

The European Institutions as an Interest Group

The Dynamics of Ever-Closer Union

SUMMARY

- The creeping centralisation of political power at the European level has been due to institutional deficiencies rather than economic or social needs. It cannot adequately be explained by ‘functionalist’ theories but can be explained by political economy.
- The European institutions (Commission, Parliament, Court and Council) share a vested interest in ever-closer union because this enhances their power and prestige.
- There is also a self-selection bias: ‘euromantics’ are more prone to working for the EU than ‘eurocritics’.
- Evidence from various sources reveals that, in EU affairs, the preferences of top Commission officials and Euro-parliamentarians diverge widely from the preferences of the citizens. The national parliamentarians and the media are shown to be biased in favour of EU centralisation as well, though to a lesser degree.
- It follows that popular referenda will have to play an important role in EU decision-making. For example, they ought to be obligatory for all Treaty amendments, but each member state may decide whether they shall be binding.
- The Lisbon Treaty, by lowering the majority requirements in the Council, by transferring more competencies to the EU and by dramatically extending the general empowering clause,

would strongly reinforce the centralising dynamic. It would not enable the national parliaments to control EU legislation.

- The main activity of the European institutions is regulation. Since the transition to majority voting in 1987, for example, more than fifty EU labour regulations have been introduced. They have not been a response to competitive deregulation at the national level but the deliberate strategy of a majority of member states to impose their high levels of regulation on the more liberal minority.
- The fact that the Commission has executive, legislative and quasi-judicial powers is incompatible with the classical principle of the separation of powers. The Commission ought to become an ordinary civil service subordinated to the Council. After-tax salaries at the Commission are shown to be out of control.
- The European Parliament lacks many characteristics of a normal parliament. A second chamber ought to be added which includes representatives of the national parliaments determined by lot and which shall have no other power than to block centralising legislation.
- The European Court of Justice, like most constitutional courts, has been a motor of centralisation. Very few of its members have had judicial experience in their home country. A second court ought to be added which includes delegates from the highest national courts and which shall exclusively decide cases potentially involving the distribution of competencies between the Union and the member states.