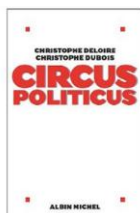


European democracy: circus or reality?

by **Yves Bertoncini**, Secretary General of Notre Europe
and **Valentin Kreiling**, trainee research assistant at Notre Europe

Summary of the panel discussion of the book *Circus Politicus*



*Circus Politicus*¹ has reopened the debate on the “democracy deficit” of the European Union, by examining the role citizens play in the EU’s institutional and political operations, as well as the nature and scope of its powers.

In order to address these important issues, *Notre Europe* organised a panel discussion at the Foreign Press Center (CAPE) in Paris on 22 March 2012, with the following participants:

- **Christophe Deloire**, director of the Centre for Journalism Studies and co-author of *Circus Politicus* (with Christophe Dubois);
- **Isabelle Durant**, Member of the European Parliament (Ecolo/Greens), Vice-President of the European Parliament and former Belgian minister;
- **Jean-Louis Bourlanges**, former Member of the European Parliament, professor at Sciences Po and member of *Notre Europe*’s Board of Directors.

The debate was introduced and led by **Yves Bertoncini**, Secretary General of *Notre Europe*, and ended with a series of questions and answers with the audience. All of these exchanges helped to identify the main topics analysed below.

1. European institutions and decisions: a lack of visibility

1.1. *Insufficient media coverage*

- **Christophe Deloire**: National media outlets are not doing their job when it comes to covering European news, which does not correspond to their political and cultural agendas (especially because of their obsession with people and electoral battles). European news usually only interests them when mentioning government leaders’ trips to Brussels, while journalists that specialise in the EU often identify with their subjects and are often very pro-European. This lack of media coverage leads to a distorted if not dishonest representation of the EU and constitutes a democratic failure.
- **Isabelle Durant**: It is true that journalists covering European news are often foreign bodies in their own media – just as Members of the European Parliament are often foreign bodies in national politics. The media and new information tools encourage immediacy and short-term thinking, which is incompatible with the long-term complexity of the multi-level governance organised by the EU. The media never gives continuous coverage to the evolution of a directive from its proposal to its incorporation.
- **Jean-Louis Bourlanges**: Overall media coverage of European affairs is insufficient, but this is not the case in the sectors where the EU exercises important powers, such as agriculture: when things happen in Brussels, the relevant players and media outlets make sure to stay informed.

¹ Christophe Deloire and Christophe Dubois, *Circus Politicus*, Albin Michel, February 2012.

1.2. Institutional transparency: room for improvement?

- **Christophe Deloire:** The transparency of European institutions is sometimes lacking, especially when it comes to the European Council: the Antici notes² cited in *Circus Politicus* show that the important debates take place during European Councils, behind closed doors. They also confirm that government leaders distort these debates after the fact – it's only human, leaders want to make themselves look good.
- **Isabelle Durant and Jean-Louis Bourlanges:** Some discretion is inevitable at European as well as at national level, and many decisions are prepared behind the scenes (Isabelle Durant). Secret confabs are part and parcel of politics, including European politics, because political decisions, which make people anxious and hopeful, must be delivered as finished products. This does not mean we must assume there are secret conspiracies or hidden agendas (Jean-Louis Bourlanges).
- **Shared Consens:** Very few Europeans could answer the question: What does Herman van Rompuy do? Only insiders know this, as well as the fact that he composes Haikus (Isabelle Durant).

2. The need for better structure of national and European democracies within a “multinational democracy”

2.1. The legitimacy of the EU's powers

- **Christophe Deloire:** European powers are far removed from electoral constraints, a fact that certain political players (such as Mario Monti) proclaim and accept as reality. On the national level the relationship between the French Council of Ministers and the people is real, but this is not so on the European level. There are positions of power not subject to election in Europe and some policies, often liberally inspired, are written in the Treaties.
- **Isabelle Durant:** The current EU climate is unpleasant, as is the perpetual order to give the people their say as the people's representatives are elected to represent them. The only solution is to create a transnational public space and show that it is possible for a citizen to have several identities, just like in countries with decentralised governments. The emergence of a mixed approach between regional and national media would allow us to hear something other than the sounds of national identity.
- **Jean-Louis Bourlanges:** *Circus Politicus* reveals an era in which we are happy to cast aspersions on the EU, and this resonates particularly in France due to the resentment felt about the constitutional referendum in 2005. The contrast between relatively fixed European regulations and fluctuating popular choices is a valid explanation. However, the EU must be based on restrictive regulations that are democratically defined, even if their subsequent application is not well-received by states and citizens. The free trade regulations are not inviolable, even if calling them into question is probably difficult. The essential democratic problem is that European representatives will always be too distant, given the number of European citizens they represent (“Brussels” has the same image as “Washington”).

2.2. The democratic role of parliaments

- **Christophe Deloire:** The transfers of power in operation on the European level have not been sufficiently accompanied in terms of checks and balances and democratic control. The heads of state and government sometimes take action in Brussels without a negotiating mandate from their parliament (e.g. Nicolas Sarkozy).
- **Isabelle Durant:** A key issue is who controls what happens on the European level. But if a minister discusses his European activity before his national parliament, everybody leaves. The lack of interest among national parliaments is both tolerated and deliberate, but it may be diminishing, as the 2nd high-level Conference with national parliamentarians organised in March 2012 at the European Parliament has shown.

² These notes are taken by advisors to the Permanent Representatives of Member States of the EU and are named for Italian diplomat Paolo Antici, who attended the first European Council in 1975.

- **Jean-Louis Bourlanges:** Regarding parliaments, the development of the jurisprudence of the German Constitutional Court in Karlsruhe is a serious issue, possibly the number one problem whatever our options are for the future of the European Union. When the Maastricht Treaty was signed, this Court stated that it was necessary to strengthen democracy by expanding the powers of the European Parliament. Today the Court thinks that as there is no single European people, so that European democracy has to happen by giving a greater role to national parliaments, which is “aporetic”.

2.3. How representative is the European Parliament?

- **Christophe Deloire:** In its ruling of 30 June 2009, the German Constitutional Court denounced, among other things, the distribution of seats within the European Parliament, pointing out that a European MEP for Germany represents approximately 800,000 voters while a deputy for Malta represents only 76,000 voters.
- **Isabelle Durant:** In every federal-type system, the weighting in terms of the representativeness of citizens is beyond belief – this is the case, for example, in Belgium, where one German-speaking European deputy represents only 40,000 inhabitants. The principle of degressive proportionality that is applied in the assignment of seats in the European Parliament is a good principle.
- **Jean-Louis Bourlanges:** The German Constitutional Court asks that an unequal principle that has existed in the *Bundesrat* since 1949 be corrected, as the number of citizens represented by the members of the *Bundesrat* varies greatly depending on the *Länder*. The problem is that the EU tried to combine equality of states with equality of citizens, both in the European Parliament and in the Council (with a qualified majority vote), whereas the United States Senate is strictly equal, with 2 representatives per state, no matter the size.

2.4. The organisation of the conflicts and the debate

- **Christophe Deloire:** There is no clear divide between the left and the right in Europe. The staging of debates is problematic, because the conflict is either minimised or exaggerated. There are few votes in the Council of Ministers, which prevents a clear divide between political positions.
- **Isabelle Durant:** It is true that the European Parliament operates mostly in consensual mode, and its internal organisation favours a broad coalition between the EPP and the PES. The European Parliament is not comparable to a national parliament where the government is supported by a majority; instead, it somewhat resembles the United States Congress. There are many examples that show how the European Parliament is capable of exercising its powers based on partisan politics.
- **Jean-Louis Bourlanges:** European conflict is now settled by discussion, which is enormous progress. Even without a single European demos, the *homo homini lupus* philosophy no longer prevails in Europe. There are divides both between European States and European parties, but these divides are expressed within a system of negotiation rather than a system of confrontation. The challenges dealt with in Europe are often very technical and do not necessarily lend themselves to partisan divides (e.g. the Reach regulation, or the texts on unpasteurised cheeses).

3. What role can interest groups and citizens play?

3.1. The importance of influential groups in Europe

- **Christophe Deloire:** The EU is particularly vulnerable to the “soft power” that leverage groups hold. These groups act quietly and on a global scale (Bilderberg, Trilateral, etc.). Some interests are better represented than others within these leverage groups; the balance between trade unionists and businessmen is not respected at all.
- **Isabelle Durant:** the work of interest groups is just as intense at the national level – on energy, for example. Obviously, there are contacts between the decision-makers and these groups, but we must draw the line somewhere so that these contacts don’t lead to a relationship between the perpetrator and the victim of corruption.

- **Jean-Louis Bourlanges:** The leading classes rub shoulders in every country and at every level, this is a known fact. The meetings at the Trilateral Commission or the *Siècle* involve very informal exchanges, but are not places to exercise power. The excessive influence of certain players or interest groups may become problematic – for example, there is too much influence from the banking lobby (Goldman Sachs, etc.).

3.2. Greater participation from citizens and civil society (Isabelle Durant)

- The EU cannot limit itself to communication between institutions and formal consultations, both of which have a limited public. It must find new ways of including civil society in the handling of EU affairs.
- It must be able to adapt to the changing shape of citizen movements, which are often of an *ad hoc* nature and are borne by the appearance of short-lived coalitions (for example, the recent demonstrations against the Anti-Counterfeiting Trade Agreement). These phenomena are an indication of a crisis in representative democracy and the limits of the citizen-MEP relationship. The setting up of the European Citizens' Initiative in April 2012 may be useful in providing an outlet for these movements.
- New technologies must be put to better use. For example, it would be useful to encourage the development of a "Wiki-citizenship" so that citizens may monitor the institutions themselves and approve their actions.

4. The nature and scope of EU powers: Does Brussels really make all the decisions?

- **Christophe Deloire:** One single figure summarises this issue: is it true that 80% of national laws come from the European level?
- **Isabelle Durant:** EU interventions doubtless represent up to 70% of national legislation in certain sectors. Furthermore, European competencies in budgetary matters are being reinforced through reforms to the Economic and Monetary Union (Six-Pack, Treaty on Stability, Coordination and Governance, Two-Pack).
- **Jean-Louis Bourlanges:** Jacques Delors mentioned this 80% when speaking about economic regulation; for example, the EU has important powers in terms of normalising products, in order to facilitate their free movement. However, if you look at the major political competencies, they are all national: education, taxation, security, social protection, the organisation of powers, etc. In many fields Europe is just playing make-believe and its supporters propose undeniably attractive initiatives that have no real scope ("Their proposals are mere candy floss").
- **Yves Bertoncini:** *Circus Politicus* cites a study published by *Notre Europe* in 2009³ which concludes that the myth of the 80% must be dispelled⁴: the impact of normative EU intervention at national level is often merely accessory or regulatory, except in certain sectors of public action (such as agriculture or the environment). A recently published academic study⁵ examining the impact of EU law in eight EU countries confirms this analysis. If there were indeed an overall percentage to retain, it would be closer to 25 or 30%. The more or less profound democracy deficit of the EU must be measured in terms of the real nature of its powers: the question of 'kratos' is just as important as that of 'demos'.

³ Yves Bertoncini, "[What is the impact of EU interventions at the national level?](#)", *Study and Research No. 73, Notre Europe*, August 2009.

⁴ Yves Bertoncini, "[National Laws of Community origin: Dispelling the 80% Myth](#)", *Policy Brief No. 13, Notre Europe*, June 2009.

⁵ Sylvain Brouard, Olivier Costa, Thomas König (eds.), [The Europeanization of Domestic Legislatures. Studies in Public Choice](#), New York Springer, 2012.