

Chapter 12

The European Parliament

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This chapter examines the European Parliament. It does so by analysing the EP's powers and influence, EP elections, political parties and the EP, the composition of the EP, the organisation and operation of the EP, and concludes with some thought on whether the EP is a 'proper' parliament.

Powers and Influence

For long after it was first constituted as the Assembly of the European Coal and Steel Community, the European Parliament – the title it adopted for itself in 1962 – was generally regarded as a somewhat ineffectual institution. This reputation is no longer justified, for whilst it is true that the EP's formal powers are not quite as strong as those of national legislatures, developments over the years have come to give it considerable powers and influence in the EU system. As with national parliaments this influence is exercised in three main ways: through the legislative process, through the budgetary process, and through control and supervision of the executive.

Parliament and EU legislation

The EP is an extremely active legislator. During the 2009–14 Parliament a total of 1,071 legislative acts were voted on in plenary session (European Parliament, 2014). There are a number of ways in which the Parliament can influence the nature and content of the EU's legislative output.

First, it sometimes participates in policy discussions with the Commission at the pre-proposal legislative stage. The Commission may, for example, float a policy idea before an EP committee, or committee members themselves may suggest policy initiatives to the Commission.

Second, the EP can formally adopt its own ideas for suggested legislation. There are two main ways in which it can do this. One way is to adopt own initiative reports – that is, reports that the Parliament itself initiates. Since 1982, the Commission has agreed in principle to follow up on any reports to which it does not have major objections, though in practice it has often either not done so or not done so in ways that the EP intended. Well over 100 own initiative reports are adopted in an average year, most of which do not call for legislative proposals. The other way of adopting ideas for legislation is under

Box 12.1

The EU's legislative procedures and the EP

- *The consultation procedure.* Under this procedure the EP is asked for an opinion on Commission proposals for legislation. Once that opinion is given the Council may take whatever decision it wishes, even if the EP's opinion is negative.

If the Council acts prematurely and does not wait for Parliament to make its views known, the 'law' will be ruled invalid by the CJEU. Any uncertainty on this point was removed by the *isoglucose* case ruling in 1980, when the Court annulled a Council regulation on the ground that it had been issued before Parliament's opinion was known. The *isoglucose* case ruling does not give the EP an indefinite veto over legislation under the consultation procedure, for it is obliged by treaty to issue opinions and in some of its judgements the Court has referred to the duty of loyal cooperation amongst EU institutions. However, the ruling does give the EP a very useful delaying power, of up to about three months.

What use the EP is able to make of the consultation procedure depends, in part at least, on its own subject competence and its tactical skills. The standard way of proceeding is to take advantage of Article 293 TFEU, which states: 'As long as the Council has not acted, the Commission may alter its proposals during the procedures leading to the adoption of a Union act.' If the Commission can be persuaded to alter a proposal so as to incorporate the EP's views, the prospect of those views becoming part of the text that is finally approved by the Council is greatly enhanced. With this in mind, the EP attempts to convince or to pressurise the Commission. Normally, pressurising takes the form of voting on amendments to proposals but delaying voting on the resolution that formally constitutes the opinion until after the Commission has stated – as it is obliged to do – whether or not it accepts the amendments. If the Commission does accept the amendments, the EP votes for the legislative resolution and the amendments are incorporated into the Commission's proposal. If the Commission does not accept the amendments, or at least not all of them, the EP may judge the Commission's position to be unsatisfactory and as a result may seek to delay the progress of the proposal by referring it back to the appropriate parliamentary committee for further consideration.

Article 225 TFEU, which, states that 'The European Parliament may, acting by a majority of its component members, request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Treaties.' An example of such a request being made was in November 2008 when, by 590 votes to 23 and with 46 abstentions, the EP voted to request the Commission to draft a legislative proposal to strengthen the current law on equal pay. Political realities make it difficult for the Commission not to act on Article 225 requests, but, as Judge and Earnshaw (2008: 195–6) show, it has not always rushed to do so. Moreover, only a handful of legislative Article 225 requests have been adopted to date – just 18 in total

during the 2009–14 session (European Parliament (2015: 17) – partly because absolute majorities can be difficult to obtain. The Commission has promised, including in a 2010 inter-institutional agreement between the EP and the Commission, to give such requests all possible consideration and where possible to come forward with appropriate proposals or to include them in its work programme but, in practice, there has not been much evidence of them having had much impact.

Third, the annual budgetary cycle provides opportunities to exercise legislative influence. In large measure this dates back to the *Joint Declaration of 30 June 1982 by the European Parliament, the Council and the Commission on various measures to improve the budgetary*

Box 12.2 continued

• The ordinary legislative procedure is the standard way of proceeding and is restricted to acts which have the power to bind the member states, as is almost always the case. The significance of this is that it is subject to a veto by the Council and the EP.

Another important feature of the ordinary legislative procedure is that the EP must then be notified of any amendment of its proposal. If the Council has rejected it by an absolute majority, the proposal is not required – and cannot be adopted – unless an agreement is reached between the Council and the EP.

• The consent procedure. Under the Treaty, the EP must give its consent to the Commission's proposal. The procedure requires an absolute majority of the members of the EP. The procedure applies to the ratification of

the Treaty. Amongst the 'important' areas for which there was a need for the EP to open new budgetary lines, the Council would have to agree. It was further agreed that the EP's role in the process of legislation should be strengthened, but in the budgetary process, until recently, more progress had been made. Understanding between the Council and the EP has enabled the EP to exercise its influence on the budgetary process, including employment and social policy. An understanding, however, has been reached to work closely together in 1998 when the

Box 12.1 *continued*

- The ordinary legislative procedure.* Up to the entry into force of the Lisbon Treaty this procedure was known as the co-decision procedure. The word 'co-decision' highlights a key difference between this procedure and the consultation procedure: whereas under the consultation procedure the EP is formally restricted to advising, under the ordinary procedure it is a co-decision maker with the Council. The EP thus has the power to veto legislative proposals, which naturally greatly increases its bargaining power when, as is almost invariably the case, it is seeking not to reject but rather to amend legislative proposals. The significance of the Parliament's powers under the procedure is symbolised by the fact that legislation that is subject to the procedure is made in the name of the EP and the Council, whereas legislation that is made under the consultation procedure is made in the name of the Council only.

Another important difference between the two procedures is that whereas the consultation procedure is a single reading procedure the ordinary procedure is potentially a three reading procedure. If the Council and the EP reach agreement on the proposal at first reading (as, in practice, they normally do), the proposal can be adopted at that stage, but if there is no agreement the Council adopts a 'common position' that must then be referred back to the EP. When doing so, the Council is obliged to provide the EP with an explanation of its common position – including reasons for any EP amendments that have been rejected. If the Council and the EP are still at odds after the second reading, the proposal falls if the Parliament has rejected it by an absolute majority of its members and it is referred to a conciliation committee if the EP has amended it by an absolute majority. Conciliation committees – which, in practice, are only occasionally required – are composed of an equal number of representatives from the Council and the Parliament. If agreement is reached in conciliation committee, the text must be approved by the EP by a majority of the votes cast and by the Council acting by qualified majority. If no agreement is reached the proposal falls.

- The consent procedure.* Under this procedure, which was known as the assent procedure pre-Lisbon Treaty, the EP must consider proposals at a single reading. As with the ordinary procedure, the EP has veto powers under this procedure but it cannot make amendments. In some circumstances the consent requires an absolute majority of Parliament's members.

The procedure is not – and never has been – used for 'normal' legislation but is reserved for special measures, including certain citizenship-related issues. As a non-legislative procedure, it is also used for the ratification of international treaties and the accession of new member states.

procedure. Amongst the 'various measures', it was agreed that if the EP put appropriations into the budget for items for which there was no legal base – in other words if the EP opened new budget lines – the Commission and the Council would seek to provide the necessary base. It was further agreed that expenditure limits in respect of legislation should not be set in the legislative process, but in the budgetary process – where the EP had, until recently, more power. For the most part this understanding between the institutions has worked well and has enabled the EP to promote favoured policies, including employment generation and regional policies. It is an understanding, however, that requires the three institutions to work closely together, as was demonstrated in 1998 when the ECJ ruled in favour of four

member states that claimed that a number of EU programmes stemming from EP initiatives and approved under the budgetary procedure were illegal because they did not have an authorised legal base.

Fourth, the EP can influence, albeit perhaps rather indirectly, the Commission's annual work and legislative programme – which is essentially a planning tool of an indicative nature. The procedure is as follows. (1) The Commission adopts its annual work programme, which includes all proposals of a legislative nature, in the autumn. Several factors determine the contents of the programme, most notably: the political priorities of the Commission; commitments that are pending; initiatives that are deemed to be necessary to give effect to existing policy developments;

preferences that have been indicated by the Council and the EP that the Commission is willing to advance; and priorities identified in Council planning programmes. (2) The programme is considered by appropriate EP committees, with a dialogue often taking place between MEPs and Commission representatives. (3) A resolution on the programme is voted on in an EP plenary session, usually in December.

Fifth, and most importantly of all, the EP's views must be sought in connection with important/significant/sensitive legislation, with its powers varying according to the legislative procedure applying. Since the Lisbon Treaty came into effect there have been three procedures to which legislation may be subject. The nature of these procedures and the policy areas to which they apply are described in some detail in Chapter 19. Box 12.1 provides a summary of the procedures as they affect the EP.

Which procedure applies to a particular legislative proposal depends on which treaty article(s) the proposal is based. It is in the EP's interest that as much as possible is based on the ordinary procedure, where its powers are strongest, and as little as possible is based on the consultation procedure, where its powers are weakest. Since the co-decision procedure was created by the Maastricht Treaty, all subsequent revising treaties – those of Amsterdam, Nice, and Lisbon – have benefited the EP by 'upgrading' policy areas from the consultation and cooperation procedures to the co-decision/ordinary procedure. Since the Lisbon Treaty entered into force, over 90 per cent of legislative proposals fall under the ordinary procedure. Box 19.1 on pp. 332–3 lists the policy areas to which the ordinary procedure does not apply.

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It is impossible to estimate the precise effect of EP deliberations on the final form of legislative acts. One reason for this is that a great deal of EP persuading and lobbying cannot be monitored because it is carried out via informal contacts with Commission and Council representatives, often even before a Commission proposal has formally been launched. That is to say, EP influence is exercised not just by the formal acts of approving, rejecting, and amending legislative proposals. Second, statistical analyses of the extent to which EP amendments are incorporated into final legislation struggle with the following problems:

- Distinguishing between amendments that have a political edge and those that are essentially technical or procedural in nature.
- The fact that, as Corbett (2001: 363) has noted, the significance of EP amendments varies according to circumstances. For instance, some amendments under the ordinary procedure are adopted primarily for tactical reasons ahead of negotiations with the Council.
- How to count when some, but not all, of an amendment is accepted by the Council. This is a particular problem under the ordinary procedure, with many amendments leading to compromise negotiated between the EP and the Council.

Notwithstanding, however, these difficulties, some indication of the influence exercised by the EP can be gauged from the fact that under the ordinary procedure hardly any legislative proposals now go to the final conciliation stage. For example, between July 2014 and May 2016, of 109 completed ordinary procedures, 84 (77 per cent) were completed at first reading, 21 (19 per cent) at early second reading, and 4 (4 per cent) at second reading (European Parliament, 2016). In other words, all completed procedures (which, of course, does not mean all procedures) were in an acceptable form to the EP well before the end of the second reading.

Even if the precision of statistical estimates of the EP's legislative influence may be questioned, two matters are incontrovertible. First, the EP is centrally involved with the Commission and the Council in the making of EU legislation. It is so most notably as Chapter 19 shows, when EP committees examine Commission proposals, in trilogues when the key EP, Commission, and Council actors on proposals explore the possibilities for a deal, and in plenaries when votes on legislative proposals are taken. Second, EP action does have a significant impact on the outcome of legislative processes. Whilst only a handful of legislative proposals are actually blocked by the EP, many proposals are significantly altered, including on matters of political substance.

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Having established that the EP does have a genuine legislative influence – an influence that many national parliaments cannot match – three weaknesses to which it is subject need to be outlined.

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The first and most obvious weakness is that the EP does not have full legislative powers. Unlike national parliaments, it does not have the final say over what does and what is not to become law. On the one hand, it does not have the capacity to exercise a fully 'positive' legislative role by initiating, developing, and passing new law its own proposals. On the other hand, its 'negative' legislative role is also circumscribed, for while the ordinary and consent procedures do give it veto over most legislative proposals, under the consultation procedure the Council has the power to overturn EP amendments that have or have not been accepted by the Commission, and to ignore the EP rejection of legislative proposals. Moreover, the Council can also choose not to act at all on legislative proposals it does not like – and there are always many proposals upon which the Parliament has given an opinion that still await a Council decision. (Proposals subject to the ordinary procedures are not exempt from such Council inaction, since the restricted time-table that is attached to the procedure only comes into play once the Council has adopted its common position.)

The second weakness is that although the EP usually attempts to deliver opinions as soon as possible whenever they are available to the Council at an early stage of its deliberations, it is not unusual – although more so than it used to be – for the Council, before the opinion of the EP has been delivered, to take preliminary decisions or to adopt common positions 'in principle' or 'pending the opinion of the European Parliament'. This is especially common when the initial referral to the EP is delayed, when there is some urgency about the matter, or when a Council Presidency is anxious to push the proposal through. Whatever the reason, in such circumstances the EP's opinion, especially under the consultation procedure, is reduced.

The third weakness is that the EP does not have full powers over 'administrative' legislation, even though, numerically, it makes up most of EU legislation (most commonly in the form of Commission regulations and decisions). The EP's powers over administrative legislation have been extended since the Lisbon Treaty (see pp. 150–2), but some MEPs still regard the powers as being too weak given the political and expenditure implications of some of this legislation. However, that said, the fact is that administrative legislation is usually highly technical and of a kind that needs quick

decisions; as such, it is similar to the decrees, ordinances, and other minor legislative acts that national administrations issue and that are commonly accepted as an inevitable aspect of decision-making in the modern world.

Parliament and the EU budget

As is shown in Chapter 23, there are two very different dimensions of EU budget-making: the making of MFFs and the making of annual budgets. The first of these is the more important in that the contents of annual budgets have to be set within guidelines laid down in MFFs.

Since budgetary decision-making and the EP's powers and influence within are examined at some length in Chapter 23, only a summary of key points will be given here.

Multiannual financial frameworks

Following a series of intense disputes in the early-to-mid 1980s between the Council and EP over the contents of the EC's annual budget, in 1988 the EP, the Commission and the Council of Ministers put their names to *The Interinstitutional Agreement on Budgetary Discipline and Improvement of the Budgetary Procedure*. This committed all three institutions to a financial perspective for the years 1988 to 1992. The financial perspective was, essentially a medium-term financial framework for the annual budgets.

Since the expiry in 1992 of the first financial perspective, MFFs – as financial perspectives are now called – have been agreed every seven years between the Commission, the Council, and the EP. Unquestionably, MFFs have given the EP some budgetary leverage – not least because since the very first financial perspective they have required EP endorsement, which was elevated to a consent power by the Lisbon Treaty. But, overall, the Parliament has not been able to exercise as much influence on the contents of MFFs as has been sought or hoped. This has been because the key actors in shaping MFFs have been the Commission – which has set the broad agendas via initial and then revised proposals – and the governments of the member state which, in both the Council and the European Council, have contested key issues whilst giving relatively attention to EP priorities. The

Parliament has exerted as much influence as it can – by producing reports and recommendations, questioning the Council and Commission, and holding debates and votes – but it has been kept largely to the margins. It has managed to persuade the governments of the member states to make some modest adjustments to the MFFs that have been agreed at European Council level, but the approvals the Parliament has given to MFFs have been essentially approvals of Commission-sponsored and member state-negotiated deals.

A main part of the problem for the EP has arisen from it being so difficult and so protracted a process to reach agreement on the contents of MFFs at member state level. In consequence, by the time preliminary MFF deals (finally) reach the EP for its consent, the clock is ticking on the need to reach final agreements and member state positions are quite rigid. Member states are thus unwilling and often unable to do more than make a few concessions to bring the EP aboard.

Annual budgets

Thanks mainly to the 1970 *Treaty Amending Certain Budgetary Provisions of the Treaties* and the 1975 *Treaty Amending Certain Financial Provisions of the Treaties*, the EP enjoyed from the 1970s considerable treaty powers in relation to the EU annual budget. These powers included: (1) the right to propose ‘modifications’ to compulsory expenditure (essentially agriculture), though with final decisions being taken by the Council; (2) the right to propose ‘amendments’ to non-compulsory expenditure (most non-agricultural items), with the EP having the final decisions within limits; and (3) the right of approval or rejection, with the Council, over the whole budget.

Following the introduction of direct elections for MEPs in 1979, extensive use was made of the powers just listed. Virtually all aspects of the rules, including the power of rejection, were tested to see how far they could be taken. Major confrontations with the Council, far from being avoided, seemed at times almost to be sought as the EP attempted to assert itself. The 1988 introduction of financial perspectives served, however, as had been intended, to take much of the heat out of the annual budgetary decision-making process, and since 1988 the annual budget has been agreed by the two co-decision makers – the Council and EP – on time and without excessive controversy.

But notwithstanding the relative smoothness of the annual budgetary process after 1988, a running sore for the EP that frequently surfaced was the distinction between compulsory and non-compulsory expenditure and the EP’s weak powers in regard to the former. This sore was removed by the Lisbon Treaty, which abolished the distinction, made for full parity between the EP and Council as the budgetary authorities, and simplified the annual budgetary procedure.

Control and supervision of the executive

Virtually all parliaments have difficulty exercising controlling and supervisory powers over executives. They are hampered by the executives, which do not welcome the prospect of being investigated and therefore seek to protect themselves behind whatever constitutional, institutional or party political defences are available. They are hampered also by the parliamentarians themselves, who tend not to have the requisite information, the specialist knowledge, or the necessary resources that are required to properly monitor and if necessary challenge, executive activity.

The EP shares these problems but also has two additional ones of its own. First, a key aspect of control and supervision of executives concerns policy implementation: is policy being implemented efficiently and for the purposes intended by the relevant law? The Commission is the most obvious body to be called to account on this question. But in many policy spheres the Commission’s executive role is very limited and consists essentially of attempting to coordinate the work of outside agencies operating at different administrative levels. Such agencies, in which national governments are the most important, are often reluctant to open the books to or cooperate with EP investigators. Certainly there is no question of government ministers allowing themselves to be grilled by the EP on the competency and honesty of their national bureaucracies.

The second problem specific to the EP is that of broad controlling and supervisory issues – such as whether the EU executive is acting responsibly in the execution of its duties, and whether it is fulfilling its treaty obligations – problems arise from the blurring of roles between the Commission, the Council and the European Council. Insofar as the Council and

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ic to the EP is that on advisory issues – such as acting responsibly in the whether it is fulfilling its role. This arises from the blurring of the Commission, the Council and the Parliament as the Council and the

European Council undertake what are in effect executive powers, the EP's supervisory powers are weakened. This is because Parliament's access and treaty powers are not so strong in relation to the Council and the European Council as they are to the Commission.

The Commission

In relation to the Commission, the EP has eight main supervisory powers and channels at its disposal.

First, prior to the Lisbon Treaty, the nominee for Commission President had to be approved by the EP. The Lisbon Treaty strengthened this power of the EP by specifying that the European Council's proposal of a candidate for Commission President must be made 'taking into account the elections to the European Parliament' (Article 17:7 TEU). The candidate is then 'elected' by the EP by a majority of its component members, and if the necessary majority is not obtained

the European Council is required to submit the name of another candidate who is then subject to the same procedure.

As was shown in Chapter 9, in 2014 the EP took advantage of the rather generally phrased wording of Article 17:7 to introduce the *Spitzenkandidaten* (lead candidate) system, which resulted in the European Council having little choice but to accept as Commission President-designate the person (Jean-Claude Juncker) who was the nominee of the largest political group after the EP elections. Inevitably, this has resulted in the President of the Commission becoming more closely associated with the EP, both in terms of working and accountability relations.

Second, the Commissioner-designate 'shall be subject as a body to a vote of consent by the European Parliament' (Article 17:7 TEU). Since this power of approval, in a slightly different form, was first given to the EP, by the Maastricht Treaty,

Photo 12.1 Dimitris Avramopoulos, Commissioner-Designate for Migration, Home Affairs and Citizenship, during his EP confirmation hearing on 30 September 2014



each Commissioner-designate has been subject to a three hour or so grilling – known as a ‘hearing’ – by the appropriate EP committee(s) before the confirmation vote. The confirmation vote itself cannot be on individual Commissioners but must be on the College as a whole. However, as was shown in Chapter 9, some changes to the personnel and the allocation of portfolios in recent Colleges have been made following indications by MEPs that the hearing performances of a few Commissioners have been unacceptable.

Third, the EP can dismiss the College – but not individual Commissioners – by carrying a motion of censure by a two-thirds majority of the votes cast, including a majority of all MEPs. This power of dismissal is obviously too blunt a controlling instrument for most purposes and it has never been carried through. However, it came close to being so in January 1999 when a number of factors came together to produce a groundswell of dissatisfaction amongst MEPs with the Santer College. Amongst the factors were: a Court of Auditors report that revealed (yet again!) evidence of ‘missing’ EU funds and was strongly critical of aspects of Commission management practices; the suggestion that some Commissioners were favouring relatives and friends for appointments and the awarding of contracts; and a rather dismissive response by the President of the Commission, Jacques Santer, to the criticisms that were being made about himself and some of his colleagues. It was only after Santer agreed to the creation of a special committee of independent experts to investigate the allegations of fraud, nepotism, and mismanagement that the threat of dismissal receded, though even then the motion of censure was supported by 232 MEPs, with 293 voting against.

The special committee’s report was issued two months later, in March, and was highly critical of aspects of the College’s work and behaviour (Committee of Independent Experts, 1999a). Most damaging of all was the much-quoted sentence: ‘It is becoming difficult to find anyone who has even the slightest sense of responsibility’ (point 9.4.25). Meeting almost immediately after the report was published and aware that MEPs were likely to carry a motion of censure on it by the necessary two-thirds majority, the Santer College collectively resigned. The resignation was widely interpreted as a triumph for the EP and as a highly significant step forward in its long campaign to exercise greater control over Commission activities.

Further, closely related, steps forward have been taken by succeeding Commission Presidents, who have indicated they will respond positively to a request from MEPs to dismiss an individual member of his College. For example, in 2004, President Barroso promised that if MEPs passed what amounted to a motion of no confidence in a Commissioner, he would require the individual to resign or at least would appear before Parliament to explain why he was not insisting on the Commissioner’s resignation.

Fourth, under Article 233 TFEU, the EP ‘shall discuss in open session the annual general report submitted to it by the Commission’. This debate used to be one of the highlights of the parliamentary year, but it has never produced significant results and is now a little consequence.

Fifth, under Article 318 TFEU, ‘The Commission shall submit annually to the European Parliament and to the Council the accounts of the preceding financial year relating to the implementation of the budget. The Commission shall also forward to them a financial statement of the assets and liabilities of the Union. On the basis of an examination of the accounts and the financial statement, and having examined also the annual report of the Court of Auditors, Parliament ‘acting on a recommendation from the Council, shall give a discharge to the Commission in respect of the implementation of the budget’ (Article 319 TFEU). Under its discharge powers, the EP invariably requires the Commission and other institutions to take appropriate steps to ensure action on the comments appearing in the decision on discharge.

Sixth, the remit of EP standing committees are broad enough to allow them to attempt to exercise supervisory functions if they so choose. However, the Commission is not anxious to encourage investigations of itself, and the committees are not sufficiently well resourced to be able to probe very deeply. The Committee on Budgetary Control, which is specifically charged with monitoring policy implementation, is in a typically weak position: with only a handful of senior officers employed to assist it, it cannot hope to do anything other than cover a small fraction of the Commission’s work.

Seventh, the EP is empowered to establish special committees and committees of inquiry on almost any subject. The work of such committees can range widely, including investigating Commission activities. So, for example, the Special Committees on Tax

ulings, which was the so-called ‘Lux 1’ favourable tax break in Luxembourg and the Commission’s treatment of the member states.

Finally, questions are asked in different ways in different committees. In total, an average year, 100 questions are asked.

The Council

The EP is less able to control the Council than it is to control the Commission.

The first reason for this is the main meeting of the Council, which takes place in Brussels. The Council is directly responsible for the implementation of the Treaty. A measure of supervision is unacceptable to member states. To be able to be responsible for the implementation of the Treaty, the Council must be able to make decisions. This means that the Council is not responsible for the implementation of the Treaty. The Council is not responsible for the implementation of the Treaty.

Second, the very nature of the Council, with its rotating Presidency and its rotating Presidency, makes it difficult to establish a relationship between it and the EP.

Third, politicians are cautious about being involved in such sensitive policy areas and aspects of EMU at national levels to these spheres some of which are in secret and private. The Council is not responsible for the implementation of the Treaty. The Council is not responsible for the implementation of the Treaty. The Council is not responsible for the implementation of the Treaty.

The amount of control depends in large part on the Presidency. There is a need for contact which, if it is to be effective, must be based on a close control over the

steps forward have been Commission Presidents, who respond positively to an inquisitorial individual member. For example, in 2004, President Prodi passed what amounted to a resignation in a Commission President's report to the EP. Under TFEU, the EP 'shall deliver a general report submitted to the Council at the end of each parliamentary year, based on the results and is now a

TFEU, 'The Commission is responsible to the European Parliament and to the Council for the preceding financial year. The President of the Commission is responsible to them a financial statement of the accounts and the Commission has also the right to examine the accounts. The Auditors, Parliament and the Council, shall examine the accounts in respect of the Commission in respect of the preceding financial year' (Article 319 TFEU). The EP invariably requires the Commission to take appropriate measures in response to the comments appearing in the report.

Standing committees are empowered to attempt to exercise control over the Commission. However, the Commission is not sufficiently transparent to be probed very deeply. The Commission's control, which is specific to policy implementation, is limited to only a handful of areas. At best, it cannot hope to exercise control over a small fraction of the

Commission's activities. The Commission has established special committees of inquiry on almost all areas. These committees can range from the Commission's Committee on Tax

and Customs, which was established in 2015 in the wake of the so-called 'Lux Leaks' scandal (involving alleged tax breaks to multinational corporations in Luxembourg and elsewhere), included in its remit the Commission's treatment of state aid arrangements in the member states.

Finally, questions can be asked of the Commission. These take different forms: written questions, oral questions in question time, and oral questions with debate. In total, around 12,000 questions are asked in an average year, of which the great majority are written.

The Council

The EP is less able to control and supervise the Council than it is the Commission. There are three main reasons for this.

The first reason arises from the role of the Council as the main meeting place of the governments of the member states. To make it, or any of its members, directly responsible to the EP would be to introduce a measure of supranationalism into the EU that is unacceptable to member state governments. Council members are to be responsible to their national parliaments. This means that the Council as a collective body is not responsible to anyone, whilst individual members are not responsible to an EU institution.

Second, the very nature of the Council – with its ever-changing composition, its specialist Councils, and its rotating Presidency – means that continuity of relations between it and the EP is difficult to establish.

Third, politicians from the Council are often very cautious about being too open with the EP in respect of such sensitive policy areas as the AFSJ, the CFSP, and aspects of EMU. This reluctance, which can occur at national levels too, is partly because decisions in these spheres sometimes need to be made quickly and in secret and partly because some member states favour intergovernmentalism as the prevailing decision-making mode in these sensitive areas. The EP is thus left to make the best it can of its powers to be consulted, to be kept informed, to ask questions, and to make recommendations.

The amount of access the EP gets to the Council depends in large part on the attitude of the Council Presidency. There are, however, certain set points of contact which, if they do not enable the EP to exercise control over the Council, at least provide it with

opportunities to challenge the Council on its general conduct of affairs.

First, it has long been the case that the Presidency of the Council appears before EP plenaries at the beginning and end of each six-month term of office. This practice was made into a requirement by new Rules of Procedure adopted by the European Council as the Lisbon Treaty came into effect:

The member of the European Council representing the Member State holding the Presidency of the Council shall present to the European Parliament the priorities of the Presidency and the results achieved during the six-month period. (European Council, 2009b: 53)

Second, ministers from the Presidency usually attend the EP committees that deal with their spheres of responsibility at least twice during their country's Presidency. MEPs can use these occasions for informal discussions with the Council, or to have wide-ranging question and answer sessions on the Council's priorities and performance.

Third, ministers from the Presidency also regularly attend EP plenary sessions and participate in important debates.

Fourth, the EP can, through the Presidency, ask questions of the Council. Around 1,000 questions (most of which are in written form) are asked per year.

In one important respect the EP's supervisory position over the Council (and the Commission) was boosted by the Lisbon Treaty, with it being accorded, as is shown in Chapter 22, the power of consent over many international treaties: a power that was used, for example, in 2012 when the Parliament rejected the Anti-Counterfeiting Trade Agreement (ACTA) because of civil liberties concerns. Necessarily, the new Lisbon power has resulted in the EP having considerable contact with the High Representative for Foreign Affairs and Security Policy.

The European Council

If the EP is not able to call the Commission fully to account and is greatly restricted in its ability to exercise control over the Council, it is even weaker in being able to exercise any supervisory power over the European Council. This is largely because of the nature of the European Council: it is an intergovernmental

However, Article 138 of the EEC Treaty included the following provision: 'The Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States. The Assembly approved such proposals as early as 1960, but found itself frustrated by another Article 138 requirement which stated: 'The Council shall, acting unanimously, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.' That the first set of direct elections were not held until 1979 is witness to the feeling of some member state governments – initially mainly the French, later the Danes and the British – that direct elections were rather unwelcome, both because they had supranational overtones and because they might be followed by pressure for institutional reform in the EP's favour. Even after the principle of direct elections was eventually won and it was agreed they would be held on a fixed five-year basis, no uniform electoral system could be agreed, nor has been agreed since. Consequently, the eight sets of direct elections held to date – in 1979, 1984, 1989, 1994, 1999, 2004, 2009, and 2014 – have all been contested on the basis of different national electoral arrangements. The 1999 elections, however, did bring a significant movement in the direction of standardisation in that the UK did not use its traditional single member constituency first-past-the-post system but rather proportional representation on a regional basis, which meant that for the first time proportional representation – albeit in different forms – was used in all member states. This situation was repeated in 2004, 2009, and 2014. (See Table 12.1 for the electoral systems used in 2014.)

In addition to the differences arising from the usage of varying versions of proportional representation, two other differences between the states' EP electoral arrangements merit note. The first is that voting does not take place on the same day. In 2014, for example, voting was between Thursday 22 May and Sunday 25 May. The second difference, and one that is important in terms of the democratic base of the EP, is that there is a considerable variation in the

* * *

In the event, turnout has been relatively low and has declined in every election since the first direct elections in 1979. In 1979 only 62 per cent of those eligible to vote did so; in 1984 the figure was 61 per cent; in 1989 it was 58 per cent; in 1994 it was 56.5 per cent; in 1999 it was 49.8 per cent; in 2004 it was 45.5 per cent; in 2009 it was 43.2 per cent; and in 2014 it was 42.6 per cent. As Table 12.1 shows, in 2014 turnout was highest in Belgium – where voting is obligatory and a national election was also held on the same day – and was lowest in Slovakia.

Three main factors combine to explain the low turnouts. First, because EP elections do not offer any prospect of a change of government, switches in policy, or the making or unmaking of political reputations, they do not greatly stimulate popular interest or political excitement. Second, the election campaigns have little overall coherence or coordination. They are essentially national contests, but of a secondary sort. 'European' issues have never made much of an impact. In 2014, for example, there was little sense of the centre-right majority in the 2009–14 Parliament defending its record or of the centre-left seeking to gain control. Third, those individuals and political forces that normally do much to focus attention on and generate interest in national electoral

Table 12.1 Member states and the 2014 European Parliament elections

	Number of MEPs	Number of citizens per MEP (in thousands)	Eligibility for election (years)	Electoral system	Number of constituencies
Austria	18	486	18	PR with PV 4% threshold	Single
Belgium	21	477	21	PR with PV	5 (3 electoral colleges)
Bulgaria	17	454	21	PR 5% threshold	Single
Croatia	11	407	18	PR 5% threshold	Single
Cyprus	6	127	21	PR 1.8% threshold	Single
Czech Republic	21	465	21	PR with PV 5% threshold	Single
Denmark	13	417	18	PR with PV	Single
Estonia	6	224	21	PR with PV	Single
Finland	13	404	18	PR with PV	Single
France	74	873	18	PR 5% threshold	8
Germany	96	832	18	PR	Single (with 16 <i>Länder</i>)
Greece	21	506	25	PR 3% threshold	Single
Hungary	21	458	18	PR 5% threshold	Single
Ireland	11	351	21	PR with STV	4
Italy	73	816	25	PR with PV 4% threshold	5
Latvia	8	287	21	PR with PV	Single
Lithuania	11	284	21	PR with PV 5% threshold	Single
Luxembourg	6	77	18	PR with PV splitting	Single
Malta	6	81	18	PR with STV	Single
Netherlands	26	653	18	PR with PV	Single (19 electoral districts)
Poland	51	763	21	PR with PV 5% threshold	Single (13 electoral districts)
Portugal	21	480	18	PR	Single
Romania	32	655	23	PR 5% threshold	Single
Slovakia	13	415	21	PR with PV 5% threshold	Single
Slovenia	8	286	18	PR with PV	Single
Spain	54	875	18	PR	Single
Sweden	20	503	18	PR with PV 4% threshold	Single
United Kingdom	73	839	18	PR (Northern Ireland PR with STV)	11+1 (Northern Ireland)
TOTAL	751				

PR = proportional representation without preferential voting.

PR with PV = proportional representation with preferential voting.

STV = single transferable vote.

Sources: various, but especially European Parliament (2014b).

Number of constituencies	Electoral turnout (%)
(with 16 electoral districts)	45.7
(with 13 electoral districts)	37.5
(with 16 electoral districts)	22.7
(with 13 electoral districts)	33.9
(with 16 electoral districts)	32.2
(with 13 electoral districts)	13.1
(with 16 electoral districts)	24.1
(with 13 electoral districts)	45.8
(with 16 electoral districts)	51.1
(with 13 electoral districts)	34.2
(with 16 electoral districts)	42.6

campaigns tend to approach EP elections in, at best, a halfhearted manner: few 'big names' are candidates; national political parties are generally reluctant to commit resources; party activists tend to be uninterested; and a conscious attempt is made by some governments to play down the importance of the elections because they are frequently interpreted as being, in at least, 'mid-term' national elections or unofficial referendums on the government's performance in office.

These three factors have thus combined to make EP elections appear as being much less important – in the eyes of something significant and identifiable being made – than national elections. In consequence, they have also resulted in media interest being limited and EP elections having a relatively low visibility in most member states.

Political Parties and the European Parliament

Party political activity takes place at three main levels in relation to the EP: the transnational, the political groups in the EP, and the national.

The transnational federations

Very loosely organised transnational federations, grouped around general principles, exist for coordinating, propaganda, and electioneering purposes. They are based on affiliation by national parties, from both within and outside the EU.

The three main federations were created in similar circumstances in the mid-1970s out of existing, but extremely weakly based, liaising and information-exchanging bodies, and as a specific response to the continuing development of the EC and the anticipated future use of direct elections to the EP. These three federations are: the European People's Party (EPP), whose membership consists of almost 80 centre-right parties from over 40 European countries; the Alliance of Liberals and Democrats for Europe (ALDE) whose membership consists of 61 liberal parties from across Europe; and the Party of European Socialists (PES), which has 33 full member centre-left parties and over 20 associate and observer parties drawn from most European countries.

Supporters of European integration have hoped that the federations might develop into organisations providing leadership, vision, and coordination at the European level, and perhaps might even serve as agents of unification to their heterogeneous memberships. They have largely failed to do so. Their principal weakness is that, unlike national parties or the EP political groups, they are not involved in day-to-day political activity in an institutional setting. Hence they have no clear focus and cannot develop attachments and loyalties. From this, other weaknesses flow: low status; limited resources – they are heavily dependent on the EP political groups for administrative and financial support; and loose organisational structures based on periodic congresses and bureaux meetings.

The federations, therefore, have not been able to do very much, even though there certainly are tasks that EU-wide transnational parties could usefully perform, such as long-term policy planning, the harmonisation of national party differences, and educating the electorate about Europe. Such influence as they have exercised has been largely confined to loose policy coordination – effected partly through periodic meetings of national leaders, usually before European Council meetings – and to EP elections when manifestos have been produced and a few joint activities have been arranged. Even the manifestos, however, have reinforced the general picture of weakness for they invariably have been somewhat vague in content (necessarily so given the need to reconcile differences), and have been utilised by only a few of the constituent member parties (because EP elections are contested, for the most part, along national lines).

An attempt was made to move beyond the federations' weaknesses in the months before the 2014 EP elections within the context of the newly created *Spitzenkandidat* system (see Chapter 9), with the main candidates for Commission President all being chosen, on a contested basis in some cases, by their transnational federations. The ultimately successful candidate, Jean-Claude Juncker, was the nominee of the EPP. The *Spitzenkandidat* system and the role of the federations in it were strongly opposed by many national leaders, not least Chancellor Merkel, but the probability is that it will be retained in some form.

Beyond the three main federations, other groupings of an even looser nature have surfaced from time to time, usually in order to coordinate election activities. They have included Green, Regional, Communist, and Extreme Right alliances. All have been internally divided and have been hard-pressed to put together even minimal common statements.

The political groups in the European Parliament

Partisan political activity in the EP is mainly channelled via political groups. The rules for the composition of political groups have changed over the years in response to the increasing size of the Parliament. In the 2014–19 Parliament, at least 25 MEPs drawn from at least one-quarter of the member states are necessary to form a group.

Groups have been formed and developed for a number of reasons. The principal basis and unifying element of most of the groups is ideological identification. Despite the many differences that exist between them, MEPs from similar political backgrounds and traditions are naturally drawn to one another – all the more so when cooperation serves to maximise their influence, as it does in the EP in all sorts of ways, from (s)electing the President to voting on amendments to Commission proposals.

Organisational benefits provide another inducement to political group formation. For example, funds for administrative and research purposes are distributed to groups on the basis of a fixed amount per group (the non-attached being regarded as a group for these purposes), plus an additional sum per member. No one, therefore, is unsupported, but the larger the group the more easily it can afford good back-up services.

There are also advantages in the conduct of parliamentary business that stem from group status, since the EP arranges much of what it does around the groups. Although non-attached members are not formally excluded from anything by this – indeed they are guaranteed many rights under the Rules of Procedure – in practice they can be disadvantaged: in the distribution of committee chairmanships for example, where the largest political groups get first choices on the most important and prestigious committees; in the preparation of the agendas for plenary sessions; and in speaking time during debates.

In recent years there have usually been between seven and nine political groups in the EP: eight at the time of writing (autumn 2016). The main reason for there being so many is that, with proportional representation being used for EP elections, MEPs reflect the wide range of political opinion that exists across the EU with regard to ideological and national orientation. Since direct elections were introduced in 1979 there have never been fewer than 60 national political parties represented in the EP, and in recent elections there have been considerably more than this. After the 2014 elections 186 national parties were represented in the Parliament.

The main characteristics of the political groups in the EP are set out in Box 12.2, with the groups listed in the descending order of their representations. The size of the representations is given in Figure 12.1.

As suggested in the outlines of the groups in Box 12.2, group formation and composition is highly fluid. The extent of this is demonstrated by the fact that although the number of groups has remained relatively stable over the years, since direct elections were first introduced only the two largest groups – the EPP and the S&D – have survived in recognisable form. Moreover, both of these have been subject to considerable changes in their memberships as a result of enlargements, election results, and – especially in the EPP's case – defections from and to smaller groups.

As is also suggested in Box 12.2, all the political groups have significant internal divisions, usually of both an ideological and a national character. Internal division within a group does, of course, undermine coherence, which has a weakening effect. But, though this is recognised, whatever their ideological principles might suggest to them it is all but impossible for French MEPs, for example, to vote in favour of cutting agricultural support measures or for Polish MEPs to support increases in the Structural Funds.

In addition to ideological heterogeneity and national attachments, three other factors also make for looseness and a limited ability on the part of the groups to control and direct their members. The first of these factors arises from the political power of the EP and the institutional setting in which it is placed. With no government to sustain or attack and no government-sponsored legislation to pass or reject, MEPs do not have the semi-automatic 'for' or 'against' reaction that is so typical of much national parliamentary behaviour. The second factor is structural. Since

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in national legislatures, the political groups
are not part of a wider organisational framework
from which emanate expectations of cooperative and
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of responsibility and accountability. Rather, most of
them are weak, quasi-federal bodies functioning in
a multicultural environment. This is evidenced in a
number of ways: the constituent member parties of
the larger groups hold their own separate meetings
and have their own leaderships; in seeking to encour-
age group unity, group leaders can invoke no effective
sanctions against, and can withhold few rewards from,
MEPs who do not fall into line; and in looking to their
political futures, it is not only their political group or
leadership that MEPs must cultivate but also their
national parties at home. The third factor is that MEPs
have claims on their loyalties and votes that sometimes
compete with the claims of the political groups. One
source of such claims is the numerous interest groups
with which many MEPs are closely associated. Other
sources are the EP intergroups, which bring together,
usually on a relatively informal basis, MEPs from
different political groups who have similar views on
particular issues. Over 50 intergroups were established
at the beginning of the 2014–19 parliamentary session,
including groups on creative industries, disability,
extreme poverty and human rights, and trade unions.

However, despite the many weaknesses of the polit-
ical groups, it is important to emphasise that they are
of considerable importance in determining how the
EP works. Some of their functions and tasks and the
privileges they enjoy are specifically allocated to them
under the Rules of Procedure or by parliamentary
decisions. These include guaranteed representation
on key EP bodies and committees, and speaking rights
in plenary sessions. Other functions have not been
formally laid down but have developed out of politi-
cal necessity, advantage, or convenience. This is most
obviously illustrated by the way the groups are the
prime determiners of tactics and voting patterns in
the EP, the decisions on which are normally taken in
the week prior to plenary sessions which is set aside
for political group meetings. At these meetings efforts
are made to agree a common group position on mat-
ters of current importance. For example: should a
deal be attempted with another political group on the
election of the EP's President?; what is the group's
attitude towards a Commission proposal for a direc-
tive?; what tactics can the group employ to prevent

an unwelcome own initiative report being approved
by a committee? In dealing with such questions inter-
nal group differences may have to be tackled, and
sometimes they may not be resolved. But of the many
influences bearing down on MEPs, political group
membership is normally the single most important
factor correlating with how they vote, and is consid-
erably higher than voting along national lines. There are
some differences between researchers on how high the
correlation with political group membership actually
is, but overall it seems that in the three main 'centrist'
groups – the EPP, the S&D, and the ALDE (which,
as is shown below, are in effect the most important
groups in terms of exercising influence) – MEPs vote
with their group over 85 per cent of the time, whilst
for all groups the average is just over 70 per cent.

Regarding the implications of the political group
composition of the EP for the overall balance of power
in the Parliament, in very broad terms it can be said
that from 1979 to 1989 a nominal centre-right major-
ity existed, from 1989 to 1994 there was a nominal
left-green majority, from 1994 to 1999 there was no
nominal majority either to the right or to the left,
from 1999 to 2014 there was a centre-right majority,
and since 2014 there has been a centrist majority based
on the EPP, the S&D, and ALDE which has worked
together against the 'anti-establishment' parties –
which gained about 30 per cent of the vote in the 2014
elections.

The nature of the political balance existing at any
one time unquestionably affects the interests and
priorities of the EP, with groups from the left tend-
ing, for example, to be more sympathetic to social
and environmental issues than groups from the right.
However, the significance of the nature of the overall
balance is not as great as it normally is in national par-
liaments. There are four main reasons for this. First,
important issues, sometimes of an organisational or
domestic political nature rather than an ideological
nature, can divide groups that otherwise appear to
be obvious voting partners. The many and various
liaising channels and mechanisms that exist in the EP
via which groups attempt to reach agreements and
strike deals cannot always bridge these divisions. On
many issues it is by no means unusual for the views
of political groups on the centre-left and centre-right,
or at least of many MEPs within these groups, to be
closer to each other than to the views of other left
and right groups. This has been especially the case

Political groups in the EP

- Box 12.2 continues

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way for votes to be effective. In consequence, it is necessary for groups from both left and right – and especially from the EPP, the S&D, and the ALDE – to work together if the EP is to make full use of its powers. And the fourth reason is that most EU decision-making processes are characterised by bargaining and compromising. So, for example, the EP is almost constantly involved in inter-institutional dealings with the Commission and the Council. As a result, MEPs are accustomed to exchanging points and making deals in all sorts of ways: ways that often result in alliances being made that are not based on ideological identities.

Given these circumstances it is not surprising that the most dominant voting pattern in the EP is along 'hard' left-right lines. Simon Hix has noted in his writings (see, for example: Hix *et al.*, 2007: 98

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On a final point, it should be noted that organising and conducting further qu

Box 12.2 continued

group. It is comprised primarily of national parties from the political centre and the right, but there are also certain leftist elements. In the Parliament it has often occupied a key position in determining whether majorities can be obtained in votes. Whilst not being in any sort of alliance with the EPP, it has tended to work more closely with it than it has with the Socialists.

- *European United Left/Nordic Green Left (GUE/NGL)*. This group is made up mainly of left Socialist and former Communist parties, plus a small number of Nordic leftist Greens. It tends towards euroscepticism, though from an anti-capitalism rather than a national sovereignty viewpoint. It presses for greater emphasis to be given to social and environmental issues. Disparate views within the group coupled with a very loose group structure make for little internal group cohesion.
- *The Greens/European Free Alliance (Greens/EFA)*. This group was formed in 1999 largely as a marriage of convenience. It brings together greens and regionalists of various sorts. Beyond supporting green issues and greater regional autonomy, the group is not very homogeneous, with some of its MEPs coming from a clear left background and others seeing themselves as being neither left nor right.
- *Europe of Freedom and Direct Democracy (EFD)*. Created after the 2004 EP elections as the Independence and Democracy Group (Ind/Dem), this group is comprised of eurosceptics of various persuasions, including the UK Independence Party which has long campaigned for British withdrawal from the EU. Its message is that there should be a 'Europe of Sovereign Nation States' and that further European integration should be firmly opposed. On principle, the group does not attempt to persuade its constituent national delegations to vote as bloc.
- *Europe of Nations and Freedom (ENF)*. Following the 2014 elections, Marine Le Pen, the leader of the far right Front National party in France, tried to form a political group, but was unable to do so – partly because some potential supporters were deterred by the perceived racist tones and perceptions of her party. However, in June 2015 she was successful in forming a political group.
- Non-attached (NA) MEPs are drawn from many different persuasions, with the strongest element being right-wing populists and hard-right extremists.

2008; Hix and Hoyland, 2011) that 'ideological' voting along left-right lines has increased in the EP over the years and the EP has come to operate more on ideological grounds and less on national grounds. But, the fact is that much voting has long remained grouped mainly around an alliance of centre-left and centre-right, which the greater strength of the anti-establishment parties in 2014 has only served to increase. Voting strength in the EP is based mainly on the EPP, the PES, and the ALDE coming together in a 'grand coalition'.

On a final point concerning the political groups, it is to be noted that the key position they occupy in organising and controlling much of the activity of the EP raises further questions – in addition to those arising from EP elections – concerning the relationship between the EP and EU democracy. For, as Judge and

Earnshaw (2008) note, whilst voters in European elections are mobilised primarily around national party programmes and affiliations, the candidates who are elected by this process operate within the EP in transnational groups of which voters are almost completely unaware. Indeed, groups sometimes are not even in existence at the time of EP elections: as with, for example, the ENF in the 2014–19 Parliament.

National parties

National political parties are involved in EP-related activities in three main ways. First, most candidates in EP elections, and virtually all of those who are elected, are chosen by their national parties. This means that MEPs inevitably reflect national party concerns and

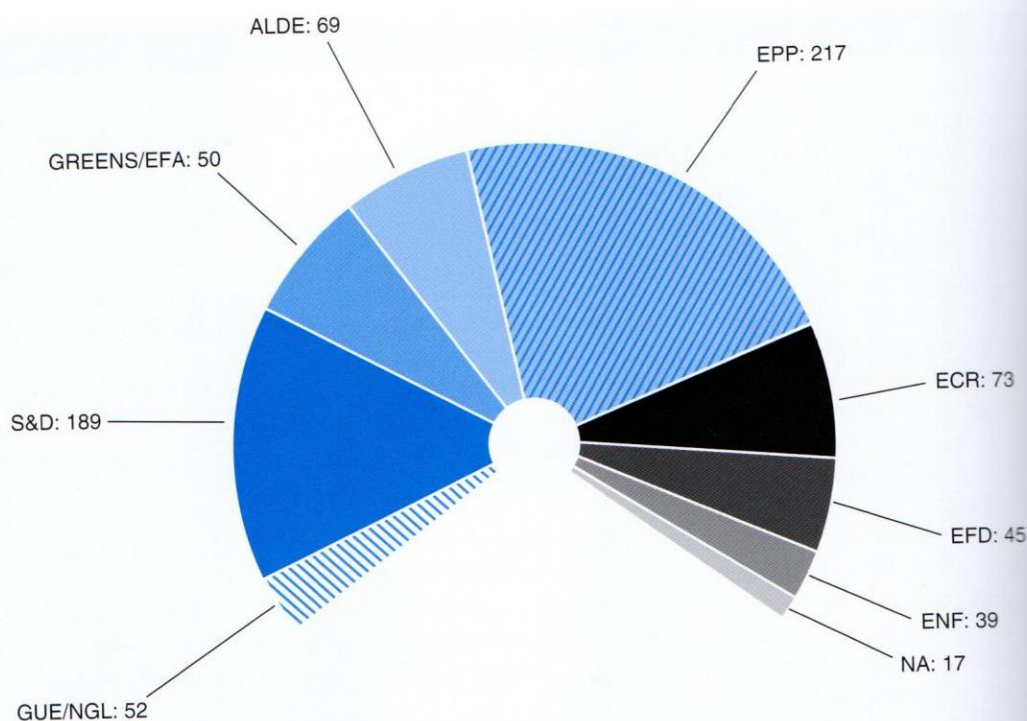


Figure 12.1 Political groups in the EP as of winter 2016

are normally obliged, if they wish to be re-selected, to continue to display an awareness of these concerns.

Second, EP election campaigns are essentially national election campaigns conducted by national parties. Use may be made of transnational manifestos, but voters are directed by the parties primarily to national issues and the results are mainly assessed in terms of their domestic implications. That the European dimension is limited is no more evident than in the fact that the most dominant pattern in EP elections is a movement away from governing parties and large opposition parties towards smaller opposition parties. There is no consistent left-right movement in voting patterns across the member states.

Third, in the EP itself national party groups exist within the political groups. This is an obvious potential source of political group disharmony and sometimes creates strains. Problems do not arise so much from the national groups having to act on specific domestic instructions and pressures. This does sometimes occur, but in general the organisational links between the national groups and national party leaderships are weak and the former have a reasonably free hand

within general party guidelines. The problem is simply that each national party group inevitably tends to have its own priorities and loyalties. Moreover, when there is a clash between the positions of a national group and its political group, the former usually takes precedence (see Hix *et al.*, 2007).

Composition

In addition to party political attachments, four other aspects of the composition of the EP are particularly worthy of comment.

The dual mandate

After the 1979 election some 30 per cent of MEPs were also members of their national legislature. This figure was inflated, however, because many MEPs contested the election primarily for domestic political reasons and had no firm commitment to complete their terms of office. By the end of the parliamentary

term the number of dual mandate MEPs had fallen to less than half. What happened after the 1984 election was that a number of MEPs holding a dual mandate that was already in existence from 1984 with being discouraged in a number of national legislatures of MEPs who were dual members of their national legislatures. Dual mandates have again between the EP and the disadvantage of not being able to accept a full-time job, a 20 per cent dual mandate as in

Continuity

Change and turnover in most organisations is high, but in the more efficient ones have developed a continuity in European affairs over the long way around the EP. Lack of continuity after the first EP election was the first EP election of MEPs being re-elected. However, as not many of the prominent MEPs have since settled in their small proportion of their term of office. In recent parliaments in national parliaments, between just 40 and 50 per cent being re-elected.

Gender

In national parliaments, under-represented in 1994, 1999 around 30 per cent, in 2004 35 per cent, and in 2009 38 per cent.

term the number of dual mandates had been more than halved. What therefore seemed to be a big jump after the 1984 elections, to around 12 per cent of MEPs holding a dual mandate, in fact reflected a trend that was already well under way: a trend that was assisted from 1984 with the holding of a dual mandate being discouraged in most member states and being forbidden by national law in some. Only six per cent of MEPs who were elected in 1999 were simultaneously members of their national parliaments.

Dual mandates have the advantage of strengthening links between the EP and national parliaments, but the disadvantage of reducing the amount of time and energy that is available for each post. Reacting to an increasingly accepted view that being an MEP should be a full-time job, a 2002 Council Decision abolished the dual mandate as from the 2004 EP elections.

Continuity

Change and turnover in personnel affects the way most organisations work. The EP is no exception to this: the more effective MEPs tend to be those who have developed policy interests and expertise in European affairs over time and have come to know their way around the EU system.

Lack of continuity in membership was a problem after the first EP elections in 1979, with nearly one-quarter of MEPs being replaced before the 1984 elections. However, as noted above, that was always likely as many of the prominent politicians who stood in 1979 had no intention of making a political career in the EP. Things have since settled down and now only a relatively small proportion of MEPs resign before the end of their term of office. However, the turnover of MEPs between parliaments is certainly higher than in most national parliaments, with in recent elections usually between just 40 and 50 per cent of those who have been elected being returnees (49.4 per cent in 2014).

Gender

As in national parliaments, women are proportionately under-represented in the EP. In the Parliaments elected in 1994, 1999, and 2004, the figure hovered around 30 per cent, in the 2009–14 Parliament it was 35 per cent, and in 2014 the number elected was 37 per cent.

The member states with the highest proportion of women MEPs elected include Finland, Sweden, and Estonia, which all have over 50 per cent. The states with the lowest proportion include Italy and the Czech Republic, which each have less than 20 per cent. In most member states a higher proportion of women were elected to the EP in 2014 than had been elected to the national parliaments in the previous national elections.

Competence and experience

It is sometimes suggested that MEPs are not of the same calibre and do not carry the same political weight as their counterparts in national legislatures. Because the EP is not high profile, the argument runs, it mostly attracts second-rate parliamentarians, or those who regard it merely as a stepping stone to a national career or advancement.

There is some truth in this view. Major national figures have tended either not to contest EP elections or not to complete their terms of office. (The provision in the 1976 'Direct Elections Act' making national governmental office incompatible with EP membership has not helped in this regard.) Additionally, a few MEPs have transferred from the EP to national legislatures.

But the situation should not be exaggerated. The competition to become an MEP is normally fierce and requires all the customary political skills. Most MEPs have considerable public experience, either in national or regional politics, or in an executive capacity with a major sectional interest. A handful of former prime ministers and senior ministers are normally elected in EP elections.

Perhaps the key point to be emphasised is that it should not be assumed that those who choose to stand for and work in the EP are necessarily settling for second best. Many are firmly committed to their responsibilities and have developed competences and experience that may be different from, but are not necessarily inferior to, those of national parliamentarians.

Organisation and Operation

The multi-site problem

The work of the EP is carried out on three sites in three different countries. Full plenary sessions are held in Strasbourg, whilst mini-plenary sessions are held in

Brussels. Committees and political group meetings are held in Brussels, except for plenary weeks when they are held in Strasbourg. Over half of the just over 6,000 staff who work in the EP Secretariat, including most of those engaged in 'policy' work, are based in Brussels, with the rest located mainly in Luxembourg. (These figures do not include the 600 or so who work in the secretariats of the political groups.)

This situation is clearly unsatisfactory and is a source of grievance and annoyance for most MEPs. Reasonably conscientious MEPs may well have to change their working location up to half a dozen times in an average month. An average work diary is likely to look something like this: four days attending the monthly plenary in Strasbourg; from two to five days in committee(s) and mini-plenaries, usually in Brussels; two to four days in political group meetings and group working parties, usually in Brussels; and whatever time remains, in the constituency (if the MEP has one), visiting somewhere as part of an EP delegation, in Brussels or Luxembourg consulting with officials on a report, or at home.

If the EP had just one base, and especially if that was Brussels, it is likely that the EP's efficiency, influence, and visibility would all be increased. However, the European Council has the power of decision on the matter, and hard lobbying from the Luxembourg and French governments has ensured that arguments for 'sense to prevail' and a single site in Brussels to be agreed have not been acted upon.

Arranging parliamentary business

Relative independence

Compared with most national parliaments, the EP enjoys considerable independence in the arrangement of its affairs. This is not to say it can do whatever it likes. The treaties oblige it to do some things – most notably deliver its views on Commission proposals for legislation – and prevent it from doing others – such as censuring the Council. But on many agenda, timetable, and other organisational matters the EP is, to a considerable degree, its own master.

A major reason for this independence is the special institutional setting in which the EP operates. The EU executive does not have to be as concerned to control what the EP does as do national governments with their legislatures. This is because although many EP

pronouncements and activities can be unwelcome to the Council and the Commission, outside legislative procedures they do not normally have such politically damaging or unmanageable consequences as can be the case when national parliaments act in ways of which national governments disapprove.

A second, and closely related, reason is the lack of any clear and consistent identification, of either a positive or a negative kind, between the EP and the EU executive. In national parliaments business is shaped to a considerable degree by political attachments. But the Commission is made up of officials who are nominally non-partisan, whilst the Council is multi-party, multi-ideological, and multi-national in its membership. As for the 'persuasive devices' that national executives have at their disposal to encourage loyalty, neither the Commission nor the Council has patronage to dispense.

A third reason is that the EP is entitled to adopt its own Rules of Procedure. This it has done, amending and streamlining the Rules in order to make them more efficient and more influential.

Important organisational positions and bodies

Most decisions about the operation and functioning of the EP are not taken in plenary session but are delegated to EP offices and bodies.

The *President of the EP* is elected to office for a renewable two-and-a-half-year term. Because no political group has an overall majority in the EP, the main centrist groups normally come to an informal arrangement whereby two of them (normally the EPP and the S&D) each assumes the Presidency for one term during the five-year lifetime of a parliamentary session. After the 2014 EP elections, the outgoing President, Martin Schulz of the S&D, persuaded MEPs to re-elect him after the EP elections – an unprecedented occurrence in EP history.

According to the EP's Rules of Procedure, the President 'shall direct all the activities of Parliament'. In practice, this means that the President has many functions, including presiding over debates in the chamber, referring matters to committees as appropriate, and representing the EP in dealings with other EU institutions and outside bodies. An effective President must be an administrator and a politician, skilled in organising and also in liaising and bargaining.

The Bureau consists of the President and the EP's Vice-Presidents. Like the President, the Vice-Presidents are elected for a two-and-a-half-year term of office, though by tradition the posts are distributed amongst the political groups and member states. Various financial and administrative organisational matters are dealt with by the Bureau, such as drawing up the EP's draft estimates and deciding on the composition and structure of the Secretariat. To assist in the performance of its duties, and in particular to take responsibility for financial and administrative matters concerning members, five *Quaestors*, who are co-opted, sit in the Bureau in an advisory capacity.

Organisational matters, other than matters of routine which are dealt with by the Bureau, are the responsibility of the *Conference of Presidents*. This is composed of the EP President and the chairs of the political groups. MEPs who are not attached to any political group can delegate two of their number to attend meetings. Matters that fall within the remit of the Conference of Presidents include the following: deciding on the seating arrangements in the Chamber – a potentially sensitive and highly symbolic issue when groups do not wish to be seated too far to the left or too far to the right of the hemicycle; arranging the EP's work programme, including assigning the drafting of reports to committees and drawing up the draft agendas for plenary sessions; and authorising the drawing up of own initiative reports. By and large the Conference responds to matters coming before it from EP committees and groups rather than imposing itself on Parliament. Decisions are made by consensus whenever possible, but if none exists matters are put to a vote, with group chairs (though not the non-attached delegates who do not have voting rights) having as many votes as there are members of the group.

Two other Conferences also have an organisational role: the Conference of Committee Chairs and the Conference of Delegation Chairs. The *Conference of Committee Chairs* brings together the chairs of EP committees on a monthly basis to undertake such tasks as arranging for necessary liaison between committees, settling inter-committee disputes, and generally monitoring the progress of business through the committee system. The *Conference of Delegation Chairs*, which meets monthly to discuss common organisational and planning matters, brings together the chairs of nearly EP 35 delegations. These delegations, each of which number about 15 MEPs, are of

three types: inter-parliamentary delegations to maintain contacts with non-EU countries that are not seeking EU membership; joint parliamentary committees to maintain contacts with the parliaments of countries that are seeking membership and/or have association agreements with the EU; and EP delegations to multilateral assemblies including the ACP–EU Joint Parliamentary Assembly (see Chapter 22); and the Euro-Mediterranean Parliamentary Assembly.

The committees of the EP

Much of the EP's work is carried out by committees. These are of two main types. The first and by far the most important are standing or permanent committees, of which there are 20 in the 2014–19 Parliament (see Table 12.2). The second are *ad hoc* committees, which are established to investigate specific problems and topics.

MEPs are assigned to the standing committees at the beginning and halfway through each five-year term. Under the EP's Rules of Procedure, all committee members are elected to their positions on the basis of proposals made by the Conference of Presidents to Parliament which are 'designed to ensure fair representation of Member States and of political views'. What this means in practice is that the political groups negotiate the share-out of committee memberships on a basis proportionate to their size. Most MEPs become a member of one standing committee – though a few are on as many as three – and a substitute member of another.

The standing committees, which in most cases have 40–60 members, perform various duties, such as exploring ideas with the Commission, fostering own initiative reports, and discussing developments with the President-in-Office of the Council. The most important task of most of them, however, is to examine Commission proposals for legislation. The customary way of proceeding (other than when a proposal is completely straightforward and uncontroversial, which may result in it being dealt with by special procedures allowing for rapid approval) is as follows:

- 1 Each proposal is referred to an appropriate committee. Should a proposal overlap the competency and interest of several committees, up to three may be asked for their views, but one is named as the

Table 12.2 Standing committees of the European Parliament

Foreign Affairs
– Human Rights sub-committee
– Security and Defence sub-committee
Development
International Trade
Budgets
Budgetary Control
Economic and Monetary Affairs
Employment and Social Affairs
Environment, Public Health and Food Safety
Industry, Research and Energy
Internal Market and Consumer Protection
Transport and Tourism
Regional Development
Agriculture and Rural Development
Fisheries
Culture and Education
Legal Affairs
Civil Liberties, Justice and Home Affairs
Constitutional Affairs
Women's Rights and Gender Equality
Petitions

committee responsible and only it reports to the plenary session.

- 2 The responsibility for drawing up the committee's report is entrusted to a *rapporteur*. Though formally chosen by their fellow committee members, in practice *rapporteurs* are, as are committee chairs, appointed as a result of negotiations between the political groups: negotiations that in this case are carried out by group 'coordinators' from the different committees. When drawing up the report, the *rapporteur* can call on various sources of assistance: from the EP Secretariat, from her or his own research services (the EP provides funds to enable each MEP to have at least one research assistant), from the Secretariat of his or her political group, from research institutes, and even from the Commission. Some *rapporteurs* hardly use these facilities and do most of the work themselves; others do little more than present what has been done on their behalf.

- 3 A first draft is produced for consideration by the committee responsible according to an agreed timetable. Drafts are normally presented in four main parts: Amendments to the Commission Proposal (if there are any); a Draft Legislative Resolution; an Explanatory Statement; and Annexes (if there are any), which include the opinions of other committees. How much discussion the draft provokes, and how many committee meetings are required before a text is adopted that can be recommended to the plenary, depends on the complexity and controversiality of the subject matter. Factors that are likely to shape the reactions of committee members include national and ideological perspectives, lobbying by outside interests, and views expressed by the Commission.
- 4 The *rapporteur* acts as the committee's principal spokesperson when the report is considered in the plenary. In this capacity he or she may have to explain the committee's view on amendments put forward by non-committee members, or be called upon to use his or her judgement in making recommendations to Parliament on what it should do when the Commission goes some, but not all, of the way towards accepting committee-approved amendments. Occasionally – as when, for example, the Commission offers a mixed package – committee meetings may be hurriedly convened during plenary sessions.
- 5 Where the ordinary legislative applies, the role and activity of committees at the second reading stage are similar to those at the first reading. That is, they examine the proposal (which is now in the form of the Council's common position) and make recommendations to the plenary. The responsibility for drawing up reports is conferred automatically on the committee involved in the first reading and the *rapporteur* remains the same. The reports normally have two main sections: Recommendations for the Second Reading, which may include approval of, rejection of, or amendments to, the common position (amendments are often aimed at re-establishing the EP's position as defined at the first reading), or producing a compromise with the Council; and Justifications or Explanatory Statements.
- 6 The committee that has dealt with a proposal at the first and second readings is not directly concerned with the proceedings if a conciliation committee is convened under the co-decision procedure.

However, the EP committee always meets and the committee concerned and the *rapporteur*.

As for the influence of these factors, this varies between factors set out in Box 12.3.

Plenary meetings

There are twelve full plenary sessions a year as they are officially held once a month apart from August and autumn when MEPs

Box 12.3

Factors determining the influence of committees

- The significance of the issue: committees deal with matters of high importance.
- The extent of EU power: committees are in the process of becoming more powerful in the areas of Health and Food.
- The power of the committee: the influence of committees is enhanced by the role of the *rapporteur* on Foreign Affairs.
- Committee expertise: committees explore relevant issues and have a standing of policy and technical background.
- The Committee of the Regions: The Committee of the Regions has a role to play in the process of decision-making.
- Committee chairmanship: chairmen help to push business through and are debated in plenary sessions; and they can also initiate proposals.
- Committee cohesion: committees are more influential than a single member. With members from different countries, developing countries, and the Commission, the influence of the Committee of the Regions is critical of the CAP.

However, the EP delegation to a conciliation committee always includes some members of the committee concerned, including the chairperson and the *rapporteur*.

* * *

As for the influence exercised by the standing committees, this varies between committees according to the factors set out in Box 12.3.

Plenary meetings

There are twelve full plenary meetings, or part-sessions as they are officially known, each year: one each month apart from August, plus an extra one in the autumn when MEPs consider the annual budget. The

sessions are held in Strasbourg and last from Monday to Thursday. The EP ceased holding Friday plenary meetings in 2001, largely because of poor attendance on that day.

In addition to full plenaries, six mini-plenaries are held each year. They normally take up two half-days (from lunchtime on day one to lunchtime on day two) and are held in Brussels.

The agenda for plenaries is drafted by the President and the Conference of Presidents in consultation with the Conference of Committee Chairs and the EP Secretariat. Their recommendations have to be approved by the plenary itself. With time tight, items that many MEPs consider important inevitably do not get onto the agenda, and those that do make it normally have to be covered at pace. Strict rules govern who can speak, when, and for how long: the effect of

Box 12.3

Factors determining the influence of EP committees

- *The significance of the policy area within the EU system.* The Internal Market Committee, for example, deals with matters that loom larger in the EU scale of things than the Culture and Education Committee.
- *The extent of EU policy development.* There can be more opportunities to exercise influence when EU policy is in the process of formation than when it is well established. So, the Committee on Environment, Public Health and Food Safety is advantaged in this regard whereas the Committee on Agriculture is disadvantaged.
- *The power of the EP within the policy area.* The influence of the Committee on Budgets is enormously enhanced by the real budgetary decision-making powers that the treaties give to the EP. The Committee on Foreign Affairs, by contrast, though dealing with extremely important subject material, is limited in what it can do because of the essentially intergovernmental character of the policies with which it deals.
- *Committee expertise.* Many committee members do not have the requisite specialised skills to be able to explore relevant issues in depth or to question the Commission on the basis of a fully informed understanding of policy. For example, few members of the Committee on Industry, Research and Energy have a technical background (though they may develop an expertise as a result of their committee membership). The Committee on Legal Affairs, on the other hand, is composed mainly of lawyers or legal experts.
- *Committee chairmanship.* Committee chairs can be vital in guiding the work of committees. They can help to push business through; they can assist *rapporteurs* in rallying support for reports that are to be debated in plenaries; they can help to create committee harmony and a constructive working atmosphere; and they can do much to ensure that a committee broadens its horizons beyond simply reacting to initiatives presented to it by others.
- *Committee cohesiveness.* One of the reasons why, for example, the Committee on Development is more influential than a number of other committees is that it tends to display a high degree of cohesiveness. With members of the committee being united on the desirability of improving conditions in the developing countries, discussions tend to revolve around questions of feasibility rather than ideological desirability. The Agriculture Committee, on the other hand, attracts MEPs who are both supportive and critical of the CAP and hence it often tends to be sharply divided.

the rules is often to restrict speakers to committee and political group spokesmen.

Full plenaries have three standard elements. First, the bread-and-butter business is the consideration of reports from committees. As indicated earlier, these reports usually lead either to resolutions embodying opinions or to resolutions embodying own initiatives. Second, time is set aside for debates on topical and urgent matters. As with the reports, these debates frequently result in the adoption of resolutions. Finally, statements are made by the Council and the Commission and there are also question times with both institutions. Who delivers statements and answers questions on behalf of the Commission and the Council depends on the importance and policy content of the issues at stake, preferences expressed by the EP, and who is available.

In addition to the three standard activities, there are a number of other possible agenda items, such as addresses by distinguished foreign guests, reports by

the European Council President on European Council meetings, and reports by the Head of Government of the Council Presidency.

The EP in plenary does not, it should be said, give the impression of being the most dynamic of places: attendance in the chamber is normally poor; political group leaders and committee spokespersons dominate speaking time; the order of speakers and the amount of time they have to speak are largely pre-arranged; translation problem limits spontaneity (all 24 official EU languages are used, with MEPs who speak 'mainstream' languages often preferring to use their national language); and much immediacy is lost by the practice of taking most votes in clusters at allocated voting times rather than at the end of debates (these voting times are often not even on the same day as the debate). Nonetheless, working procedures have been gradually improved over the years, most notably by the removal of much minor business from the floor of the chamber.

Photo 12.2 European Parliament chamber, Strasbourg



Concluding EP a 'Prop

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Concluding Remarks: Is the EP a 'Proper' Parliament?

The EP has clearly assumed an increased role in the EU over the years. Several factors account for this, not least the Parliament's own efforts to increase its powers.

In attempting to enhance its role and influence, the EP has pursued a dual strategy. On the one hand, there has been an *incrementalist* approach in which the Parliament has used its existing powers to the full and done whatever it can to determine how far these powers can be pressed. As part of this approach, the EP has, for example, interpreted its Maastricht-granted confirmation power on incoming Colleges of Commissioners as giving it the right to 'interview' Commissioners-designate. In 2014 it went further by interpreting the Lisbon Treaty stipulation that the European Council should take 'into account' the elections to the EP when proposing a candidate for the President of the Commission, to create the *Spitzenkandidaten* system, which virtually allowed it to decide that Jean-Claude Juncker would be the President. Beyond these self-assumed executive appointment powers, the EP has also contracted a number of inter-institutional agreements with the Commission and the Council (on such matters as the budgetary procedure and conciliation meetings) that have enhanced its institutional position.

On the other hand, there has been a *maximalist* approach, which has been directed at achieving fundamental reform of inter-institutional relations, and especially increasing the powers of the Parliament *vis-à-vis* the Council. So, in the periods leading up to rounds of treaty reform, the EP, taking advantage of the debate about the 'democratic deficit', has consistently called for, amongst other things, extensions of co-decision-making legislative powers with the Council across the policy spectrum (significant progress was achieved in the Maastricht, Amsterdam, and Lisbon Treaties), and the application of the co-decision-making procedure (now ordinary procedure) whenever QMV applies in the Council (conceded in the Lisbon Treaty).

But notwithstanding the increased powers and influence it has secured, the EP is still widely viewed as not being quite a proper parliament. The main reasons for

this are that it cannot overthrow a government, its formal legislative powers remain weaker than those of national parliaments, and in some important spheres of EU policy activity – notably EMU and foreign and defence policies – the Parliament is largely confined to information-receiving and consultative roles. These perceived weaknesses have in some respects been highlighted and exacerbated during the crises the EU has experienced in recent years, with many key decisions (notably on the eurozone crisis and migration) being taken by governments on an intergovernmental basis and with the Commission reducing the volume of new legislation it brings before the Parliament and making more use of non-legislative policy instruments (soft power).

However, the extent to which the EU has been marginalised by the crises and the significance also of the 'formal powers gap' between the EP and national parliaments should not be overstated. Regarding the former, the EP is not alone amongst parliaments in seeing many of the issues at stake during the crises being dealt with primarily by governments. Of necessity (not least because of the need for quick and often secretive decisions), this has also been the pattern at national levels. Regarding the latter, the powers gap has greatly narrowed over the years, and in many important respects the Lisbon Treaty narrowed it further. Indeed, the EP may be said to have been the principal institutional beneficiary of the Treaty, with gains for it including: significant extensions to its legislative powers; stronger budgetary powers; and EP approval becoming necessary for a number of important decisions that hitherto only required Council approval, such as the use of enhanced cooperation and a wide range of international agreements.

But, in any event, when assessing the importance of the EP, attention should not be restricted to its formal capabilities. For when the comparison with national parliaments is extended to encompass what actually happens in practice, the powers exercised by the EP are, in several key respects, comparable to the powers exercised by many national parliaments. Indeed, it is not difficult to make out a case that in exercising some of its functions – most particularly scrutinising legislative proposals – the EP exerts a greater influence over affairs than do the more executive-dominated parliaments of many member states.