commission/Parliament duo even more alienated from the various peoples than it already is? Committed federalists answer this question by looking to the future: create new supranational structures first and a supranational (or post-national) people will follow, like the state of grace that follows prayer.

Whilst not being realistic - at least for the foreseeable future - this position does, on paper at least, have the merit of coherence, particularly in the light of a recent comment by François Bayrou, leader of the French centre right UDF: "Whenever member states accept that a problem should be managed by an independent community body, this is federalism. Are we ready to face this federal reality head on and demand that it should, at long last, become democratic? For the moment, federalism remains covert and there is no democracy"⁽⁷⁾.

Bayrou did not, however, appear to be referring to that caricature of undemocratic federalism, the European Central Bank (ECB). This is an institution that wields considerable power, is accountable to no-one and does

not take criticism or comments - as Oskar Lafontaine, who recently resigned from his post as German finance minister, has learned to his cost. It is also an institution that does not shrink from reprimanding national governments. The Bank's monthly report for March is a prime example of this: it roundly criticises the fiscal policies of some member states and demands "structural reforms" of the labour market, even though both these domains are outside its statutory authority.

People are still waiting for some condemnation of this blatant interference in the political arena from candidates who are committed federalists - as well as those hiding behind the meaningless concept of a "federation of nation-states". If they are too scared of their own shadows to mention the Frankfurt institution by name, they can take comfort from the fact that the *Financial Times*, a newspaper with impeccable liberal credentials, has beaten them to it, saying the bank should concentrate on managing monetary policy and leave politics to those who have been elected for this purpose and to the general public.

Supranational entity with no firm foundation

The federalists may well take the existence of a "European people" for granted, but the most pressing task is in fact to bring about the birth of such a people. The Council acts as a counterweight to the Commission and to Parliament - but also as the champion of national interests and the diversity of Europe's different peoples. But that does not necessarily make it the guardian of democratic virtues. Each government is accountable to its national parliament but when the ministers of the Fifteen meet up and take decisions, they are not collectively accountable to anyone.

In order to put an end to this break in the democratic chain between the people of Europe and those who legislate in their name, there is no choice but to bring national parliaments back into the decision-making process. For example, the Council could be made to answer to an inter-parliamentary structure along the lines of one already in place - the Conference of European Community Affairs Committees (Cosac).

As is often the case, institutional quarrels are indicative of more fundamental differences. In the EU they bring into question the very nature of the European project. In terms of its institutional makeup, the United States of Europe could be as progressive as a Community of Nation States⁽⁹⁾. In the absence of a clearly defined European public space, the United States of Europe would not, however, be seen as having any legitimate existence and would run the risk of provoking a centripetal reaction. The time scale for thinking patterns to change is not the time scale for lawyers. We first need to change people's mentalities through education and the exchange of ideas in order to create a new dimension of European awareness that would complement, but not replace, existing national identities. Determining the extent of this supranational identity could go hand in hand with "Europeanising" people's attitudes.

As it is at present, this supranational identity is not only well ahead of the process of Europeanisation but it is also without any democratic foundation - as shown by the unlimited powers of the Commission with regard to competition and of the Bank in monetary matters. What we urgently need is a democratic "catching up". It can of course be done by increasing the powers of the European parliament - which should have the same right to initiate legislation as the Commission - but also by letting national parliaments re-enter the EU power game. They should have the right - as a precondition and not under pressure of time - to examine Community acts which EU ministers intend to sign. Similarly, in an interparliamentary framework for which Cosac is a prototype, national parliaments should be able to require the Council to be accountable, just as the European Parliament requires of the Commission.

Neither governments nor institutional bodies without political accountability, like the Commission, the Court of Justice or the European Central Bank, can bring to fruition a project for the creation of a European people. Only the elected representatives of the people can do it, in accordance and even under pressure from those who elected them. From this perspective, the resignation of the Commission is a fairly minor event. But it will have had the merit of removing some of the fog which has so far obscured the workings of Europe's institutions from the gaze of its people.

- (1) See: the conclusions of the report of the "wise men" set up on 14 January 1999 by the European Parliament, published in *Le Monde*, 17 March 1999.
- (2) Alain Duhamel, "Une défaite française", *Libération*, 19 March 1999.
- (3) Bernard Cassen, "Rapatrifier le pouvoir de décision chez les citoyens", *Le Monde diplomatique*, July 1998.
- (4) The treaty extends from roughly 15 to 40 the areas in which the Parliament will have right of co-decision with the Council, that is, in from one third to two thirds of Community legislation. However, politically or financially sensitive questions, such as tax and agricultural policies, will continue to be excluded from this. The treaty also requires the president of the Commission, once nominated by the European Council (the "summit" of the 15 heads of state and of government), to be duly invested by Parliament. This latter institution will then determine the composition of the executive body in its entirety.
- (5) With regard to policy on competition, the Commission holds its own power and does not shrink from using it, even if this is against the wishes of the individual member states.
- (6) The EU is no stranger to conflicts which oppose the Council to the Commission or Parliament. These conflicts are usually resolved by the Court of Luxembourg, which has however always respected the existing institutional checks and balances. Any clarification of the respective powers of each body within the institution is the perennial yet unresolved topic of the intergovernmental conferences which are responsible for the revision of the treaties of Rome and of Maastricht.
- (7) *Le Monde*, 16 March 1999.
- (8) "ECB's limits", *Financial Times* leader, 18 March 1999.
- (9) See the definition of this concept by Sami Naïr in *Le Monde*, 14-15 February 1999.

Translated by Beverly Adab