Parliamentary cooperation in the EU and the European decision/making process

Drd. Daniela CZIMBALMOS

EU membership today raises several categories of questions, some on the level and number of competencies to be transferred to the supranational level in such manner they do not lose any of the attributes of sovereignty but at the same the supranational organization can function effectively both in spirit and in letter too. A different kind of questions arise about the representativeness of European institutions, given that only the European Parliament is directly elected by citizens of Member States. And there are also, questions about the level of knowledge and awareness of local / regional matters when decisions are taken in Brussels.

This paper tries to analyze and evaluate national institutions representing directly the will of citizens, and also similar European bodies responsible for the formation of the European legal framework; also, the cooperation between them, both at bilateral level (between two or more Member States) and at European level in terms of a system aimed to cover all aspects involved in the case of a 27 members organization

European Union, its institutions, policies and decision making within it - have known over time, different stages of development, all leading to what is now known as *multi-level governance*; hence the question of representativeness, legitimacy and effectiveness of all institutions, national, regional, local and especially European, when talking about evolution of the European society.

Such an analysis is justified by the results of many surveys carried out at Member State level, where citizens look to the European institutions as it is a club of transnational political elites, most often far away from their interests and desires. Also, a justification of this analysis, of the citizens' representation in Europe, comes from the direction of European referendums last results, which showed a gap between political actors and other citizens. While the purpose of European construction is to ensure a better life for all Europeans, especially in the context of economic and financial crisis, more and more

signals arise from nationals of Member States, signals that say *failure* in representing the interests of citizens and in representation the European common interest.

EU citizens are still divided when it comes to the financial crisis and its economic impact, considering the almost equally global phenomenon that has not yet passed and its effects are significant for about 34% of the population, they do not dare to make plans for future are limit themselves to ensure their daily lives. However, when respondents were asked which institution is best placed to tackle the crisis, they chose in a higher proportion, EU institutions at the expense of national ones, but this option decreased in 2010. 2011 brought other statistical data in a similar trend with the last two years, European citizens confidence in governments, companies and national leaders fell by 51%, while the confidence in European institutions, despite it also lowered, still this phenomenon was not so drastic as for national institutions. However, local institutions and companies remained the most reliable, proving that citizens consider that local issues can be addressed most effectively at local level and the effects of decisions made in higher fora will adversely affect local situation.

These figures paint a picture far more less than ideal of how the EU works today, proving the need for such an analysis as proposed in this paper.

National parliaments have been considered for a long time the major losers of European integration and rightly so, because after loosing certain legislative powers to European institutions, it can be considered they have even lost their ascendant which they had against their own governments which are involved directly, through Council of Ministers meetings, in EU decision-making.

The debate on the role of national parliaments in EU decision-making has become, over time, closely linked to discussions on deepening the democratic deficit of the European Union. Diminishing role of national parliaments was felt in all national institutions of the European Union and its consequences (reduced national autonomy, an imbalance in the traditional relationship between the legislature and executive and a lack of information due to the reduced involvement in decision-making) were all link to the European integration phenomenon.

Control of national parliaments on how their governments deal with European affairs and their involvement in European decision-making process are issues discussed for a long time, and finding and implementing solutions to efficiently fight this is lagging behind, either because the administrative decision formula is too complicated, either legislative barriers prevent more involved actions or simply due to lack of political will of the actors involved.

Today, inter-parliamentary cooperation - as a network of national parliaments – have to be a solution not only viable but also desirable, especially sincek.,mnbvf the Lisbon Treaty gives greater weight to these institutions in the decision-making process at EU level.

Furthermore, developments of recent years saw European Union undergoing special moments – transformation into an organization with 27 members from one of 15, constitutional deadlock and the Treaty of Lisbon, gas crisis, economic crisis, the ratification and implementation Lisbon Treaty etc; all this requires a different approach to the relationship between the national parliaments as promoters of national interests and the relationship between them and European institutions.

The main assumption of this paper is that, given the role of national parliaments to represent the citizens of each Member State, region, etc, these institutions deserve a bigger role on the stage of decision-making in the European Union. That role can be assumed through inter-cooperation and cooperation with European institutions that have powers to legislate at EU level.

Also, the paper proposes another approach to issues as democratic deficit, and that is actions aimed at reducing the deficit of public communication, closely linked to that of democracy, while creating a European public space or setting up a second chamber of Parliament; these are not new ideas, but interesting approaches not enough explored in the European literature and less or no at all, in Romania.

The first chapter, *National parliaments of EU Member States* refers to several key elements of parliamentarism – information2about parliamentary mandate, the history of

parliamentarism in Europe and modalities for election of parliaments in the Member States and their working precedures.

Considerations about parliamentary mandate are meant to bring information on accountability of citizens' representatives in different parts of the world and to make an introduction to the main topic of the paper, the parliaments of European states. European parliamentarism, with its representative system, is found across the 27 European Union member states, each with its own pace of democratic and egalitarian system crossing. Differences between bicameral and unicameral system, both found in the EU relate to the organization and especially to the functions of the two Houses of parliaments. Their brief presentation is an introduction to the diversity of scrutiny systems, found in the second chapter, which describes also the level of europeanizations of those institutions.

Also, the first chapter describes and analyzes the formal parliamentary international relations, focusing on participation in COSAC – Conference of European Affairs Committees of Parliaments from EU Member States. This last part is intended as an alternative to the loss of competencies of national parliaments and a new method for recovery of parliamentary advantages - formal European parliamentary cooperation.

The second chapter, *Subsidiarity and the role of national parliaments in European decision-making*, presents the concept of subsidiarity together with the principle of proportionality, as they are written in the European institutional language and how they were taken up by the Treaty of Lisbon.

Ever since the creation of the European Economic Community there were concerns about the degree of sovereignty that will be lost with the accession to a supranational structure, which, over time, accumulate more and more power. Therefore, the Treaty of Lisbon resumed the principles of subsidiarity and proportionality, defining the limits of the European Union and options available for Member States to intervene when these limits are violated.

The content of the chapter is an analysis of how Member States and their parliaments took advantage of the Treaty of Lisbon for preparing the infrastructure for control of

subsidiarity; it also describes involvement in decision-making procedures in Brussels, focuses on the Romanian Parliament and how it adapted to new realities.

Specificities of European affairs coordination and scrutiny of government performance in this area directs this analysis to compare the systems in the MS and reveals the effects of institutional diversity but also similar procedures in dealing with these issues. The general trend is to give more importance to the parliamentary position while governments are left to deal with institutional coordination and to determine all the technical aspects. Also, the new Member States that joined the EU in 2004 followed the examples of Great Britain and the Northern Member States, which puts more emphasis on parliamentary presence in deciding the national position promoted in Brussels.

Even there is not a common system of coordination of European affairs, for all Member States, most procedures tend to involve more and more national parliaments in European decision making, in order to give more legitimacy to the position of Member States.

Another finding of scrutiny systems and coordination of European affairs analysis is that the transparency of decision-making and national involvement is generally low, leading to an also low level of citizens' knowledge about the consequences arising from membership of the European Union. This is another reason for the deepening of democratic deficit, which points out the need for such a research.

For Romania, member of the European Union from 2007, the analysis is more detailed than the rest and the conclusions revealed several issues: although there is a legislative and institutional infrastructure to carry out cooperation between the legislative and executive, this it is almost nonexistent; in practice, the Romanian Parliament is not involved and active in formulating national positions presented in Brussels.

The third chapter, *The European Parliament* presents the history and organization of this institution from its founding to the present, the dynamics of decision-making process and the place of the European parliament in EU's institutional architecture. In this context the paper discuss the democratic deficit and the European public space solution, as well as the communication deficit in European and national institutions.

The evolution of the European Parliament from 1952 to the present is marked by attempts to broaden the involvement of this institution into decision-making process and its power

limits by gradually receiving more important attributions. How the European representative institution has evolved and how it has adapted to the changes by the Treaty of Lisbon – is presented in this chapter, with emphasis on the role of the European Parliament.

In the context of the debate about the future of this institution and discussions about the low representation of European citizens and their reduced interest for the European construction, the paper covers three aspects, all part of the democratic deficit problem: setting up a second House of European Parliament, creating a European public space and dealing with communication deficit at national level.

Also, the paper analyses the idea of an European political class that addresses national issues in terms of common European interests; it might seem rather difficult, at least in the near future, as it is shown in this chapter notably that the parties present operating at European level are not able to interest citizens in European affairs or are incapable of an European vision.

What exists today as European political actors are, in fact, reflections conglomerates of national political in the external space, their objectives being to address European issues but, in fact, working in the same framework of negotiations, based on sectoral interests. Formation of political parties purely European, bringing together the representatives of national, regional and local representatives of European thinking, together with representatives of civil society - national and European - seems to be a viable alternative to the current political crisis of Europe.

The organization of European Parliament itself calls for this idea – for it does not function on national representation, but political, thereby increasing the spirit of the European political debate on the emergence of transnational problems and finding solutions that harmonize national interests with the European ones. Such parties would have a primary orientation towards European issues and would propose solutions primarily to those – regardless of which side of politics would be those solutions.

Representativeness of these new political parties would be given by the involvement of civil society – which, by its nature, allows for direct citizen participation – in particular those from the Member States; this would receive recognition and an European voice so legitimacy would come from representatives of local interests, involved in the regional

and national political construction, being aware that, given the increasingly stronger trend towards European integration, nothing that is locally can not go unnoticed in Europe. Such involvement would provide grounds for more consistent participation in European Parliament elections, covering, thus, the issue of legitimacy of MEPs.

There are both supporters and opponents of the idea of a bicameralist European Parliament. From arguments of better representation and increased efficiency in the performance, to counter-arguments showing the high costs of a second House for the European Parliament, these ideas are present throughout the third chapter, within the analysis of possible solutions to overcome the oldest problem of the European Union.

The first version of a second Chamber of the European Parliament is analyzed in terms of transformation of the Conference of European Affairs Committees of Parliaments of EU Member States or the Committee of the Regions and Economic and Social Committee. Currently, under regulations of the Committee of the Regions and the Economic and Social Committee, they meet five or nine times a year in plenary sessions, working also in committees (COR) and groups (CES) based on areas of expertise, sufficient for the issuance and approval of meeting notices. According to the Lisbon Treaty, the European Commission is obliged to consult the Committee of the Regions in the pre-legislative stage and whether the act will have an impact on regional or local authorities. Moreover, according to statistics made by the Economic and Social Committee, four out of five of its views are taken into account when legislative proposals are made by the European Commission.

The current formula enables the Economic and Social Committee to provide expertise to a qualitative discussion about the future European policies, but it is unclear if they can provide the necessary legitimacy, due to the fact that their members are appointed by national governments.

Arguments have been found for investing COSAC as a second Chamber of the European Parliament, the organization already having traditional debate on European issues, in a framework of national participation and already being recognized by the Treaty of Lisbon. If we consider the fact that its activities are funded from national parliamentary

sources, raising it to the rank of House of Parliament could cover the issues of legitimacy as well as the financial ones.

Opponents of the idea of a second Chamber for the European Parliament argue with the model of parliamentary organization in the Nordic countries, where an effective mechanism is in place for parliamentary control over government in matters of European affairs, going on the assumption that no additional expenditure from the European budget should be made. In this case it insists on better coordination in terms of national public communication issues related to EU membership and the need to involve citizens participation in decision making within Member States.

Thus, we emphasize that whether or not any institutional changes will take place, it is unlikely that citizens will feel that substantially in the quality of legislation, but rather in terms of expeditures for European institutions. In addition, whether members of national parliaments will, directly or otherwise, participate in the making of European legislation, the question remains: the citizens they represent will have something to say in this matter and to what extent their ideas and concerns will be reflected in new policies? The result of this approach is again looking to the responsibility of local, national and EU politicians, to bring Europe home for each citizen, to explain and communicate, so the latter can formulate some realistic ideas and issue some viable hypothesis. This can be covered effectively with public communication, European and national / local level.

Regarding the creation of the European public space and communication deficit, they are addressed first in terms of Habermas's ideas and second, by analyzing the results of the referenda held in Europe, from the Economic Community creation to present days.

Robert Dahl identifies an inverse relationship between size and extent of participation and representativeness: "once public space increases in size, it can decrease the effective participation of citizens, driven primarily by increased time required for expressing opinions." So, how much more international organizations increase in size, the need for delegation is more acute and practicality it is harder and harder to delegate properly. Dahl believes that the international organization should be controlled by citizens, like any other national institution, because this is the democratic way. This requires institutions and procedures that can ensure this control by political participation. However, European

political elites (in this case) must be involved in public debate within these institutions and create the chance of a political competition similar to the national one.

Also, another cause of the democratic deficit is visible when political elite of the Member States is concentrated at the central level, forgetting, apparently, their primary purpose – to serve the interests of many; in this equation emerges, from the institutions, the communication deficit – both European and national and also the lack of European education of local and regional politicians. In support of this last statement comes Jürgen Habermas's views on the European public space, describing the present situation as "an elite public discourse."

Jurgen Habermas speaks about European public space as an opportunity for citizens to freely discuss and congregate on European policies and strategies. What happens now is a place for elites and their public discourse, where people remain uninvolved, the result being the democratic deficit experienced in the European Union. Although the Lisbon Treaty was ratified and entered into force, the three failed referendums for this project showed weaknesses in public communication and the inability of governments to create a constructive debate about Europe. A referendum in all European countries could have had a negative response, but would have been a formula for including citizens in the process of deciding the future of Europe, considers Habermas.

The fourth chapter, *External Relations / European Parliament's international component of parliamentary cooperation*, treats the subject of parliamentary diplomacy of the European Parliament, examining its main relationships: with the US and the countries of Latin America. The chapter also summarizes the relationship between Parliament and other international actors and their approaches.

European parliamentary diplomacy, although it has not a tradition as such, is based on national models and the infrastructure is also similar; interparliamentary relations of the European Parliament are dealt with in an unified approach, despite its diverse composition.

To outline a clear analytical framework of the paper were used quantitative methods of analysis (content analysis) and qualitative (informal discussions with parliamentary experts, former members of the Romanian Parliament) and analysis of speeches and press releases provided by European and American officials. Another source of information was relevant topics polls conducted by different institutions and different studies on the topics concerned.

In terms of quantitative analysis methods, in order to outline an analytical framework of parliamentary cooperation and European developments in this field, data analysis was based on the study of reference books on international relations and European studies and monitoring of press in the field.

How does the European Union responds to present challenges? What are the solutions to reduce feelings of alienation of European citizens and elitist phenomenon? What are the solutions involving national parliaments in European decision-making and how effective are they?

These and many others are questions that this paper seeks to identify appropriate solutions, taking into account the current institutional architecture and procedural European and national challenges.

Key words:

Parliament, European Union, legitimacy, democratic deficit, referenda, Member States deparlamentizare, parliaments, public space, communication, information, elections, European political parties, parliamentary cooperation, subsidiarity, European Affairs, coordination, control.