



# BULLETIN

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## Parliamentarising the Commission: A CEE View on the EU's Democratic Legitimacy

Roderick Parkes

*Political Brussels is debating a proposal to deepen the Commission's ties to the European Parliament (EP).<sup>\*</sup> This option may look amenable to Central and Eastern European states (CEE), which long viewed the two institutions as allies against larger EU members. Over the past five years, however, the two have forfeited this trust. To institutionalise the Commission-Parliament relationship at this stage would therefore cement the CEEs' status as outliers.*

**Three Tests.** When it comes to providing democratic legitimacy, the Commission and Parliament are judged in the CEE along three lines. First, interest-representation—whether they help the CEE meet their interests in political battles. The CEE find themselves on the wrong side of two cleavages, big/small states and net-payers/receivers. These cleavages characterise all federal systems, and central institutions are usually expected to support weaker players.

Second, the deeper question of norm change, or how the institutions accommodate historically defined CEE norms. Until 2004, the CEE was still being “normed” by Western Europe. Today, these states aspire to be not just normal but also normalising members of the EU. The second question, therefore, is whether the Commission and Parliament are unwittingly prejudiced against the CEE (the “new” Member States) or treat them fairly.

Third, and of growing importance, the international dimension. Situated along the eastern border of the EU, the CEE states emphasise the EU's capacity to make the bloc's values sustainable and attractive in the face of international competition. With both the EP and Commission vying for a strong role in the external representation of the Union, this is the third test.

These three tests line up with the three core strands of democratic legitimacy: output legitimacy (the question of whether interests are met); procedural legitimacy (fair treatment); substantial legitimacy (how well common values are promoted). Moreover, these three tests are linked: interest representation is key to the CEEs' ability to change norms, which in turn is key to achieving truly European values.

**1. Interest-representation.** In line with the bloc's principle of “institutional balance” (as opposed to separated powers), the EU's institutions compete with each other: the EP and Commission chase power—and each other's competences—instead of standing up for underdogs such as the CEE. The trigger for the most recent bout—and the source of the CEE's problems—has been the European Council, which moved into the Commission's territory of economic crisis management. This in turn encouraged the EP to move in on the Commission's right of initiative. This weakening of the Commission was problem enough for the CEE, but it has spawned two further tricky problems.

First, Parliament has reacted to the rise of the European Council by politicising the relationship, counterbalancing this with a collusive and pragmatic approach to the Council. On paper, this mix of aggression and collusion by Parliament should really suit the CEE. They are always at risk of being sidelined at summits and are happier in the Council, making the EP a potential ally in both formats. In reality, however, the EP's politicisation of inter-institutional relations has only undermined the Council, which nervously defers difficult decisions to the European Council, and it has created yet another complication for the CEE at summits.

<sup>\*</sup> This is a précis of evidence presented by the author to the European Parliament's Committee on Constitutional Affairs at a hearing on 20<sup>th</sup> January 2014.

The second, and far more worrying trend has been the emergence of a core of eurozone governments that have overcome the gridlock by operating outside the treaties. Here, too, the Commission and EP have preferred chasing a new source of power to the task of protecting the CEE. The Commission embraced differentiated integration, abandoning EU integrity for the promise of new powers. For its part, the EP performed slightly better when it rejected the idea of a eurozone-only chamber and eurozone budget. Still, its opposition was hardly robust, and the CEE states remain in fear of being sidelined by such channels if they resist the eurozone's wishes.

**2. Norm change:** when it comes to helping the CEE shift entrenched Western European understandings in the EU, the Commission has again been undermined by its relationship to the EP, which has drawn it into short-term alliances. The EP's support for older norms played out, for instance, in the Commission's handling of issues such as tobacco and unconventional energy. When the Commission now talks about the EU hitting the "nuclear button" and suspending the voting rights of members deemed to fall short of European values, alarm bells ring in the CEE.

And yet, if there is concern about the *parliamentarisation* of the Commission, there are fears too about the way its *presidentialisation* is playing out. Despite his powers to reshuffle and dismiss individual Commissioners, the Commission president has bent to older Member States. The norms that form the basis for his presidential status—voluntary constraints entered into by governments in the form of EU treaties—are questioned by Western Europeans. At the same time, the president has flexed his muscles at new Member States, as apparently witnessed by the treatment of former Maltese Commissioner John Dalli.

The fair enforcement of EU norms is thus emerging as a hot potato for the CEE states. They will watch with interest how the European Semester reforms are enforced in Germany and France, and not just for reasons of fairness. Some CEE view these carrot-and-stick arrangements as something they can use for their own ends, to further their Europeanisation on their own terms. They will also watch whether the Commission continues to politicise the system of implementing acts and comitology. Implementation is the feedback loop between the European and national levels, allowing the CEE to learn and feed in practical local concerns.

**3. The International Dimension.** At a time when western powers look increasingly ready to abandon core values, and when the CEE are subject to individual approaches from emerging powers, there is a sense that the EP may have a necessary role to play in external affairs. This Parliament would not block engagement, or indeed be used by governments as an excuse to block it, but rather strengthen governments' hand in the two-level game of international bargaining.

However, if the EP does currently play this role, exploiting its new powers over international agreements, it is almost by accident—the result of an inward-looking battle with EU negotiators. The notion of having a deputy High Representative approved by Parliament for relations with Parliament is indicative of this. The EU needs to divert resources to understanding the political situation in third countries rather than developments across the Schuman Roundabout.

As for the Commission, it is involved in a turf war with the External Action Service at a time when EU foreign policy requires political coordination between the two on a range of issues—justice and home affairs, neighbourhood policy, and development support. In such cases, it is the External Action Service, capable of harnessing the political capital of the EU's so called Big-3 (UK, France, Germany), which deserves the lead role.

**Recommendations.** It is still hard to talk of a CEE position on these matters. And, paradoxically, that is something of an achievement: the EU's East-West divisions have been overshadowed by North-South tensions. And yet, it is these North-South tensions, rather than any action on the part of the Commission and EP, that have done most to safeguard the integrity of the EU: the divisions between the Nordic and Mediterranean states have prevented the emergence of a coherent eurozone core and have encouraged both Berlin and Paris to look for allies amongst non-euro members.

As Berlin makes up with Paris, however, the slow healing of North-South tensions may expose the CEE. On paper, a more robust Commission–EP tandem could offer the CEE states the protection they need, giving the Commission a more robust source of power, making Parliament more accountable to voters rather than pursuing its own normative agenda, and replacing "institutional balancing" with a formal distribution of competences. In reality, however, formalising the tandem relationship at this stage would merely crystallise the negative trends sketched out above.

Insofar as the CEE states have an identity, it is as a "region in progress" – they are not new members, but not yet old, not "euro-outs", but not (with the exception of Slovakia) yet "euro-ins". If they wish to secure the progress they've made and avoid being earmarked as outliers, they need to continue to promote a hybrid institutional system providing a fluid range of partners. In that system, the Commission's role will largely depend on the personalities at its head rather than on formal rules. Just as the Benelux countries were responsible for proposing key appointments in 2009, so the Visegrad Four should coordinate their thinking on this.