Chapter 7

Institutional Dynamics in the European Union

This chapter examines the institutions of the European Union (EU) in terms of how they are structured and the processes by which decisions are reached on the ordinary and extraordinary agendas. We have distinguished the two agendas from one another as the plan of action that was set by the Rome Treaty and its informal modifications (the ordinary agenda) and the agenda for the modifications of the treaties themselves (the extraordinary agenda). Most of the formal treaty modifications have been brought together in the four packages of amendments: the Single European Act (SEA), the Maastricht Treaty on European Union (TEU), the Amsterdam Treaty, and the Nice Treaty. Other basic changes have been less formal and have been made on an ad hoc basis, such as the establishment of European Political Cooperation and the European Monetary System in the 1970s. We discussed agenda setting for the main amendment packages in Chapter 4 (SEA and TEU) and Chapter 5 (Amsterdam and Nice Treaties), where we placed emphasis on the role of the heads of state and government in the European Council and the president of the Commission as principal actors in the process of setting the extraordinary agenda. Also in Chapter 5, we saw the breakdown of the attempt to ratify the Constitutional Treaty. In this chapter, we look at the institutions themselves and the functions they perform. The chapter will be based on the distinction between “the governments,” organized collectively as the European Council and the Council of Ministers, and the “supranational institutions,” namely, the Commission, the European Court of Justice (ECJ), and the European Parliament. Regarding the latter three, we will make the traditional distinctions among executive, judicial, and legislative functions. The chapter concludes with an evaluation of the institutions by democratic standards, along with a demonstration of how democratic treaty ratification processes can assist in the downfall of a treaty that was crafted by a full-scale constitutional convention drawing widely on the political forces of the member countries. Figure 7.1 diagrams the institutions and the functions that link them to one another.
The term council is often used to refer generally to any of the bodies in which members of the 27 EU governments meet to decide policy issues of common concern. By “members” in this context, we mean heads of state and government and cabinet ministers. There are many more bodies of national civil servants and technical advisers from the 27 governments that meet together for various EU advisory, supervisory, and administrative purposes, but the principal policy decisions that governments make collectively are made by the councils. The most important of these is the European Council—the summit meetings of heads of state and government. The principal focus of the European Council is the extraordinary agenda. Since the Maastricht Treaty, the other councils have collectively been called the Council of the European Union, but we will use the older, but still commonly used, term Council of Ministers in referring to them. Interpretation of the roles played by the 27 governments and their councils will follow the theoretical perspective we have referred to as intergovernmentalism. (See Chapter 2.)
Because of its unique role and overriding importance, the European Council should be considered separately from the other councils, all the more so because it has become an institution in its own right, and has been ever since the Paris summit of December 1974 determined that the heads of state and government would meet three times a year. Simon Bulmer and Wolfgang Wessels have discussed the reasons why institutionalized summit meetings came into being in the 1970s.1 The “institutional inertia” of the European Community (EC) itself, especially the deadlocks occurring in the Council of Ministers, made it necessary for the heads to step in with the authority to achieve breakthroughs. Beginning with the Hague summit of December 1969, the heads had been meeting, though not on a regular basis, in part to take pressure off their foreign ministers, who were doing double duty making EC foreign policy, as well as general policy when they met as the General Affairs Council.2

The European Council is more than simply the most comprehensive and powerful of the councils established under the Rome Treaty. Initially, the responsibilities of the Council of Ministers were divided between the General Affairs Council and the various functionally specialized councils (e.g., budget, agriculture, and environment) that emerged after 1957. Most of these were already established when the European Council held its first meeting in 1975. By 1989, there were 89 council meetings annually, of which only 3 were meetings of the European Council. An institutional link between the councils is the Council Secretariat, headed by a secretary general, which keeps records of meetings and otherwise works with the Committee of Permanent Representatives (COREPER) and with the Commission in attempting to achieve agreement in council meetings.3 The General Affairs Council, assisted by the Secretariat, has a role to play in reconciling conflicts between the councils (e.g., between the Finance Council and the Agricultural Council). But since 1975, the leadership role that the foreign ministers attempted to play has been subordinated to that of the heads of state and government in the European Council.4

The SEA was the first “constitutional” source of the EC to give any legal recognition to the European Council, which it did in a two-sentence reference to its composition.5 By that time, the European Council had assumed a leadership role for the EC that exceeded that of the Commission. According to Peter Ludlow:

The conclusions of European Council meetings are, together with the Treaties, the most authoritative guide to the EC’s evolving agenda. They usually include a list of tasks to be carried out by the Commission and/or the Council, as well as a definition of principles in the policy areas discussed at the Council in question.6

As a body of such transcendent importance, it should properly be treated separately from the Council of Ministers wearing their various hats.

When originally established, the European Council was to meet three times per year. Usually, two of the three meetings were located in cities of the countries holding the presidency of the Council of Ministers, which rotated every six months in alphabetical order based on the official names of the states in their own languages. The third meeting was usually held in Brussels. The SEA reduced the number of prescribed annual meetings from three to two, one held at the end of each of the year’s two six-month presidencies in a city of the country having that status. However, the press of business has been such that in some years third and even fourth European Council meetings have been held. In fact, it has become common for each presidency to schedule a mini-summit to discuss specific problems halfway through its term and an end-of-term summit to deal with the most important issues requiring more formal commitments by the heads of state and government. For example, in the latter half of 2001, the Belgian presidency hosted a mini-summit in Ghent in October to discuss common positions on “post–September 11” terrorism and how to deal with the troubling economic conditions.7 Then, in December, in Laeken, a suburb of Brussels, the European Council agreed to the holding of a constitutional convention, which
produced a draft constitution for the EU. This ill-fated document later gave way to a new draft treaty that came to be known as the Lisbon Treaty. It contained significant reforms to institutional arrangements and governance in the EU (see Chapter 5) and was to be presented to the heads at a meeting of the European Council in late 2003 or in 2004, before being presented, with instructions by the heads, to a 2004 intergovernmental conference (IGC). The IGC would then work on a draft treaty revision for approval by the European Council and ultimate ratification by the member states.

Formal sessions of the European Council are restricted to two representatives from each member state. In most cases, the representatives are the head of state or government and the foreign minister (see Chapter 1). Also attending are the president of the Commission and one other commissioner. Interpreters are, of course, present, as well as a very restricted number of national and European civil servants, the latter from the Council and Commission Secretariats. Overall, the summits have become well-attended events, including the pervasive presence of the media.

At all summit meetings, the heads of state and government discuss the state of the EU economy. This may result in a very general statement of purpose on the part of the member states to work harder to improve economic conditions, and in that sense, it may add some urgency to actions on the separate agendas of the member governments. There may be ordinary agenda matters over which the Council of Ministers is deadlocked, resolution of which requires an appeal to the summit. Nugent gives the examples of budgetary and Common Agricultural Policy (CAP) deadlocks that cropped up frequently in the 1980s and could be resolved only by the heads of the state and government.

When quick action is needed, the heads may instruct their foreign ministers in the General Affairs Council to agree on measures to be taken. In fact, in a newly developing crisis, the foreign ministers may meet one or more times before the heads get together. The heads may also delegate responsibility or signal their general intent to the Commission, thus enabling the latter to take steps on its own, as when responsibility for providing aid to post-Cold War Central European countries was given to the Commission in December 1989. The heads do this simply by virtue of their authority as governmental leaders to act in emergencies without requiring advance approval by their national parliaments and without having to amend the treaties to do so. At the following summit meeting, the heads will then review the action taken and mandate further action by the other bodies as they deem necessary.

There are three institutional sources of summit agenda items that may well become extraordinary agenda items. The most frequent initiator is the Commission, which is represented by its president in European Council meetings and can make recommendations to the heads of state and government regarding matters that it considers to be within its sphere of responsibility. Note that, in cases where the Commission has played an initiating role, the European Council controls its own agenda and will decide what subsequent action will be taken on such items.

Other extraordinary agenda-setting initiatives have come from the country holding the Council presidency; for example, in early 1984, France pushed for the European Council to take concrete steps to advance the goal of European union, which resulted in the decision at the June 1984 Fontainebleau summit to commission an intergovernmental committee (the Dooge committee) to study proposals for political union and make recommendations. And, finally, the European Council itself sets its own extraordinary agenda by creating special intergovernmental bodies to examine issues and report back their recommendations, like the IGC that the December 2001 Laeken summit scheduled for 2004, which produced the failed Constitutional Treaty and the subsequent Lisbon Treaty.

The centrality of the European Council concerning the EU’s extraordinary agenda does not rule out the capacity of the normal Rome Treaty institutions to take on new responsibilities in the wake of fast-moving events, such as those that occurred in Europe at the end of the Cold War. These especially required the Commission and the Council of Ministers to take action during the
time when the European Council was not in session, dealing initially with the economic problems of the Central and Eastern European states and later with the admission of many of these states to EU membership.\textsuperscript{10} It appears that the existence of the European Council as a body that will meet later to approve or modify the actions taken by the other bodies in between its meetings lessens the danger of inaction on the part of those bodies in the face of unanticipated situations that demand immediate responses.

From the standpoint of intergovernmentalist theory, the role of the European Council has been to guard elements of national sovereignty, while delegating responsibility to the Council of Ministers and the Commission. This does not preclude the Commission and the other supranational bodies from interpreting the authority granted them in ways that will increase their own powers and responsibilities. The Lisbon Treaty formally recognizes the European Council as an institution and specifies how a president of the EU will be appointed.\textsuperscript{11}

**THE COUNCIL OF MINISTERS**

The Council of Ministers is a body with variable membership and responsibilities. Depending on the subjects of EU policy and administration being discussed, the Council of Ministers has met as any of more than 20 different councils, though efforts have been made to reduce this number.\textsuperscript{12} Each one groups a set of ministers from the 27 member countries. The three most important of these, as is clearly measured by the fact that they meet the most often, are the General Affairs Council, the Agricultural Council, and the Economic and Finance Council (ECOFIN). These have met 10–15 times per year. Two of them bring together the ministers who, next to their heads of state and government, are typically the most important members of their governments: the General Affairs Council (foreign ministers) and ECOFIN (finance ministers). The third, the Agricultural Council, groups the ministers concerned with the CAP, which accounts for the largest part of the EU budget. Less important are, for example, the councils of environment ministers and internal market ministers, who meet three or four times per year, and the councils of the education ministers and tourism ministers, who meet once or twice per year. The descending frequency of meetings suggests the descending importance not only of these ministerial posts in national government terms, but also of the policy areas in EU terms.\textsuperscript{13}

As discussed above, the European Council and the Council of Ministers are presided over at any given time by the appropriate executive official from the country that holds the EU presidency. Table 7.1 provides the timetable for EU presidency. This responsibility is passed from country to country every six months. The most significant of the various functions of the presidency is the ability of the government that holds it to control the agenda of the Council of Ministers. Insofar as legislative measures are concerned, it is the Commission that puts items on the Council’s agenda, but holding the presidency of the Council gives a government that opposes a particular Commission proposal the ability to keep it off the agenda for six months.\textsuperscript{14} Until fairly recently, the presidency rotated among the member countries in alphabetical order according to the spelling of the country’s name in its own language. The order was altered in 1998 to make it possible for older and newer, as well as larger and smaller, member states to alternate with one another. A “troika” arrangement adds to the effectiveness of the alternation by assuring that the current president will be assisted by those immediately preceding and following him or her.

For most matters that the Council of Ministers deals with, and certainly for all legislative matters, the ministers are dependent on the Commission to initiate the proposals—in other words, to draft the bills. Legislation proposed to the Council of Ministers falls into two categories: (1) regulations and decisions and (2) directives. Regulations and decisions are applicable directly to member states and/or to individuals within them and take effect immediately within member states, obliging governments to enforce them, but without requiring further legislation on their part. Regulations are of general application in all member states, while decisions are
more specific in terms of the member to which they are addressed. Directives are binding on member states in the sense of obliging them to adopt the necessary legal instruments (laws or executive acts) to give the directives force within the member states’ boundaries.

According to a study by Thomas Smoot and Piet Verschuren, in 1975 the Council of Ministers considered 329 proposals from the Commission and adopted 75 percent within two years, averaging 150 days from the time they were sent to the Council by the Commission.\footnote{Smoot and Verschuren showed that the annual volume of Commission proposals rose steadily from 1975, reaching 456 in 1979, with a 77.4 percent success rate, and 522 in 1984, with an 84.3 percent success rate, while the lag time for processing dropped over the decade after 1975 from 150 to 108 days in 1984. Although the SEA, which extended the range of voting by qualified majority, did not go into effect until 1987, in the previous year 617 proposals were made by the Commission with a success rate of 87.4 percent.\footnote{Numbers of Commission proposals dropped by more than 50 percent in the mid-1990s, as did their adoption rates. This does not appear to be due to increases in numbers of members, although further decline with the ten-member intake of 2004 may have continued the trend. Many legislative proposals are set aside or returned to the drawing board at early stages, but by the time a measure comes to a vote, the bargaining deals have been firmed up, so that, whether the vote is by qualified majority or unanimity, the requisite number of positive votes will usually be there. Still, the number of positive votes required is of great significance if a bill is to get to the voting stage at all. Enlargement to 27 members has added to the complexities involved.}}

Table 7.1 | Rotation of the EU Presidency

<table>
<thead>
<tr>
<th>Country</th>
<th>Time period</th>
<th>Country</th>
<th>Time period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portugal</td>
<td>July–December 2007</td>
<td>Italy</td>
<td>July–December 2014</td>
</tr>
<tr>
<td>Spain</td>
<td>January–June 2010</td>
<td>Malta</td>
<td>January–June 2017</td>
</tr>
<tr>
<td>Belgium</td>
<td>July–December 2010</td>
<td>United Kingdom</td>
<td>January–June 2017</td>
</tr>
<tr>
<td>Hungary</td>
<td>January–June 2011</td>
<td>Estonia</td>
<td>January–June 2018</td>
</tr>
<tr>
<td>Poland</td>
<td>July–December 2011</td>
<td>Bulgaria</td>
<td>January–June 2018</td>
</tr>
<tr>
<td>Denmark</td>
<td>January–June 2012</td>
<td>Austria</td>
<td>January–June 2019</td>
</tr>
<tr>
<td>Cyprus</td>
<td>July–December 2012</td>
<td>Romania</td>
<td>January–June 2019</td>
</tr>
<tr>
<td>Ireland</td>
<td>January–June 2013</td>
<td>Finland</td>
<td>January–June 2020</td>
</tr>
<tr>
<td>Lithuania</td>
<td>July–December 2013</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chapter 7  Institutional Dynamics in the European Union

Slovenia 4; and Malta 3. The qualified majority is at approximately 72 percent. Since November 2004, a qualified majority is reached:

- if a majority of member states (in some cases, a two-thirds majority) approves AND
- if a minimum of votes is cast in favor—which is 72.3 percent of the total (roughly the same share as under the previous system).

In addition, a member state may ask for confirmation that the votes in favor represent at least 62 percent of the total population of the EU. If this is found not to be the case, the decision will not be adopted. The Lisbon Treaty brings a clarification to the QMV system by outlining double majority. Decisions in the Council will need the support of 55 percent of member states (presently 15 out of 27) and should represent a minimum of 65 percent of EU’s population. Furthermore, it makes it difficult for a small number of large countries to block a decision since the blocking minority must have at least four member states.19

According to Fiona Hayes-Renshaw and Helen Wallace,20 from December 1993 to December 1994, 64 contested votes were taken in the Council of Ministers out of 261 decisions altogether; that is, 24.5 percent of all decisions were contested. In only five of the contested cases did as many as three or four member states vote negatively. Compromises will normally be reached before a vote is ever taken, failing which the issue will be set aside until such time as a decision by QMV becomes likely. This is all the more true when unanimity must be reached for a measure to pass the Council.21

On the grounds of sheer decision-making efficiency, QMV seems necessary. But Nugent observed 30 years ago that unanimity is sought in controversial matters and votes are delayed or not held in order not to isolate a member in disagreement.22 With further enlargements, and particularly the 2004 enlargement, it is understandable that efforts were made, in the Amsterdam, Nice, and Lisbon, to move categories of legislation from the unanimity requirement to QMV. Although ratification of the Lisbon Treaty is pending, the preceding two treaties considerably expanded the domain of QMV.

Paradoxically, the unanimity principle sometimes makes it easier for certain decisions to be reached because when majority voting applies, abstentions count as negative votes. When unanimity is required, abstentions are simply not counted. Ministers may use abstentions when unanimity is required if they wish to permit a positive result, while not having to tell critics at home that they voted for it.23 But if there is likelihood of a veto when unanimity applies, it may mean that the issue will be set aside for further bargaining or perhaps will be sent to the European Council in the hope that a bargain can be struck that is satisfactory to the government withholding its agreement.

Students of the Council of Ministers who wish to examine the process of voting where QMV applies are hampered by the absence of accurate information on membership preferences and actual votes on the issues. Speculations about “package deals” and “side payments” to enable the requisite number of positive votes to be cast have had to be made on the basis of assumptions about where member governments are placed on pro- or anti-integration spectrums.24 Once such assumptions are made, it is possible to imagine which countries must join together in order to achieve the qualified majority on issues that can be seen to divide them on these grounds.

Underlying the assumptions and analytical methods is a conflict perspective that draws on rational choice institutionalism (see Chapter 2). Suppose there is a conflict between Euro-skeptics Britain and Denmark, on the one hand, and Italy, the Benelux countries, and several of the 2004 intake, on the other, with France, Germany, and others found somewhere in between. Deadlock can be overcome if the Commission as agenda setter can fashion a proposal that captures the agreement of the pivotal voter whose weighted votes are needed to achieve a qualified majority. Where the unanimity rule applies, coalitions of like-minded members (e.g., Germany and the
Benelux; newer members; Scandinavian countries) are taken as stable building blocks for achieving unanimity behind carefully crafted package deals. Such formulations are useful for making our assumptions clearer, but they may not be very close to reality, which must certainly be that policy making in the EU aligns 27 members in a wide variety of ways depending on the substance of issues and the preferences of parties and leaders in charge of governments. So the composition of winning and blocking coalitions will differ from one issue to another, as studies of bargaining in the IGCs have shown. The assumption of a single ordering or of stable coalitions like the Benelux three may have been less heroic when the EC had only 6 members, but it allows us to make only the most abstract of speculations with 27 members.

A very different approach to the Council of Ministers has been taken by scholars who emphasize the processes by which consensus is fashioned among the individuals who represent their governments in the intergovernmental bodies. In fact, there is a considerable infrastructure of Council civil servants and national civil servants meeting in a variety of committees and working groups. One of the two most important of these bodies is the Council’s General Secretariat, which prepares meetings of the Council of Ministers and whose secretary general, a relatively obscure, but powerful official, has had, since the Amsterdam Treaty, an important leadership role in the formulation and execution of Common Foreign and Security Policy (CFSP). The other is the COREPER, consisting of ambassadorial-level officials and a substantial supporting infrastructure. It examines proposals for legislation prior to Council of Ministers’ deliberations on them and, together with specialized groups of national civil servants who report to it, actually makes decisions on matters that are the easiest to resolve, which is a high percentage of the total Council decisions.

The more difficult decisions are made by the ministers on the advice of their permanent officials, who have gone over them and identified the points at issue and the positions their fellow ministers are likely to take on them. The COREPER and the specialized committees that deal with the Economic and Monetary Union (EMU), EU commercial policy, CFSP, and Justice and Home Affairs play a very important role in shaping the alternatives between which the ministers will decide. The COREPER, in particular, consists of permanent residents in Brussels who are in constant contact with one another and who have developed a common way of looking at EU issues, which undoubtedly influences the decisions made and often (but certainly not always) enables agreement to be reached in the Council of Ministers itself.

Unlike more restrictive intergovernmental perspectives, including that of rational-choice institutionalism, this is a perspective on EU decision making that stresses consensus-building processes that go on not only under assumptions of confidentiality, but also away from the investigative light of the media. It is more compatible with the neofunctional assumption that pragmatic decisions will be reached leading to greater integration because of an appreciation by experts of what else must be done in order to make already agreed-on tasks more workable.

Member states continue to act on a perception of their own best interests, and negative outcomes do occur. But intergovernmentalist accounts of the work of the councils explain more than vetoes. They explain bargains that are struck and the willingness of member states to delegate authority to supranational bodies. Intergovernmentalist accounts are not confined to accounting for deadlock; they can be reconciled with a “ratcheting” effect, where supranational bodies interpret grants of power to the maximum extent, leaving intergovernmental bodies without the majorities necessary to reverse direction. Both perspectives are needed to fully understand what is decided (or not decided) within the various arenas for making EU policy.

The Treaty of Nice (see Chapter 5) has been analyzed from a rational-choice perspective by George Tsebelis and Xenephon Yatagatos, with very pessimistic conclusions. They point to the complications introduced into the QMV requirement by the additional necessity of gaining support of a majority of member states and, if one member requests, of 62 percent of the total EU population. The first addition strengthens the position of smaller states, while the second advantages larger
states, especially Germany, the most populous. Tsebelis and Yatagatos stress the members’ veto capacity. But this will not often be expressed in actual votes. It may mean a lengthening of the process of consensus building, but this is happening anyway, given enlargement of the EU from 15 to 27 members.

It must be remembered, however, that past legislation, which had delegated a wide array of responsibilities to the Commission, is regarded as the *acquis communautaire*, a body of laws, regulations, and court decisions that the new members must accept, indeed are already in the process of making part of their own systems of law and administration.

**THE SUPRANATIONAL FIRST-PILLAR INSTITUTIONS**

In this part of the chapter, we review the supranational EU institutions: the Commission, the European Court of Justice, and the European Parliament.

**The Commission**

When we examine the decision-making process for legislation authorized by the Rome Treaty, the SEA, and the Maastricht Treaty (first pillar), the strong role of the Commission becomes quite apparent. José Manuel Barroso is the current president of the Commission. The 26 other commissioners—one from each member state—oversee different portfolios and receive assistance from about 24,000 civil servants, most of whom work in Brussels. The Commission is appointed for a period of five years within six months of elections to the European parliament.

The Commission sets the legislative (ordinary) agenda for the Council of Ministers. It generates its own proposals as a result of its interpretation of what has been mandated by the treaties, or it may respond to pressures from interest groups, from the European Parliament, or from member governments speaking individually or collectively in the Council. In preparing a draft legislative measure, the appropriate Directorate General (DG) of the Commission consults with other units of the Commission. In consultation with the COREPER, it takes in the views of governmental and nongovernmental experts, including interest group representatives. Then the DG drafts the proposal. The decision to go ahead is taken by the college of 27 commissioners, usually without dissent, although if a vote is needed, a majority of those present is required for adoption. If approved by the commissioners, the proposal is sent to the European Parliament. This gives the Commission an important role as exclusive legislative agenda setter. Thereafter, the Commission is kept apprised of proposed changes in the legislative measures and, under some procedural circumstances, may reject proposed amendments, suggest alternatives to them, or even withdraw a proposal, so long as the Council has not yet approved it. The legislative process will be examined in greater depth below. The literature on this process has emphasized the interaction between the European Parliament and the Council of Ministers, but it should not be forgotten that the process is not set in motion until the Commission sends a draft proposal to the European Parliament. Moreover, the Commission is in close touch with the other bodies throughout the process.

Most EU legislation is implemented by actions taken at the national level. The Commission oversees this implementation and calls to the attention of the offending government any failure to act or action that is contrary to EU legislative intent. Continued failure of a state to comply with the Commission’s wishes may lead the latter to refer the case to the European Court of Justice (ECJ). Several member states show higher rates of noncompliance than do others, Italy being the most notorious footdragger. However, if the ECJ finds that a state has failed to comply with EU law, the failure will usually be rectified. The ECJ has the power, given it by the
Maastricht Treaty on the initiative of the Commission, to levy substantial fines against states that continue to violate its interpretations of their obligations under the treaties.37

The Commission also has administrative responsibilities of its own, as in the case of efforts to detect monopolistic and market-sharing violations of EU competition legislation or in the case of agricultural, regional, and social funds, the allocation of which it administers. These supervisory and direct administrative functions of the Commission mostly involve technically complex policy areas, and the phenomena to be dealt with far exceed the capacity of the relatively small Commission bureaucracy. Decisions as to which cases to pursue or which needs to satisfy within the industrialized member countries, each with its own vast bureaucracy, must inevitably be highly selective.38 This may contribute to a certain negative image of the Commission, which is often accused of bureaucratic interference with national economies, even when it is taking action designed to open the market against state or private-sector interference.

Increasing scholarly attention has focused on the Commission’s role in the implementation of EU policy. The assumption is made that the Commission acts as the agent of the member governments in carrying out policies, the choice of which has been largely in their hands. Although this is an oversimplification, given that much of the actual implementation of EU policy is the responsibility of the governments themselves, the Commission oversees their work and will, on occasion, bring a government before the ECJ. Thus, the Commission is in a position to determine in what ways and to what extent EU laws will be enforced. In doing so, according to the analysts,39 it acts as the agent of a “principal,” that is, of the governments. The latter have acted collectively in adopting the legislation, and the Commission acts to see that the governments individually comply with the policies they have collectively chosen.

A public-choice perspective hypothesizes that the Commission will interpret the Council’s wishes in such a way as to extend the overall competence of the EU as far as possible into policy domains that have previously been under the exclusive individual control of the national governments. In principal/agency theory, as applied to the EU, after the principal (Council of Ministers) has delegated authority to the agent (Commission), it finds that the agent is not easy to control and will be likely to interpret the responsibility placed on it more expansively than the principal intended. Given that the Council is a collective decision-making body, it will be easy for the Commission to satisfy enough of the member governments to make it unlikely that a majority will be found to withdraw the powers that were originally delegated. An example given by Jonas Tallberg40 is the liberal use of competition policy enforcement powers against multinational corporations, sometimes to the consternation of national governments in the countries where the corporations are based.

The legislative role of the European Parliament is outlined below. But it has another role that has been growing through successive treaty revisions as well. In fact, the Parliament shares with the Council of Ministers the job of overseeing the work of the executive. The Parliament has powers vis-à-vis the Commission akin in some respects to those of national parliaments involved in keeping the executive in check. In Europe’s parliamentary and semiparliamentary democracies, parliaments have the power to censure or vote no confidence in the government, which, under a variety of controlled circumstances, can mean the end of the repudiated government’s tenure in office. In recent years, the European Parliament has gained a portion of similar powers to hold the Commission accountable. Since the Rome Treaty, it has had the power to censure and thus force the dismissal of the entire Commission by a two-thirds majority. Until 1999, this had never seemed a very realistic possibility, not because two-thirds was an impossibly high bar to clear, but because the Parliament and the Commission were seen as natural allies against the governments and thus unlikely to be seriously at odds with one another on important issues of European integration. But criticism of the Santer Commission’s incompetence (which was seen to be undermining the progress of integration) was mounting in the Parliament during the late 1990s. The criticisms were focused on particular commissioners, but the power of censure that
98 Chapter 7 Institutional Dynamics in the European Union

the Parliament holds is of the all-or-nothing type. If censured, the whole Commission has to resign, but not if the reprimands are confined to individual commissioners. Yet a reprimanded commissioner is not obliged under the treaties to resign.

In January 1999, a censure vote was taken in the European Parliament against the whole Commission, but the votes necessary for a two-thirds majority were lacking. However, a report by a committee of independent experts confirmed complaints against Santer and other commissioners for avoiding responsibility and, in some cases, for exhibiting favoritism in appointments to responsible positions under their authority. Rather than face another censure vote, the Santer college of commissioners collectively resigned in March 1999.\footnote{41}

The European Parliament also has a role to play in the appointment of a new college of commissioners, as in the case of the Romano Prodi Commission, which was approved later in 1999 after its members were individually examined very closely in hearings conducted by the Parliament. The Parliament does not have the power to refuse appointment of individual commissioners, but it can vote down the proposed college of commissioners, including the member of that body whom the governments have designated as president. The Prodi college was accepted, but by its careful scrutiny, the Parliament had served notice that it would be monitoring the commissioners’ activities very closely. This is an additional factor that must be taken into account when the Commission decides how energetically it should implement EU policy. But if the Parliament’s role as “principal” bears some similarity to that of the Council, its standards for Commission performance are different. The Parliament may even be critical of the Commission for not going far enough in introducing legislation that might exceed the wishes of the member governments.

The Lisbon Treaty replaces the term European Commission by the word Commission in all treaties.\footnote{42} The Treaty also reduces the number of Commissioners starting in 2014, where only two thirds of member countries will have a Commissioner (e.g., with 27 countries, there would be 18 Commissioners), with the posts rotating among the countries.\footnote{43} The number of Commissioners can also be changed by the European Council (by unanimous vote).

In another major change, there will be a direct link between the results of the European elections and the choice of candidate for president of the Commission. The president will also be stronger, as he/she will have the power to dismiss fellow Commissioners.\footnote{44}

\section*{The European Parliament}

Today the European Parliament (EP) is a body of 785 members, elected every five years by the voters of the 27 member countries. In the 2004 elections, 732 members were elected to the EP from 25 member states. When Bulgaria and Romania joined EU in January 2007, this number increased to 785, with 35 Romanian and 18 Bulgarian representatives joining the EP. The Lisbon Treaty stipulates that the number of representatives in the EP shall not exceed 751, with the delegate numbers for each country fixed at a maximum of 96 and a minimum of 6 for each member state. With this in mind, the Constitutional Affairs Committee of the parliament approved a proposal for the new allocation of seats starting in 2009, with a further revision of the proposed distribution of seats for the 2014–2019 parliamentary term. Table 7.2 provides a comparison of distribution of seats by member states according to present and proposed rules.

The members are divided into seven parliamentary groups as Christian Democrats, Socialists, Liberals, Greens, and so on, each grouping together members of similar ideological persuasion across the country delegations. The Parliament is also divided into substantively specialized committees, which examine and report their recommendations regarding legislation and conduct fact-finding inquiries. The leaders of the parliamentary groups and committees play important roles in organizing and motivating the Members of the European Parliament (MEPs) in their week-to-week activities.\footnote{45}
The role of the Parliament in the legislative process remained quite limited until the SEA extended its legislative powers. Despite the direct elections of MEPs from 1979, before the SEA the Parliament was consulted by the Council of Ministers and the Commission during the legislative process, but neither body had to adhere to its opinions.

In the formulation of the EC annual budget, however, the Parliament gained in power at an early date. A treaty amendment of 1970 gave it the power to propose changes in EC spending of a “noncompulsory” nature. This included the various forms of social and regional assistance that were

---

Table 7.2 ■ New Allocation of Seats in the European Parliament

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>99</td>
<td>96</td>
</tr>
<tr>
<td>France</td>
<td>72</td>
<td>74</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>72</td>
<td>73</td>
</tr>
<tr>
<td>Italy</td>
<td>72</td>
<td>72</td>
</tr>
<tr>
<td>Spain</td>
<td>50</td>
<td>54</td>
</tr>
<tr>
<td>Poland</td>
<td>50</td>
<td>51</td>
</tr>
<tr>
<td>Romania</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>Netherlands</td>
<td>25</td>
<td>26</td>
</tr>
<tr>
<td>Greece</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Portugal</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Belgium</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Hungary</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Sweden</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>Austria</td>
<td>17</td>
<td>19</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Denmark</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Slovakia</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Finland</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Ireland</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Lithuania</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Latvia</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Slovenia</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Estonia</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Cyprus</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Malta</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td><strong>EU27</strong></td>
<td><strong>736</strong></td>
<td><strong>750</strong></td>
</tr>
</tbody>
</table>

of considerable interest to MEPs, but did not include the majority of the budget, agricultural spending, which even the Commission and the Council of Ministers could not bring under effective control. Following a treaty amendment of 1975, the Parliament also gained the power to reject the annual budget outright, in which case the three principal Rome Treaty bodies would have to negotiate an agreed budget. This puts the Parliament in a good position to get the Council to approve expenditure increases, at least when the Commission supported the Parliament. The Council votes by QMV on budget issues, which were not subject to the Luxembourg compromise, and it is faced with a timetable of rigid deadlines. These features give the Parliament an opportunity to seek allies among the member states in order to gain concessions from countries such as France and Britain, which are inclined to oppose extensions of the Parliament’s powers at the expense of the member states.

Once the SEA went into effect in July 1987, there existed three different procedures for EC legislation: the **assent** procedure; the **consultation** procedure, which is a continuation of the procedure existing before the SEA; and the **cooperation** procedure, which added to the capacity of the Parliament to influence the outcome of legislation. The assent procedure involves an up-or-down vote without amendments and applies today to citizenship, structural funds, and the Cohesion Fund. More importantly, it gives the Parliament a role in the “ratification” of EU-negotiated treaties with third countries, particularly in enlargement and association treaties. But it can neither delay nor amend agreements that have already been reached with non-EU states, so its ability to vote such treaties up or down is not the sharpest of weapons.47

Under the Rome Treaty’s consultation procedure, the Parliament’s role is to give a legislative proposal (henceforth called a **bill**) a **single reading** after it has been received from the Commission. The Parliament may suggest amendments, and if the Commission accepts them, the Council of Ministers must consider them as part of the bill. A Commission-supported measure can be finally adopted by the Council either by unanimity or by qualified majority, depending on treaty specifications. According to a 1980 ruling of the ECJ, the Council must wait until the Parliament has expressed its opinion before acting on the legislation.48

The cooperation procedure introduced by the SEA applied to much of the legislation designed to create the single market by the end of 1992. It is more complicated than the consultation procedure, but in essence, it gives the Parliament a **second reading** of a bill after the Council has given it a first reading and adopted a common position (which is the point at which the legislation is adopted in the consultation procedure). The Commission plays a crucial role in being able to accept or reject the Parliament’s amendments at the second as well as the first reading. The Parliament may reject the bill outright on second reading if a majority of the MEPs votes against it, in which case the measure can become EC law only if the Council votes unanimously to override the Parliament’s veto. The cooperation procedure applied mainly to single-market legislation under the SEA. Today it applies only to aspects of the EMU.49

The Maastricht Treaty provided for a fourth procedure, **codecision** (Figure 7.2). This replaced consultation for some, but not all, types of legislation where consultation applied, and it applied in some, but not all, new areas of EU competence under the treaty. Unlike with the cooperation procedure, in codecision, failure of the Parliament and the Council to reach agreement at the second reading touched off a new step, the formation of a conciliation committee, including representatives of both bodies, that would attempt to work out an agreed position. If the committee could not reach agreement on a common version, the proposal would be shelved unless the Council passed its first version (its common position) by QMV. But it was the Commission’s job to try to find common ground between the Council and the Parliament. If a commonly agreed version was produced, it could still be defeated when returned to the Council, which needs a QMV to pass it, or to the Parliament, which could defeat the final version in the absence of simple majority. In the first four and a half years that the procedure was in effect, of the 130 completed codecision procedures, “agreement between the Council and the EP was reached in 127 cases, . . . in only three cases did the two institutions fail to agree on a joint text.”50 In essence, with codecision, the
Parliament became a coequal legislative body, but only in those domains of policy making where the procedure applied.

Political scientists George Tsebelis and Geoffrey Garrett have questioned whether the codecision procedure of the Maastricht Treaty actually served to increase the powers of the European Parliament vis-à-vis those of the Council of Ministers, although they agree with others that the powers of the Commission were weakened relative to those of both the Parliament and the Council. They first argue that the cooperation procedure established by the SEA puts the Parliament in the position, along with the Commission, of being a “conditional agenda setter.”

**Figure 7.2 Codecision Process in the European Union**


Parliament became a coequal legislative body, but only in those domains of policy making where the procedure applied.
By this, they mean that the Council of Ministers, after the Parliament’s second reading and the Commission’s approval of the Parliament’s amendments, was faced with the alternatives of voting for the amended measure under the qualified majority rule and of rejecting the Parliament’s amendments, which it could do only by a unanimous vote. Basically, although the Council had the final decision, its realistic options were to vote for or vote against a bill that contained the Parliament’s amendments. This is because there would be at least a minority of states willing to accept the Parliament’s amendments. The rest of the states might be in a position to refuse QMV, but they could not reset the agenda. The measure they voted up or down would contain propositions of EP origin, and the Council might actually have seen some of its original amendments rejected by the Parliament on second reading.

When it comes to the codecision procedure, they argue, the Maastricht Treaty changed the conditional agenda setter from the Parliament (working together with the Commission) to the Council of Ministers. By opposing the Parliament’s amendments to the proposed legislation, the Council was in a position, in the conciliation committee deliberations, to hold onto its own version of the proposal essentially as it had been prior to the convening of the Conciliation Committee, after which the Parliament was no longer able to change it and had to vote it either up or down. Tsebelis and Garrett argue that the bill would represent enough of a change in the status quo in the direction the Parliament wanted that members would prefer adoption of a flawed version to none at all. Moreover, the Council might stick to its original version and adopt it by QMV, so the Parliament had a motivation to accede to the Council’s wishes in the Conciliation Committee.

It is noteworthy that the Amsterdam Treaty, which was signed in 1997 and went into effect in 1999, gave some support for the Tsebelis–Garrett interpretation by changing the “end game” of the codecision process so that the Council lost its ability to adopt the treaty without the amendments proposed by the Parliament. This put the Parliament in a strong position to move a bill’s contents closer to what rational-choice theorists call its median preference, which is further to the supranational side than is the Council’s median preference.

However, although the Tsebelis–Garrett argument may be persuasive if one accepts the influence they attribute to conditional agenda setting, other observers have called attention to an informal process of negotiation in the original codecision procedure that the Commission was involved in with the other two bodies before the Conciliation Committee convened. The Commission attempted to broker agreements between the Parliament and the Council during the first reading. According to Michael Shackleton, this made it possible for the Parliament to “win” in the ultimate bargaining more often than the Council of Ministers. At any rate, the Amsterdam Treaty removed cooperation as a process for ordinary legislation, replacing it with the new version of codecision.

It should be acknowledged that both the cooperation and the codecision processes are quite complicated and difficult for all but inside observers to follow very closely. It may well be that to assign “success scores” to the Parliament and the Council is to make these two bodies, and the potential coalitions within both, too concrete to enable us to capture their complex alignments and working procedures. The true coalitions cut across the memberships of the two bodies such that neither one consistently wins or loses; nor does the Commission, which is itself neither a monolith nor a passive bystander.

Amie Kreppel finds the growth of the formal European Parliament’s powers in the 1990s to have been accompanied by a considerable concentration of power in the two main Euro-parties that together constitute a majority of the Parliament’s membership, the cross-national Party of European Socialists (center-left) and European People’s Party (center-right). Together, these two groups have developed a predominance in the Parliament that rivals that of the two major parties in the United States, although in the case of the Parliament’s party system, they are not the only two parties to hold seats (see Chapter 8). According to Kreppel, the dominance of these two groups has “led to a highly centralized and largely bipartisan European Parliament that much
more closely resembles the U.S. Congress than it does the [British] House of Commons,” in the sense that there is a separation of powers, and the Parliament is now in a position vis-à-vis the Commission and the Council of Ministers to give as well as it gets.  

The European Court of Justice

The ECJ consists of 27 judges, 1 appointed by each of the member governments. The judges are expected to be appointed on the basis of their stature as jurists, their expertise in jurisprudence, and their independence from political influence. They are appointed for six-year terms, with approximately half of the terms coming to an end every three years. Since the Commission became more active in introducing new legislation in the late 1970s, the ECJ has found itself deciding on many important cases that sort out the respective powers of the member governments and the supranational institutions. Yet already in the 1960s, it had enunciated two doctrines that paved the way for its judicial activism of more recent years. First, treaties have direct effect in the legal systems of the member countries and may be enforced in the courts of the member states. And, second, EC law has supremacy over national law, even if the national laws are adopted after the EC laws. The decisions did not attract a great deal of attention at the time, but they have since formed the basis for extending the court’s ability to rule that member governments are in violation of EU law when they implement national laws that violate EU law or fail to implement laws that have been adopted by the EU institutions.

The ECJ has gone further. Article 235 of the Treaty of Rome contains a provision reminiscent of the “necessary and proper” clause of the U.S. Constitution:

If any action by the Community appears necessary to achieve, in the functioning of the Common Market, one of the aims of the Community in cases where this Treaty has not provided for the requisite powers of action, the Council, acting by means of an unanimous vote on a proposal of the Commission and after the Assembly has been consulted, shall enact the appropriate provision.  

This has enabled the Council of Ministers, on the Commission’s initiative, and when the Council can attain unanimity, to enter into fields of activity not strictly outlined in the Rome Treaty—in other words, to pursue an extraordinary agenda. Principal examples have been in the domain of environmental policy—for example, a 1980 directive “on the protection of ground water against pollution caused by certain dangerous substances,” justified under Article 235 as necessary to improve the “quality of life.” This was based on references at the beginning of the treaty to the objective of raising living standards in the member countries. The ECJ has permitted such extensions of the treaty as long as the Council has voted unanimously in favor of them.

Although it operates quietly in the small duchy of Luxembourg, the role of the ECJ in facilitating a looser interpretation of the Rome Treaty should not be underestimated. Anne-Marie Burley and Walter Mattli have persuasively argued that neofunctionalism is alive and well, although it is to be found operating in purer form in Luxembourg than at the Commission headquarters in Brussels. In Luxembourg, “technical-economic” logic is couched in legalistic terms, but the effect is similar to what Ernst Haas had predicted: Community powers have expanded through a gradual process of treaty interpretation by EU institutions under the pressure of economic interests seeking to gain advantages at the EU level that are denied them at the national level. Business and farmers’ organizations, as well as national and multinational companies, put pressure on the Commission and the national governments, but they also employ lawyers specializing in EU law. These legal specialists present briefs to the ECJ, offering legal arguments for expanding EU authority.
The judges in Luxembourg have responded by finding authority in the Rome Treaty, as in Article 235, for expanded powers. They have also declared actions—and inactions—by member governments to be treaty violations in that they encroach on or detract from the authority of the original EC institutions as granted by or implied in the Rome Treaty. By its decisions since the 1960s, the ECJ has created an atmosphere that is favorable to the transfer of power from the national to the EU level. The ability of the ECJ to interpret the EU treaties and laws in ways that enhance the freedom of the Commission to make decisions is held by supranational theorists to be the trump card that the Commission holds, enabling it to impose its own interpretations of its powers upon the governments. The principle of judicial independence from political control assists the ECJ in presenting the governments with irreversible supranational interpretations of the treaties.

Since the adoption of the SEA, there have been calls for the ECJ to assume a more juridical, less political stance. Indeed, the Maastricht Treaty clipped the ECJ’s wings by preventing its jurisdiction from reaching into new policy domains that the EU enters, most significantly the area of “justice and home affairs.” However, subsequently, the Amsterdam Treaty moved visa, asylum, and immigration policy from the third to the first pillar, “thereby bringing these delicate matters almost fully within the normal jurisdiction of the ECJ.” The more overtly political organs of the EU have taken greater control of the extraordinary agenda since the mid-1980s, making it less necessary for the ECJ to prod them in the direction of new initiatives. Further, national courts have been emboldened to assert a greater role in examining the validity of national legislation, even in member states where there is no tradition of judicial review.

OTHER INSTITUTIONS

The Economic and Social Committee

The Economic and Social Committee (ESC) was created under the Rome Treaty and now consists of 344 members appointed by the Council of Ministers on the proposal of the national governments. The number of members for each state varies according to their respective populations. Accordingly the distribution is as follows: 24 members each for Germany, France, Italy, and the UK; 21 members each for Poland and Spain; 15 for Romania; 12 each for Belgium, Bulgaria, Greece, the Netherlands, Austria, Portugal, Sweden, Czech Republic, and Hungary; 9 each for Denmark, Finland, Ireland, Lithuania, and Slovakia; 7 each for Estonia, Latvia, and Slovenia; 6 each for Luxembourg and Cyprus; and 5 for Malta. Members are individuals considered representative of important economic interests, especially employers, workers, farmers, and professionals in various categories. In fact, many are leaders of important interest groups at the national level, and as such, their influence on EU legislation comes in at various points in the legislative process, making the collective views of the ESC somewhat redundant. However, when it speaks with one voice on issues, such as social legislation, in which interests might be expected to diverge, it can be influential.

Committee of the Regions

The Committee of the Regions (COR) bears some resemblance to the ESC, outlined immediately above. It was created by the Maastricht Treaty to play an advisory role to subnational autonomous regions such as Scotland and Wales in the United Kingdom, Catalonia in Spain, and the Länder of the German Federal Republic. The European Parliament and the ESC see it as a redundant body that could only compete with their own representative functions, but the COR was established in response to a growing demand for greater regional autonomy and a corresponding belief that, as regions grow in self-governing capacity, they, too, should have a voice.
The COR is located in Brussels and has 344 representatives of regional and local governments of member states based on their population size. The numbers per country are as follows: 24 members each for Germany, UK, France, and Italy; 21 each for Spain and Poland; 15 for Romania; 12 each for the Netherlands, Greece, the Czech Republic, Belgium, Hungary, Portugal, Sweden, Bulgaria, and Austria; 9 each for Slovakia, Denmark, Finland, Ireland, and Lithuania; 7 each for Latvia, Slovenia, and Estonia; 6 each for Cyprus and Luxembourg; and 5 for Malta.

According to Liesbet Hooghe and Gary Marks, the COR is handicapped in its effort to give representation to regions because it must give representation to whatever passes for a region in every country, some of which do not have regions with distinctive traditions and contemporary interests. Regions that are newly empowered in their own countries, such as Scotland and Wales in the United Kingdom, did not benefit from direct COR help as much as they did from their own ability to find leverage within their own national political party system and from the symbolic support that creation of the COR had given member states’ regions that were seeking greater autonomy. However, under the proposals of the Lisbon Treaty, increased emphasis on subsidiarity would give regional representatives more power in voicing their citizens’ concerns at the EU level.

CONCLUSION

We have discussed in this chapter the structures, powers, and rules of the EU in terms of their bearing on the ways in which the ordinary and extraordinary EU agendas are set and processed. Ordinary agenda setting is primarily the job of the Commission, while processing the agenda involves an interaction between the Council of Ministers and the European Parliament, with the Commission playing a mediating role that often is used in practice to augment the influence of the Parliament. Three different procedures are used, as specified by the Treaty of Rome, the SEA, the Maastricht Treaty, and the Amsterdam Treaty. In order of the ascending importance of the European Parliament, the procedures are (1) consultation, which gives the Parliament a voice; (2) cooperation, which gives it a conditional blocking power; and (3) codecision (Amsterdam Treaty version), which gives it an ultimate veto. The capacity of one member government to block a legislative measure in the Council of Ministers has been diminished further by each treaty, including the more recent Nice Treaty.

The treaties are essentially silent on the question of how democratic the EU institutions ought to be. The burden of making them responsive to voters is in the hands of the directly elected European Parliament. Voters who lose may not be aware of what or how they have lost unless the media or interest groups or political parties focus their attention on the losses. But the issues are often so complicated that only elites can debate them with other elites. In all of the EU countries, elections are held frequently at the national, regional, and local levels, and the EP election every five years is just another of them.

But in the 1990s, EU issues began to appear more frequently on national public agendas. In elections held in the Netherlands, France, and Germany in 2002, immigration was an issue that was linked in the campaigns of extremist parties with the prospect of further EU enlargement, affecting the balance of support for moderate parties committed to enlargement. The 2004 enlargement was a recent event for the voters of France and the Netherlands when they rejected the Constitutional Treaty in 2005. This was taken as a sign that a true “European public opinion” had not yet emerged because it was still fragmented into its 25 different national components, which can produce setbacks for European integration. However, it also demonstrated that a democratic political process is emerging. Voters are exercising their right to be heard. Elite acknowledgment of this development and adjustment to it are the necessary steps toward a democratic EU.
106 Chapter 7 Institutional Dynamics in the European Union

STUDY QUESTIONS

1. Discuss the key institutional reforms that addressed “democratic deficit” in the European Union.

2. Compare and contrast intergovernmentalism and supranationalism as they apply to governance in the European Union. Explain how these two concepts and their presence in EU institutions better or worsen democratic deficit in the Union.

3. How did the TEU, Amsterdam Treaty, and Lisbon Treaty address democratic governance in the EU?

4. Explain the codecision process. How does it address citizens’ participation in EU governance?

5. Explain the basic structural characteristics of First-Pillar Institutions.

6. What is the European Council and why is it important for agenda setting?

ENDNOTES

2. Ibid., p. 20.
9. Ibid., pp. 407–408.


21. One study found that the percentage of Council of Minister votes that received unanimous support, with no abstentions, per year from 1994 to 1998, ranged from 75 percent to 86 percent and the percentage of decisions in which at least one negative vote was cast ranged from 12 percent to 19 percent. Mikko Mattila and Jan-Erik Lane, “Why Unanimity in the Council? A Roll Call Analysis of Council Voting,” European Union Politics 2 (2001): 40.


27. For the work of the Secretariat, see Hayes-Renshaw and Wallace, *The Council of Ministers*, chap. 4.

28. Ibid., p. 78.


30. Peterson and Bomberg argue that several theoretical perspectives are useful, given the complexity of EU decision making. John Peterson and Elizabeth Bomberg, *Decisionmaking in the European Union* (New York: St. Martin’s Press, 1999).


35. Ibid., p. 255.


42. Lisbon Treaty, p. 17.

43. Ibid., Article 9D, par 5, p. 27.

44. Ibid., par 6, p. 28.


47. Desmond Dinan, *Ever Closer Union: An Introduction to European Integration*, 2nd ed. (Boulder, Colo.: Lynne Rienner, 1999), pp. 287–288; Hix, *The Political System of the European Union*, Figure 3.5, p. 86.


62. Ibid., pp. 73–74.


