

Critically evaluate the notion that the EU is controlled by a host of unelected and unaccountable bureaucrats.

Over the last 50 years, the European Union has grown not only economically but also politically from the original six members.

Many would say that The European Union has provided stability, peace and economic wealth for its member states. It has helped to raise standards of living, built an internal market, launched the Euro and strengthened the Union's position in the global market. However the structure and size of the EU has changed dramatically since the original six, and many would argue that's its original objectives have changed from a simple desire to create a free trade area to an economic and possibly political union. It is this growth in size (with 10 more member states to join in 2004) and power that has resulted in the EU coming under fire in recent years over the way in which its institutions are run.

The growth in power of the EU has inevitably led to a growth in the power of its institutions, many of which are run by unelected civil servants. Member states, as they have joined, have given up a certain amount of sovereignty to each of these institutions so that they can make decisions on certain policy areas. These decisions should be made in the interest of the EU and so many believe there should be elected officials within these institutions to represent their views, however this is not usually the case. It is this that has led to the notion that the EU is controlled by a host of unelected and unaccountable bureaucrats.

There are five main institutions in the EU, the European Council, the Court of Auditors, European Parliament, European Commission and the European Court of Justice. There are also other institutions which support these including the European Central Bank and the Council of Ministers. The European Council holds summit meetings, usually twice a year to discuss issues such as policy direction, treaties and other general issues. It is intergovernmental in design and so not all the member states need to sign a treaty, for example Britain and Ireland did not sign the Amsterdam treaty 1997.

The Court of Auditors consists of 15 auditors (one from each member state) and around 500 staff. It carries out audits of the EU's institutions and also acts as a watchdog for the EU's finances. The auditors are appointed and so are not elected into this role. The European Parliament is the only EU body, which is directly elected. It consists of 626 elected MEP's represent the 15 member states of which the UK has 87 (Mercado 2001.) The powers of the European Parliament fall into three categories, the first is legislative power which includes Co-decision procedure which I will cover later. The second is supervision of executive in which its role is to supervise the council of ministers and the commission. Lastly it has powers over budget. Whilst the council still has a final say on the expenditure, the EP can along with the council fix the budget.

The European Commission is the most controversial institution when looking into the notion that the EU is run by a host of unelected, unaccountable bureaucrats. This is due to the fact that it is headed by 20 civil servants representing the member states who are appointed to serve a five-year term. They are an executive body with over 20,000 civil servants working for it. Many see the commission as the driving force of the EU. It has three main functions. The first of these functions is initiator. All legislation begins with a proposal by the commission. It is also guardian of the treaties ensuring all obligations are met and any infringements investigated. An example of this would be the recent investigation into P& O and other ferry companies in Dover over suspected price fixing.

The European Commission is completely supranational in that it has certain jurisdiction over member states relating to the forming of laws. Some may argue that the Commission is too

powerful and should be more accountable for its actions. Officially its members aren't accountable to anyone, however the European Parliament acts as a watchdog to the Commission and has the power to sack them if necessary.

The European Court of Justice settles disputes to do with EU law. Any person can take a dispute to them and once a decision has been made it is binding, as there is no higher lawcourt for EU laws. The judges are not elected but are appointed by their own national government.

The Council of Ministers is the EU's decision making body. They meet regularly and are composed of government ministers of the member states. As these ministers have full time jobs in their own governments, they are assisted by permanent representatives known as Corepers. These are unelected civil servants, and their main role is to pass laws. This role makes them a very powerful institution in the EU. Decisions are taken mainly by QMV (Qualified majority voting) and so can be passed by a majority there does not need to be a unanimous decision.

The European Central Bank is responsible for monetary policy within the Eurozone. This is sometimes seen as the most important body in the EU as it directly affects EU economy and business environment. Like many of the institutions its members are appointed and it is run by unelected financiers.

The Council of Ministers, European Commission and the European Central Bank all provide good reasoning for the belief that the EU is run by unelected and unaccountable bureaucrats. They are all very powerful institutions and their decisions influence the way in which the EU operates. Many would argue that the institutions take decisions on the public's behalf without knowing what the public's views are. Daniel Hannan, Conservative MEP explains "The reason we oppose the accumulation of power in Brussels is that we believe decisions should be taken as closely as possible to the people they affect." (European Journal, Sept 03).

The European Parliament is directly elected, however many believe that the real power lies with unelected officials. This then results in a lack of accountability. The recent controversy over mismanagement and fraud, which led to the resignation of the whole Commission demonstrated the inevitable outcome of this total lack of accountability. Iain Duncan Smith, leader of the Conservative Party believes that it is this that led to "the Commission losing the trust of the ordinary people." (BBC News Website).

Few people are able to see or understand how the EU works or how and why decisions are made on their behalf. This problem is likely to fuel the debate as people are unable to see the reasoning behind policies and laws and feel therefore that their views are not being represented. As British Citizens we know that as a part of Europe we have given over a certain amount of sovereignty. As part of a democracy we would expect that decisions made would be in our interest and would benefit us or protect us. Former French President Valery Giscard d'Estaing told the EU convention on the future of Europe in February 2002 that "Citizens of Europe feel that they are not being listened to, that their views are not being taken into account." (Politics Review 2002).

Many agree with the notion but accept that it is unlikely to change, "The European institutions will never be democratic however much one tinkers with the European Parliament to imbue it with spurious legitimacy." (European Journal 2001.) A large part of the problem is how remote the EU decision-making process is. There is no real forum for holding the European Commission to account. Also the bankers who run the ECB are accountable to no one and cannot be removed no matter what the effects of their decisions are.

Many believe that Europe cannot continue to be governed by civil servants and ministers behind closed doors in Brussels. Conservative leader, Iain Duncan Smith is amongst those

that believe this he stated that “ The Eu’s centralised structures represent a costly and ineffective compromise between the supranational and the intergovernmental. Europe should be more transparent and more accountable to the people who pay for it, founded on a co-operation between nations not supranational institutions.” (Telegraph Website).

The core of this debate is arguably centred around those institutions which are more powerful than those run by elected MEP’s. The Commission as already mentioned is seen as the driving force of the EU. It is an executive body and initiates new laws. However the Council of Ministers, also unelected has a main role of passing laws, this highlights the power of unelected officials who are making decisions on our behalf, and are accountable to no one if the decisions are deemed to be inappropriate. Coreper do all the civil service work behind the scenes. The ECB also seems to support the notion as it is run by unelected financiers who have control over the monetary union which is arguably the most powerful institutions in Europe.

Evidence of the power held by institutions such as the Commission can be found when looking at the Commissions handling of the Competition policy. The European Commission blocked the \$45bn deal between US firms General Electric (GE) and Honeywell. (BBC news website.) Even though US competition authorities had given their approval to the deal, the Commission was worried that the integration of the two companies would lead to dominance of the market. The EU faced criticism over this Mario Monti, Competition Commissioner for the EU, denied that European protectionism played a part in the decision.

This was the first time that the European Authorities had vetoed a deal between overseas firms, which had already been approved by their own competition watchdog. Since then the Commission has investigated alleged anti-competitive practices in the Brazilian Iron industry. It is also running its slide rule over American Company Intel and software giant Microsoft. Both Coca –Cola and AOL have also suffered Mr Monti’s wrath when they attempted to make acquisitions in Europe. (BBC news Website)
Mario Monti is now most famous for shooting mergers down in flames and this just serves as an example of the extent of the Commissions power over businesses inside and outside of the EU.

Having said that, Europe’s highest commercial court did make a ruling that Monti’s decision to block a merger between two packaging firms had been incorrect. This was the third time in four months that Mr Monti’s merger decisions had been overturned in Court. However many would then argue that the court has too much power over decisions made in the EU.

It should also be mentioned that although he grabbed the headlines with a few important merger vetoes, Brussels has only blocked 18 of the 2100 cases it has examined since 1990. (BBC news website)

It would appear that most important decisions are made by civil servants of the EU and not elected politicians. However as with every debate there are those that would disagree with the notion that the EU is run by unelected and unaccountable officials.

Peter Hain, FCO Minister for Europe, is one of these who believe that the EU is run democratically in the interests of the public. In a speech at Westminster on January 2002 he outlined his views. He stated “ The Commission makes proposals for new laws, it doesn’t make the laws. And it monitors existing laws to ensure member states all play by the rule. If you want a level playing field, you have to have a heavy roller.” (Telegraph Website). He also points out that the commission has a vast amount of British people working for it including Chris Patten and Neil Kinnock. In addition he highlighted the fact that many of those who do work for the commission are translators or interpreters.

Those who are against the notion often agree that the reason the notion exists is due to a lack of understanding of how the institutions work. The Commission doesn't usually take the big decisions, these are taken by the Council of Ministers of the member states. Peter Hain also pointed out in his speech that the biggest decisions are taken by the European council, the leaders of the member states. Also when the council does pass laws they are usually made jointly with the European Parliament.

The Council is made up of democratically elected governments. They are accountable to their parliaments and their electorates. The Parliament is also made up of democratically elected MEP'S. Before the Maastricht treaty came about the European Parliament had limited powers. Since the treaty there has been a co-decision procedure put in place which ensures that certain legislation that comes out of the European Council and other institutions, has to be passed by the European Parliament.

Many would argue that in some way or another most of the powers, proposals and rulings are checked by other institutions and by member states. Anything which is seen as not being in the interest of the public can be subjected to a right of appeal to the European Court. Yes, the members of the commission and other institutions are unelected civil servants, but this is often true of most government officials working 'behind the scenes'. It is also worth mentioning that although the Commission has 20,000 people working for it, there are more people working for Birmingham Council which puts the figure in perspective. Those against the notion would argue that the civil servants are working in the interest of the public and act responsibly.

Many would then raise the question are elected MEP's going to do a better job than the civil servants? Unelected civil servants do their job without the added pressure of elections or popularity polls. Also these appointed civil servants are often chosen because of their expertise and experience in a certain area such as judges or financiers.

Another factor to consider is the ever decreasing turnout at voting polls. With such low numbers voting it is unlikely that the elected members would have been chosen by a representative group.

German chancellor Gerhard Schroeder challenges the notion. In 2004 Germany have won the right to hold a constitutional conference. Schroeder has outlined the route that he wishes to follow. He wants the European Parliament to gain in authority and play more of a role in controlling the spending of the EU's budget. This would mean that the elected bodies of the EU would be more powerful, however he also wants the European Council to play a central role and take on the job of upper house of the European Union. (BBC news website.)

He wants to develop the European Commission, the civil service of Europe, into a 'strong European executive'. It is this idea which concerns many across Europe and which brings us back to the notion that the EU is run by unelected unaccountable officials, and also to the future of Europe and how that is likely to impact on the issue.

The EU has started the sixth intergovernmental convention in Italy on the 4th October, to agree a finalised draft of the first EU constitution. There have been many proposed changes to the EU including those outlined by Gerhard Schroeder. QMV is one of these proposals, which is already in place in certain areas. Qualified majority voting means that each state has slightly less power and flexibility over areas such as new policies. This highlights the move towards a more supranational power, as with QMV a majority decision will be enough to pass a law or treaty. The majority is decided by population at least 60 % of the population of Europe will be accepted as a majority vote. This may lead to smaller countries having less power as it is likely that they can't all agree and pass a law without the support of at least one of the 'big five' such as Germany, France or the UK.

This could mean that no individual nation would be able to alter the laws by which it is governed. It would put the making of these laws beyond member states, surrendering them to a supranational and unaccountable body. However UK Prime Minister, Tony Blair has insisted that he will not allow the new European constitution to diminish British sovereignty especially in the areas of defence, tax and foreign policy. (BBC news website.)

Having weighed up each side of the debate and investigating the power each institution holds, I would conclude by agreeing in principle with the notion that the EU is run by a host of unaccountable and unelected bureaucrats. However this is not to say that this is a necessarily a negative issue, as there is no guarantee that elected officials would be more suitable representatives. Civil servants are usually highly skilled professionals and so many would agree that they may be the best for the job.

So although I agree with the notion I accept the fact that having elected and accountable officials instead of unelected civil servants, will not always guarantee that the citizens of Europe will have a say in the running of the EU, or that their views would be represented.

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