

# How the EU Parliament Works – And it's not like Westminster

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On 22<sup>nd</sup> May this year we in Britain and the rest of the EU nation states, go to the polls to vote for a new European Parliament. Before you do so you might like to know how it works.

To begin with, the Members of the European Parliament (MEPs) are not elected as, for instance, in Britain, on a '*first past the post*' system but by a multi-member '*party-list*' type of proportional representation. Other national governments within the EU will also find this system varies from their own but it means that for the EU election all national political parties choose which individuals are top of the list and who therefore have the best chance of being elected or re-elected. Of course, only those MEPs who have towed the party line get into the top of the list.

There are currently a total of 766 seats in the EU Parliament and these are allocated to each member state on the basis of population, Germany having the largest number and Malta the fewest. However, the total will be reduced to 732 seats after the European elections in May but while Britain's total will remain at 73 or about 9.58% of the total, this will vary in other member states. Once elected MEPs then sit, not in national blocks but in seven Europe-wide political groups. As stated in the EU's Guide to its Institutions (2005), '*between them, they represent all views on European integration, from the strongly pro-federalist to the openly Eurosceptic*'. You will notice the use of the word '*openly*'.

But so far, so democratic.

It is important to realise that unlike Westminster, the European Parliament does not consist of a proposing Chamber such as in the House of Commons, and a revising Chamber as in the House of Lords. Decision-making at European Union level involves various European institutions, the most important of which are:

The Commission

The Parliament

The Council of Ministers

According to the Guide, the Commission, which at present consists of 27 Commissioners, is independent of national governments and its job is solely to represent and uphold the interests of the EU as a whole, including the 'ever closer union' described in Article 1 of the Treaty on European Union.

A new EU Commission is set up every five years within six months of the parliamentary elections.

And it is here that democracy begins to falter.

To begin with, it is the member states' governments which between them will agree – in secret – who is to be the new Commission President. The President will then, in discussions with the member state governments, choose the new Commissioners, none of whom will be an MEP. Indeed, some of them will have never held elected office at all in their own countries or may even have been rejected by their national electorates.

The Parliament will '*approve*' the appointment of these new Commissioners – not individually but as a whole block of 27 – the approval being voted on in secret, which facilitates yet more behind-the-scenes horse-trading. And in their new office the Commissioners will be expected to consider the

views of the Parliament, yet they are also entitled to ignore them completely.

And it is in the European Parliament that democracy really breaks down.

The Commission alone is responsible for drawing up proposals for initiating new – or repealing current – EU legislation and is exclusively able to decide when, or whether, to progress it through various institutions. Before a proposed Directive or Regulation is drawn up (let's call them simply 'laws'), the Commission will have consulted a wide range of interest groups, advisory bodies and committees –including EU-funded NGOs and any other number of its 3,000 working groups.

The Commission may seek to give the appearance that the initiative for a new law has come from an MEP by asking one of the MEPs to propose the legislation on their '*Own Initiative*'. An '*Own Initiative*' proposal has no chance of becoming law, or even of being discussed by the Council, unless the Commission adopts it and presents it to the Parliament as a proposed Directive or Regulation.

Having received a proposed law from the Commission, the Parliament will send the proposals to various Committees of MEPs – determined indirectly by the Commission's choice of which 'competence' (also known as 'treaty head') to use as justification for its authority to make it a law.

At this point the procedure departs directly from that envisaged in the Treaties. As a practical measure, in an attempt to speed the legislative process, the Commission will 'facilitate' private discussions between the leading MEPs on the Committee and civil servants and Ministers representing the Council in a process known as the '*Trialouge*'. The larger parties use this opportunity to horse-trade in negotiations on various disparate proposed laws. It is from behind these

closed-doors that compromises emerge which may have no resemblance to amendments suggested by the elected MEPs in the Committee.

Once the Commission is satisfied that the 'compromises' from the Trialogue will have the support (willing or coerced) of sufficient political groups in the Parliament to carry them through, a vote on the proposed laws will find its way to the full chamber of MEPs.

The full chamber (known as the Plenary) meets once a month for three or four days to vote – having been given perhaps just a few hours notice of the final voting list, depending on how much brinkmanship is exercised surrounding the Trialogue process.

More behind the scenes discussion will then take place as to who will speak for each group and for how long on which measure.

At this stage in Westminster for instance, there would be an active debate in the House of Commons, often taking a considerable time, but in the European Parliament speaking time is allocated amongst the Parliamentary Groups on the basis of the size of the political group and most MEPs will get around just one minute to speak. If they are lucky they may be permitted to use time from a slot on one debate in another, perhaps giving them as much as 2 minutes. Even the leaders of the parties are restricted in the time they can speak and can expect no more than two and a half minutes after which their microphones will be cut off.

But don't think that MEP speeches equate to what would be recognised as a debate. They are just simply short talks to a mostly empty chamber, the 'speeches' being filmed by the Parliament and mainly designed for the media. This is not surprising, given that so short a space of allocated time can really only touch on one point.

If more than 90% of the Committee vote in favour of a matter it is very unlikely that there will even be a chance to speak about it in the Plenary, before a vote is held.

Usually the votes will be arranged into a large block and occur the day after these speeches (if any) take place. But granted that a proposal can be won or lost on a simple majority of those voting in the Plenary, given that scores of proposals and their amendments can be brought forward for voting on in the one day, and that the amendments are not taken in numerical order, it is not surprising that there can be some spectacular mistakes. Especially as the voting is merely on a show of hands! In spite of this, should any vote be lost, this is not the end of the matter. It then goes to '*Conciliation*', which is the formal version of the Trialogue described above – in which the Commission has another chance to broker a deal between the Parliament and the Council.

Whilst the Commission controls the drafting, agenda and timing of legislation (and uses these powers as leverage), it is the EU Council of Ministers that is the final decision-making body. Most, but not all, EU laws are passed jointly with the European Parliament while in some fields, the Council alone legislates, but has to consult the Parliament. The Council – consisting of Ministers from the Member States, a number of whom will not even have been elected to their national office – will discuss, privately and away from the media, the proposals put forward by the Commission. The subjects on the agenda determine which Ministers from the member states attend which Council meeting. For instance, Environment Ministers will attend a meeting on the environment, and Finance Ministers on budgetary matters, etc.

If the Council agrees with the amendments of the European Parliament, the Commission is asked to publish the law in the '*Official Journal*' and it will thereafter become law throughout the EU in accordance with its terms.

The unelected Commission can delay the progress of a proposal so as to put pressure on the Council and the Parliament to agree a different proposal first. In contrast, the elected MEPs from national states have no form of parliamentary filibuster or delay at all, and proposals which by the time of the election have not finished their path through the institutions are simply carried forward to the next Parliament if the Commission wishes it.

This, in effect, means that if it has the support of a Qualified Majority of Ministers, whatever proposal the unelected European Commission puts forward will become law in all member states, even if for instance one Group votes against it. Even the EU Commissioners admit that 75% of UK laws come from the Eu while in Germany it is said to be 84%.

In Britain these laws then go through Parliament in the sense that they are laid before committees which may choose to have a short debate on them and '*take note*' of a particular Directive or Regulation. But this is academic as there is no option to reject them unless there happens to be a national veto on the subject under discussion, since the UK Courts are required to accept EU laws regardless of what any Westminster Statute may say. This is the same in all EU member states.

And that means everyone living in the European Union is ruled not by a democracy but by a form of dictatorship known as an oligarchy – dictatorship not by one person but by groups.

But a dictatorship none the less.

Several member states now have eurosceptic parties who will be fielding candidates in the coming EU election so you might like to remember this when studying the manifestoes of all the Parties standing in your country before casting your vote on 22<sup>nd</sup> May this year.