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The European Parliament

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Introduction

The directly elected European Parliament (EP) is one of the most important of the seven institutions of the European Union and one whose increase in legislative power in recent years amount to a step-change.¹ Together with the Council of Ministers, the Parliament is the EU's legislative body with both law-making and scrutiny roles. Again, with the Council of Ministers, it is the EU's budget authority, determining the annual budget. It must also approve the nominations of the President and members of the European Commission and it has the power to sack the Commission (as a whole).

The parliament's role and purpose is little understood in the United Kingdom and it is often derided. This paper aims to shed light on an institution whose importance has increased as a result of changes made by the Lisbon Treaty.

History

Until 1979 the Parliament was made up of members nominated by national parliaments but in 1976 Member States reached agreement on direct elections, although not on a uniform electoral system (see below). The first such direct elections were held in June 1979 and they have since been held every five years.

The Parliament has gradually acquired greater powers over the EU legislative process through successive treaty changes as Member States have sought to address the perception of a democratic deficit in the EU.

Powers

Since the Lisbon Treaty the EP has to give its approval to virtually every piece of EU legislation. The one significant exception is the CFSP and even there it has to be consulted and it has some influence because of its control over the budget.

The ordinary legislative procedure (formerly known as "co-decision") of the EU is triggered by the body proposing legislation, usually the European Commission but it could be a group of Member States, the European Central Bank or the Court in certain circumstances, sending their proposal to the Council and to the EP. On receipt of the proposal, the President of the Parliament (the equivalent of the Speaker of the House of Commons), refers it to the relevant committee of the parliament.

Unlike departmental select committees in Britain, the committees of the EP which scrutinise the work of the individual commissioner's area of responsibility are involved in the

¹ The others are the Council of Ministers, the European Council, the European Commission, the Court of Auditors, the Court of Justice of the European Union and the European Central Bank

legislative process. A committee will examine the proposal, hold evidence sessions and produce a report to the Parliament as a whole. Very often this results in the Parliament proposing amendments to the legislation. If it rejects the legislation entirely then the Commission or other proposing body must come forward with a new proposal.

The Council may have amendments of its own to a proposal from the Commission and these will need to be shared with the Parliament and discussed. The Council has to consider amendments proposed by the Parliament and if they cannot agree a conciliation process begins to try to find a consensus. At every stage there will be regular communication between members of the Parliament and the Council; the Member State holding the rotating presidency facilitates such discussions. There is a considerable amount of lobbying of the EP by pressure groups and businesses because of the influence the EP has. Legislation can fail - this fact puts enormous pressure on all parties to reach agreement.

This is a simplified explanation of the process and does not take into account the fact this is a political process and that the groups in the EP will take a position on each proposal. Each stage of the process is time-limited and in theory the maximum time between a proposal being issued and a decision by the conciliation committee is nine months but in practice the time limit is regularly breached.

Composition

The size of the Parliament has grown as the EU has expanded through enlargement.

The Treaty on European Union limits the Parliament to 751 seats with a minimum of 6 seats and a maximum of 96 seats per Member State (it currently has 754 members but that will fall to 751 after the 2014 Parliament elections as Germany will lose three of its seats). As the EU enlarges, the Parliament will remain at 751 members so existing members will lose seats each time a new Member State joins the EU (Croatia will have 12 MEPs when it joins the EU in July 2013 temporarily increasing the total to 766 until the next elections in June 2014).

Although there is as yet no uniform method of election to the Parliament, all Member States have now agreed that national electoral systems for these elections shall be proportional.

Once Members are elected they sit not by nationality but by party in a series of pan-European groups. The groups in the 2009-2014 Parliament and their current membership are:

Parliamentary group	Number of seats	Membership
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European People's Party	271	Centre-right
Socialists & Democrats	189	Centre-left
Alliance of Liberals	85	
Greens	59	
European Conservatives	52	Includes UK Conservative Party
European United Left	34	
Europe of Freedom	34	Includes UKIP
MEPs with no group	30	Includes BNP

The UK has 72 MEPs, 71 elected in June 2009 and an additional member from 1 December 2011 after the Lisbon Treaty's provisions concerning the Parliament came into force (the extra seat is in the West Midlands). There are 12 regions for the purposes of the EP elections in the UK, in which voters choose a party list and not individual candidates. In Northern Ireland three members are elected by single transferable vote.

The current breakdown by party in the UK is:

Party	Number of seats
Conservatives	25
Labour	13
Liberal Democrats	11
UKIP	12
Greens	2
BNP	2
SNP	2
Plaid Cymru	1
DUP	1
Sinn Féin	1
Ulster Conservatives & Unionist	1
Independent	1

UKIP originally had 13 members but David Campbell-Bannerman defected to the Conservatives. In addition, Nicole Sinclair (West Midlands) was expelled from UKIP in 2010

because she refused to sit as part of the Europe of Freedom & Democracy group to which UKIP formally belongs. But in March 2012 Roger Helmer MEP, who had originally announced in October 2011 that he was going to retire as a Conservative MEP in the East Midlands because of his disillusionment with the Conservative Party over Europe, defected to UKIP rather than leave the EP.

The question of which group in the European Parliament the Conservative MEPs sit in has proved controversial since 1979. Originally, the Conservatives sat with a number of like-minded parties as the European Democratic Group (EDG) but outside the main Conservative and Christian Democrat block in the Parliament, the European People's Party (EPP). But a decision was taken to apply for membership of the EPP towards the end of Margaret Thatcher's leadership because of the belief that the Conservative MEPs would be more influential inside the main centre-right grouping in the EP and because the EDG's membership had declined over several years. From 1992 to 1999 the Conservatives sat with the EPP as the European Democrats, affiliated to but not part of the EPP. This arrangement was criticised by some Conservative MEPs who demanded greater independence from the rest of the EPP on the grounds that EPP was a "federalist" grouping. In 1999, as a result of a deal negotiated by William Hague, the EPP group was rebranded the "EPP-ED" group to demonstrate the Conservative Party's independence from the EPP and in the hope that some MEPs from eastern and central Europe would join the ED part of the group when their countries joined the EU.

This new arrangement proved as unpopular with Conservative Eurosceptics as the previous one. The stalemate over the issue in the party was broken by David Cameron, who promised during the 2005 Conservative leadership election to take the party out of the EPP-ED group and to form a new group. This was done but not until after the 2009 EP elections when the European Conservatives & Reformists group was formed. This did not end the controversy inside or outside the party because of the inclusion in the new group of members of the Polish Law & Justice Party, some of whose members have been accused of anti-semitism and homophobia.

Administrative Issues

The official seat of the EP under the Treaties is in Strasbourg where a plenary session is held each month for 3.5 days. Committee meetings and a shorter plenary are held in Brussels. The Parliament's secretariat is located in Luxembourg. This curious arrangement, which has its origins in the original Community structure, has been the subject of considerable criticism. It was made permanent by a political agreement in the European Council in 1992 that was later enshrined in the Treaties and thus can only be changed by unanimity.

The salaries and expenses of MEPs have also been the subject of criticism. After several stalled attempts at reform new arrangements were adopted in 2009. These mean that all MEPs receive the same salary (€95,484 annually) amounting to 38.5 per cent of the basic salary of a judge of the European Court of Justice. Costs of travel to and from the Parliament are on the basis of receipts and they receive a daily accommodation and subsistence allowance of €304 which can only be claimed if they attend the EP in Brussels or Strasbourg. Employment of family members is no longer permitted unless they were appointed before 2009. The three main British political parties require their MEPs to publish detailed accounts of their use of the allowances.

Effectiveness

The Parliament was created to ensure greater accountability and public participation in the EU. It has had varying degrees of success. In terms of public participation, the turnout in recent EP elections has fallen to less than 50 per cent. The EP is seen by many as expensive and irrelevant to the concerns of European voters. The failure to reform the expenses system until leaks of MEPs claims forced its hand badly damaged its standing.

Yet as an institution within the EU, it has an important part to play in the EU's democratic process and to downplay its importance is to create a false impression of a so-called "democratic deficit". The resignation of the Santer Commission in 1999 due to concerns in the EP about the abuse of EU funds was a decisive moment. Since then it has been noticeably more assertive, including rejecting two of President Barroso's proposed Commissioners in 2004. It remains to be seen whether this increased authority in Brussels will produce a better understanding of its role among the EU electorate.

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★ Senior European Experts

The Senior European Experts Group is an independent body consisting of former high-ranking British diplomats and civil servants, including several former UK ambassadors to the EU, and former officials of the institutions of the EU.

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