THE POLITICAL IMPLICATIONS OF INSTITUTIONAL REFORM: EXECUTIVE-LEGISLATIVE RELATIONS IN THE EU BEFORE AND AFTER THE LISBON TREATY

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Generally reforms have been motivated by specific concerns rather than a comprehensive vision of the EU.

Even during constitutional treaty debate discussions revolved around the relative powers of the member states or between the institutions rather than the character of the EU political system as a whole.

The result is a general institutional structure that has evolved ‘organically’ \((\text{natural selection rather than intelligent design})\)

A very serious problem is the resulting confusion regarding the institutions, the role they play and the character of their interactions.

Understanding and clarifying the institutions of the EU and the inter-institutional relationships between them is a critical first step to understanding what (if any) reforms should be pursued.

This includes understanding the logic behind the institutional evolution of the EU (and there is some logic actually).
Motivations

- Benefits of economies of scale on the economic front (reconstruction, trade/globalization).
- Benefits of economies of scale on the political front (world stage, emerging super powers).
- Fostering peace (shared interests and supranational oversight)

Constraints

- Diverse economies and broad variety of norms in social, fiscal and monetary policies.
- Very different international/foreign policy programs, alliances and histories.
- History of war (in some case centuries long).

Outcomes

- Shared desire for cooperation in an environment of mutual mistrust.
- The development of institutions that foster cooperation while decentralizing decision-making and dispersing authority.
- Development of LCD decision-making rules and structures to protect against clear winner/loser dichotomy even at the expense of increased benefits from cooperation for some or all.
This takes two general forms, fused powers systems and separation of powers systems.

The critical difference between the two types of systems is the relative level of institutional independence between the executive and legislative branches as a function of their method of selection and removal.

These differences result in more or less hierarchical versus diffuse power structures.

Figure 1: The Hierarchical Character of Fused-powers Systems

Figure 2: The Diffuse Character of Separation-of-power Systems
**EXECUTIVE-LEGISLATIVE STRUCTURES IN THE EU**

- **The EU Executive Branch:**
  - Political Executive = European Council *(collegial, indirectly elected)*
  - Bureaucratic Executive = Commission *(collegial, appointed with confirmation)*

- **EU Legislative Branch**
  - Lower chamber = European Parliament *(directly elected, represent citizens)*
  - Upper chamber = Council of Ministers *(indirectly elected, represent sub-units)*

**EXECUTIVE-LEGISLATIVE RELATIONS IN THE EU**

- The EU as constructed is clearly a separation of powers system
  - The EP-Commission relationship resembles a process of confirmation and possible impeachment more than investiture and censure.
Figure 3: The Pre-Lisbon Political Structure of the EU

EU Executive Branch

Commission

European Council
(Heads of Governments)

Selection (QMV)

Investiture & Impeachment

European Parliament

Council of Ministers
(Members of Cabinets)

Members of the National Executives

EU Legislative Branch

Investiture & Censure

National Parliaments

Election

Citizens/Voters
FIGURE 4: THE EU UNDER THE LISBON TREATY

EU Executive Branch

Commission President
(Commissioners)

European President

European Council
(Heads of Governments)

European Parliament

Council of Ministers
(Members of Cabinets)

EU Legislative Branch

Investiture & Censure

National Parliaments

Election

Selection of both presidents by European Council (by QMV)

‘Election’ & Removal

Election

Election

Citizens/Voters
SO WHAT HAPPENS IF WE PURSUE SOME OF THE GENERAL REFORM PROJECTS UNDER DISCUSSION...

AND WHAT (IF ANYTHING) DOES LISBON CHANGE?
FIGURE 5: THE EU WITH A PARLIAMENTARY STRUCTURE (COMMISSION AS EXECUTIVE)
Figure 6: The EU under a Presidential Structure (Commission as Executive)
**Figure 7: The EU Under a Presidential Structure (European Council as Executive)**

- **EU Executive Branch**
  - **European President**
    - **Commission President** (Commissioners)
    - **European Council** (Heads of Governments)
  - **EU Bureaucracy (?)**
  - **EU Cabinet (?)**

- **EU Legislative Branch**
  - **European Parliament**
  - **Council of Ministers** (Members of Cabinets)
    - **Investiture & Censure**
      - **Investiture & Impeachment**
        - **Election**
          - **National Parliaments**
            - **Election**
              - **Citizens/Voters**

**Selection (QMV)**
CONCLUDING THOUGHTS...

The institutions of the EU are not perfect (*but then think about the electoral college...*)

- Despite these imperfections, the current structures and relationships between them (especially the executive and legislative branches) do make sense from a functional and a historical point of view
  - The current structures insure representation of the member states and the citizens
  - They foster broad coalitions and consensus politics in a very diverse political space
  - They allow for variable coalition on a policy by policy basis (as opposed to a fixed government-opposition dichotomy with fixed winners and losers for long periods)
  - They are flexible enough to absorb the impact of political volatility at the national level

- However, there are a number of important weaknesses in the current system
  - General confusion (in the public, media, political elite and academia) regarding the executive ranch and the role of the Commission.
  - Lack of transparency in the upper chamber (Council of Ministers)
  - Confusing role of the GAC I Council of Ministers - still (increased by Lisbon)
  - Muddling of the distinction between the European Council and the Council of Ministers

(*a concluding appeal to please be clear when writing on the EU in whatever forum*)