The European Parliament's Political Legitimacy and the Commission's "Misleading Management": Towards a "Parliamentarian" European Union?

Andrei M. Muntean

Date of publication in the **EIoP** : 18.5.2000

| Full text | Back to homepage | PDF | PS |
| This paper's comments page | Send your comment! to this paper |

Keywords

Amsterdam Treaty, democracy, European Commission, European Parliament, accountability, Legitimacy by inputs, legitimacy, political science

Abstract

This paper studies the basic characteristics of the political legitimacy of the European Parliament (EP) within the supranational political system of the European Union (EU) and argues that an increase in the political legitimacy of the EP might provide a solution to the legitimacy problem at the EU level of supranational governance. The case study of "misleading management" in the European Commission followed be the *en masse* resignation of its leadership emphasises the increased powers of the EP in the 'Amsterdam year' and signals the increased potential of the EP in the institutional politics of the EU. Finally, introducing the "parliamentary model", this paper outlines a set of mechanisms to increase the accountability of a 'bureaucratic' Commission to the EP and favours increased powers in the EP as necessary for its political legitimacy.

Kurzfassung

In diesem Artikel geht es um die Eckpunkte der politischen Legitimität des Europäischen Parlaments (EP) innerhalb des supranationalen politischen Systems der Europäischen Union (EU). Es wird argumentiert, daß eine Erhöhung der politischen Legitimität des EP eine Lösung für das Legitimitätsproblem auf der EU-Ebene des supranationalen Regierens darstellen könnte. Die Fallstudie zum Mißmanagement in der Europäischen Kommission, gefolgt vom totalen Rücktritt ihrer Führung, unterstricht das erhöhte Potential des EP in der institutionellen Politik der EU. Zuletzt wird ein "parlamentarisches Modell" und ein Bündel an Mechanismen vorgestellt, um die Verantwortlichkeit der 'bürokratischen' Kommission gegenüber dem EP zu erhöhen, wobei für die Erweiterung der Befugnisse des EP als notwendig für seine politische Legitimität plädiert wird.

The author

Andrei M. Muntean holds a MSc in European Politics and Policy and is lecturer at Drexel University, Department of History and Politics in Philadelphia; email: muntean@drexel.edu

Contents:

1

I. EU political legitimacy: ground definitions

As a matter of degree, political legitimacy generally emphasises the popular justification of the right of institutions to govern, maintain authority and exercise political power within the state (Weber, 1968; Barker, 1990; Beetham & Lord, 1998). Putting it simply, legitimacy is nothing more than an instrument of social consent that brings power to and, more importantly, power over into existence within the political structure of a state (esp. Zelditch & Walker, 1998).

The environment of a liberal democracy allows the existence of legitimacy as a set of rules, normative beliefs, institutional actors and procedures in which popular sovereignty, the ability to justify political actors and institutions are the only valid sources of political authority (Beetham, 1991).

The "state-institution" theoretical model of legitimacy is essentially derived from the legitimisation of state power. Thus, while the effectiveness and viability of a state's power depends on the degree of its political institutionalisation, the legitimacy of the power of the particular state's institution is located on and contributes to the same level as the legitimacy of the whole state itself. In other words, the identification of the degree of legitimacy of a particular institution of the state (on either the national or supranational level of the state's existence) allows, to a certain extent, the analysis of the legitimacy of the entire state.

This research, however, starts with the analysis of degree of EU legitimacy first and then moves to the identification of the legitimacy of a particular institution within the EU system, namely the European Parliament.(1)

The degree of EU legitimacy can be assessed in both normative and empirical terms. Indeed, political legitimacy must meet certain normative criteria in order to be analysed and measured. Beetham & Lord (1998) argue that the criteria of legality, normative justifiability, actions and procedures are essential for the EU to act as a legitimate system of governance.

While the legality of the EU is derived from Europe-wide treaties (e.g. SEA, Maastricht Treaty, Amsterdam Treaty etc.), as written rules on which the supranational power of the EU is based, these rules are expected to be normatively justifiable as derived from the rightful source of authority and a powerful supranational organisation (Beetham, 1991; Beetham & Lord, 1998). Actions and procedures represent a large and complicated set of inter-institutional relations among the institutional actors of the EU and legislative procedures of the EP, respectively.

However, the complexity of the EU itself creates problems in considering the degree of its legitimacy. While Weberian traditional and charismatic authorities (neither individual nor collective) of EU institutions are not easily identified for the popular legitimisation of the Union (Connolly, 1984).(2). The legal authority concept of EU legitimacy (esp. Weber, 1968), which is based on institutionally (i.e. impersonally) and rationally-formulated subjects of legitimacy, serves as an essential theoretical background of the legitimisation of the EU.

A common belief of the EU member states in the legality of enacted rules by the undisputed supremacy clause of the EU law (Hix, 1994) makes the legal authority argument normatively fundamental for the identification of the EU legitimacy. Indeed, under the legal authority approach, what is legally done by a group of governments is regarded as legitimate on both national and supranational levels.

The process of theoretical search for the EU legitimacy considers two fundamental approaches to legitimacy identification, i.e. *direct* ("input-oriented") and *indirect* ("output-oriented") legitimacy (Lipset, 1960; Hix, 1998; Beetham & Lord, 1998; Scharpf, 1999).

2

The *direct* legitimacy approach (Scharpf's "legitimacy by the people," or "input-oriented") views the legitimacy of the EU as supranational, or pan-European legitimacy, directly derived from the degree of appreciation of the EU by the European public with the requirement of a stable and serious "common identity" to justify institutionalised supranational structures of the EU. The political essence of the "legitimacy by the people" is also based on partisan competition in which the electorate is able to choose by voting through Europe-wide elections and majority representation (esp. Scharpf, 1999; also Hix, 1998).

This approach proposes two institutional models as a solution for legitimacy inefficiency at the EU level: parliamentarian and presidential. While the latter is less likely to be developed in a heterogeneous and multi-national EU and in view of historically and traditionally non-presidential liberal democracies in Western Europe, the parliamentarian model seems to be more adequate for the development of the EU and its legitimacy problem solving.

The parliamentarian view specifically outlines the growing importance of the EP as the only directly-elected political body in the EU system. Moreover, the *direct* legitimacy approach emphasises the legitimacy of the EU itself as a supranational system of governance, which meets the legitimacy criteria of legality, normative justifiability, actions and procedures. Specifically, it argues that the EU is enjoying its legality derived from signed supranational treaties and normative justifiability of which has been expressed through public appreciation and a belief in the EU activities(3).

On the other hand, the *indirect* legitimacy approach (Scharpf's "legitimacy for the people" or "output-oriented") views the legitimacy of the EU as domestically (i.e. nationally) authorised by and originated from the popular authority of member states rather then directly from the, yet unidentified,

European citizenry. This approach does not require serious "common identity" but rather purely rational "common interests" for the justification of EU institutions of power. This view sees the legitimisation of the EU as derived from an agreement among member states, as well as from the permission of citizens of these states to participate in the Union, in which the legality of this participation (i.e. of the EU itself) is derived from the constitutional rule of law and legal superiority of the Union created by an agreement among the member states.

However, there are some major objectives to this view, which cannot be ignored. Firstly, the indirect status of the legitimacy of the Union in the context of its direct impact on European citizenry does not provide positive grounds for further improvements in EU legitimacy. The collective will in the indirect form of the legitimacy is not active for the final supranational decisions on the EU level (Dehousse, 1998). Indeed, the direct subordination to indirectly legitimate power has a strong basis of being unstable, inadequate and inefficient. Secondly, indirect legitimacy creates a very favourable environment for indirect accountability and a lack of collective responsibility of the supranational institution(s) of the EU to the European electorate. The case study of the insufficient degree of accountability of the Commission identifies these realities.

Legitimacy by outputs, or legitimacy through performance, proposes a "consociational" or "pillar" model for the EU based on the equality of member-states, protection of minorities and insuring the efficiency of the EU government (Weiler, et al. 1995). However, it seems to be a weak solution due to the fact that it has more emphasis on the intergovernmental aspects of EU effectiveness, while more supranational innovations are needed and seen as adequate (Beetham & Lord, 1998).

3

An alternative to these rival theories is a "double-sided" legitimacy approach, with its (rather, controversial -A.M.) attempts to lead to truly equal participation (Hix, 1998), represents a logical equilibrium between these two rival approaches to the legitimisation problem of the EU. Indeed, even in many liberal democracies, two models of legitimacy coexist successfully, for example, in Germany. However, the common difficulties with both "input" and "output" based approaches to EU legitimacy are in contrast to the fact that the "rightful source of legitimate authority lies with people constituted as a nation, rather than on the cross-national basis" (Beetham & Lord, 1998). Indeed, as Scharpf (1999) stated:

> '…the EU is 'far from reaching the 'thick' collective identity…and in its absence the institutional reforms will not greatly increase the input-oriented legitimacy of decisions taken by the majority rule.'

The European Union has serious difficulties with the identification of the European *nation* and, moreover, the European *demos*. Profound empirical assessments of the legitimacy sources demonstrate that the people of the European Union do have a multi-tiered sense of belonging beginning in order of importance - town, region, country and EU, but the 'European tier' remains the weakest (Beetham & Lord, 1998).

During the period from 1992 to 1995 more than 40% of the EU citizens identified themselves as "nationals of their member-states, as well as European". However, since 1996 a larger proportion of the European public shifted towards the "nationality only" category of self-identification.(4) Therefore, the European *demos* and identity remain cornerstone problems for EU legitimacy identification and Europe-wide popular consent.

The significance of these problems consists of a theoretical complexity of assessment of the EU

legitimacy in both normative and empirical terms. It is considered that the legitimisation of the EU lies in the identification of popular consent or popular acceptability of the European electorate of the European supranational governance. Indeed, popular consent is a necessary condition for a stable system of power while legitimacy gives rise to such consent (Weber, 1968; Gramsci, 1971; Zelditch & Walker, 1998). Moreover, while the authority is basically a co-operative system of activities (esp. Zelditch & Walker, 1998), legitimacy is primarily considered a fundamental collective process within the system of governance rather than an acceptability of this authority derived from individual or private consent (Weber, 1968; Dornbusch & Scott, 1975)(5).

However, since 1989 empirical evidence provides non-plausible results of collective acceptability of the EU and its institutions (Eijk & Franklin, 1996). The process of the ratification of the Maastricht treaty, the virtual demise of the ERM and other evidence demonstrated serious difficulties in the public's appreciation of the EU activities (Dinan, 1994; Eijk & Franklin, 1996). Even aside from politics, for example, policy formulation problems showed that while the majority of those surveyed said environmental policies and international crime solving should be part of the agenda of the EU institutions, the EU devoted most of its efforts and resources to different policies, such as CAP and EMU (esp. Leonard, 1998).

In essence, the shift of power from national to the EU level and the lack of a EU-based popular consent produced so-called 'democratic deficit' of the EU institutions(6), a set of deficits of accountability, transparency and public policy (Dehousse, 1998), which became the key element of the crisis of legitimacy of the European Union (esp. Blondel, Sinnott & Svensonn, 1998; Eijk & Franklin, 1996; Norris, 1997).

4

The essence of the democratic deficit can be assessed and measured by identifying and comparing the degree of satisfaction with the democratic process in the nation states and the democratic process in the EU. Empirical evidence does not always support the doctrine of the 'democratic deficit'. Eurobarometer in 1994 demonstrated that the differences in the degree of democratic satisfaction with the EU and nation states are very slight (esp. Blondel, Sinnot & Svensonn, 1998). The Eurobarometer questionnaire, however, was not designed to measure the degree of 'deficit', but rather the degree of 'di/satisfaction'.

Normatively, such elements of direct legitimacy as authorisation, accountability and representation are important in an analysis of the democratic deficit of the EU. There is an obvious lack of direct authorisation for both the Commission and the Council of Ministers due to the fact that their mandate is received from national governments, but not at all from the European public via free elections (also Marsh & Franklin, 1996). In this context, the EP is the only supranational institution with powers directly authorised by the European electorate with a mandate to legislate in Europe. Moreover, while national parliaments enjoy the direct accountability of EU Commissioners and Ministers, the collective accountability of the EU executive body to the EP is limited (Beetham & Lord, 1998). While more democracy and participation might not necessarily lead to more legitimacy of power for an institution (Blondel, Sinnot & Svensonn, 1998), without increased participation and improved representation in the democratic environment of the EU, consistent public apathy, ignorance and indifference in EU affairs (e.g. electoral turnout in the EP elections) will continue to contribute towards further constraint for EU legitimacy.

The lack of democratic accountability on the institutional level of the supranational EU is the major problem, which contributes to the EU legitimacy crisis. It is anticipated that an increase in democratic accountability and control in the relationship between the European Commission and the European

Parliament will adequately contribute to an increase in political legitimacy of not only the EU as a supranational system of governance, but also of the EP as a central institution of this system (esp. Eijk & Franklin, 1996; Blondel, Sinnott & Svensonn, 1998).

Thus, this analysis considers the *direct* legitimacy approach to a study of EU legitimacy, as an adequate for the identification of both the EU and EP political legitimacy.

The *direct* legitimacy approach emphasises the core role of the EP in the process of supranational governance as well as its growing importance and inevitable leadership in a parliamentary solution of the Community's democratic and legitimacy deficits. Moreover the *direct* legitimacy approach provides basic theoretical foundation for the parliamentarian model of the EU, which is essential to this analysis.

II. Political legitimacy of the European Parliament ⬆

It is assumed that the legitimacy could be characterised as the observed connection between the government and those subordinated (esp. Barker, 1990). The lack of legitimacy therefore, describes the government's lack of a right to command its subordinates, as well as emphasises the subordinates' right to disobey a particular authority.

5

In this analysis, the political legitimacy of the EP can be assessed via an analysis of the relationship between the EP and European electorate. The problem with the EP legitimacy will be identified in an analysis of the degree of insufficient representation and effectiveness of this institution.

The European Parliament, a directly elected trans-national legislative body of supranational institutional structure *within the European Union**(7) (Judge, et al. 1994), has attracted quite different and sometimes contradictory definitions of its activity since its first direct elections in 1979. Some scholars argue that the EP had "a limited influence" (Williams, 1991); "…is lacking true legislative capabilities…not a genuine Parliament and mostly an advisory body" (Krieger & Kesselman, 1992) and "…is not playing as large a role as it might in ensuring the institutionalisation of the EU and self-legitimacy" (Niedermayer & Sinnott, 1995). Others considered that the EP was a "growing" institution (Nugent, 1991) and became a "more equal partner" with the Council of Ministers then it was in its early stages (Earnshaw & Judge, 1995) and "the only directly accountable…participant in the EU constitution-building" (Wessels & Deidrichs, 1999).

The process of 'power inauguration' for the EP was accelerated by the SEA Treaty of 1986 where it gained the power of *European voice*, and both the Maastricht Treaty of 1992 and Amsterdam Treaty of 1997 wherein it gained and then improved its power of *veto*, respectively.

Even though the EP still does not possess the power to create laws, the Amsterdam Treaty enforces the EP with power to block any 'unpleasant' legislation, if the Council of Ministers refuses to take into the consideration parliamentarian amendments. It can also dismiss the Commission *en masse*, as well as block the whole Commission from taking office under the Amsterdam terms. As a result, the EP in 1999 is more powerful than it was in 1994 and the Commission censure motion, which resulted in the *en masse* resignation of the Commissioners in March 1999, is seen to be a milestone of this power.

Essentially, empirical evidence demonstrates that the EP might be considered as the most legitimate institution of the EU system (Neidermayer, 1991; Niedermayer & Sinnott, 1995; Guyomarch, 1995).

This evidence is supported by results of Eurobarometer surveys, which asked the people of Europe to share their opinions about the necessity to create a European government responsible to the EP, the importance of the EP, and the desired degree of importance of the EP in the future life of the EU.(8)

Firstly, European citizens were and still are in favour of the formation of a European government responsible to the EP. Throughout the period of 1987-1996, the empirical evidence demonstrates that an average of 53.6% of the European electorate favoured this idea with only 21.5% of opposing. These numbers show not only the desire of more than half of the Europeans to have a European government, but also to have it responsible directly to the EP.

Secondly, more than a half of the Europeans (54%) stated that the EP is either very or fairly important in the life of the European Union.(9) Moreover, a half of the European public (49.9%) stated that the EP should play a more important role in the EU system than it did at the time of survey(10).

6

Logical explanation of European citizenry's desire to see the EP more powerful is due to the fact of European public's consideration of the EP as the most reliable in the EU system. Indeed, results from the 1995 and 1997 surveys demonstrate that 41% of the European public does see the EP as the most credible and reliable of the EU institutions; very marginally but still more than the Commission and the Council. It is worth noting that this evidence does not contradict the notion of the crisis legitimacy after 1996, discussed above; it demonstrates the attitude of Europeans towards the EP in particular in terms of its reliability, not the EP in general in terms of its legitimacy and effectiveness.

As a supranational institution of the EU, the EP enjoys its political legitimacy as primarily originated from the institutional authority of the EP and legislative procedures the EP implements in the process of exercising its powers. The European public expresses its loyalty and general support for EP activities in the traditional institutional belief in the Parliament as a necessary and classic institution of representative democracy (Hix, 1999). In other words, the legitimacy of the EP could be defined as "habitual institutional legitimacy", which means generally unquestioned acceptance of supranational authority by subordinates based on "parliamentarian habit" (esp. Barker, 1990), originated from national systems of the EU member states.

Political science scholars propose different theoretical solutions to the problem of insufficient legitimacy of the particular institution. Traditionalists argue that legitimacy involves the right to obey and requires subjects to believe in a set of values that justify the institutional authority to implement power (Barker, 1990; Weber, 1968). Normativists disregard legitimacy as a matter of belief in institutional power and the right to govern.

They disagree with traditionalists by emphasising a necessity of normative agreement between authority and the subordinated (Held, 1989), and that legitimate government is a result of a rational choice of social subjects (esp. Grafstein, 1992) and argue that power is legitimate if it is derived from a rationally defensible normative principle and, therefore, view legitimacy as a moral justification of power (Beetham, 1991).

Traditional approach to the legitimacy study provides its explanations and definition of the political legitimacy of the EP as almost entirely derived from the electorate's *belief* that the EP is 'doing the right thing.'

In his normative analysis, Beetham (1991, pp. 92-96) suggests two-fold approach (similar to the analysis of the EU legitimacy) to the institutional legitimacy. In the electoral (or contractual) mode the

legitimacy is shaped in the form of the promise of the authority, from one hand and the commitment of the public, from another hand. This mode could also be characterised as *legitimacy before elections*, or "input-oriented". However, in the underlined expressive mode the effect of legitimacy depends entirely on the quality of the actions undertaken by the authority defined as *legitimacy after elections,* or "output-oriented".

Paradoxically, the normativist approach might also take a traditionalist form part stating that "…power is legitimate if it is acquired in accordance with established rules of power that can be justified in terms of beliefs shared by both dominant and subordinate" (Beetham, 1991). Recognising the original basis of beliefs, it is obvious that the power of the EP is legitimate in theoretical principle; it is based on established rule (i.e. treaties within the EU system) and these rules are expected to have justifiable content derived from the beliefs of the European electorate, based on "habitual institutional legitimacy."

7

Legitimacy is enhanced in virtue of the positive view of European citizens towards the EP, irrespective of whether or not that view is adequately grounded in information and an understanding of the activities of the EP. However, electoral results and voting attitudes provide evidence of a failure of the EP to play a fully legitimising role in the EU in the electoral mode of the institutional legitimacy. First, EP elections are most commonly perceived as being entirely about national parties, policies and issues, i.e. having a fundamental essence of 'second-order' electoral character (Reif & Schmitt, 1980; Eijk & Franklin, 1996). This approach rests on the assumption that voters rank domestic and national issues more importantly than European issues and use European elections to express their preferences about national parties (Beetham & Lord, 1998).

Table 1

Table 1 illustrates that the "not-about Europe" European elections confirm the definition of second-order, mainly because of individual voter behaviour and in terms of the total votes for each party. There are significantly lower levels of turnout in all EU member states in which national elections were not held concurrently (Ireland in 1989 and Luxembourg in 1989 and 1994) or where voting is compulsory (Belgium, Greece, and Luxembourg) with an average turnout-difference between national and European elections increasing from -25.3% in 1989 to -27.8% in 1994 (esp. Hix, 1999).

The main evidence of the second-order character of the elections is a decline in the EP electoral turnout. This decrease is seen through a comparison of electoral results throughout the period from 1979 to1999(11):

Figure 1

The most common reason for such a low turnout is a general ignorance of the EP elections. At first glance, Europeans are concerned about the EP and its role, and voiced their intentions to vote in the EP elections (70% in 1997, 75% in 1998 and 70% in 1999)(12). Paradoxically, these intentions were not demonstrated in the actual voter turnout, which remains significantly low (as well in the 1999 national elections in the UK, Germany and most other EU countries). The logical rationale behind this assumption is that the activities of the EP remain largely unknown and are viewed as slightly less relevant than those at the national level, even by those who cared to vote.

Serious area of legitimacy concern is indeed the EP's insufficient power as a supranational institution.

It is difficult to believe in rational choice for those who vote for extremist, ultra-rightist and nationalist parties if they consider the EP a serious and powerful institution, which must operate on a democratic basis. The truth of the 'second-order' character of the EP elections is that the European electorate sees parties and candidates as those who speak too much about national problems and not enough about Europe and its issues.

Second area of concern is in the degree of the EP's power of representation. The problematic complexity of the legitimate representation issue consists in its 'chicken and egg' essence (Guyomarch, 1995). Put simply, legitimacy is needed to stabilise a system of representation, and a system of representation is needed to impart legitimacy (Beetham & Lord, 1998).

8

The issues of representation and legitimacy are directly related to institutional composition and the effectiveness of its policy making body (Niedermayer & Sinnott, 1995). In this context, some scholars accepted that the European Parliament does not adequately represent its electorate (Marsh & Wessels, 1997; Katz, 1997). It is argued that the EP is badly represented, and there are both political and social essences of representation that are not adequately presented in the EP.

While political representation can be evaluated mainly through the activities of the MEPs as members of different political parties (Marsh & Norris, 1997), the current realities of EP political representation prospects the crisis of democratic legitimisation and of effective governance of the EU. Aside from a lack of linkage between public preferences and constitutional decisions by the EP due to the 'second-order' character of the EP elections with few parties to offer clear alternatives for the future development of the EU political system, a new 1999 composition of the EP with a rightist majority promises more difficult relationships with a Socialist Council of Ministers.

Additionally, social representation, which basically outlines the differentiation of social groups, represented in the legislative body, is argued to be weak and the degree of social representation of within the EP is not anticipated to be adequate in the foreseeable future (esp. Norris & Franklin, 1997). The EP, therefore, does not adequately represent the large number of European societies within the EU and fails to be a fully legitimate institution with legislative power.

Therefore, the need for better representation is directly related to the improvement of the EP's direct legitimacy. The weaknesses of both political and social representation, and thus the weakness of EP legitimacy, are primarily caused by the absence of a common electoral system at the EU level. As a single standard method of electing the EP (esp. Dunleavy & Hix, 1999), a universal electoral system would provide a clear view to the European public on how the MEPs are elected and how they govern. This will ultimately lead to an increased knowledge of the EP's internal structure and external effectiveness, providing a more legitimate basis for a further increase of the legislative powers of the EP and a public evaluation of these powers.

It is taken for granted that different electoral systems in different countries provide different electoral results for allocation of seats for the MEPs (Corbet, *et.al.*, 1995). Almost all EU member-states created a unitary proportional system for elections to the EP, which is sometimes different from the electoral systems used in their own national-level elections.

Table 2

Therefore, unless the system of proportional representation is not introduced a uniform electoral system of the EU, there will be difficulties with representation in the EP. Table 2 demonstrates the

move towards the creation of a common electoral system. Once created, it should ideally have a high degree of proportional representation, high differentiability of candidates, and a Europe-wide party system; all these innovations will determine the elimination of dual legitimacy and democratic deficits (Lodge, 1991; Judge, 1995; Marsh & Wessels, 1997).

A 'democratic deficit', especially in its duality form,(13) is invoked in the argument that both the European Union and its only-directly-elected institution suffer from legitimacy problems of being remote from the ordinary European citizen because of its complex method of operation.

9

Therefore, if the legitimacy of the EP is not increased, the legitimacy of the EU will definitely not increase as well. Aside from its legislative ability to represent Europeans in a direct and democratic way, the European Parliament's legitimacy essentially depends on its control over other EU institutions in terms of responsibility and accountability.

It might be expected that the Community's sufferings from a democratic deficit should diminish after the enforcement of the Treaty of Amsterdam, which was designed to provide an extension of the European Parliament's powers. The Treaty "marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen"(14). Therefore, the Amsterdam Treaty is anticipated to assist in the enforcement of the legitimacy of the EP based on the following innovations.

Firstly, by transferring more legislative powers to the EP, the EU simultaneously increases its image and influence as a supranational legislator. Indeed, the EP now has a much louder voice in the process of decision making within the EU then it previously had.

Secondly, the Amsterdam Treaty eliminates procedural imbalances. The legislative procedures under the Treaty are reduced in number and are simplified; it eliminated the co-operation procedure and removed the third reading possibility for the Council under the co-decision procedure, narrowing the margin between the two institutions in case both fail to reach a compromise. It also puts the EP on an essentially equal footing with the Council of Ministers on procedural matters, which, as some argue, "inevitably leads towards bicameral institutional democracy on the EU level" (Nentwich & Falkner, 1997).

Thirdly, it is anticipated that the establishment of a PR electoral system for EP elections will increase the level of representation, primarily due to the PR's ability to increase electoral turnout(15) (Blondel, et al. 1997). At the same time, the relative diminishment of poor representation will have an inevitable impact on the stability of the EP's legitimacy. The Amsterdam Treaty, therefore, represents the first attempt to shift the institutional balance of the EU towards more active, legitimate and representable European Parliament.

By increasing the legislative role and powers of the EP, the Amsterdam Treaty's innovations demonstrate the fact that the Council is no longer a dominant actor in the EU with an executive capability to dominate other EU institutions.

Finally, by increasing the power of the EP vis-à-vis both the European Commission (via a more intensive investiture procedure and a nomination of the President of the Commission) and the Council of Ministers (via a perfected co-decision procedure), the supranational EU attempts to pay more attention to the power of the *people's representation* vs. *the states' representation* (esp. Nentwich & Falkner, 1997), thus moving slowly, but truly, towards more a parliamentarian model of supranational

governance.

III. The European Parliament and theEuropean Commission's Financial Mismanagement ⬆

The redistribution of power between the Council of Ministers and the EP under the Amsterdam Treaty might be considered as the first obvious move towards a remedy for democratic deficit in the EU (Westlake, 1994), primarily by reducing the gap of responsibility and accountability between these institutions. However, it is essential for this research to understand that not only the Council but also the Commission must be accountable to the EP.

10

A democratic system presupposes an active government with a transparent and effective responsibility before the legislature. Such responsibility primarily allows voters to express their opinions and wishes for further social construction enforcing the governing process through the voices of the people's representatives (esp. Dehousse, 1998), which, in turn, makes the legislative institute legitimate in the eyes of the public. However, a common democratic scheme in which government is accountable to the parliament cannot be adequately applied to the EU system. The Commission is only accountable to the EP as a *collegium*, not a government in a traditional sense, but rather a form of an executive legislature, which has specific supranational powers in specific policy areas (esp. Matlary, 1998). The European Commission is not a separate executive authority in the EU system of governance, but rather a "second executive" which shares governmental responsibilities with the Council of Ministers. This institution also acts in supranational governance such as drafting legislative acts, monitoring policy implementation, etc.

When studying the EU, the issue of executive responsibility to the legislative body concentrates analytical efforts on the accountability – an obligation of the executive to explain and justify implemented actions(16) – aspect of the general executive's responsibility for power-based decisions, made by the European Commission, to the European Parliament.

The supranational direction of accountability is essential, especially in light of the increased legislative and administrative powers of the EP, which were in some sense encouraged by the censure motion and the subsequent *en masse* resignation of the European Commission in March 1999. An examination of the censure motion and Commission resignation demonstrates the increasing ability of the EP to control and push the Commission to act more effectively.

The common approach to an understanding of the degree of accountability of the Commission identifies the latter as "the most unaccountable government in the world" (esp. Weiler, et al. 1995; Hix, 1998) and a "state within a state…which created an atmosphere of secrecy, patronage, nepotism, and obstructionism" (CIE's First Report). On the opposite, it is argued that the level of the Commission's accountability to the EP is "considerable" (Peterson, 1997), "constitutionally efficient" (Williams, 1991) and 'continuously progressing' due to major changes in the process of the appointments of the Commission President and individual commissioners enforced by the Amsterdam Treaty. However, the only viable argument in favour of the Commission's accountability existence might be in the assessment of the EP's right to demand the Commission's resignation, which is, however, considered by some scholars as a negative fact due to the inevitable destruction of the Community if a resignation occurs (esp. Williams, 1991)

However, the recent resignation of the Commission did not destroy the European Union, but rather

improved the political legitimacy and supranational role of the EP. Generally, the EP's victory in its censure and fraud crusade against the Commission provides two-fold evidence. On one hand, it emphasises that the pre-March 1999 European Commission represented a closed, non-transparent and, ultimately, non-accountable institution in the EU system (also Weiler, et al. 1995), being more a 'faceless' bureaucracy than a European executive. On the other hand, it supports the argument for an increased accountability of the Commission to the EP and, ultimately, to the European public, directly representing the latter on the EU level and holding an executive institution of the EU accountable for its actions.

Notwithstanding the fact that the prosecution of fraud and corruption on a pan-European basis remains difficult (Meny & Rhodes, 1997), the censure motion, which has for a long time had been considered as of the central features of the Commission-EP relationship, was never implemented completely by the EP before 1999 and has been tabled just three times since 1979 (Westlake, 1994).

Therefore, the 1999 censure vote and the resignation of the entire Commission represents the most serious blow to the credibility of the institutional architecture of the Community since as early as 1958.

11

It started with the European Parliament's failure to adopt the 1996 EU budget, which highlighted the financial incompetence of the Commission and launched the campaign censure against the latter. However, this flexing of EP muscles did not call for revolutionary activity in the EU and it was only in January 1999 when the EP finally started the legislative procedure to censure the Commission.

Table 3

Essentially, major party coalitions within the EP played a significant role in determining the outcomes of the censure process and, ultimately, in the Commission's survival. The Socialists, EPP and European Liberal Democrats argued for Mr. Santer's resignation in case individual commissioners were deemed culpable of mismanagement. The Greens, on the other hand, preferred that the ECJ ask for Mrs. Cresson's retirement. The evidence provided in Table 3 emphasises that the PSE and PPE serious determination to dismiss the Commission played the most important role in the realisation of censure voting at all. Therefore, the consensus among the parties within the EP for the resignation was a determining factor in the success of this procedure.

Thus, the Commission survived; however, the EP did not give up its crusade and the next step was:

> "…a call for a committee of independent experts to be convened under the auspices of the Parliament and the Commission with a mandate to examine the way in which the Commission detects and deals with fraud, mismanagement and nepotism including a fundamental review of Commission practices in the awarding of all financial contracts, to report by 15 March [1999] on their assessment in the first instance on the College of Commissioners…"(17)

The result of a special five-member committee of experts' investigation(18) of the Commission's misleading behaviour was the resignation of the Commission *en masse*. The Committee's reports confirmed the allegations of fraud, nepotism and mismanagement within the Commission and stated that an individual Commissioner "lost control over the administration." At the same time the Committee discovered no cases in which Commissioners neither were personally and directly involved in fraudulent activities, nor had gained financially from any instances of fraud, irregularity or

mismanagement. In this context, it is important to emphasise that no corruption thesis could be pursued any further in the case of the Commission's mismanagement, primarily because corruption is identified as "a behaviour by a public servant, whether elected or appointed, which involves a *deviation from his or her formal duties* because of reasons of *personal gain*" (LaPalombara, 1994). When this definition is applied to the EC, the case of corruption can hardly be considered by the Committee simply because no *personal gains* by the Commissioners were identified during the investigation.

The Committee, nevertheless, admitted a growing reluctance among senior Commission officials to acknowledge responsibility and possess any political control over their activities.(19) Moreover, the report presented cases in which the Commission was not responsible in instances of fraud, irregularities or mismanagement in specific areas.(20)

12

In this context it is important to recognise and outline the main reasons that might lead public representatives to violate norms, rules and laws through means of illegal transactions and operations (Meny & Rhodes, 1997). First, the fundamental problem is in the Community's internal institutional arrangement. The weakness of a true representative body (i.e. the EP) to legislate and implement necessary institutional controls over the activity of bureaucrats could be considered a central issue of individual mismanagement in the Commission. Moreover, the problem of Commission mismanagement, discovered and validated by an independent Committee, is closely connected to the collective nature of responsibility within the Commission. Indeed, while the structure and general activity of the Commission presupposes the reflection of views of individual members of the Commission in terms of policy-making and policy implementation, the environment of broad and barely-identified collective responsibility also greatly contributes to the problem of the Commission's accountability and legitimacy.

Second, the bureaucratic system of the Commission itself greatly contributed to the resignation of this institution in March 1999. It was undoubtedly isolated from the public as a whole (Meny & Rhodes, 1997) and operated in a self-created culture of silence, secrecy and internal solidarity against external scrutiny (van Qutrive, 1993), particularly the scrutiny of the EP. In this context, the resignation of the Commission was in some way a reaction to public demand for a more transparent, publicly-accessible and openly-effective European Commission.

Finally, in the environment of unidentified European society and European demos, the Commission was in some sense destined to fail in the eyes of the European public and specifically the MEPs. The Committee also

> "…underlined the unique constitutional situation of the Commission and its need for democratic legitimacy and accountability, ..believed that its remote situation from European citizens demanded a heightened commitment to transparency, and accountability to the democratic parliament in every aspect of its day-to-day administration"(21)

The resignation of the EC due to "misleading management" emphasises that the power of the EP significantly increased in 1999, giving the EP a legitimate basis to keep the Commissioners responsible and accountable to the Parliament for their actions.

The institutional crisis represents an opportunity to reinforce the political and democratic dimensions of the EU, by strengthening the accountability of the Commission to the Parliament, and by offering

the chance to build a new, strong, politically-responsible and efficient Commission.(22) The logical rationale of this belief is especially obvious when the normative results of this crisis are observed and necessary institutional innovations are taken into the account by the newly-created European bureaucracy.

It became obvious that the need for increase in the accountability of the European Commission was in direct relation to the further existence of the supranational governance of the EU. Indeed, the old-style bureaucracy could no longer exercise its administrative powers on the supranational level without external scrutiny from the supranational legislature. If the Commission was willing to play a significant and important role in the EU governance, it had to experience the reformation and reorganisation of its internal and external effectiveness to increase accountability, even through the painful process of resignation.

<div align="right">13</div>

Moreover, the crisis showed that the EP obtained the technical experience to investigate, vote and ultimately force the resignation of individual Commissioners, including the Commission President. The European Parliament, for the first time, was able to scrutinize and exercise strong administrative sanctions against another European institution. This is specifically important due to the fact that the powers of the European Parliament increased not only in the legislative domain, but also in the area of exercising effective control and keeping the bureaucratic body accountable for its actions.

Finally, the EP demonstrated its ability to hold accountable and control individual Commissioners, rather than the entire body. It is increasingly important, because the issue of individual responsibility involves the ability to consider some members of the Commission culpable in misleading activities, maladministration, and fraud, especially in the forthcoming administrative environment of the new Commission.

There are, however, already some proposed innovations to improve the situation in the Commission's internal composition and external accountability, which altogether represent a *supranational option* for the increased accountability of the European Commission to the European Parliament (esp. Beetham&Lord, 1998).

As an attempt to build the new Commission into a world-class administration, President Prodi, together with his new team of Commissioners, must implement radical internal changes in the Commission to make this institution more open to public scrutiny. The old system of regulation and supranational policy making represented an environment that was very difficult to monitor and supervise on a regular basis (Meny & Rhodes, 1997). For instance, areas as budget and money transfer, structural funds allocation, and auditing procedures represent particular difficulties in identifying the transparency of Commission's activities. In this context, Prodi's administration is expected to launch an internal reorganisation and a reformation of the Commission and its departments.

At the same time, more individual accountability of Commissioners is seen as a centrepiece of the Commission's reformation. President Prodi stated that he would demand individual accountability from his fellow Commissioners as well as their resignation if he ever asked this of them.(23) This strategy is not entirely constitutional because the Amsterdam Treaty does not give the Commission President a specific right to fire Commissioners, but only to reshuffle their portfolio responsibilities during the Commission's mandate. It is, however, a necessary and progressive move of the newly-created Commission towards a more identified and increased accountability, as long as the Commission's President acts within legal borders. The primary goal of this move is an expectation

that the accountability of the Commission and individual Commissioners will be less murky and faceless. Individual accountability of the Commissioners to the President is expected to be the first level of the Commission's accountability, followed by the President's accountability to the EP, and final accountability of the latter to the European public. This accountability chain, if actively followed, will increase the chances of the EP to hold the Commission more accountable and responsible for its actions.

Finally, as a result of criticisms in an independent report on financial mismanagement and cronyism within the Commission's anti-fraud unit, the EP and Commission signed an agreement creating an independent office to fight fraud in the EU(24). This new office is supposed to have wider powers and a greater independence than the anti-fraud unit it replaces. Thus, the administrative arrangements to fight the bad responsibility of the Commission were also introduced in order to improve the environment of responsibility in the EP-Commission relationship and overall in the EU.

14

IV. Final Remarks

Knowledge of the degree of political legitimacy of a particular institution of governance allows analysing the degree of stability and effectiveness of this institution, as well as a certain understanding of the interrelation among the indicators of legitimacy, stability and effectiveness of the political system in which the institution operates (esp. Lipset, 1960).

Essentially, the higher the legitimacy of the institution, the higher the effectiveness (i.e. the outcomes) of this institution is anticipated to be.

This research argues that an increase in the Commission's accountability to the EP would increase the stability of the Commission-Parliament interrelated activities, practical political effectiveness and powers, which will have an inevitable impact on the enforcement of the political institutional legitimacy of the European Parliament. The parliamentary model of the EU is sought to be more effective and stable, supported, on one hand by the legitimate and workable European Parliament, and on the other hand by the accountable and responsible bureaucratic Commission. Moreover, an increased legitimacy of the EP is also expected to have a convergence power of before-the-Amsterdam 'zero sum' game between the EP and European Commission to a 'positive sum' game. In this framework and increased legitimacy of the EP would contribute to the increase of its legislative powers (already enforced by the Amsterdam Treaty), which, on its turn, may increase the power of public policy implementation by the European Commission.

The resignation of the European Commission and Europe-wide ratification of the Amsterdam Treaty emphasised the fundamental change of role, activity and effectiveness of the European Parliament in the EU system of governance and supranational organisation. Moreover, these actions also demonstrated the necessity to improve the institutional arrangements of the EU, which are necessary for the Union's viability and further European integration.

There are two models of institutional innovation, *parliamentarian* and *presidential* models, which are theoretically available for further development of the EU system of governance. The latter is more broadly defined as a *regulatory* (esp. Majone, 1996; Dehousse; 1998) form of the Union formation with a special purpose to provide higher effectiveness than an individual member state.

However, the resignation of the European Commission and serious steps towards an increased accountability of the Commission to the EP demonstrate that the European political system is

evolving towards a *parliamentarian model* of supranational governance.

The history of this evolvement outlines the fundamental aspects of EU development and innovative process of changes. An increased legislative power in the EP, such as improvements to the co-decision procedure primarily emphasised a significant shift of balance of power in favour of the EP vis-à-vis the Council of Ministers. Moreover, parliamentary influence has considerably increased in the process of appointment of Commissioners and Commission President. Article 158(2) now requires the nomination of the "President designate" to be approved by the EP. Considering that " the Commission shall work under the political guidance of its President,"([25])it is obvious that notably political role of the EP in the EU legislative and administrative processes has been considerably increased. Moreover, Prodi's innovations and reformatory attempts symbolise the fact that the bureaucracy of the EU has recognised that the post-Maastricht secrecy-prone environment of the EU system must not be symbolically-changed, but institutionally-challenged and ultimately dismissed.

Overall, these Amsterdam-based innovations have already been considered as serious steps towards closing the issue of the democratic deficit of the European Union (esp. Hix, 1999).

15

However, this issue is still far from being closed completely. The serious concern for further improvements in the area of political legitimacy of the EP is undoubtedly the catastrophically low electoral turnout in 1999 EP elections, as well as growing public apathy to EU activities. Notwithstanding the resignation of the 'fraudulent' Commission, enforced by the EP, the electoral turnout became even lower than it was in time of the faceless bureaucracy.

However, even when considering the serious problems with the second-order character of European elections and anticipating relatively few changes in European demography and European identity realities, these forms of the "parliamentarian solution" for the 'democratic deficit' and a crisis of legitimacy on the EU level is considered "flawed" and "neither desirable nor appropriate" (Hix, 1998b; Hix 1999). The 'anti-parliamentarian' argument states that elections to the EP elections will keep a character of 'second-order' referenda on the performance of national governments (also Norris & Franklin, 1997) and therefore the EP will not have a mandate for a legislative majority to capture the Commission, and will remain at the same level of legitimacy in the eyes of the European public. The 'anti-parliamentarians' argue for a *"presidential solution"*, i.e. the direct election of the Commission President by the European citizenry([26]) as a solution of the present problems of supranational legitimacy and accountability. This solution would also need a support of a uniform electoral procedure and creation of a pan-European party system.

At first glance, it seems easier for European citizens to hold a particular politician accountable for his/her public actions, rather than monitor and control the activities of the entire institution (Bean & Mughan, 1989; McAllister, 1996). In light of this argument the increased accountability of the European Commission is seen via the increased accountability of the Commission's President as a leading figure of the Commission, nominated and elected by the EP itself. President Prodi and his team have already started innovations in this direction; however, it is hardly possible to consider the European Union as leading towards a *presidential* system of supranational governance.

Instead, the proposed mechanisms of the newly created European Commission, enforced by the resignation of the previous Commission and the Amsterdam Treaty challenges, emphasise that the *parliamentarian* model of the EU is more desirable and appropriate.

Firstly, the conglomerate of the EU member states has traditionally experienced the parliamentarian

structure within their own national political systems. Therefore, this traditionalism is expected to penetrate even the supranational essence of the EU political system and provide serious intergovernmentalist cries for further development of the EU and an improvement of its political legitimacy. The innovations of the Amsterdam year are almost entirely targeted at the EP improvements to fit a national parliamentarian system, in which an executive is nominated, appointed by and is accountable to the legislative.

Secondly, however, these innovations should not diminish the evidence that to some extent certain evidence of the output-oriented *indirect* legitimacy, based on the domestic authorisation of the EU and its institutions, is not sufficient for the further development of the European Union as a supranational system of governance.

16

Therefore, the *parliamentarian* model of the EU is seen to be a vital necessity for the identification and development of the *direct* legitimacy of the EU itself. The European Parliament is still the only supranational institution of the EU, directly elected by the European public and capable of controlling the activities of the European bureaucracy. The placement on 'equal footing' with the Council of Ministers, enjoyed by the EP after the Amsterdam Treaty came into force, opened a wider arena for the Parliament to provide administrative control and policy implementation monitoring of the European Commission.

Finally, the increase of the EP's effectiveness and democratic activity in the *parliamentarian* model will also contribute to the elimination of the 'democratic deficit', improve supranational representation in the EP and increase the EP's supranational legitimacy. The strengthened role of the European Parliament will gradually increase the role of the EP, enforce an increase in the electoral turnout in the European elections and, more importantly, will eliminate a 'second-order' character of the European electoral essence.

It is believed that further development of the European Union with a strong and legitimate European Parliament and a responsible and accountable European Commission will follow the *parliamentarian* way of supranational governance. Both the legislative and administrative challenges discussed above emphasise that the effectiveness of the EP will grow and improve in the foreseeable future. Therefore, the move towards traditionally separated powers between an equally powerful EP and Council of Ministers, with an accountable Commission, and an independent European Court of Justice will contribute to the strengthen the political legitimacy of not only these institutions as separate entities, but will also enforce the legitimisation of the supranational EU. The inevitability of such a process is seen as both theoretically viable and politically correct for the further development of the European Union.

References

Barker, R. (1990) 'Political Legitimacy', in R. Barker (ed) *Political Legitimacy and the State*, Oxford: Clarendon.

Bean, C. and Mughan, A. (1989) 'Leadership Effects in Parliamentary Elections in Australia and Britain', *American Political Science Review* 83: 1165-79.

Beattie, A. (1995) 'Ministerial Responsibility and the Theory of the British State', in R. Rhodes and

P. Dunleavy (eds) *Prime Minister, Cabinet and Core Executive*, New York: St.Martin's Press.

Beetham, D. (1991) *The Legitimisation of Power*. London: Macmillan.

Beetham, D. and Lord, C. (1998) *Legitimacy and the European Union*. Harlow: Longman.

Blais, A. and Massicotte, L. (1997) 'Electoral Formulas: A Macroscopic Perspective', *European Journal of Political Research* 32 (2): 107-29.

Blondel, J., Sinnott, R., and Svensson, P. (1997) 'Representation and Voter Participation', *European Journal of Political Research* 32 (2): 243-72.

Blondel, J., Sinnott, R. and Svensson, P. (1998) *People and Parliament in the European Union: Participation, Democracy and Legitimacy*. Oxford: Clarendon Press.

Committee of Independent Experts Report, B4-0065, 0109 and 0110/99.

Connolly, W. (1984) 'The Dilemma of Legitimacy' in W. Connolly, (ed) *Legitimacy and the State*, Oxford: Blackwell.

Corbett, R., Jacobs, F. & Shackelton, M. (1995) *The European Parliament*. Cartemill Publishing.

Dehousse, R. (1998) 'European Institutional Architecture after Amsterdam: Parliamentary System or Regulatory Structure?' in *EUI Working Papers*, RSC No. 98/11.

Dinan, D. (1994) *Ever Close Union? An Introduction to the European Community*. Basingtoke: Macmillan Press.

Dornbusch, S.M. and Scott, W.R. (1975) *Evaluation and the Exercise of Authority*. San Francisco, CA: Jossey-Bass.

Dunleavy, P., Hix, S. & Margetts, H. (1998) *Counting on Europe: Proportional Representation and the June 1999 Elections to the European Parliament*. London: LSE Public Policy Group Press.

Dye, T.R. (1971) 'Politics, Economics and Public: Policy Outcomes in the American States', *British Journal of Political Science* 1: 288-306.

Earnshaw, D. and Judge, D. (1995) 'Early Days: the European Parliament Co-Decision and the European Union Legislature Process Post-Maastricht', *Journal of European Public Policy* 2 (4): 624-49.

Easton, D. (1975) 'A Reassessment of the Concept of Political Support', *British Journal of Political Science* 5: 435-57.

Eurobarometer, Public Opinion Survey Collection, 1972-1999.

Financial Times, January-July, 1999

Fitzmaurice, J. (1978) *The European Parliament*. Farnborough, Hants: Saxon House.

Gallagher, M. (1997) 'Electoral Systems and Voting Behaviour', in M. Rhodes, P. Heywood and V. Wright (eds) *Developments in West European Politics*, London: Macmillan.

Garrett, G. and Tsebelis, G. (1996) 'An Institutional Critique of Intergovernmentalism', *International Organization* 50 (2): 269-99.

Garrett, G. and Weingast, B. (1993) 'Ideas, Interests and Institutions: Constructing the European Community's Internal Market', in J. Goldstein, and R.O. Keohane, (eds) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, Ithaca: Cornell University Press.

Grafstein, R. (1992) *Institutional Realism: Social and Political Constraints on Rational Actors*. New Haven: Yale University Press.

Gramsci, A. (1971) *Selections From the Prison Notebooks*. Edited and translated by Q. Hoare and G. Nowel Smith, New York, NY: International Publishers.

Habermas, J. (1984) 'What Does a Legitimation Crisis Mean Today? Legitimation Problems in Late Capitalism', in W. Connolly, (ed) *Legitimacy and the State*, Oxford: Basil Blackwell.

Held, D. (1989) *Political Theory and the State: Essays on State, Power and Democracy*. Cambridge: Polity.

Hix, S. (1994) 'The Study of The European Community: The Challenge to Comparative Politics', *West European Politics* 17(1): 1-30.

Hix, S. (1997) 'Executive Selection in the European Union: Does the Commission President Investiture Procedure Reduce the Democratic Deficit?', *European Integration online Papers, Vol. 1, No. 21*, http://eiop.or.at/eiop/texte/1997-021a.htm.

Hix, S. and Lord, C. (1997) *Political Parties in the European Union*. Basingstoke: Macmillan.

Hix, S. (1998a) 'The Study of the European Union II: The 'New Governance' Agenda and its Rivals', *Journal of European public Policy* 5(1): 38-65.

Hix, S. (1998b) 'Choosing Europe. Real Democracy for the European Union', *Demos Collection* 13:14-17.

Hix, S. (1999a) *The Political System of the European Union*. New York: St. Martin's Press.

Hix, S. (1999b) *The 1999-2004 European Parliament: A Forecast of the June 1999 Elections, and Its Implications*. Adamson BSMG Worldwide, LSE Public Policy Group.

Judge, D. (1995) 'The Failure of National Parliaments?' *West European Politics* 18 (3): 79-101.

Judge, D., Earnshaw, D. and Cowan, N. (1994) 'Ripples or Waves: the European Parliament in the European Community Policy Process", *Journal of European Public Policy* 1(1): 27-48.

Katz, R.S. (1997) 'Representational Roles', *European Journal of Political Research* 32(2): 211-226.

LaParombara, J. (1994) 'Structural and Institutional Aspects of Corruption', *Social Research*, 3(5).

Leonard, M. (1998) 'Europe's Legitimacy Gap. Understanding the EU's 'cultural deficit'', *Demos Collection* 13.

Lijphart, A. et al. (1994) *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies 1945-1990*. Oxford: Oxford University Press.

Lipset, S.M. (1960) *Political Man: The Social Bases of Politics*. Garden: Doubleday.

Lodge, J. (1991) 'The Democratic Deficit and the European Parliament', Discussion Paper (4), Fabian Society, London; New York: Pinter.

Majone, G. (1996) *Regulating Europe*. London: Routledge.

Marsh, D. and Stocket, G. (1995) (eds) *Theory and Methods in Political Science*. London: Macmillan.

Marsh, D. and Franklin, M. et al. (1996) 'The Foundations: Unanswered Questions from the Study of European Elections, 1979-1994', in C. Van der Eijk, M. Franklin, et al. *Choosing Europe: The European Electorate and National Politics in the Face of Union*, Ann Arbour: University of Michigan Press.

Marsh, M. and Norris, P. (1997) 'Political Representation in the European Parliament', *European Journal of Political Research* 32 (2): 153-64.

Marsh, M. and Wessels, B. (1997) 'Territorial Representation', *European Journal of Political Research* 32 (2): 227-41.

Matlary, J.H. (1998) 'Democratic Legitimacy and the Role of the Commission', in A. Follesdal and P. Koslowski (eds) *Democracy and the European Union*, Berlin: New York: Springer.

Meny, Y. and Rhodes, M. (1997) 'Illicit Governance: Corruption, Scandal and Fraud', in M. Rhodes, P. Heywood and V. Wright (eds) *Developments in West European Politics*, London: Macmillan.

McAllister, I. (1996) 'Leaders', in L. LeDuc et al. *Comparing Democracies. Elections and Voting in Global Perspective*, Sage Publications.

Neidermayer, S. and Sinnot, R. (1995) 'Democratic Legitimacy and the European Parliament', in S. Neidermayer, and R. Sinnot (eds) *Public Opinion and Internationalised Governance*, Oxford: Oxford University Press.

Nentwich, M. and Falkner, G. (1997) 'The Treaty of Amsterdam Treaty: Towards the New Institutional Balance?' *European Integration online Papers, Vol. 1, No. 15*, http://eiop.or.at/eiop/texte/1997-015a.htm.

Niedermayer, O. (1991) 'Public Opinion and the European Parliament' in K. Reif and R. Inglehart (eds) *Eurobarometer: the Dynamics of European Public Opinion - Essays in Honour of Jacques-Rene Rabier*, London: Macmillan.

Norris, P. (1997) 'Representation and the Democratic Deficit', *European Journal of Political Research* 32(2): 273-82.

Norris, P. and Franklin, M. (1997) 'Social Representation', *European Journal of Political Research*, 32(2): 185-210.

Nugent, N. (1991) *The Government and Politics of the European Community*. London: Macmillan.

Peterson, J. (1997) 'The European Union: Pooled Sovereignty, Divided Accountability', in Heywood, P. (ed.) *Political Corruption*, Blackwell Publishers.

Reif, K. and Schmitt, H. (1990) 'Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Elections Results', *European Journal of Political Research* 8(1): 3-45.

Scharpf, F. (1999) *Governing in Europe: Effective and Democratic?* Oxford University Press.

Scully, R.M. (1997) 'The EP and The Co-Decision Procedure: A Reassessment', *Journal of Legislative Studies* 3(3): 58-73.

The EP Resolution on the resignation of the Commission and the appointment of a new

Commission, March 23, 1999 - B4-0327, 0328, 0329, 0330, 0331, 0332 and 0333/99.

Thomassen, J. and Schmitt, H. (1997) 'Policy Representation', *European Journal of Political Research* 32(2): 165-84.

Tsebelis, G. and Kreppel. A. (1998) 'The History of Conditional Agenda-Setting in the European Institutions', *European Journal of Political Research* 33: 41-71.

Tsebelis, G. and Garrett, G. (1997) 'Agenda Setting, Vetoes and the European Union's Co-Decision Procedure', *Journal of Legislative Studies* 3(3): 74-92.

Turpin, C. (1994) 'Ministerial Responsibility: Myth or Reality?' in J. Jowell and D. Oliver (eds) *The Changing Constitution*, Oxford: Clarendon.

Van der Eijk, C., Franklin, M. et al. (1996) *Choosing Europe: The European Electorate and National Politics in the Face of Union*. Ann Arbour: University of Michigan Press.

Van Parijs, P. (1998) 'Should the European Union Become More Democratic', in A. Follesdal and P. Koslowski (eds) *Democracy and the European Union*, Berlin: New York: Springer.

Van Qutrive, L. (1993) 'The Administration as an Amplifier of Corruption', *Corruption and Reform* 7: 125-35.

Weber, M. (1968) 'The Types of Legitimate Domination', in M. Weber *Economy and Society: An Outline of Interpretative Sociology*, New York: Bedminster Press.

Weiler, J.H.H. et al. (1995) 'European Democracy and Its Critique', *West European Politics* 18(3): 4-39

Wessels, W. and Deidrichs, M. (1999) 'The European Parliament and the EU Legitimacy', in T. Banchoff and M. Smith (eds) *Legitimacy and the European Union: The Contested Polity*, London ; New York : Routledge.

Westlake, M. (1994) *A Modern Guide to the European Parliament*. London; New York: Pinter.

Williams, S. (1991) 'Sovereignty and Accountability in the European Community', in R.O. Keohane and S. Hoffman (eds) *The New European Community: Decision-Making and Institutional Change*, Boulder: Westview.

Zelditch, M. and Walker, H. (1998) 'Legitimacy and the Stability of Authority', in J. Berger and M. Zelditch Jr. (eds.) *Status, Power and Legitimacy: Strategies and Theories*, New Brunswick and London: Transation Publishers.

Endnotes ⬆

(*) This articles represents an advanced research based on the dissertation submitted by the author to the Department of Government, the London School of Economics and Political Science, in part completion of the requirements for the Master of Science in European Politics and Policy. The author would like to thank the two anonymous referees of the EIoP for input.

(1) In this context the EU is not considered as a state in a traditional sense, but rather 'a unique supranational system of governance' (Hix, 1998a).

(2) It is worth noting that the 'non-Weber' traditional definition is applicable in the analysis of the EP legitimacy.

(3) However, not in case of Danish and French referenda on the Maastricht ratification in 1992.

(4) Source: *Eurobarometer*, EB 37-EB 49.

(5) Weber's terminology of "validity" (for collective legitimisation of authority) and " propriety" (for individual legitimisation) of authority seems to be applicable here.

(6) Weiler, et.al (1995) provides the 'standard version' of the 'democratic deficit'.

(7) Italicised by A.M.

(8) Source: *Eurobarometer*, EB 1986-1999.

(9) These findings are based on the EU 12 public surveyed from 1986-1994 and 1997-1999.

(10) Only 11% considered that the EP had to play a less important role in the future.

(11) Figures are from European Election Results (Strasbourg: European Parliament, 1995), which are used by Blondel, Sinnott & Svensonn, 1998; Corbett, Jacobs & Shackelton, 1995; Westlake, 1994; Marsh & Norris, 1997.

(12) Source: *Eurobarometer*, 1974-1999.

(13) Duality is seen primarily as a gap between the powers of national parliaments transferred to the supranational EU level and the efficacy of the EP's powers to exercise effective legislative actions and controls on the supranational level (Williams, 1991).

(14) Amsterdam Treaty.

(15) The Plurality system of the UK provides the lowest voting turnout in the EP elections.

(16) Esp. Beattie, 1995.

(17) Committee of Independent Experts Report, B4-0065, 0109 and 0110/99.

(18) Legitimacy of the Committee is determined by the Article 138C of the Maastricht Treaty.

(19) *Wall Street Journal*, Tuesday, March 16, 1999.

(20) The individual cases examined by the Committee were of TOURISM, MED, ECHO, and LEONARDO.

(21) The EP Resolution on the resignation… (B4-0327, etc.)

(22) The EP Resolution on the resignation… (B4-0327, etc.).

(23) *Wall Street Journal*, Friday, June 4, 1999.

(24) *Wall Street Journal*, Thursday, May 27, 1999.

(25) Amsterdam Treaty, Article 163.

(26) An alternative form of the *presidential* model might be the direct nomination and election of the Commission President by the EP.

Table I

Evidence of the Second-Order European Election Phenomenon

Member State	Turnout compared to previous national election (%)		Voting differently in a hypothetical national election – 'quasi-switching' (%)	
	1989	1994	1989	1994
Belgium	-2.7	-3.3	12.6	18.5
Denmark	-38.3	-36.2	35.4	42.9
France	-17.4	-25.3	27.2	40.8
Germany	-22.0	-17.8	11.8	14.2
Greece	-3.8	-8.8	8.1	12.4
Ireland	-0.2[b]	-24.2	28.7[b]	23.8
Italy	-10.1	-11.3	19.7	20.7
Luxembourg	-2.6[b]	+0.2[b]	15.0[b]	14.3
The Netherlands	-38.3	-43.1	12.4	19.6
Portugal	-21.5	-33.4	9.7	12.7
Spain	-15.9	-17.6	22.2	12.5
United Kingdom	-38.8	-41.3	13.0	16.0
Average, all member states	**-17.6**	**-21.8**	**18.0**	**20.7**
Average, excluding cases of concurrent national elections and compulsory voting	**-25.3**	**-27.8**	—	—

Notes:

a

= member states where voting is compulsory

b

= cases where national elections and European elections were held concurrently

Sources:

Eijk & Franklin (1996), Hix (1999)

Table II

National and European Electoral Systems

Member State	NATIONAL ELECTIONS			EP ELECTIONS		
	National Electoral System**	National Elections Districting **	National Electoral Threshold*	Electoral System***	Elections Districting*** ***	Electoral Threshold ***
Austria	List - P.R.	M	4%	List - P.R.	S	4%
Belgium	List - P.R.	M	—	List - P.R.	M	—
Denmark	List - P.R.	M	2%	List - P.R.	S	—
Finland	List - P.R.	M	none	List - P.R.	S	—
France	Majority-Plurality (2 rounds)	S	5 %	List - P.R.	S	5 %
Germany	Mixed (Plurality-P.R)	M+S	5 %	List - P.R.	S	5 %
Greece	List - P.R.	M	3 %(N)	List - P.R.	S	3 %
Ireland	PR (STV)	M	none	STV	M	—
Italy	Mixed (Plurality-P.R.)	M+S	—	List - P.R.	M	—
Luxembourg	List - P.R.	M	—	List - P.R.	S	—
Netherlands	List - P.R.	M	0.67%(N)	List - P.R.	S	—
Portugal	List - P.R.	M	none	List - P.R.	S	—
Spain	List - P.R.	M	3 % (D)	List - P.R.	S	—
Sweden	List - P.R.	M	4 % (N)	List - P.R.	S	4 %
UK-Mainland, 1999	FPTP (Plurality)	S	—	List - P.R.	M	—
UK - Northern Ireland	STV	M	—	STV	S	—

Sources:
*
Lijphart, A. *et.al*. (1994)
**
Blais, A. and Massicotte, L. (1997)
***
Hix, S. and Lord, (1997)
****
Hix, S. (1999b)
Note:
In fourteen (14) out of fifteen (15) member states, EP elections are held under a PR system of national list under which the whole country is one large constituency. Exceptions are Belgium

with three constituencies (French-Dutch-German speaking), Italy with five, Ireland with four and United Kingdom with eighty-three. This difference among national elections describes the increased proportionality of the electoral outcomes, but is seems to be unhelpful in fostering links between citizens and MEPs (Gallagher, 1997).
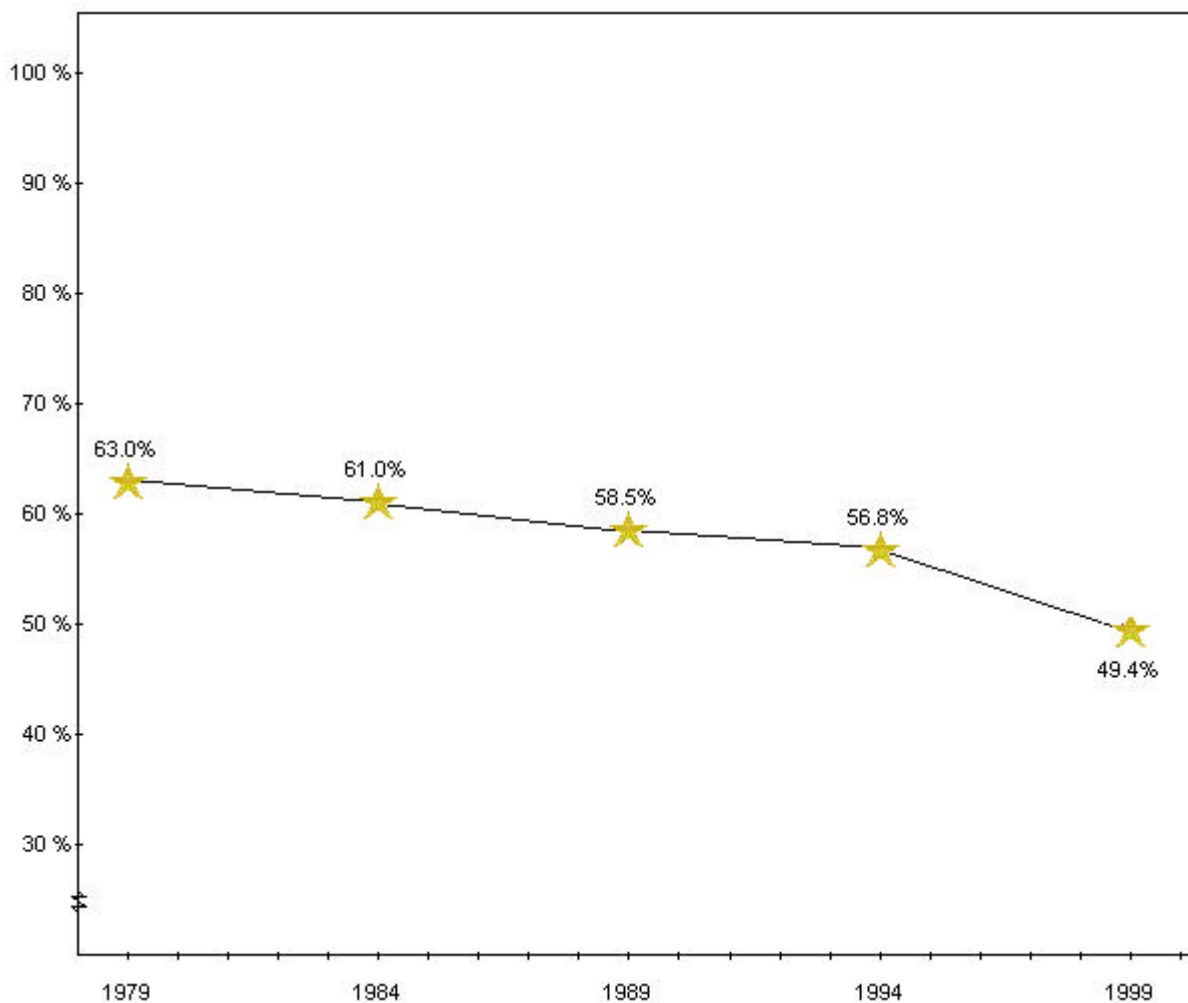
Table III

Vote of Censure

Vote on the motion of censure of 14th of January, 1999															
	B	**DK**	**D**	**G**	**E**	**F**	**IRL**	**IT**	**L**	**NL**	**AU**	**P**	**FIN**	**S**	**UK**	**TOTAL**
PSE	1		30								2			1	3	37
PPE	1	2	45			4		1		1		1		3	12	70
ELDR	6	4				1	1	3		10	1			3	3	32
UPE				2		10		1				1				14
V	2		12				2	1		1	1		1	4	1	25
GUE				4		6		2				3	1	2		18
ARE	1				1	2										4
I-EDN		3				8				2					1	14
NI	3					8		1		6						18
TOTAL	**14**	**9**	**87**	**6**	**1**	**39**	**3**	**9**	**0**	**13**	**11**	**4**	**3**	**13**	**20**	**232**
PSE	5	4	5	6	20	14	1	18	2	7	4	10	4	6	53	159
PPE	3		1	5	28	5	4	27	2	1	6	7			2	91
ELDR				1					1			4				6
UPE						2	6	1				2				11
V																0
GUE				2								1				3
ARE				1		7		2	1						2	13
I-EDN																0
NI								10								10
TOTAL	**8**	**4**	**6**	**12**	**51**	**28**	**11**	**58**	**6**	**8**	**10**	**19**	**9**	**6**	**57**	**293**
PSE															2	2
PPE	3			3		2				7			3	2	1	21
ELDR																0
UPE						2										2
V																0
GUE																0
ARE						2										2

I-EDN																0
NI																0
TOTAL	3	0	0	3	0	6	0	0	0	7	0	0	3	2	3	**27**
TOTAL VOTES	25	13	93	21	52	73	14	67	6	28	21	23	15	21	80	**552**

Figure 1

European Parliament: Electoral Turnout (1979-1999)

Source: http://www2.europarl.eu.int/elections/results/en/maps_en.htm

---