Introduction

The working seminar on the Community method co-organized by the Bureau of European Policy Advisers (BEPA) of the European Commission and *Notre Europe* (*see Annex 1*) was introduced with a key-note speech by the President of the European Commission José Manuel Barroso and was closed with concluding remarks by the President of *Notre Europe* António Vitorino (*see Annexes 2 and 3*).

This seminar was structured around two panels, in which six distinguished speakers could deliver their views and answer to questions. A working lunch allowed the three Secretary Generals of the Commission, the Council and the European Parliament to contribute to the reflections.
These successive inputs and the contributions of the animators and all the participants are reported below under the "Chatham House" rule. They led to the identification of five main issues and numerous points for present analysis and future direction[1]:

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1. The views expressed here are not necessarily those of *Notre Europe* or of BEPA.

1. Identifying the constituting parts of the Community method;
2. The pragmatic evolution of the Community method, as a central element of the European integration process;
3. The "Community method" was at test, between the crisis and the new Treaty;
4. The institutions' political representativeness affects the degree to which they can participate in the Community method's application;
5. The Community method is facing a challenge in terms of democratic oversight, both at the European and national levels.

1. Identifying the constituting parts of the Community method

The "Community method" has been defined through several elements of analysis, underlining its philosophical, legal and institutional dimensions.

1.1. The philosophical, legal and institutional foundations of the Community method

Philosophical foundations: a method based on the non-domination principle

- a method adapted to the radical pluralism of the EU and based on a balance of powers established to integrate all the interests at stake and promote "unity in the diversity";
- a method promoting fairness and equal treatment of member states, even if it's complex;
- a third way rejecting the pure intergovernmental and supranational methods.

Legal foundations: a normative decision-making process
- a method founded on the rule of law ("Rechtsgemeinschaft");
- a quite original "law making approach", even if it is sometimes possible in other international frameworks (WTO);
- supremacy and direct effect of the EU law as a cornerstone of the Community method.

Institutional foundations: three main distinctive components
- the monopoly of legislative initiatives of the European Commission;
- qualified majority voting in the Council of Ministers;
- the obligation to implement decisions at the national level, including through judicial enforcement mechanisms.

1.2. The right and monopoly of initiative for the European Commission

This monopoly of the Commission covers almost all policy areas
- it broadly covers almost all initiative of legislative nature;
- it does not cover Common Foreign and Security Policy as well as Justice and Home Affairs, where a group of member states can propose a text – but hardly ever do it;
- this exclusive right of legislative initiative is a protection of smaller member states against a potential coalition of the bigger ones, as well as a tool to avoid unorthodox proposals.

The agenda setting of the legislative initiatives is largely shared by different institutions
- holding the right of initiative does not mean that, intellectually, all the initiatives should come from the Commission: what is important is the draft of the text;

- as highlighted in a recent study[2] published by *Notre Europe*, the Commission has been influenced, in a positive way, by the European Council and the European Parliament in its exercise of its right of initiative: the role played by these two institutions in terms of political impulsion is not new and is legitimate.

The monopoly of initiative allows the Commission to draft the content of the text proposed
- the Commission can define the scope and the substance of the initiatives proposed;
- this prerogative is extremely important in order to put the debate and the final decision in their proper context, and must be maintained;
- if the drafting of the texts was to be exercised (or co-exercised) by another institution, this could fundamentally change the balance of powers within the institutional system.

1.3. Qualified majority voting in the Council of Ministers

The qualified majority voting was foreseen in the Treaties since the origin, but only saw the light of the day with the Single European Act

Its implementation has a positive factual dimension
- the transfer to qualified majority voting has a positive effect on the widely-shared culture of compromise[3];
- the possibility to vote with qualified majority means higher efficiency;
- the reversed qualified majority is an example that reduces even further the ability of member states to oppose a Commission proposal.

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2. See Daniela Corona, Costanza Hermanin and Paolo Ponzano, "The Power of Initiative of the European Commission: A Progressive Erosion?", *Study No. 89, Notre Europe*, January 2012.
3. See Stéphanie Novak, "Qualified majority voting from the Single European Act to present day: an unexpected permanence", *Study n°88, Notre Europe*, November 2011.

The qualified majority voting system has also a symbolic dimension
- the possibility to veto is taken away from an individual member state;
- national discourses often point to the fact that unanimity is "abandoned" and thus sovereignty "lost";
- this symbolic dimension is important in an EU where half of the member states re-discovered their sovereignty in the late 1990s.

1.4. The obligation to implement decisions at the national level

Supranational institutions have been established to ensure credible commitments by the member states
- the commitments taken by the member states need to be controlled by a third party;
- the Commission has to follow up the good application of what has been decided, in complement of the Court of Justice;
- the elaboration of the Treaty on Stability, Coordination and Governance in the EMU shows that the enforcement powers of the Commission and the Court of Justice are still perceived as useful tools, even if their role is not uncontested.

The Court of Justice of the EU plays a key role
- the Court of Justice represents a constant influence, however, not foreseen in this intensity at the origins;
- certain landmark judgments (direct effect and supremacy of Community law) have led to a distinct "Community of law";
- the recent judgment of the Czech Court refusing to endorse a judgment from the EU Court of Justice could be a direct challenge to the Community method.

2. The pragmatic evolution of the Community method as a central element of the European integration process

The original functioning of the Community method dates back to the European Coal and Steel Community and was then – partly – included into the European Economic Community, but its application has come a long way since then. Debates on the Community method can turn into theological debates about defending different dogmas, but careful evaluation of its evolution helps avoiding this pitfall.

2.1. The benefits of the Community method in terms of flexibility

A flexibility shown in many occasions (crisis, new Treaty)

- the "Empty Chair Crisis" prevented the move towards qualified majority voting, but this transition could be applied with the Single European Act, even if some sectors still fall under unanimity;
- a "three pillars structure" was established by the Maastricht Treaty but was finally abandoned with the Lisbon Treaty;

- European construction has always had to mediate between the imperatives of efficiency, of legitimacy and of necessity, and, more often than not, it is the Community method that has surfaced in the centre of this triangle.

The natural need for adaptation
- any working method must be given the opportunity to adapt itself to changing circumstances, as it is the case for the Community method and European integration, without undermining both originality and force of the method as a point of reference;
- adapting decision-making to a new balance of powers should not been seen as a betrayal of traditional values and procedures, but as a necessary sign of flexibility in a complex institutional system (the emergence of the European Parliament is a key example of this);
- all the adaptations of the Community method have also been made possible because they are not the product of a "zero sum game" between the European institutions – the role of the EU at large has indeed grown in parallel.

2.2. The emergence of the European Council, as an institution, as a result of the Lisbon Treaty, has had an important impact on the functioning of the Community method

A lot of confusion affects the perception of the European Council and, more widely, of the "intergovernmental method"
- the meetings of the Heads of State and Government should not be mistaken as representing an "intergovernmental method" which in general refers to cooperation forged outside of the Community framework (for instance, the Schengen agreement until 1999); thirty years ago, there were no overlap between what was decided in and outside the institutions; a confusion was created with the "pillar

structures" established by the Maastricht Treaty; only the coopera-
tion launched outside of the EU framework should now be consid-
ered as "intergovernmental";

- the establishment of a permanent President of the European
  Council also had an impact on procedures and perceptions in the
  institutional system, as it imposes the redefinition of the balance of
  powers with the President of the Commission;
- a certain confusion is also created when the Treaty on Stability,
  Coordination and Governance is referred to as an "intergovernmen-
  tal" treaty, because any treaty is concluded by several governments
  willing to do it; this confusion is all the more paradoxical with a
  treaty which reinforces the role of the Commission.

**The European Council is now fully part and parcel of the Community's
institutional "trapezium"**

- set up in the 1970s, the European Council has seen its role gradually
  formalised and it was sanctioned as a "European institution" by the
  Lisbon Treaty, even if its institutional influence grew well before this
  treaty (example of the multiannual financial framework);
- the European Council is part of the Community method from the
  "input side": the President of the Commission is indeed a full
  member of it;
- the European Council is also part of the Community method on
  the "output side": it produced fundamental contribution to the
  European construction (example of the EMU, on the basis of a
  committee chaired by Jacques Delors);
- the European Council has an "elevator"/agenda setting function,
  because it has the legitimacy and strength to do it; at the same
  time, the article 15 of the Treaty on European Union clearly specifies
  that the European Council may not legislate and therefore protects
  the original Community method.

2.3. The constant strengthening of the European Parliament's role has also had a major impact on the functioning of the Community method

The influence of the European Parliament's role has been strengthened by all the recent treaties
- in terms of legislative powers, by all the major European treaties since the Single European Act;
- in terms of budgetary powers with the Lisbon Treaty.

The increasingly frequent conclusion of "early agreements[4]" between the European Parliament and the Council has had an important consequence in terms of institutional balances
- while extending co-decision procedure is extremely positive from the standpoint of legitimacy, in practical terms it leads the European Parliament and the Council to negotiate directly with each other and puts the Commission on the sidelines;
- it causes the Commission to show far greater hesitancy in the exercise of its right to withdraw its proposals and then deprives it of what used to be a major weapon.

A "micro-management" of the European Commission has been put in place
- it can be seen in the "framework agreement" which the Commission and the European Parliament negotiated after the resignation of the Santer Commission;
- this agreement was concluded when the Commission was in a position of major weakness, which is not the case any longer;
- the effects of this micro-management on the dynamism of the Commission and, more widely, on the Community method is questionable.

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4. See Olivier Costa, Renaud Dehousse and Aneta Trakalová, "Co-decision and 'Early Agreements': An Improvement or a Subversion of the Legislative Procedure?", *Study No. 84, Notre Europe*, November 2011.

2.4. Even the role of the Council of Ministers evolved quite a lot since the origins

The Council of Ministers acts more and more under the leadership of the European Council
- the EU Council took the lead in many sectors (example of the CFSP);
- the General Affairs Council gradually abandoned major decision-making to the European Council (example of the multiannual framework).

The Council of Ministers became the 2nd branch of the legislative power
- it gave up many of its executive activities with the establishment of the European Council and the creation of the High Representative for the CFSP;
- the end of the rotating presidency of several important formations of the Council played an important role (CFSP, defence, Eurogroup);
- finally the Council of Ministers became more or less equal to the European Parliament, even if it is not organized the same way; it needs to cooperate even better with the European Parliament, on the basis of new regular meetings (between the Secretary generals, etc.).

3. The "Community method" was at test, between the crisis and the new Treaty

Recent attempts to theorize another European method (the so-called "method of the Union" mentioned by Angela Merkel in her Bruges speech) or to promote firmly the intergovernmental method (Nicolas Sarkozy) fuelled a wider debate on the comparative merits and limits of the Community method to face certain challenges. This debate was also nurtured by many references to the impact of the crisis and, more precisely, on the consequences of the ongoing reform of the "EMU governance".

3.1. The comparative advantages of the Community method and alternative ones

The Community method is praised for its efficiency

- the legislative initiatives can be well designed by the Commission because they are largely defined in connection with the other institutions and the outside world, through numerous checks and counterchecks;

- the Commission can rely on services holding a high level of expertise, which is not the case of the European council (the works of the so-called Van Rompuy Task Force were largely inspired by input from the Commission, allied with the European Parliament);
- more than 80% of the texts proposed by the Commission in 2011 had been adopted after a first reading, which is also a sign of efficiency.

The Community method effectiveness is also underlined
- one of the Community method added value relies on its enforcement capacities, with the key role played by the Commission to monitor the implementation of the decisions taken, and then to build trust between member states and stakeholders;
- the European Council can be considered as the political engine of the EU, but it can not play a key role in terms of implementation; e.g. the implementation of the decisions announced on the 21st of July 2011 has been extremely slow.

Alternative methods can be useful in some cases
- the intergovernmental processes can promote a pioneer approach: when the EU has no competencies, the alternative is between European positions through an intergovernmental approach or no action; such an approach has then been privileged to deliver the funds used for the "EFSF" or to define the European position at the G20; one of the central issue is then to reincorporate this initiative in the Community framework;
- the "open method of coordination" can also bring some new topics on the EU agenda – even if its concrete influence is quite weak;
- the European Council is well equipped to intervene in times of crisis: it can then be a kind of "Deus ex machina" acting through more or less formal procedures, while the Community method at large is rather ill adapted to crisis management, with its time consuming balances and safeguards, its three potentials readings, etc.

3.2 The ongoing crisis is a "reality check" for the Community method

During the last 3 years, the needs for crisis management quite logically reinforced the role of national authorities

- people need to see their Heads of state and government taking the decisions, because they hold the highest degree of legitimacy and are identified as such by the citizens – it's not primarily a matter of competencies and efficiency, but of legitimacy;
- it was quite normal to have an involvement of national parliaments in the European decision-making process: they have to agree on the use of national money, as well as on the ratification of treaty changes; on the other side, the European Parliament has not been directly involved because most of the European decisions taken were of executive nature;
- the decisions of the Heads of state and government were made and applied slowly but, at the same time, historians may judge that very substantial steps have been made by the European institutions as a whole in a short period of time (actions of the ECB, Eurozone summits, EFSF and ESM, Six-Pack and Two-Pack, etc.);
- the challenge is now to articulate better the implication of national decisions-makers and the functioning of the Community method: when the house is in fire, the firemen can come through the windows, but the windows should not become the new doors.

The reinforcement of the European monitoring on national policies is to be consolidated

- there is a general need to convince that this reinforced monitoring is a choice, both by the providers (it is a bit of an "insurance policy") and the beneficiaries (which could say no and opt out), and that this new monitoring could have a positive impact on national politics (the main objective is not necessarily to reduce the space for national politics);

- the high degree of intrusiveness of the Troika in the three "countries under program" has been presented as a logical compensation for the solidarity granted by the EU, and especially the countries paying a lot; the form of the Troika and Commission interventions should also be monitored carefully (the Commission's role is first to reduce mistrust);
- the Community method will have to confirm its ability to obtain the implementation of all the measures recently taken (Six-Pack) to reinforce the monitoring of the excessive deficit sustainability[5]; one of the challenge at stake is to avoid bilateral relations between the Commission and each member state, and to have all the member states involved in the follow up of national measures (system of crossed "rapporteurs").

The temptation to bypass the Community method has failed, and this method is finally reinforced

- the Commission was reinforced by the adoption of the "Six-Pack": its capacity to monitor and influence national budgetary policies is considerably stronger now;
- the negotiations leading to the adoption of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union[6] ("TSCG") showed that the Community method was a unique tool to have binding decisions from the European level; its institutions (Commission and Court of Justice) have finally been backed by the countries willing to have more efficient mechanisms (for example Germany);
- even if the crisis led some countries to express different needs and to exercise different level of responsibilities, these unavoidable political imbalances can only be compensated through the use of the Community method.

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5. See Renaud Dehousse, "The 'Fiscal Compact': Legal Uncertainty and Political Ambiguity", *Policy Brief No. 33, Notre Europe*, February 2012.
6. See Valentin Kreilinger, "The Making of a New Treaty: Six Rounds of Political Bargaining", *Policy Brief No. 32, Notre Europe*, February 2012.

3.3. The organisation of "differentiation" within the EU is an acid test for the Community method

The reform of EMU governance demands a response to the crucial issue of a differentiation compatible with the application of the Community method
- in a pessimistic view, the TSCG could be perceived as an element of Angela Merkel's strategy to promote a new "Union's method" as well as the first step towards a progressive marginalization of the United Kingdom;
- a more optimistic view states that many provisions of the TSCG finally rely on the European institutions' role (the Commission in particular) and that the repatriation clause of the Article 16 foresees that all these mechanisms could go back to the EU framework;
- the TSCG can be perceived as a way to promote a more and more homogeneous Europe (at least in terms of budgetary policies) but should also maintain a large diversity in economic and social terms: it will need time to see how it can really organize "unity in the diversity".

The differentiation could be organized thanks to "enhanced cooperation"
- in theory, the enhanced cooperations are an ideal formula because they allow willing member states to move forward while leaving the door open for those that may wish to join them at a later date;
- to date it has proven possible to launch only two cases of enhanced cooperation, in connection with the right to divorce and with the European patent – because even though the Schengen agreement harks back in spirit to such a step, it was in fact concluded outside the treaty framework;
- it is worthwhile stressing that the EMU is not an "enhanced cooperation", as all the member states are supposed to participate in, except those which negotiated an opt out.

The conditions of involvement of the Community institutions and the member states in a differentiation process needs to be clarified

- it is logical that the EMU should only concern the members of the "Eurogroup", even if a majority of non-Eurozone member states were eager to sign the TSCG;

- it is hard to see why and how only the members of the Commission or of the European Parliament coming from Eurozone countries should take part in debates and decisions relating to the Eurozone, as the two institutions represent Europe's general interests and the European citizens in the broader sense of the term; it is a matter of safeguarding the foundations of the Commission's and the European Parliament's political legitimacy while also safeguarding the EU's institutional unity;

- at the same time, there is a need to envisage the prospect of an enhanced cooperation being subscribed to by only nine member states yet which, in view of the issues in play, could well involve a majority of, or even exclusively, members of the Commission and of the European Parliament from the other eighteen EU member countries; this is a political challenge that should get probed well in advance.

4. The institutions' political representativeness affects the degree to which they can participate in the Community method's application

The political representativeness of the European institutions and the way it was perceived have a key influence on the functioning of the Community method. If the European Parliament was mentioned (*see part 5.3.*), the discussions clearly focused on the representativeness of the European Council on the one hand, of the European Commission on the other hand.

4.1. The European Council's ambiguous functioning and impact could be clarified

The status of the European Council and of its members
- the fact to have elected leaders meeting very frequently reinforced its visibility, but it also fuels popular expectations around the outcomes of these meetings, which are not always decisive;
- none of the elected leaders who meet at the European Council was elected especially to do this job in a European perspective; this can reinforce the tensions around the integration of purely national

views into the decision-making process, with the support of the Coreper and the General Affairs Council;

- the creation of a stable President of the European Council helped to increase the efficiency of its works, but it also created a tension with the Commission in terms of division of power.

The importance to respect the balance of powers between member states

- the fear of a "directoire" formed by the "big" member states is growing, especially in reference to the French and German tandem in the recent period – even if these member states do not necessarily agree with each other;
- the emergence of an "hegemon" is stated: Germany's bigger influence should be considered but not challenge the equilibrium of the whole institutional system;
- the concept of "responsibility" could be a useful one to grasp the European political reality, because it includes the wish and capacity to answer and to decide – the different level of responsibility between member states could be recognized this way, even if it does not exclude collective responsibility.

4.2. The European Commission's functions, composition and election should be revised only jointly

The Commission as promoter of the European public good and/or "honest broker"?

- as a promoter of the European general interest, the Commission is a key political actor whose legitimacy derives from its deep expertise as well as from its neutrality as regards party lines politics – it has then a "technocratic" dimension to be asserted;
- the Commission also plays the role of an "honest broker" which tries to integrate the interests of the member states and those promoted

by the European parliament, so as to "reduce mistrust" between all the decision-makers;

- beyond this somehow unavoidable ambiguity, the key question is to have a Commission using all the tools it has to influence the other institutions: the ability to withdraw a proposal if the Council and the European Parliament concluded an unsatisfactory agreement is one of these tools; the code of conduct concluded with the European Parliament is a tool diminishing the ability of the Commission to act as freely as the treaty provisions authorize it to do;

- the use of the enforcement powers of the Commission, especially as regards competition rules, suppose a high degree of independence and neutrality: it would not be compatible with a more politicized Commission, whose members would act in conformity with party lines (an independent body should then be created for these tasks).

The composition of the Commission appears to be, for some, an important issue

- the Commission currently consists of one national from each member state, and at the same time it is vested with its authority by the political majority in the European Parliament: this state of play traduces the twofold nature of its legitimacy, but does not necessarily reflect its role of promoter of the European general interest;

- the reduction of the size of the Commission could be promoted for three different reasons: first to improve its cohesion and collegial functioning; second to fight against the impression that the Commission is a kind of "Coreper 3", with one representative per member states (it is not necessary to have one commissioner per country to take into account the positions of the member states); third to allow a more balanced composition as regards the member states influence, i.e. a better representation of the "big" member states vis-à-vis the small and medium ones (the Commission being described as a friend of the small and medium member states);

- the current status of the Commission is not necessarily an obstacle: it could even play a more assertive role if the college was to take decisions on the basis of votes and increase its political capital with new initiatives.

The designation of the president of the Commission appears to be key to clarify the representativeness and then functioning of this institution

- the first option put on the table consists of the preservation of its dual legitimacy, by maintaining the link with the European Council and avoiding forging an exclusive link with the European Parliament – such an option helps to avoid a strong political connotation to the Commission;
- the second option consists of a President of the Commission directly nominated by the European Parliament, rather than by the European Council (as happens today) in an effort to clearly reaffirm the Brussels college of commissioners' parliamentary legitimacy; during the "Convention on the Future of Europe" Michel Barnier has suggested adopting both national and transnational lists in the European elections while specifying that the "number one candidates" on those lists would be the natural candidates to the post of President of the Commission; the member states could also disclose during the European Parliament campaign who they will support as potential candidate for the presidency of the Commission, as well as the name of the commissioners they would propose;
- the third option would consist of a direct election of the President of the Commission, which could intervene after the merging with the post of President of the European Council (it was John Bruton's proposal during the Convention); such direct election would break the link between this President and its native country (he should not be considered as representative of);
- even if the second option can be considered as a potential tool to reinforce the political authority of the Commission, it was also under-

lined that this institution should continue to enjoy the backing of a broad political coalition, given the fact that it would be dangerous for its internal functioning to be based on the co-existence of a majority and of an opposition.

5. The functioning of the Community method is facing a challenge in terms of democratic oversight, both at the European and national levels

There have been intense discussions about the ability of the Community method to deliver legitimacy and democracy. It has been stated that the global output legitimacy is now less obvious (deliver peace and prosperity) and that the input legitimacy was to be further reinforced. The joint strengthening of democratic legitimacy and parliamentary legitimacy at the national and European levels has then been considered as a priority, to be addressed on the basis of several complementary orientations.

5.1. The need to have more politics in the EU decision-making system

The limited nature of the "European political space" is one of the source of the "democracy deficit"

- the EU system is an example of "compound democracies"[7] based on a multiple diffusion of powers which guarantees that any interest can have a voice in the decision-making process, and no majority will be able to control all the institutional levels of the polity; this brings structural limits in terms of decision-making capacity and accountability;

- the functioning of the European decision-making system aims to promote the "consensus of the consensus" in the Council, in the European Parliament and between the three institutions: this produces an apparent deficit in terms of pluralism, with no clear distinction between a government and an opposition (as stated by the Karlsruhe Court) and tends to favour agreements based on the "least common denominator";

- many decisions can be taken by the Council without discussion at the Ministers' level or after a deal concluded by the president of the "Coreper", the rapporteurs of the European Parliament and a director from the Commission: this deficit of visibility is only reduced in some striking cases (example of the services directive);

- many legislations discussed at the European level are technical and sometimes boring, and they are adopted after a very long decision-making process: the challenge is then to highlight the main political and human issues at stake (which is a matter of politics, not a matter of communication campaigns).

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7. Sergio Fabbrini, *Compound democracies – Why the United States and Europe are becoming similar*, Oxford University Press, 2010.

The need for a better political interaction between the national and European levels

- there is an insufficient continuity between the European and the national agendas, because of the lack of a "shared ownership" of the European agenda: the national authorities tend to look for visible satisfactions for their national parliament and public opinion instead of considering that "Brussels is us";
- the EU is now perceived as a growing constraint on national public spaces and political lives: the way it can influence domestic choices has then to be clarified;
- the Commission should have a deeper knowledge of member states, so as to integrate better their specificities and concerns: the "country desks" established in some of its directorate general (example of the DG Regio) could be created in others;
- the development of a European political life will be difficult given the absence of common sense and culture and of unique language (this is a clear difference with the USA): the priority is then to euro-peanize national political lives (for example by trying to promote more debate on the main European orientations during the parlia-mentary campaigns).

"Proxy politics" should be developed so as to increase the citizens involve-ment in the decision-making process

- it has to be acknowledged that the European construction was the project of the elites since the start and that in some cases, the political leaders can take decisions which do not have a full support of the public opinion (example of Helmut Kohl on the EMU); but having said this, there is a global need to give more consideration to the citizens to reinforce the legitimacy of the EU;
- there is a balance established at the EU level between "no pos-sibility of exit" on the one hand, "strong voice to be expressed"

on the other hand[8], so that everyone can keep in the negotiation process: the fact to integrate better the citizens' voice then requires to promote the structuration of EU politics on the basis of citizens line rather than long-term lines (it does not necessarily require institutional reforms);

- political parties should play a key role to better structure people's choices: they need to exploit the full potential of the Lisbon Treaty so as to present clear alternatives in terms of programmes and candidate for the presidency of the Commission in 2014 – then transforming these next European Parliament elections in real "European elections";

- given the fact that changing the "European government" is structurally impossible, bringing citizens and contestation back in the system could require a more intensive use of the "participatory governance" tools.

5.2. An increased role for the national parliaments, at the European level as well as at the national one

The need for an increased parliamentary control at the national level

- there is a strong lack of symmetry between the oversight exercised with regard to the Commission and the Council: for the members of the latter, the democratic oversight exercised is both diverse and globally limited, due to the variety of national practices in the way parliaments monitor the work of their governments;

- the Karlsruhe Court decisions led to an increased control of the *Bundestag* over the acts of the German government: even if they do not really support the Community method, these decisions con-

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8. Joseph Weiler, "The European Community in change: exit, voice and loyalty", Royal Irish Academy, *Irish Studies in International Affairs,* Vol. 3, No. 2 (1990).

tribute to improve the democratic dimension of the European decision-making process.

More active national parliaments at the European level
- the increased involvement of national parliaments is envisaged under the Lisbon Treaty, and it has become a necessity following the adoption of bail-out plans connected with the sovereign debt crisis;
- the specific modalities of this involvement have yet to be defined, as do the ways in which the national parliaments and the European Parliament interact, because the TSCG has failed to dispel the ambiguities in that area;
- the viability of the creation of a third chamber seems questionable, as it could only make the institutional system more top-heavy and more complicated without necessarily making it much more democratic, particularly in view of the fragmented and varied nature of the oversight powers exercised by the national parliaments.

5.3. A more "political" European Parliament would reinforce the EU's legitimacy

The European Parliament's legitimacy should be further reinforced
- the decreasing participation in the elections of the MEPs is negative politically, even if the turnout is not that bad if compared with the one in the US Congress;
- the European Parliament functions well, but not a lot people are aware of it: there is then a major challenge in terms of information;
- in general, the MEPs are not an integral part of the political life of their country – which also affects the political visibility and role of the European Parliament.

The parties should structure better the conflict dimension of the European political choices

- the fact that the MEPs are not compelled to grant an automatic support for a "government" is a weakness in terms of visibility, but should favour the structuration of cleavages based on substantive conflicts;

- it is not certain that the European Parliament's temptation to cause difficulties for the Commission over "micro-management" issues has done a lot to boost Europe's legitimacy;

- the priority is to use the quite good party discipline in the European Parliament to have less cross party consensus on all important votes: this would require the modification of the rules of procedure, but is first and foremost a matter of political attitude.

The proposal to offer the European Parliament the right to initiate legislation demands close and careful examination

- such a proposal could help to strengthen the EU's democratic legitimacy: from a citizen's point of view, it is indeed difficult to explain that the MEP are deprived from this basic parliamentary right, even if it is not that obvious that the majority of the MEPs will necessarily work for the common good;

- giving the right of legislative initiative to the European Parliament would have a crucial impact both on the balance of powers among the various European institutions and on the Commission's influence;

- an innovation of this magnitude could not be implemented without there being a "price to pay", in other words, without the need to mediate between the legitimacy and the efficiency of the Community method.