



## Democratic deficit in the EU: Post Lisbon scenario

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### Abstract

It is argued that the EU is neither a nation state, market, international organisation nor a federal state, it is supranational institutions. On the other hand common currency, EU citizenship, states possession of territory and anthem which bring the EU closer to nation-states. The EU keeps on regular election of European parliament since 1979. The most important question of this study whether EU institutional structure and decision making process is democratic or The Lisbon treaty succeeded to make EU democratic. The aim of this paper is to examine the cause of democratic deficit in the EU and what measure have taken to determine the democratic deficit and evaluation of accountability and effectiveness after the Lisbon treaty. The study deals with critical prospective in terms of democratic deficit in the European Union institutions such as European parliament, The Council of European Union and Commission.

**Keywords:** Deficit, supranational, parliament, accountability, effectiveness

### Introduction

The European Union is described as dominant economic and political union and it is well known for its unique system. The European Union was composed of six founding member countries in the 1950s as the European Coal and Steel Community. Now, the EU has 28 member states and a population around of 500 million people. It has expended the authority and keeps on political progress. It is known that democracy is a central value for the EU. However, many scholar and politician agree that the EU experiences lack of democracy. The failure of nice treaty to improve of efficiency of decision making and consequent need for transparency and legitimacy introduced a constitutional treaty to create a polity to bring citizen closer and more democratic and legitimate. however, it was rejected by referendum. Although render the European union more democratic, the Lisbon treaty was signed in 13<sup>th</sup> December 2007 in Lisbon. It came into force 1<sup>st</sup> day of December 2009. Its preamble has already mentioned that it aims to enhance the democratic legitimacy of the union.

### Democracy

In etymological terms, Democracy originates from the Greek word *demos*, or people, with *kratos*, meaning "rule", "power" together make sense of democracy is "rule by the people". The democracy can be exercised directly by the people or it is by the people through their elected agents. As President Abraham Lincoln explains the democracy is government of the people, by the people, and for the people. Laza Kekic (2007: 1) argues that there is no consensus on how to measure democracy, definitions of democracy are contested and there is an ongoing lively debate on the subject." Karl Popper defined democracy in contrast to dictatorship or tyranny, thus focusing on opportunities for the people to control their leaders and to oust them without the need for a revolution. According to Robert A. Dahl, the fundamental democratic principle for an entirely and absolutely liberal democracy is, the right to vote, the right to be elected/eligibility for public office, the right of political

leaders to compete for support and votes, free and fair elections, freedom of association, freedom of expression, alternative sources of information, institutions that make government policies actually depend on votes and other forms of (voter) preference (Azman 2011: 243). However, both the German Constitutional Court and Article 10 (1) Treaty European Union sees the representative democracy as the central to any democratic system (Chalmers 2010: 126).

### Democratic Deficit

It is seen that there is no certain principle to determine democratic legitimacy in the European Union. The word deficit echoes a negative meaning. The term 'democratic deficit' has been used to explain lack of democratic structures and processes within the EU's institutions. The word is firstly used by David Marquand to explain the limitation of the democratic legitimacy of the European Community institutions in the 1970s. According to Follesdal and Hix democratic deficit argument could be defined under five core sets (Follesdal and Hix, 2006: 534-35) as 1) Lack of Legitimacy 2) Weak European Parliament 3) Lack of "European Election" 4) Distance from Voters 5) Lack of Reflection of Voters' Preferences.

### Before the Lisbon Treaty

Before the Lisbon treaty came into force the decision-making process in the European union based on institutional triangle where commission grasps the exclusive authority to draft legislation, the parliament discusses and the council decides. In the co-decision procedure, the process started with commission initiative and council and parliament performed as co legislature. In the other word the consent of both of them was essential to have draft passed. In the consultation procedure the parliament had opportunity to give opinion but no right to rule over the council who made the final decision. Under the cooperation procedure held more place to move for parliament but its amendments could be overruled by council's unanimous decision. In the

assent procedure parliament primarily held a right to veto but without possibility to suggest amendments to the draft.

**A critical analysis of post Lisbon treaty and their impact on European union institutions such as 1) European parliament 2) Commission 3) the Council 4) the European Union Council: -**

**European Parliament**

The European parliament members are directly elected for every five years and parliament is currently composed of 751 members. However, turnout of European parliamentary votes has fallen consecutively at each election. The European Parliament is the principal “repository” of democratic legitimacy in the EU (Majone 1998: 5-6). The Lisbon treaty, important changes concerning decision making are that it renamed the co-decision procedures to ordinary legislative procedures (Klenanc 2011:27).

This treaty made stronger European parliament’s power by widening the circle of area where ordinary legislative procedure is to be used. The Lisbon Treaty eliminates “cooperation and makes co-decision the ordinary legislative procedure” (Siebersson 2007-8:455-6). He further explains that the Lisbon Treaty “contains many provisions relating to non-legislative decisions of the Council in which the Parliament must be consulted but lacks a vote on the matter”. “The Lisbon Treaty offers the European Parliament no authority to dismiss the Council, no greater power in selecting the Commission or its president, and not authority to dismiss individual Commission members” (Siebersson 2007-8:464). The European Parliament should be granted full legislative power, in particularly, the general right to initiate legislation (ibid).

**Commission**

It is seen that commission’s members (commissioners) are not elected but appointed by council. Through the commission Bureaucratic and technocratic elites are shaping EU decision making. The commission holds the power to draft legislation and decisively influence the final outcome of legal mechanism. However, the Commission is regularly criticised for its “remoteness and lack of accountability” (Siebersson 2007: 460). Therefore, the Commission should be popularly elected or chosen by the European Parliament. This would grant the citizens of Europe more control over the EU’s most bureaucratic institution. Nevertheless, this is not provided for in the Lisbon Treaty (ibid). It still possesses the executive right of proposing EU-level legislation. It still does lack democratic legitimacy. The president of the commission is elected by the having the European council acting by qualified majority, nominating a candidate to the European parliament, “taking into account the elections to the European parliament and having held the appropriate consultations”. The candidate shall be elected by the European parliament by a majority of its component members (Klenanc 2011: 32). Thus, the EU aim was to provide democratic legitimacy by linking parliament with commission. Also, there is no mechanism provided for the public to select or remove the Commission (ibid). This linkage provides legitimacy for its president only and in other cases commission suffering from democratic deficit even after Lisbon treaty.

Perhaps, if there would be a mechanism for a public to select or remove the Commission, the reduction in size of the Commission may provide for greater efficiency and

effectiveness, as the bureaucratic ladder is reduced (ibid). The other significant change in the area of accountability is that the Commission will have to state reasons if it rejects to honour a request by the Parliament to initiate a particular piece of legislation (Siebersson 2007: 461). However, the Commission will retain its near-exclusive right of legislative initiative. Democracy would be more achieved if the right to initiate legislation would be shared by the Council or the European Parliament (ibid). In the common foreign and security policy, the Commission “no longer has the autonomous right to make foreign policy proposals for adaptation by the Council, other than supporting those by the new High Representative of the Union for Foreign Affairs and Security Policy” (ibid). The other departure is that of the Citizens’ Initiative. One million citizens “who are nationals of a significant number of Member States may invite the Commission to submit a proposal for a legal act” (Europa 2010). It is suggested that the Commission members, or at least its president, should be appointed by the Parliament alone or elected by popular vote to go to the heart of the democratic deficit issue (Siebersson 2007: 464).

**Council of the European Union**

The Council is the EU institution that represents the interest of Member States and executive branch of each Member State and thus is the senior legislative body (Frost 2003: 101). The Council possesses great power (Siebersson 2007: 457). In regards to democratic deficit in the council is highly contested. As Julia Paley (anthropologist) put it “the European union is said to entail a democratic deficit due to the myriad unaccountable committees operating secretly and without public record. Again, it is seen that these very same ministers composing national governments do have legislative power and legitimacy of governmental act is questioned. In terms of qualified majority, the fact that a decision will be passed even if a particular number states votes against it. The Lisbon treaty introduced bridging clauses the qualified majority voting can replace unanimity this does not change the main concept: and this that decision are made by the democratically legitimate council on the proposal drafted by the commission suffering from democratic deficit (Klenanc 2011: 31).

As to the issue of transparency in Council’s working, the Lisbon Treaty has provided “modest” improvements. The “open meeting rule” will require the Council to meet in public “when it deliberates and votes on a draft legislative act” (Siebersson 2007: 458). However, the Council still remains free of any institutional control from the Parliament (Siebersson 2007-8: 458). This method does not mitigate ‘democratic deficit’. Some clarification and efficiency is brought to the area of the Council’s rotating presidency. The Foreign Affairs branch of the Council will have permanent chair, the High Representative of Foreign Affairs (Siebersson 2007: 457). Presidencies of the other branches will continue to rotate every six months, but the new change will be that groups of three Member States will share and coordinate the presidencies for periods of 18 months (Siebersson 2007: 457). This change is promising as it may bring operational and policy consistency to the Council’s presidency areas. However, the Committee of Permanent Representatives (COREPER) will remain fully operational and provide ongoing support for the Council (Siebersson 2007: 457). The COREPER area was one of the areas recognised as democratically deficient. It appears that no measures have been taken to address this area.

**The critical analysis of European Union democratic legitimacy and Lisbon treaty claims to be representative democracy can be understood by various arguments which has mentioned below.**

The Lisbon Treaty was challenged before German Constitutional Court on issue of the EU being a representative democracy. Chalmers (2010) states that EU is not democratic, according to the German Constitutional Court, EU can never be fully democratic. In order for the Union to become a democracy as set by the German Constitutional Court, "it would have to turn itself into a unitary state". The German Constitutional Court equated representative democracy as "the principle of a legislator based upon one person per vote, as the heart of a democratic system". Azman, K. D. (2011), on the question of why EU suffers from democratic deficit, are as follows: 1) European Commission is a non-elected institution. It enjoys too much political power. Although it does not take its legitimacy from the people, it has significant and effective role in the decision-making process. 2) The EU Parliament has relatively lesser power in law making with respect to EU Commission. This leads to a wave of criticisms as it cannot protect or guard people's rights and entitlements. 3) Extensive lobbying activities are sometimes considered as illegitimate. 4) In classical parliamentary system, people are represented by elected MPs. People use their constitutional right to vote to elect MPs. However, in the EU, people do not have such power. 5) Those of take part in the EU institution are not even indirectly elected. The European Council and the Council of Ministers are not directly elected for their role within the European Union. The members of the Council of Ministers represent the "national" interest rather than the "partisan interests" of their electoral constituency as done in domestic politics. 6) Another common criticism is that the European Court of Justice has continuously expanded its own power. 6) Council of Ministers and the European Council are not properly controlled and accountable. 7) QMV (qualified majority voting) in the Council is undemocratic to outvoted publics. 8) Since there is no "demo" or "people" in the EU, there is no real democracy in the EU.

In contemporary, European Union has many challenges with it the composition of national parliaments in the EU member states has changed over the last five years. These changes can be expected to be reflected in the next European Parliament as well in the Council. It can impact European policymaking. It is based on current national polls that suggest a loss of European Parliament seats for most centrist pro-European groups and it may gain for anti-EU and EU sceptic alliances. The next crucial impact which is going to happen is that of 2019 election will be held on 23-26 May. The UK may exist in March. The number of Members of European Parliament has to be reduced to 705 from 751 and member's state would remain 27 as well. There are three main factors which drives anti-EU sentiment from EU financial crises 2009, 2015/16 refugee crisis and National sovereignty and role of the EU. Evidently, declining vote share of established centrist parties Voter turnout at the European Parliament elections has followed a continuously declining trend over the last 35 years, falling from 62% in 1979 to only 42.6% in 2014. The drop-in election participation rates can be observed for almost all original EU member states, e.g., in Germany from 66% to 48% and France from 61% to 42%. Only in countries where voting is

compulsory such as in Belgium and Luxemburg, did turnout approach 90%. It is also observed that Populism in its anti-European shape, a permanent challenge for the EU and the euro area (Koerner K. 2018) <sup>[9]</sup>.

### Conclusion

In conclusion, EU is unique in nature for its organisational set up and it is very difficult while dealing with democratic legitimacy of its main institutions. No any such hybrid institution emerged in the world polity even today. On the other hand, there is no consensus on how to measure democracy and democratic deficit. However, in any democracy system democracy is legitimate by the people. There are several models of democracy. however, according to article 10 post Lisbon treaty mentioned as representative democracy and citizen are directly represented at union level in the European parliament, member state are represented in the European council by their heads of state and in the commission by their governments, themselves democratically accountable either to their national parliaments or the citizen. Although, European parliament is only directly elected body in EU and commission as well council members are not directly elected and these bodies have more power than European parliament. The elected government is accountable for the people. These things are missing the EU. Hence, the council member is not directly elected at EU label and European parliament is only a directly elected body but power is more given to the council and commission those are not directly elected. The commission does not fulfil the democratic legitimacy. However, it has monopoly of drafting the legislation. Thus Lisbon treaty claimed to be representative democracy is still unable to solve the democratic deficit in the EU. However, it has helped to improve the power of European parliament and certain changes indicate the EU in increasingly democracy. Hence, the democratic deficit is still in the EU even after Lisbon treaty.

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