



The EU and its democratic deficit: problems and (possible) solutions

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Abstract Despite the different approaches to the term ‘democratic deficit’, the majority of scholars today focus on political legitimacy and accountability. In this paper we assess the democratic deficit of EU institutions, more precisely the European Commission and the European Parliament. We suggest how this deficit could be overcome through the EU treaty changes, which would create more balanced powers in the EU. We evaluate briefly the attempt of European institutions to increase political participation among EU citizens, where the Internet is found to be a very helpful tool.

Keywords Democratic deficit · Political participation · EU politics · EU institutions

What do we mean by democratic deficit?

The concept of democratic deficit is not univocal. In fact, the democratic deficit debate has been present in EU politics for the last 30 years. It has been used as a point of attack by Eurosceptics and as a core argument by the most fervent European federalists. Many scholars have devoted much time to feeding this debate and approach it from different perspectives. The concept has evolved

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along with the changes the EU itself has experienced. Starting in the late 1970s¹ with arguments in favour of directly elected Members of the European Parliament, today most of the authors focus on the accountability and legitimacy of the European institutions. Moreover, it is undeniable that the approach one takes to discussing the democratic deficit issue depends on the vision and the idea one has for the EU.

When discussing the democratic deficit issue in the EU, some authors² have argued that the concept emerges from imagining the EU as an ideal parliamentary democracy. That is not our intention here. However, even if we think of the EU as a *sui generis* supranational political system (McKay 2005), we will still be able to identify some democratic shortcomings. Furthermore, we believe that these shortcomings could increase with deeper economic integration, potentially transferring more powers from the national to the EU level.

Although we do not necessarily see the European Union as becoming a federal superstate, we certainly think it exceeds the narrow interpretation of the EU as a regulatory system.³ Consequently, in this paper, we focus on the legitimacy and accountability of the European institutions and not on the efficiency of its policies. It is therefore a bottom-up approach that we are applying here, paying attention to so-called *input legitimacy*.⁴

The construction of the European project, however successful it has been, has always lacked the active participation of Europeans. We should point out that we believe it is time for the EU to become closer than ever to its citizens, to look for new sources of direct democratic legitimacy, to be more accountable, more transparent and more political too. The obvious question is this: How can the EU do this?

The accountability and legitimacy of the European Commission

The European Commission (EC) has frequently been pointed to as the least legitimate and accountable among European institutions. Its members are directly elected neither by the European electorate (as is the European Parliament) nor by national citizens. However, the Commission enjoys a double indirect source of legitimacy: on the one hand, Commissioners are appointed by legitimate, elected national governments; on the other hand, the President of

¹ The term was first used in the Manifesto of Young European Federalists in 1977.

² For a critical view of the lack of a democratic deficit in the EU, see, for example, Moravcsik (2002).

³ The scholars who plead for this view think that the EU can be compared to any regulatory agency on a national level in European states, such as a telecoms regulator, a central bank, competition agencies etc. For a broader view of the EU as a regulatory branch of the Member States, see Majone (1998).

⁴ Legitimacy can be divided into output and input legitimacy, in which the output signifies the possibility of the EU to delivering citizens' expectations, while input legitimacy is concerned with democratic principles of representation and accountability. For a broader discussion of input and output legitimacy, see Lenaerts (2003).

the Commission is 'elected'⁵ by the European Parliament. Taking into account the fundamental role the EC plays in setting the agenda in the European decision-making process and the increasing level of de facto politicisation of this institution, we think that a heightened level of democratic legitimacy is required.

The EC is accountable to the European Parliament in two main ways. First, Commissioners have to go through an assessment by the Parliament that involves answering both oral and written questions put to them by MEPs, the so-called Commission hearings. In January 2010, this process proved to be more than a simple formality: questions put forward by several MEPs eventually pushed a Commission candidate to resign. Second, the European Parliament has the right to put forward a motion of censure of the EC as a whole, given its collegiate nature as an institution. Even if this procedure requires obtaining a difficult 'supermajority' (an absolute majority of MEPs and two-thirds of the votes cast) (Milev 2004), the simple threat of a motion of censure by the European Parliament has been enough in the past; the Santer Commission was forced to resign in 1999.

This relationship between the Commission and the Parliament creates, necessarily, a strong link between the two institutions, a link wherein the democratic legitimacy and accountability of the Commission lies. Another critical factor when discussing the democratic deficit in the EU is the problematic legitimacy of the European Parliament, combined with European citizens' 'apathy' regarding the European elections.

The legitimacy of the European Parliament

In the power structure of the European Union, the European Parliament was considered for a long time as very weak in comparison with the EC and European Council. However, following the initial limitations of the European Parliament regarding its legislative powers, these powers started to increase through the implementation of different treaties. Now the majority of laws are adopted through the co-decision procedure (equal power between the European Parliament and European Council) but there are still some that are passed under consultation, where the European Parliament has only the power of delay.

Although there is a widespread opinion that the European Parliament is the only European institution that does not suffer from the democratic deficit, as its members are the only European representatives directly elected, we do not agree with this opinion. Citizens' indifference regarding EU politics and their lack of participation are considered today to be the most serious of the EU's problems (Milev 2004).

In every representative democracy, elections should be a key event in a country's democratic life because they supply legitimacy and accountability, provided there is maximum citizen participation. However, the importance of the

⁵ This election follows a proposal of the Council made by qualified majority voting. See European Union (1992, Art. 17.7).



European Parliament elections is diminished because European citizens are not interested in participating in them. We can speak, therefore, of a lack of democratic legitimacy and a democratic deficit, even if we take into consideration the fact that MEPs are directly elected by citizens. The questions that arise here are whether the same would happen with other EU institutions if their representatives were directly elected, and how much democracy we, as citizens, really want.

Since the first elections in 1979 there has been a gradual decline in participation, falling to 43 % in 2009. While participation has fallen by 5–20 % in countries that participated in the elections in both 1979 and 2009 (with the exception of Belgium, Luxembourg⁶ and the UK, where turnout has not changed to a large extent, and Denmark⁷ where it has increased by 12 %), the participation in Member States that joined the EU in 2004 and 2007 (except for Cyprus and Malta) is generally low and has not climbed above 50 %. This is an interesting result, because citizens of these countries chose to join the EU; yet it seems they are not interested in participating in its democratic life.

The apathy among citizens towards participation, expressed by the unwillingness to vote, is explained by the lack of a European identity. Despite being high on the EU agenda since the foundation of the EU, the creation of a European identity is a complex issue, because of differences among nation states and the considerable diversity inside the EU (Pares I Maicas 2007). This is why only 53 % of European citizens feel attached to the EU, compared with the 93 % that feel attached to their home countries (Debyser 2012). The difficulty EU citizens have identifying with Europe contributes to their low participation and interest in politics on the EU level. In addition to the lack of EU identity, citizens do not participate in European elections because they believe that they cannot change anything in politics on the EU level (68 %), they do not have enough knowledge about the European Parliament (60 %) and they are not interested in the European elections (59 %) (Debyser 2012).

Linked to the low interest of citizens is the fact that there are no true European elections as there is no Europe-wide party system. This blocks the development of democracy on the EU level (Follesdal and Hix 2006). During elections, citizens do not vote for personalities or political parties on the EU level but for their national politicians who, moreover, always focus on national issues in their campaigns. Therefore, the choice made has only an indirect influence on the policy outcome at EU level.

Possibilities for overcoming the democratic deficit

In order to overcome the democratic deficit, we argue that the EU should be further politicised by enhancing the democratic legitimacy of the Commission as

⁶ We should bear in mind that voting in Belgium and Luxembourg is compulsory.

⁷ Denmark is one of the rare European and Scandinavian countries where there has been no decrease in turnout in national elections either. This phenomenon is explained by the mobilisation of weak groups and a high level of competitiveness (Elklit et al. 2005).

well as by promoting a higher level of participation from European citizens with a stronger European identity and the creation of a European public sphere. In order to achieve a full democratic system in the EU, we would need first to reconsider what has so far been one of the cornerstones of the EU decision-making process, namely, the right of initiative.

The right to initiate legislative proposals has been, so far, a privilege reserved for the EC (European Union 1992, Title III, art. 17.2). This represents a great democratic anomaly if we compare the European political system with that of any of its Member States. In addition, this anomaly violates the fundamental democratic principle of the division of powers. In an economic union where only highly technical decisions are being taken, this exclusive power of the EC as the agenda-setter could be justified. However, in a political union where some of the core competences traditionally attributed to nation states are shared (sometimes completely transferred) with a higher level, this is no longer the case. We wonder how long it can be ignored that the process of defining the EU agenda often has a strong political component. If this fact were acknowledged, based on previous research in the field we believe it would be possible to come up with solutions to make the EU more democratic, transparent and open to its citizens.

Therefore, we would like to suggest a clear treaty change: giving the European Parliament (and the Council, considering it as the upper chamber in the EU political system) the right of initiative. This would not necessarily exclude the Commission from continuing to elaborate proposals, as happens in many Member States where the government shares this task with the parliament. Moreover, if we are to deepen economic integration (i.e., with EU-level macroeconomic policies), the European Parliament should also be able to take part in the decision-making process when it comes to economic policies (European Union 2010, Title VIII, art. 121).

On the other hand, the role of the Commission as a 'government' and the strong link that exists between this institution and the European Parliament should not be forgotten. Therefore, we would like to suggest something that has already been highlighted by many others before us: the direct election of the Commission President (in the long term) or its election via competitive European elections (the potential president being the candidate at the top of the list for every European political party). This would increase the European Commission's democratic legitimacy and enhance the interest in European elections (by providing the electorate with a face to vote for) and, moreover, it would make this institution more accountable and transparent. However, it would also openly politicise the institution that has been, until today (at least theoretically), a technocratic and apolitical body in the EU.

The increase in citizens' participation, due to the more personalised elections, would be beneficial for democracy on the EU level. Follesdal and Hix (2006) also suggest a stronger opposition and more competition on the EU level, which would create more awareness among EU citizens and involve them more in EU politics. The existence of a larger number of European parties and national parties orienting their campaigns around EU issues instead of domestic ones could be valuable for creating greater levels of interest among citizens.



Moreover, voters should be allowed to have a bigger say in the policy-making processes on the EU level than they have had until now (Hix 2003). One of the major novelties introduced by the Lisbon Treaty into EU legislation that came into power on 1 April 2012 is the possibility for European citizens to call on the European Commission to propose a legal act in the area where powers are conferred to the EU level. However, to initiate such a procedure, one million citizens from 25 % of Member States are needed.

We suggest another type of involvement that would take place via a process of deliberative democracy, which is often seen as a remedy for the democratic deficit. This is a form of citizens' participation in decision-making processes. Individuals first discuss different issues and make decisions through the consensus obtained. Many scholars today agree that citizens need to participate in democratic processes in order both to make them legitimate and at the same time to bring democratic processes closer to citizens. The advantage of deliberative democracy is its capacity to strengthen the representative democratic system, especially in a supranational context such as the European Union. The possibilities for deliberation in the European Union can be further fostered through the Internet, which brings new possibilities for deliberation, especially among those who are unable to deliberate face-to-face (Vesnic-Alujevic 2011). Citizen-to-citizen deliberation and political dialogue could contribute to an increase in political participation. Among the positive characteristics of online deliberation are the following: it is geographically unbounded (no need for face-to-face deliberation) and inclusive of public communication and cultural diversity: 'people in their diverse identities can argue, compete, collaborate or simply share thoughts' (Chadwick 2006, 25). Consequently this could increase participation and decrease levels of apathy.

The idea of deliberative forums was best presented in Fishkin's idea of deliberative polling, whereby a representative sample of a country or a community gathers in order to discuss an issue, which is followed by polling (Fishkin 2007). This type of forum has already been used in several US and EU states. It appears to be valuable for producing more informed and more engaged citizens. However, its major weakness is the fact that these deliberative bodies could never include the entire EU electorate, but only its (representative) parts.

Although the idea of deliberative forums and greater interaction with citizens might seem to be an unrealistic proposal, the new activities and social movements organised through the Internet suggest the contrary. One of the most recent examples is the organisation of citizens' social media to try to prevent the adoption of the Anticounterfeiting and Trade Agreement on the EU level.

Conclusion

The problem of a democratic deficit is not new for the European Union. In this paper, we have tried to explain the current debates about the concept and

present our views. We are mostly interested in the legitimacy and accountability of two EU institutions: the European Commission and European Parliament. Through an analysis of their policies, treaties and ways of electing their representatives, as well as citizens' interest in EU politics, we have shown that the democratic deficit exists.

We have put forward certain proposals for how it can be influenced by different political actors on the EU level. First of all, certain treaty adjustments could bring more balance between the powers of different EU institutions. The election of the EC's president could be another beneficial tool for European democracy. The last suggestion concerns the inclusion of citizens through deliberative forums, which is significant for overcoming the lack of legitimacy of EU institutions.

Deliberative democracy remains one of the important issues on the EU agenda. This is apparent through different initiatives proposed by the EU institutions that seek to include more citizens. We are certain that the democratic deficit would diminish if at least one of our suggestions were applied. However, we cannot be certain in which direction the EU will proceed to combat this problem.

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