



THE EU ON OUR BEHALF

HOW TO REINFORCE EU DEMOCRACY



By Yves Bertoncini

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Our European representatives have significant powers (heads of state, ministers, MEPs, etc.) and their lack of democratic anchorage is being tested, in the wake of a growing mistrust of any form of representative democracy. It is all the more necessary **to reduce this lack of representation as the EU faces multiple challenges**, both internal and external. Thus, European citizens will have the possibility to **"take back control" of its initiatives and decisions** and will feel more involved and more supportive.

Originally inspired by « enlightened despotism », the European construction has since then been the subject of a broad democratisation movement, especially after the direct election of European parliamentarians from 1979 onwards and the continuous reinforcement of their prerogatives. Our proposals **are aligned with this democratisation movement**, though aware that the EU operating rules will never be as simple and readable as French democracy. Our French system consists in assigning the essential powers to a President directly elected after a binary vote. It is also based on a mechanically acquired majority... But these structural boundaries must encourage us to be even more bold in order to foster democratization at a European level and **bolster the feeling that those who decide on our behalf are fully legitimate**.

This democratisation requires a mixed combination between reforms and improvements, **both at EU and national levels, in three complementary paths :**

1. Firstly, reinforcing the democratic legitimacy of our representatives at a European level must lead to closer ties with their voters.

In particular, the French MEPs voting system must change, with priority given to the establishment of constituencies inspired by the new French regions created in 2015 ; a small amount of transnational MEPs should also be introduced in the European Parliament.

A better anchorage of European Commission members must also encourage them to elect the leader or "Spitzenkandidate" of the party that came first (like in 2014), to maintain the one Commissioner per country principle so that he /she can address his/her compatriots in their language, and to appoint as many Commissioners as possible who formerly ran for European elections.

2. European power must be better embodied thanks to this reinforcement, giving faces to those who decide on our behalf.

The intentional power dispatch within the EU has turned it into an "unidentified political object". EU citizens are not able to distinguish who decides what anymore. There is an urgent need to make European capacities more visible :

- by promoting the expression of alternative majorities in the European Parliament and the Council;
- by moving towards an egalitarian bicameralism between the Council and the European Parliament regarding legislative and budgetary decisions ;
- by favouring stable presidencies for all European institutions;
- by better targeting the euro decision-makers, both at an executive and a parliamentary level.

3. Finally, reinforcing the EU democratic anchorage implies better links with the citizens and those they mandated in charge of European affairs : and there is an urgent need to bridge this gap.

A better transparency must be ensured, the European Parliament, the Council and the committees overseeing the Commission's standard-setting activities supervising both the work done and what is voted.

National MPs influence must be monitored, at a European level but also and above all in France: the President of the Republic must be held accountable for his European policy before the Parliament. Ministers are also subjected to the MPs scrutiny.

A multidimensional participatory democracy must be implemented (with public inquiries, petition right, European citizens initiatives, opinion polls, panels, advisory bodies, etc.) to bring the Europeans and their representatives together between two distinct elections.

Implementing our proposals would not magically erase the divisions due to the multiple recent crises in the EU. They are more nationally based than coming from of a European « lack of democracy ». Yet we call for a better democratic anchorage, both at Community and national levels in a close future.

That is why they stand out from fastest ones, from massive changes in the political practices at a national and European level, and from a potential adjustment of the French Constitution and the European Treaties (see our enclosed table)

The European representative democracy reinforcement will emerge first at a national level, then at a EU level. European treaties amendments will hopefully follow, being more than a wishful thinking. A democratisation rise is crucial in the EU, to encourage the citizens commitment in key decisions. The urging political and geopolitical context demands a better coexistence between Europeans to live harmoniously.

Read our additional proposals for a better democratic anchorage, from a political and legal point of view:

From a political point of view :

- Most of our ideas should be implemented at a EU level, which means convincing a significant number of Member States and European political forces they are appropriate (see column 1);
- a quarter of them are directly linked to the European affairs governance in France and therefore require reforms depending on the national will (see column 2);

From a legal point of view :

- almost 90% of our ideas imply amending legislative rules or transforming political practices, both at EU and national level: they can therefore be implemented in the short term, after the main European institutions leaders took up office inbetween July and October of this year.
- about 10% of them call for adjustments of European treaties or of the French Constitution¹ (indicated *in italics* below): these proposals can be integrated in a short term run in France (since a constitutional revision is planned there) and then at a European level (in the framework of the « European Conference »).

¹ Our proposals to reform the French Constitution directly reflect a broader position of the European Movement - France, supervised by Aurélien Caron and accessible online: <https://mouvement-europeen.eu/pour-une-reforme-constitutionnelle-incluant-la-dimension-europeenne/>

<u>1 –How to foster closer ties between voters and their European representatives</u>		
<u>Proposals</u>	<u>At a EU level</u>	<u>At a French level</u>
A better MEPs voting process	<p>Proposal 4: Create transnational lists of 27 candidates from at least half of the Member States</p> <p>Proposal 5: Promote 10% non-nationals on each candidates lists for the European elections, with legal means or financial incentives</p>	<p>Proposal 1: Establish Euro electoral districts in France based on the 2015 new regions map.</p> <p>Proposal 1bis: Target administrative constituencies based on the 2015 new regions</p> <p>Proposal 2: Set up a preferential vote for the European elections in France</p> <p>Proposal 3: Prohibiting the combination of two mandates : Member of the European Parliament with local assembly President</p>
Reinforce the "Spitzenkandidaten system" to elect the President of the Commission	<p>Proposal 6 : Give the top "spitzenkandidaten" the right to run for the Presidency of the European Commission</p> <p>Proposal 7 : Organise "open" primaries for the nomination of candidates for the Presidency of the European Commission</p> <p>Proposal 8 : Disseminate translated versions of European political parties programs and manifestos massively</p>	<p>Proposal 9: Insert the European political parties logos on the European elections ballot papers</p>
Reinforce the mixed representative legitimacy of the European Commission members	<p><i>Proposal 10: Select Commission members among the candidates for the European elections (Article 17 TEU)²</i></p> <p>Proposal 11: Maintain the principle of one national per Member State within the European Commission</p> <p>Proposal 12: Continue the new dispatch of portfolios assigned to European Commissioners</p> <p><i>Proposal 13: Give the President of the Commission the legal capacity to appoint the members of his team (Article 17 TEU)</i></p>	

² Mandating European elections candidates (or elected in the European Parliament) to choose European Commission members requires a revision of Article 17 of the TEU; this choice may be an optional "good political practice" and can be implemented without any revision of the Treaties.

2 – How to give face to Europeans who decide on our behalf

<u>Proposals</u>	<u>At EU level</u>
Encouraging a better identification of European majorities	<p>Proposal 14: Set the threshold for eligibility at the elections to the European Parliament at between 3% and 5% in all EU countries</p> <p>Proposal 15: Grant a "majority bonus" to the leading party in the European elections (10% of the seats)</p> <p>Proposal 16: Grant a majority bonus to the main political groups for the allocation of responsibilities within the European Parliament (10% bonus)</p> <p>Proposal 17: Extend the scope of the majority of the votes cast in the European Parliament</p> <p>Proposal 18: Use qualified majority voting as a political stimulus rather than a « forceps » tool</p> <p>Proposal 19: Extend the scope of qualified majority voting in the Council in tax and foreign policy matters ^{3 4}</p> <p>Proposal 20: Stop counting abstentions in majority votes cast by Member States in committees chaired by the Commission</p>
Heading for an egalitarian bicameralism between European Parliament and Council of Ministers	<p>Proposal 21: Generalise the co-decision vote on all legislative issues currently subject to simple consultation or approval by the European Parliament ⁵</p> <p>Proposal 22: Give the European Parliament a co-decision power for the adoption of the EU's multiannual financial framework</p> <p>Proposal 23: Reduce the EU's multiannual financial framework to 5 years in order to synchronise it with the European elections ⁶</p> <p>Proposal 24: Give the European Parliament a co-decision power on the launch of international trade negotiations</p> <p>Proposal 25: Grant co-decision power to the European Parliament for the definition of the main foreign policy guidelines</p>
A better embodiment of European power through stable presidencies	<p>Proposal 26: Elect the President of the European Parliament for his/her mandate (5 years) rather than half of it</p> <p><i>Proposal 27: Elect the President of the European Council for a non-renewable 5-year term (Article 15 TEU)</i></p> <p>Proposal 28: Entrust the President of the European Commission with the post of President of the European Council ⁷</p> <p><i>Proposal 29: Appoint stable presidents for all sectoral formations of the Council of Ministers, drawing on the practices of the External Relations Council or the European Council (Article 16 TEU & Article 236 TFEU)</i></p>

³ The activation of the so-called « passerelle clauses » mentioned in Article 48 of the Treaty on European Union makes reforming the decision-making procedures possible in the Council and the European Parliament without revising the European Treaties: these amendments require unanimous voting by the Member States, both to move from unanimity to qualified majority in the Council and to move from a special legislative procedure (approval, consultation) to the ordinary legislative procedure (codecision) in the European Parliament

⁴ The activation of the "passerelle clause" referred to in Article 48 of the Treaty on European Union to move from unanimity to qualified majority voting in the Council is excluded for "decisions with military or defence implications".

⁵ Proposals 21, 22, 24 and 25 can be implemented by invoking the passerelle clause of Article 48 of the TEU (see footnote above) and therefore without revising the Treaties

⁶ Article 312 of the TFEU stipulates that the multiannual financial framework shall be "established for a period of at least five years".

⁷ Article 15 of the TEU states that the President of the European Council "may not exercise a national mandate", but it does not formally exclude that he may also hold another European office (in this case President of the Commission)

Targeting decision-makers in the euro zone	<p>Proposal 30: Organise a biannual summit of heads of state and government of the euro zone</p> <p>Proposal 31: Appoint a full-time chairperson for the Eurogroup</p> <p>Proposal 31a: Entrust the chairmanship of the Eurogroup to the Commissioner for Economic and Financial Affairs</p> <p><i>Proposal 32: Integrate the European Stability Mechanism into the Community framework, including in terms of control by the European Parliament (Article 136 TFEU)</i></p> <p><i>Proposal 33: Establish a European Monetary Fund to clarify responsibilities in terms of crisis management (Article 136 TFEU)</i></p> <p>Proposal 34: Establish a euro zone subcommittee within the European Parliament, open to all voluntary MEPs</p>
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<u>3 – How to reinforce the links between representatives and citizens: during the elections and after</u>		
<u>Proposals</u>	<u>At EU level</u>	<u>At French level</u>
European institutions votes and work must be absolutely transparent and accountable	<p>Proposal 35: Make MEPs' voting records more accessible (via a dedicated website and framed for a public audience)</p> <p>Proposal 36: Provide an effective access to all the Council legislative work (including simultaneously translated videos)</p> <p>Proposal 37: Publish statements covering all votes (positive and negative) in the Council of Ministers on a dedicated website</p> <p>Proposal 38: All the votes cast by Member States in the committees overseeing the Commission's standard-setting activities must be public and accessible</p> <p>Proposal 39: Convene at ministerial level the appeal committees overseeing the Commission's normative activity and make their votes public</p>	

<p style="text-align: center;">Increase the supervision of national MPs</p>	<p><i>Proposal 45: Create a mechanism for EU national parliaments to block a European legislative initiative that does not respect the subsidiarity principle or "red card" (Protocols 1 and 2 to the European Treaties)</i></p> <p><i>Proposal 46: Grant national parliaments the right to ask the European Commission to formulate a legislative initiative or "green card" (Protocols 1 and 2 to the European Treaties)</i></p>	<p><i>Proposal 40: Allow the President of the Republic to report to Parliament on his action at EU level via a "European constitutional exception" (Article 18 of the Constitution)</i></p> <p>Proposal 40bis: Ensure that the Prime Minister attends European Council meetings so that he can report back to Parliament</p> <p>Proposal 41: Organise an annual presidential address to Congress on the state of the EU and France's European policy</p> <p>Proposal 42: Send an annual public report to Parliament on France-EU relations and France's European policy</p> <p><i>Proposal 43: Establish full-function European Affairs Committees in the National Assembly and Senate (Article 43 of the Constitution)</i></p>
<p style="text-align: center;">Promote participation and consultation on European issues</p>	<p>Proposal 48: Increase the audience of the "petitions portal" created by the European Parliament through information and communication campaigns</p> <p>Proposal 49: Extend to 24 months the time limit for collecting the signatures needed to launch a European Citizens' Initiative</p> <p>Proposal 50: Create "euro-thermometers" to survey public opinion before major decisions are taken by the European institutions</p> <p>Proposal 51: Systematically bring together citizens' panels before major decisions are taken by the European institutions</p>	<p>Proposal 47: Increase the audience for the public consultations launched by the European Commission via dedicated sites at national level</p> <p>Proposal 48: Increase the audience of the "petitions portal" created by the European Parliament through information and communication campaigns</p> <p>Proposal 51: Systematically bring together citizens' panels before major decisions are taken by the European institutions</p>
<p style="text-align: center;">Enhance the consultation of other national representatives at a European level</p>	<p><i>Proposal 53: Enlarge the composition of the European Economic and Social Committee by creating a "Civil Society" group (Article 300 TFEU)</i></p> <p>Proposal 54: A compulsory registration of all interest groups to be registered in the transparency registers established with the Commission, the European Parliament and the Council</p>	<p>Proposal 52: Restrict the French presence in the Committee of the Regions to representatives of regional councils</p>

Source: *The EU on our behalf - Strengthening the democratic roots of our European representatives*, Terranova, Yves Bertoncini (dir.) May 2019



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