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The New European Parliament: All change or business as usual?

CEPS Special Report/August 2009

Julia De Clerck-Sachsse

Abstract

Following its first session in Strasbourg, the European Parliament (EP) is now set up for its new term. With a Polish President at its helm and a bigger share of parties to the right of centre, much could be expected to change. There are indeed some new developments in a more fragmented and conservative parliament in which the 'new member states' are no longer so new. Nevertheless, much will also continue along familiar lines. This is particularly true for the dominance of a grand coalition of the two biggest political groups in the EP, the European People's Party (EPP) and the European Socialists and Democrats (S&D), which will continue to shape politics in the new parliament. However, important changes could still come from another direction: If the Lisbon Treaty is ratified during the present term, this would enlarge the EP's powers considerably. At the same time, the treaty would extend the powers of national parliaments over EU legislation. The importance of national parliamentary control over further EU integration has been underlined in the recent ruling of the German Constitutional Court. This means that the EP might face increasing competition as the guardian of EU democracy.

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THE NEW EUROPEAN PARLIAMENT: ALL CHANGE OR BUSINESS AS USUAL?

CEPS Special Report/August 2009

JULIA DE CLERCK-SACHSSE*

Introduction

This special report considers the likely effects of the new composition of the European Parliament (EP) and recent appointments to key posts for the 7th legislative term, which runs from 2009 to 2014. Beyond that, it raises some questions about the EP's future role in European integration. A first part discusses the new balance of power that has emerged between the different political groups and considers the role of two new groups that have been formed as a result of the elections: the conservative and Eurosceptic European Conservatives and Reformists (ECR) and the radical right Europe for Freedom and Democracy (EFD). The second part gives an overview of the new political appointments to the EP and how they are likely to affect the balance of power within the parliament. We argue that while the political make-up of the new EP is more conservative, this will not lead to a firm centre right coalition across policy areas. Instead political alliances will shift according to policy field, while key issues, in line with previous parliaments, will be determined by a coalition between the EP's two largest groups, the EPP (European People's party) and S&D (Progressive Alliance of Socialists and Democrats, formerly PES, the Party of European Socialists). In a final section, however, we argue that change to the EP's workings could still come from a different direction if the Lisbon Treaty is ratified during the new term. Its powers will be increased considerably under the new treaty, but at the same time, national parliaments are being assigned an increasingly important role as guardians of EU democracy. This means that in the long run the EP's *raison d'être* as the pillar of EU democracy might be challenged.

1. A new balance of power: More conservative and greener

The biggest change to the new EP is a considerable shift to the right. While support for the socialist and social democratic parties reached a record low in many member states, the conservatives on the whole did not suffer any major losses. Even governing parties, which are usually punished in European elections, managed to remain in the lead over their socialist opposition in most places. The exceptions were Denmark, Greece, Malta and Slovakia where socialist rather than conservative parties were in the lead, as well as Belgium, Cyprus and Sweden where socialist and conservative parties received equal votes.¹ The weak performance of the socialist and social democratic parties has to be seen in the context of the current economic and financial crisis. In times of uncertainty, voters trust the centre right parties more, in particular since these parties often adopted similar policies to the social democrats, for example state spending on recovery packages as a way out of the crisis.

Those who sought change opted either for the 'green new deal' propagated by the Greens, the radical left or the extreme right. Indeed, record gains were made by the Greens, largely due to

* Julia De Clerck-Sachsse is a Research Fellow at CEPS.

¹ In Slovakia the leftist SMER was also the strongest party, but parties from the right collectively brought more seats to the EPP than did those from the left. While the Danish socialists got the most votes, the numbers were considerably lower compared to the 2004 EP elections.

their remarkably strong performance in France as well as Germany and French-speaking Belgium. The reinforced presence of the Greens makes them a force to be reckoned with, especially as the policy agenda of the new legislature is set to address climate change and energy policy. However, the Greens' political impact is somewhat weakened by the electoral losses dealt their most obvious political partner, the S&D. Their position as a key European political group is also diminished by the absence of any members from the newer member states in this group. Despite some losses suffered by the liberals, ALDE will remain the third-largest group in the new EP, but as a result of the shift of the political balance to the right, it will no longer be the 'kingmaker' exercising a decisive swing vote for a majority in the EP. The group can therefore be seen to have lost some of the political capital it held in the last EP.

Another key development is the emergence of two new groups to the right of the EPP, the European conservative grouping (ECR) and the extreme right Europe for Freedom and Democracy group (EFD). The ECR emerged as a result of the exodus of the British Conservatives from the EPP following a commitment made earlier by David Cameron, the party's leader. The Tories, together with the Polish PiS and the Czech ODS, form the core of the ECR. Its 55 members are made up of 26 British Conservatives, 15 Polish PiS and 9 ODS members. The other members are one member each from the Belgian Lijst Dedecker Party (LDD), the Hungarian Democratic Forum (MDF), the Latvian Fatherland and Freedom party (TB/LNNK), the Lithuanian Electoral Action for Poles in Lithuania Party (AWPL) and the Dutch Christian Union.

The reliance on individual members to fulfil the quota for membership from at least seven different countries makes the ECR a rather fragile group and subject to pressure from a small minority within its ranks. Moreover, the great diversity of parties it unites – some with rather extreme political views – makes it a group that belongs more to the fringe than the centre-right mainstream. As such, the Tories, which represented an influential delegation in the EPP, can be seen to have marginalized themselves considerably in the new EP. However, as the fourth-largest group, the ECR can still be seen to wield some influence in the new parliament, as evidenced by the fact that it was given the highly influential chairmanship of the Internal Market and Consumer Affairs Committee.

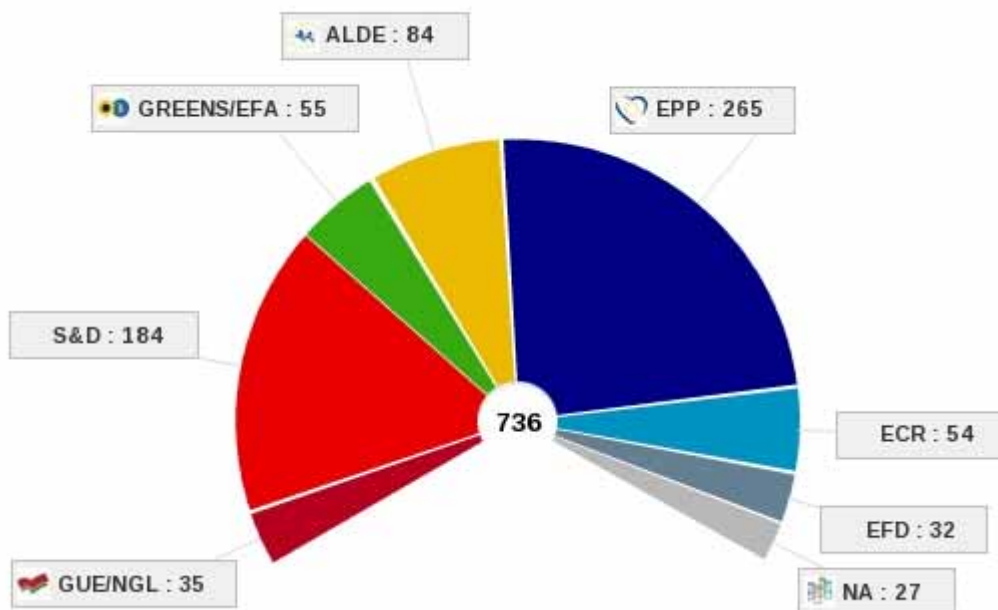
More to the fringes is the new extreme right EFD group. It is made up of 30 members from 8 countries. At the centre of this group is once again a British delegation of 13 MEPs from the United Kingdom Independence Party (UKIP), which advocates Britain's exit from the EU. The second-largest group is the far right Italian Lega Nord with nine MEPs. Other members come from the Greek LAOS party (2), the Dutch Political Reformed Party/SGL (1), the Danish People's Party (2), the True Finns (1), the Irish Democratic Unionists (1) and the French Libertas (2). The latter, which had sparked much controversy in the run-up to the elections, performed very poorly. Notably its leader Declan Ganley did not manage to secure his own seat in the EP in Ireland.

While the formation of this group is worrying given the extreme and xenophobic positions it defends, it is unlikely that it will wield much political influence in the new parliament. Even more radical elements are represented in the camp of the non-aligned groups, notably the Hungarian Jobbik party, which achieved record results, Geert Wilders' Islamophobic party in the Netherlands and the British BNP. However, without a group affiliation members can exercise only minimal political influence in the EP.

Figure 1 below gives an overview of the political composition of the new parliament. One of the most striking results of the new composition is that the left can no longer muster an absolute majority of deputies, even together with the liberals. S&D together with ALDE, the Greens and the GUE/NGL group can only produce 358 votes, while 369 are needed for an absolute majority of all 736 deputies. While the considerable shift to the right would suggest a centre-right

conservative alliance, this is not likely to become a permanent feature of the new EP. The EPP and ALDE harbour reservations about the new ECR group. While ALDE moved closer to the EPP in the last EP's term it is therefore not prepared to align itself permanently with the conservative groups. Indeed the new liberal leader Verhofstadt has been rather outspoken about the fact that his group would not form part of a permanent rightist alliance and has distanced himself from the Euro-sceptic stance of the ECR. As a result of the departure of the Tories, the EPP is also less market liberal and more pro-integrationist. Some even argue that it has shifted somewhat to the left. Consequently the new parliament might once again be characterised by a grand coalition of the EPP and S&D groups. In this regard it will be crucial whether the weakened S&D will move closer to the centre or, on the contrary, engage in more oppositional politics together with the reinforced Greens (as, for example, on the question of the appointment of Commission President Barroso for a second term). It will also be interesting to see whether the possible end of a grand coalition in Germany, following general elections in September, might affect the strong cooperation between the EPP and S&D (in both groups the German delegations are the strongest).

Figure 1. Composition of the 7th European Parliament, by political group as of July 2009



2. Distribution of power: People, posts and policies

Key appointments

Given that the EPP emerged as the strongest group from the elections, the president of the new parliament, at least for the first two and a half years, will come from this group. This mostly representative but highly symbolic post has gone to Jerzy Buzek from Poland with a strong majority of 555 (86%) votes. His election was seen by many as an emblem of European unification, cementing the arrival of the new member states in the parliament and the EU at large. The president may be replaced in his official functions by one of the 14 vice presidents, which were also elected during the new EP's first Strasbourg session in July. Among them are five members from the EPP and S&D each, as well as two members from ALDE and one

member from the Greens and ECR each. As for national balance, the largest contingent comes from Germany (3), followed by two vice presidents each from Greece, Italy, Spain and the UK and a member each from Belgium, the Czech Republic and Hungary.

Considerable controversy emerged around the election of the vice president from the ECR group, Edward Macmillan-Scott. Initially the party had put forward Michał Tomasz Kamiński as their candidate for the post of vice president. However, Mr. Macmillan-Scott decided to run as an independent candidate voicing concerns about Mr. Kamiński's political past as a member of then nationalist National Revival and Christian National Union Parties as well as allegations of homophobic comments in public. Macmillan-Scott was elected and following considerable upheaval was ousted from his group. In order to pacify the Polish members of the ECR, Mr. Kamiński was given the chairmanship of the ECR group in place of Timothy Kirkhope (UK), who had initially been designated for the post. This has raised concern about the internal cohesiveness of the ECR and has also been interpreted as a further step towards the marginalisation of the British Tories.

Among the other group leaders are Joseph Daul (FR), who retains the chairmanship of the EPP, and Martin Schulz (DE), who once again will lead the S&D group. The ALDE group is now led by Guy Verhofstadt (BE), while the Greens/EFA will be co-chaired by Daniel Cohn-Bendit (FR) and Rebecca Harms (DE). The GUE/NGL group will be chaired by Lothar Bisky (DE) and the EFD will be co-chaired by Nigel Farage (UKIP) and Francesco Enrico Speroni (Lega Nord). Five new Quaestors were also elected for a mandate of two and a half years. Two will come from the EPP, Jim Higgins (IE) and Astrid Lulling (LU), as well as Lidia Geringer De Odenberg (PL) from the S&D, Bill Newton Dunn (UK) from ALDE and Jiří Maštálka (CZ) from GUE/NGL. The Quaestors are responsible for administrative and financial matters and ensure that Members have the necessary infrastructure to carry out their mandate.

Box 1. President and Vice Presidents of the European Parliament

President:

BUZEK Jerzy (EPP, PL) 555 votes – elected in first round

Vice Presidents:

PITTELLA Giovanni (S&D, IT) 360 votes – elected after first-round

KRATSA-TSAGAROPOULOU Rodi (EPP, EL) 355 votes – elected after first-round

LAMBRINIDIS Stavros (S&D, EL) 348 votes – elected after first-round

MARTÍNEZ MARTÍNEZ Miguel Ángel (S&D, ES) 327 votes – elected after third-round

VIDAL-QUADRAS Alejo (EPP, ES) 308 votes – elected after third-round

ROTH-BEHRENDT Dagmar (S&D, DE) 287 votes – elected after third-round

ROUČEK Libor (S&D, CZ) 278 votes – elected after third-round

DURANT Isabelle (Greens/EFA, BE) 276 votes – elected after third-round

ANGELILLI Roberta (EPP, IT) 274 votes – elected after third-round

WALLIS Diana (ALDE, UK) 272 votes – elected after third-round

SCHMITT Pál (EPP, HU) 257 votes – elected after third-round

McMILLAN-SCOTT Edward (ECR, UK) 244 votes – elected after third-round

WIELAND Rainer (EPP, DE) 237 votes – elected after third-round

KOCH-MEHRIN Silvana, (ALDE, DE) 186 votes – elected after third-round

Some important changes have occurred regarding the distribution of committee chairs in the new EP (see Table 1). The EP's committees play a central role in determining the political direction of the EP as this is where many of the detailed policy debates take place. The prominence of the committees in shaping the political agenda makes the EP more like the US Congress than many national parliaments in the EU. Their growing impact is evidenced by the parliament's increasing tendency to adopt more and more legislation early on in the decision-making process.² Most notably, economic portfolios are now dominated by the liberals and the centre right. The influential Economic and Monetary Affairs Committee (ECON) will be chaired by Sharon Bowles, a British Liberal Democrat; German liberal Wolf Klinz will also chair the Special Committee on the Economic and Financial Crisis. Two other key committees for economic affairs will be presided over by the centre right: German Christian Democrat Herbert Reul will lead the influential Industry, Research and Energy Committee (ITRE) while UK Conservative Malcolm Harbor will be in charge of the Internal Market and Consumer Protection Committee (IMCO). The shift to the right in this area (two of these committees were previously chaired by the Socialists and Social Democrats) could be interpreted as further evidence of a lack of confidence in the socialists to provide a way out of the crisis.

In other policy areas, however, the left still wields considerable influence. Two committees that will certainly play an important role in the new legislature were secured by the socialists and democrats: the Social Affairs and Employment Committee will be chaired by French Socialist Pervenche Berès, while German Social Democrat Jo Leinen will head the Environment Committee (ENVI). Both of these committees can be seen as important for the new parliamentary term, given the recent emphasis on a more social Europe and the prominence of environmental issues on the policy agenda. Another important committee headed by a member of the S&D group is the Civil Liberties and Justice and Home Affairs Committee (LIBE). This policy area is one of the most dynamic EU policy fields and the EP's influence in this area will grow with the ratification of the Lisbon Treaty. The latter is also true for the Agriculture Committee now under S&D chairmanship.

A challenge for the new EP will therefore be to balance a centre-right economic, single market and industry policy with a leftist social, civil liberties and environmental agenda. This challenge will come into play, for example, in the negotiations on preparing the EU's position for the Copenhagen summit on Climate Change in December, where the Kyoto Protocol will be reviewed, as well as for efforts to renew the Lisbon agenda, which seeks to combine competitiveness with a new emphasis on Europe's social dimension. Other controversial areas could include the negotiations on a telecoms package where the safeguarding of civil liberties vis-à-vis justice authorities has been a contentious point. The extension of anti-discrimination legislation to social legislation and health will also be on the agenda. Concerns that the conservative dominance in the EP would weaken the social and civil liberties dimensions of these policy packages, however, are balanced by the fact that the relevant committees are chaired by members of the S&D. Nevertheless, the overall strength of the conservatives might also put further brakes on the enlargement process and introduce financial conservatism in approving the EU's new budget (the Budget Committee and the Budgetary Control Committee are chaired by a member of the EPP and ALDE, respectively).

² Indeed the high increase of first reading agreements in the EP has been controversially debated; see, for example, Julia De Clerck-Sachsse and Piotr Maciej Kaczyński, *The European Parliament: More powerful, less legitimate?*, CEPS Working Document No. 314, CEPS, Brussels, May 2009. First reading agreements have also been subject to reform debates within the EP; see Dagmar Roth Berendt, *Report on the Legislative Activities and Interinstitutional Relations*, Working Party on Parliamentary Reform, PE 406.309?CPG/GT, 2008.

Table 1. Committee chairs of the new EP

Committee		Chairman/Chairwoman and vice-presidents
AFET	Foreign Affairs 76 members	Gabriele ALBERTINI (Italy, EPP) Vice chairs: Fiorello Provera (EFD, IT); Ioan Mircea Paşcu (S&D, Romania); Dominique Baudis (EPP, France); Jean-Luc Mélenchon (GUE/NGL, France)
DROI (subcommittee)	Human Rights	Heidi HAUTALA (Finland, Greens) Vice chairs: Andrzej Grzyb (EPP, Poland); Laima Liucija Andrikienė (EPP, Lithuania); Metin Kazak (ALDE, Bulgaria); (the fourth vice-President will be elected on 31 August)
SEDE (subcommittee)	Security & Defence	Arnaud DANJEAN (France, EPP) vice chairs: Kyriakos Mavronikolas (S&D, Cyprus); Norica Nicolai (ALDE, Romania); Justas Vincas Paleckis (S&D, Lithuania); Krzysztof Lisek (EPP, Poland)
DEVE	Development 30 members	Eva JOLY (France, Greens) Vice-chairs: Michèle Striffler (EPP, France); Nirj Deva (ECR, UK) Iva Zanicchi (EPP, Italy) ; Corina Cretu (S&D, Romania)
INTA	International Trade 29 members	Vital Moreira (S&D, Portugal) Vice-chairs: Cristiana Muscardini (EPP, Italy); Robert Sturdy (ECR, UK); Pawel Ksawery Zalewski (EPP, Poland); Yannick Jadot (Greens/EFA, France)
BUDG	Budget 44 members	Alain LAMASSOURE (France, EPP) Vice-chairs: Jutta Haug (S&D, Germany); Alexander Alvaro (ALDE, Germany); Jean-Luc Dehaene (EPP, Belgium); Ivaylo Kalfin (S&D, Bulgaria)
CONT	Budgetary Control 29 members	Luigi de MAGISTRIS (Italy, ALDE) Vice-chairs: Bart Staes (Greens/EFA, Belgium); Jean-Pierre Audy (EPP, France); Boguslaw Liberadzki (S&D, Poland); Tamás Deutsch (EPP, Hungary)
ECON	Economic & Monetary Affairs 48 members	Sharon BOWLES (UK, ALDE) Vice-chairs: José Manuel García-Margallo y Marfil (EPP, Spain) Arlene McCarthy (S&D, United Kingdom); Theodor Dumitru Stolojan (EPP, Romania); Edward Scicluna (S&D, Malta)
EMPL	Employment & Social Affairs 50 members	Pervenche BERES (France, S&D) Vice-chairs: Elisabeth Lynne (ALDE, United Kingdom); Ilda Figueredo (GUE/NGL, Portugal); Elisabeth Schroedter (Greens/EFA, Germany) Thomas Mann (EPP, Germany)
ENVI	Environment, Public Health & Food Safety 64 members	Jo LEINEN (Germany; S&D) Vice-chairs: Corinne Lepage (ALDE, France); Carl Schlyter (Greens/EFA, Sweden); Boguslaw Sonik (EPP, Poland); Dan Jørgensen (S&D, Denmark)
ITRE	Industry, Research and Energy 55 members	Herbert REUL (Germany, EPP) Vice-chairs: Patrizia Toia (S&D, Italy); Jens Rohde (ALDE, Denmark) Anni Podimata (S&D, Greece); Evzen Tosenovsky (ECR, Czech Republic)
IMCO	Internal Market and Consumer Protection 39 members	Malcolm HARBOUR (UK, ECR) Vice-chairs: Eija-Ritta Korhola (EPP, Finland); Bernadette Vergnaud (S&D, France); Lara Comi (EPP, Italy); Louis Grech (S&D, Malta)
TRAN	Transport and Tourism 45 members	Brian SIMPSON (UK, S&D) Vice-chairs: Dominique Riquet (EPP, FR); Peter van Dalen (ECR, NL) Silvia Adriana Țicău (S&D, Romania); Dieter-Lebrecht Koch (EPP, Germany)

REGI	Regional Development 49 members	Danuta HÜBNER (Poland, EPP) Vice-chairs: Giorgos Stavrakakis (S&D, Greece); Markus Pieper (EPP, Germany); Filiz Hakaeva Hyusmenova (ALDE, Bulgaria); Michail Tremopoulos (Greens/EFA, Greece)
AGRI	Agriculture & Rural Development 45 members	Paolo DE CASTRO (Italy, S&D) Vice-chairs: Rareş-Lucian Niculescu (EPP, Romania); José Bové (Greens/EFA, France); Janusz Wojciechowski (ECR, Poland); Marit Paulsen (ALDE, Sweden)
FISH	Fisheries 24 members	Carmen Fraga Estevez (Spain, EPP) Vice-chairs: Struan Stevenson (ECR, UK); Alain Cadec (EPP, France); Guido Milana (S&D, Italy); Carl Christopher Haglund (ALDE, Finland)
CULT	Culture & Education 32 members	Doris PACK (Germany, EPP) Vice-chairs: Helga Trüpel (Greens/EFA, Germany); Timo Soini (EFD, Finland); Lothar Bisky (GUE/NGL, Germany); Morten Løkkegaard (ALDE, Denmark)
JURI	Legal Affairs 25 members	Klaus-Heiner LEHNE (Germany, EPP) Vice-chairs: Luigi Berlinguer (S&D, Italy); Raffaele Baldassarre (EPP, Italy); Evelyn Regner (S&D, Austria); Sebastian Valentin Bodu (EPP, Romania)
LIBE	Civil Liberties, Justice & Home Affairs 55 members	Fernando LOPEZ AGUILAR (Spain, S&D) Vice-chairs: Kinga Gál (EPP, Hungary); Sophia in't Veld (ALDE, Netherlands); Salvatore Iacolino (EPP, Italy); Kinga Göncz (S&D, Hungary)
AFCO	Constitutional Affairs 25 members	Carlo Casini (Italy, EPP) Vice-chairs: Zita Gurmai (S&D, Hungary); Rafał Kazimierz Trzaskowski (EPP, Poland); Morten Messerschmidt (EFD, Denmark); Syed Kamall (ECR, UK)
FEMM	Women's Rights & Gender Equality 35 members	Eva-Britt Svensson (GUE/NGL, Sweden) Vice-chairs: Livia Járóka (EPP, Hungary); Edite Estrela (S&D, Portugal); Elisabeth Morin-Chartier (EPP, France); Barbara Matera (EPP, Italy)
PETI	Petitions 35 members	Erminia Mazzoni (Italy, EPP) Vice-chairs: Chrysoula Paliadeli (S&D, Greece); Willy Meyer (GUE/NGL, Spain); Carlos José Iturgáiz Angulo (EPP, Spain); Ágnes Hankiss (EPP, Hungary)
Temporary Committee on the Economic Crisis		Wolf KLINZ (ALDE, Germany)

National balance in the EP

Apart from the ideological shift in the EP, a slightly different nuance has also emerged in its national balance. Although voting in the EP mostly takes place along ideological rather than national lines,³ national delegations within the groups can still influence the political agenda of their respective European group. With regard to committee chairmanships, Italy is in the lead in the new EP, having secured five committee chairmanships (Foreign Affairs, Budgetary Control, Agriculture, Constitutional Affairs and Petitions), possibly to sweeten the bitter pill of not getting the EP's presidency. It is followed by France and Germany, which retain four committee chairmanships each, and the UK, which secured three committee chairmanships as opposed to two in the last parliament. The relative influence retained by the British despite the Tories'

³ Simon Hix and Abdoul Noury, *After Enlargement: Voting Patterns in the Sixth European Parliament*, Brussels: ULB, 2008.

exodus from the EPP – a step that was widely expected to marginalise the British conservatives – is notable. Despite the fact that the Germans have not gained any more committee chairmen and at least for the first half of the new parliamentary term will not fill the position of president, they are still a formidable force in the new EP. They are the strongest national delegation in four of six EP political groups (EPP, S&D, Greens and GUE/NGL) and hold three group chairmanships (Martin Schulz for the S&D, Lothar Bisky for the GUE/NGL and Rebecca Harms for the Greens as a co-chairwoman together with Daniel Cohn Bendit of the French Greens).

In the excitement about a Polish President of the EP, little attention has been paid to the fact that only one committee will be in the hands of a member from a new member state: Danuta Hübner, the former Polish European Commissioner, will chair the Regional Development Committee (REGI). This is actually a setback for the new member states compared to the previous legislature where a Pole and a Czech chaired the influential Foreign Affairs Committee (AFET) and Environment (ENVI) Committee (Jacek Saryusz-Wolski and Miroslav Ouzký, respectively). In short, the newer member states will remain somewhat underrepresented among committee chairmen.

As far as vice presidents of committees are concerned, the newer members are better represented, even though clear differences are perceptible from one country to another. While Poland (8) and Romania (7) have done well, Hungary (4), Bulgaria (3) and Lithuania (2) also obtained some positions. Others such as Estonia and Latvia have not secured any key posts in the EP's committees. In general, smaller member states traditionally do not fare as well as bigger states, owing to the fact that committee posts are allocated proportional to the respective size of a political group and the national delegations within them, according to the so-called 'd'Hondt method'. However, personal initiative and alliance building also play an important role in securing key posts. A preliminary assessment of the national balance of power would count Germany, Italy and Poland as the winners among the larger member states. All is not said and done, however, as the horse trading in the EP has not been completed and the allocation of committee coordinators, who can also play a key role in the policy process, is still not completed.

Plus ça change, plus ça reste la même chose?

As demonstrated, the reinforcement of conservative groups in the parliament has not necessarily increased the likelihood that a more stable rightist coalition will confront a left/green opposition. As a consequence of the liberals' refusal to join forces with the ECR, rather than the rightist coalition that some were predicting, the next EP will probably be dominated by a strong centre coalition, with the EPP and S&D closely cooperating and ALDE joining in on major policy questions. This means that despite the considerable shift to the right, the socialists have been able to retain a considerable bargaining position as the EPP's key partner in major policy questions. With regard to the overall political dynamics of the EP, continuity rather than change is therefore likely to characterize the next legislature.

A good example of the continuing alliance of the EPP and S&D at the cost of stronger political polarization is the election of the EP's new President, Jerzy Buzek of Poland. The election of a President from a new member state was seen by many as an 'historic' moment and a symbol of the full integration of the new arrivals to the European Parliament. Buzek won by a large majority against the Swedish Green Eva Brit Svensson, who was seen by many as a 'straw man'. Indeed this was underlined by the statement released by the EPP and S&D prior to the vote. The statement heralded Buzek as the next president and announced that the second half of the EP's seventh legislature would be presided over by a member of the S&D group, which in all likelihood will be their current chairman Martin Schulz. As a result, Buzek's selection was

accompanied by stinging criticism of the democratic quality of the process in some quarters. Rather than breaking with the tradition of mutual accommodation between the big two, a technical agreement once again prevailed in the new EP.

Such an outcome had not always been obvious. In the run-up to the election, the leader of the ALDE group, Graham Watson, had staged a political campaign for the post of President. This was to break with the common practice of selecting the President as part of a technical fix-up between the parliament's most powerful groups. However, Watson withdrew from the campaign at the last minute. Mario Mauro, a challenger from within the EPP, also stepped down prior to the election and is now the head of the Italian delegation in the EP. What could have been an exiting political contest, therefore, ended up being business as usual: a depoliticised arrangement between the EP's most powerful factions. This episode could be interpreted as meaning that despite signs of growing politicisation and discord between parties on some issues, such as the re-appointment of Commission President Barroso, there is still a strong emphasis on political stability and broad-based party agreements within the EP.

3. The new EP: Its powers and legitimacy

While there will be a degree of continuity on the overall political dynamics of the EP, with the possible ratification of the Lisbon Treaty during the next parliamentary term, considerable change might be in store regarding the powers of the assembly. Over the years, the EP has become a much more powerful actor, accruing ever-greater decision-making capacities with each step of treaty reform.⁴ Once again, the EP's powers are considerably increased with the new Lisbon Treaty, extending its decision-making powers to encompass a number of important policy fields, notably in justice and home affairs but also in agriculture and international trade. Should the treaty be ratified in the new parliamentary term, the EP can be expected to wield even greater political influence. Indeed, the parliament has already flexed its muscles considerably in the debate on the reappointment of Commission President Barroso, by preventing a fast-track approval of a second term before the summer break. This has clearly demonstrated the EP's determination to maintain the political momentum gained in the last parliamentary term.

At the same time, however, its influence could also become more susceptible to challenges in the future. In addition to giving the EP more competences, the Lisbon Treaty also allocates more powers to national parliaments under the so-called 'yellow card' and 'orange card' procedures. Under these new provisions, national parliaments are able to scrutinise EU legislation with regard to its compliance with the subsidiarity principle, which holds that matters are only decided at EU level when they cannot be better resolved at the national, regional or local level. If a certain threshold of votes is reached (30% for the yellow and 55% for orange card procedure), this can prompt a review or even the aborting of EU draft proposals. Being so deeply implicated in EU legislation would clearly oblige national parliaments to pay careful attention to what is being decided upon in Brussels and Strasbourg as well as to foster close cooperation among national parliaments.

Some fear that the involvement of national parliaments will make the EU's legislative process more cumbersome. However, the involvement of national parliaments *per se* need not be a bad thing for European integration. Quite the contrary: a lack of national debates on EU issues is one of the factors leading to the current political apathy, and parliamentary debate could be a good starting point to get the media and eventually citizens interested in these issues. Indeed this has been the case in Sweden, where the national parliament closely follows EU policy

⁴ Berthold Rittberger, *Building Europe's Parliament: Democratic Representation Beyond the Nation State*, Oxford: Oxford University Press, 2005.

debates in Brussels and where Euroscepticism has been on the decline. This is particularly relevant given the continuing trend towards low voter turnout. The fact that the growing powers of the EP were matched by a continuing fall in voter turnout presents a considerable paradox.⁵ This year once more the turnout fell to a record low of 43%. If this trend continues, it could pose a considerable problem for the EP's claim to be the democratic pillar of the Union.

More recently, however, the EP's legitimacy has also been challenged from a different quarter. The German ruling on the ratification of the Lisbon Treaty, which reasserts the power of the Bundestag over European integration and (indirectly) raises questions about the legitimacy of the European Parliament as the main guarantor of democracy at the EU level. Indeed, the following view expressed by the German Constitutional Court on European integration and the legitimacy of the EP as the democratic pillar of the Union is noteworthy:

Measured against requirements in a constitutional state, the European Union **lacks, even after the entry into force of the Treaty of Lisbon, a political decision-making body which has come into being by equal election of all citizens of the Union and which is able to uniformly represent the will of the people.** What is also lacking in this connection is a system of organization of political rule in which a will of the European majority carries the formation of the government in such a way that the will goes back to free and equal electoral decisions and a genuine competition between government and opposition which is transparent for the citizens, can come about. ... **The European parliament is not a body of representation of sovereign people.**⁶

The view of the German Constitutional Court therefore is that because the EP is not a 'real' parliament, its capacity to provide democratic legitimacy is limited and has to be complemented by the increasing involvement of national parliaments in the integration process. This goes to the very heart of the nature of representation in the EP, which is not strictly proportional to the size of the population of each member state but ensures that small member states which might have little representation vis-à-vis larger member states in a strictly proportional system have some voting weight. The logic behind this is that the EP does not represent a unified European people. Instead, representation in the EP is based on the idea that the EU is a union of peoples *and* states and therefore a careful balance between intergovernmental and supranational elements in EU decision-making needs to be struck. According to the ruling of the German Constitutional Court, however, as long as a people or *demos* are defined in national terms, democracy is also to remain the prerogative of the nation state.⁷

A crisis of identity?

The tension between supranational and intergovernmental dynamics in the EU is of course nothing new but has been a permanent feature of the integration process with each extension of the EU's realm of competence. However, the challenge to the representativeness of the EP in the German Constitutional Court's ruling on the Lisbon Treaty taken together with growing concern about falling turnout in EP elections poses a considerable challenge to the EP's *raison d'être*. This does not necessarily mean that the EP will be doomed to oblivion. Thus far, national parliaments, which have already been consulted on Commission legislation in the so-called 'Barroso initiative' of 2006, have been on the whole slow to react and often show little

⁵ See Julia De Clerck-Sachsse and Piotr Maciej Kaczyński, *The European Parliament: More powerful, less legitimate?*, CEPS Working Document No. 314, CEPS, Brussels, May 2009.

⁶ Official English translation of the German Constitutional Court's ruling (http://www.bundesverfassungsgericht.de/entscheidungen/es20090630_2bve000208en.html).

⁷ The 'no *demos* thesis' is encapsulated in the 'Maastricht decision' of the German Federal Constitutional Court (Bundesverfassungsgericht, Decision of 12 October 1993 - 2 BvR 2134, 2159/92, published in: BVerfGE 89, 155).

interest in scrutinising EU legislation. The EP, therefore, still has a case to make for its role in safeguarding democratic control of EU decision-making in the face of apathy from its national counterparts.

Yet, these debates highlight the likely prospect that the new EP will face broader controversies over and beyond particular policy concerns in the next term. Indeed, it may well become the theatre where all the major dramas of European integration are played out. The ambiguous system of representation in the EP, uniting intergovernmental and supranational elements, reflects a dynamic tension between these two different logics in the integration process itself as well as a lack of certainty about its *finalité*. The *sui generis* nature of the EU system, which is neither purely intergovernmental (i.e. an international organisation) nor supranational (i.e. a state), continues to inform the debate on the desirability and feasibility of further EU integration. Indeed, this crisis of identity of the EU at large was at the heart of the debates surrounding Europe's failed constitution and the institutional limbo that followed, while the Lisbon Treaty's ratification is still pending. The fact that the German Constitutional Court deemed it necessary to reassert the control of a national parliament over the integration process is a portent that these questions are unlikely to go away, even if the treaty should be ratified in the autumn. In the year of its 30th anniversary of direct elections, the EP will therefore also be faced with the challenge of rethinking its role within the wider narrative on further EU integration.

4. Conclusion

To be sure, the new EP will introduce some new policy dynamics into EU decision-making. In particular, the tension between more liberal-centre right influence in the area of financial and economic policy and the leftists' impact on the environmental and social policy agenda will make for a dynamic policy debate. It will be interesting to see, however, whether these dynamics will lead to more politicised debate or, on the contrary, to a broad centrist consensus in these controversial areas. With regard to key issues, such as the appointment of the next Commission and institutional affairs, a grand coalition between the EP's two strongest groups can be expected. The strong shift to the right in the new EP does not necessarily mean a more politically polarised body, which conventional wisdom would have led us to expect in the legislative institution. With decisions on financial regulation, climate change and institutional reform pending, the new parliamentary term faces some important political challenges. Beyond these immediate policy concerns, however, the EP might have to face broader contestation of its democratic legitimacy. Ironically at a time when its powers might be further extended to an unprecedented degree, the EP might face the longer-term challenge to defend its *raison d'être* in a policy climate that pays increasing attention to the role of national parliaments in securing EU democracy.

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