

“This document isn’t democratic...”



The Claim

This treaty does not have democratic control.

“The Lisbon Treaty creates greater centralisation without sufficient democratic control. Small countries in particular continue to lose influence.”¹

It has been claimed that Lisbon Treaty would put more law-making into the hands of EU institutions who are not accountable to the people in more policy areas. “The renamed constitution [does nothing to change the fact that] the European Commission is the only EU body with the power to draft laws. It is not elected by the people and there is no direct link between us and them.”²

The Short Answer

The Lisbon Treaty strengthens the power of both the European Parliament and our parliament – for example, for the first time national parliaments will play a role in drafting EU law. This Treaty is about strengthening democracy, not weakening it.

The Long Answer

Better democratic involvement is an area that the European Union, without question needs to improve. In fact, the Lisbon Treaty does make some clear steps making the decision-making system a bit clearer to understand, most notably is the role for national parliaments to change EU law while it is in draft format. We in Ireland would need to significantly enhance our national parliamentary systems if we were to effect real change.

It is a bold statement to say that small countries will continue to lose influence, but without real evidence. In fact, Ireland is known to wield strong influence in the European system – notable is that of the five people who have headed up the EU civil service (the European ‘Dermot McCarthy’), two have been Irish – David O’Sullivan and Catherine Day (who is currently heading it up).

The Commission, which is the only institution of the three that is not directly elected, will continue to draft the initial law but it must go through the elected Members of the European Parliament and the Council of Ministers – made up exclusively of Government Ministers – before that piece of paper becomes law.



This European Movement Ireland fact sheet is part of a series of research conducted to clarify the issues in the Lisbon Treaty debate. European Movement Ireland is a pro-European non-profit organisation which does not advocate either side of the Lisbon Treaty Referendum, we advocate the facts.



Current legal situation

The biggest criticism usually levelled at EU decision-making is the infamous 'democratic deficit.' It is argued that too much power is placed in the hands of the European Commission and that unlike national democracies, the European Parliament's role is too weak.

Further to this is the argument that those who draft the law – the members of the European Commission – are not directly elected, rather they are appointed.

The counter-argument is that two of the three institutions involved in creating EU law are directly elected, which this table below outlines:

Institution	Composition	Who the institution represents	Role in decision-making process
Commission	There are 27 Commissioners, one per EU country each nominated by their governments. Under Lisbon, there is agreement that all countries will keep their right to keep their Commissioner, under the current rules, the Commission will reduce in size from November 2009.	Europe. The Commissioners are to act in the interests of the Union overall, thinking of what would be good for all 27 countries.	Drafts legislation.
Parliament	Currently there are 785 MEPs, of which Ireland has 12 MEPs. Under Lisbon this would be changed to a maximum of 750, but Ireland will not lose any of our MEPs.	The people. Directly represents the citizens of the EU and our interests.	Can amend and reject legislation.
Council	The Council, or Council of Ministers, is in practice divided into 10 different councils dealing with different areas, such as agriculture and fisheries, finance, and transport. Each council is composed of the ministers of each country in these areas – for example, if it is an agricultural law, then Minister Brendan Smith meets with his fellow agricultural ministers to decide whether to accept the law or not.	The countries. As the elected authority given the power to run each country, Government Ministers and our Taoiseach agree or reject law on whether they think it is good for Ireland.	Approves legislation.

It is argued that the EU is an association of countries and is therefore fundamentally different from a federal state where the usual approaches to democracy would apply. As the EU functions at an intergovernmental level⁴, the more traditional and classic theories of democracy cannot be simply mapped onto such a unique organisation as is the EU.

¹ "The EU and the Lisbon Treaty: Making a weak democracy weaker", <http://www.indymedia.ie/article/87934>

² <http://www.caeuc.org/index.php?q=node/9>

³ The phrase "democratic deficit" has been attributed to Bill Newton Dunn, a British Member of the European Parliament who used the term in a pamphlet in the 1980s.

⁴ The strongest voice on this side is Andrew Moravcsik, who has argued that the lack of citizen participation and contestation around policy is an "imperative for" rather than a "barrier to" legitimate European Governance. He put forward a vision of the EU as a problem solving

polity, whose goal is to achieve consensual solutions to common problems that cannot be solved by the nation states acting alone, but whose development path is controlled by national leaders. For more details see Brigid Laffan in "Lisbon: What the Reform Treaty Means", edited by Tony Brown, Institute of International and European Affairs, Dublin, April 2008.

⁵ Article 10 TEU, as modified by the Lisbon Treaty.

⁶ Article 4 of the Protocol on the role of National Parliaments in the European Union and Article 12 TEU, as modified by Lisbon Treaty.

What Lisbon Introduces

The Lisbon Treaty introduces the "Provision on Democratic Principles" (Articles 9 to 12 TUE). Its aim is to enhance democracy and accountability within the Union. Article 10 is of particular relevance here:

*"Every citizen shall have the right to participate in the democratic life of the Union. Decision shall be taken as closely as possible to the citizen."*⁵

National Parliaments will enjoy a more active role, having eight weeks following the publication of an EU proposal to vet it and offer an opinion. If a number of national Parliaments object to the proposal then it must be revised. This review must take place if one third of the national parliaments request it.⁶ In Ireland, our Seanad has a separate vote to the Dail.

The role of the European Parliament is strengthened as the Lisbon Treaty places more policy areas under the co-decision procedure. This means that the Parliament decides alongside the Council whether or not to implement a piece of legislation. In other words, the EU becomes more democratic because our Parliamentary representatives have a bigger say in what laws are passed in the EU.

Policy areas moved to co-decision under the Lisbon Treaty

include:

- energy
- tourism
- civil protection
- judicial co-operation in criminal matters
- structure, operation and tasks of Europol
- crime prevention

Direct involvement of the European citizens in European law making, for the first time. As part of the effort to make the EU more inclusive, the Lisbon Treaty introduces a new "Citizens' Initiative" whereby one million EU citizens (1/490 of the total EU population) can come together to submit a proposal to the Commission on an area they feel needs to be addressed by the EU. This is the first time that a European treaty has provided for direct involvement of the European citizens in European law making.

For the first time in a European Treaty **an exit clause** is mentioned. Article 50 of the Lisbon Treaty formalises this procedure by stating that a member of the EU must inform the European Council before it can terminate its membership:

"Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements."