LEGITIMACY GAP AND THE EUROPEAN UNION:
COMPETING CONCEPTIONS OF HOW TO CLOSE THE UNION’S
LEGITIMACY GAP

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The European Union’s democratic foundations have attracted much scholarly attention for almost a decade by now. The problems arising during the ratification process of the Maastricht Treaty, namely the French and the Danish referendum, have triggered a debate first over a democratic deficit which became mostly, and more recently, a debate over legitimate rule in the European Union in general. The list of publications is long, and the findings very diverse. However, none of the problems addressed by this debate has been solved yet. The first phenomenon can be found on the level of acceptance by the governed: It seems that since the Union has been affecting everybody’s daily life in a more and more discernible way, the ‘permissive consensus’ has been eroded (cf. Niedermayer/Sinnot 1995). The lack of acceptance did not occur up to the 1980s because of the very construction of European integration, that is a strong emphasis on output efficiency and close, exclusive cooperation at the élite level. But the Union has changed enormously since its inception and especially since 1985: A single market and a single currency have been set up, the Union has extended its activities to core elements of State sovereignty, namely the Co-operation in the Fields of Justice and Home Affairs (JHA) and the Common Foreign and Security Policy (CFSP), and it has gained a variety of new competencies, so that by now Community action takes place in almost all fields of state activity. In sum, integration as a whole has switched from being almost entirely technical to a very political undertaking.

Hence, the Union has to be reshaped and sound democratic foundations need to be laid, a task which has been proved very tricky, since the EU has to deal with three extraordinary challenges. First, the Union is not a state. Already the search for a suitable terminology for
this kind of political entity is part of academic debate, and if one does not simply want to refer to it as a being *sui generis*, the label becomes easily contested politically\(^1\). Moreover, it has become general wisdom that the concepts which have been true for the nation-state will not work for this mix of supranational integration and intergovernmentalism. Consequently, we have to go back ‘to the roots’, we have to re-examine the basic meanings of core concepts such as democracy, representation, and legitimacy in order to draw new visions for governance on the European level. The second challenge is a corollary of globalisation: Issues become more interconnected and the state gradually loses its capacity to deal with problems effectively. Even though the Union in many respects constitutes an answer to this predicament, it is itself confronted with decreased effectiveness due to the regional, sometimes global interdependence of policy fields. The institutional setting has thus to be adapted to the new global order. It is especially the third challenge which may lead us to something which we are not able to imagine yet, and this is enlargement. At its summit in Helsinki in December 1999 the European Council agreed upon to open the door to *all* applicant states and to start negotiations on an equal basis (Presidency Conclusions: Chapter 1). This means that the EU, once designed for six, will sooner or later become a Union comprising up to thirty Member States. Already the size of fifteen members hinders the smooth functioning particularly of the Council (cf. Council 1999), but also affects all other Community institutions. It is therefore necessary to adapt the Union’s structure to the future enlargement.

This is the purpose of the Intergovernmental Conference (IGC) convened on February 14, 2000\(^2\). Like the last two IGs which lead to the Treaties of Maastricht and Amsterdam respectively, its preparation and the ongoing negotiations among the Member States’
governments also serve as a period of intensified debate on the level of European institutions. It is a time when each institution can try to rebalance the institutional setting in its favour. It is a time when outside actors lobby for their particular claims concerning share in government, rights and increased competencies. It is a time when ideas may have a particular impact, and things may change profoundly.

In this paper I will investigate the different conceptions of how to deal with the first challenge, that is how to close the Union’s legitimacy gap, which is the *conditio sine qua non* for every further step in the direction of both more integration and enlargement. I start out from the assumption that the different concepts of representation which institutions and single actors try to promote, can be used as a means to understand the different proposals and to measure potential impact. Only if the Union is able to build sound structures and channels of representation, it will be able to gain enduring legitimacy.

The documents which will serve as empirical basis for this paper mostly come from the European institutions – the European Council, the Council, the European Parliament, the Commission and the Economic and Social Committee – but I will also take claims coming from the vast field of NGOs into account. Whereas the latter will not be representative and highly selective, I have chosen the institutional documents on a systematic basis, which will be drawn from:

- Official documents to the IGC³, such as preparatory documents, opinions, reports, resolutions, and the Presidency conclusions
- Background documents, such as studies and reports to one of the European institutions, follow-up measures, speeches etc.
Before I go into an in-depth analysis of these documents (4), I want to set the stage for this exercise by first making some remarks about the problems of democratic legitimacy and representation on the European level (2). From this I will extract the analytical tool kit to classify and categorise the documents under investigation. I will then explain the general rules of the current IGC and what is at stake (3).

2. Democratic Legitimacy and Representation in the EU

A lot of cases have been made to explain and solve the EU’s legitimacy problem. Stances have been adopted ranging from the position that the Union has no problems in this respect at all and therefore the whole discussion would be superfluous, to the opinion that the dilemma the EU is facing is impossible to overcome with the consequence that the integration process has to be stopped if not reversed and competencies have to be given back to the Member States. Without diving deeply into this discussion, suffice it in this context to pinpoint some central features.

The legitimacy problem mainly stems from the fact that the EU has become a political Union. It disposes over a wide range of competencies and its policies affect its citizenry more and more directly. However, at the same time, Brussels is deemed by the ‘peoples of Europe’ to be too remote, and the general acceptance of an unhindered integration process agreed upon
behind closed doors has decreased over the last years. Some may contest the objective existence of a legitimacy deficit by simply pointing to either the non-state character of the EU or the deficiencies of the domestic democratic systems. Here, it is however important to simply establish the fact that a legitimacy deficit is at least perceived by the citizenry (and broad circles of academics as well).

The Union is an exclusive club of Western liberal democracies. Since Amsterdam it acknowledges the values of democracy and human rights in the Treaty itself, by stating in Art. 6 TEU:

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

Moreover, among the prerequisites of becoming a member the fact features prominently that the applicant country has to have a working democratic system (cf. Art. 49 TEU). The European Council has established minute criteria to measure the different aspects of an effective liberal democratic system (the so-called ‘Copenhagen criteria’ agreed upon at the 1993 Copenhagen summit). Indeed the reaction to Austria’s new government has shown that the Member States are not willing to accept any, even potential, exception to these rules among them.†

Ironic remarks have been made that the Union itself would not be eligible if it had to become a member of itself for not fulfilling the basic requirements of democratic rule. Regardless of the question if we agree with this statement or not, we can see that the Union not only needs
sounder foundations for legitimate rule but that these have to be – at least partly – democratic in nature.

But is it true: Does the Union not fulfil the requirements it imposes on its members with regard to democratic rule? What elements of legitimisation are at its disposal? Originally, the European Economic Community had been meant to rely mainly on the Commission and the Council of Ministers. Whereas the Commission is a bureaucracy lead by Commissioners who are in turn appointed by the Member State governments, the final decisions are taken at the level of the Council of Ministers representing their national governments. Moreover, bringing together the Heads of States or Government, it is the European Council’s responsibility to ‘provide the Union with the necessary impetus for its development and [...] define the general political guideline thereof’ (Art. 4 TEU). Both the roles of the Council of Ministers and the European Council reflect the fact that the Member States are the Masters of the Treaties. Consequently, one of the main chains of legitimisation goes as follows: The respective governments are elected by the national Parliaments, which are in turn elected by the citizens of the respective Member States. Depending on where one stands, this chain may be considered too long. It has become even more problematic to rely on, since the Single European Act introduced Qualified Majority Voting in 1987. Thenceforth, a Member state can be outvoted in the Council.

A second, more direct chain of legitimisation is provided by the European Parliament which, directly elected since 1979, has gained ever more powers over time. Even though it is still the Council’s junior partner in legislative matters, the European Parliament is on its way to become a more and more equal partner because it could effectively claim again and again that
it is through the extension of the EP’s competencies that the democratic deficit will be alleviated.

A third type of legitimisation is particularly important in the context of EU policies, that is providing efficiency. A range of policies needs to be addressed on a supranational level, and the Union has ever since its inception been focused on providing efficient solutions that cannot be elaborated at national level alone. Hence, the general justification of EU action is that there must be a genuine European surplus with regard to the outcome of the policy process. Moreover, this requires a smooth functioning of the institutions.

More systematically, the different types of legitimacy can be described as *output-legitimacy*, i.e. efficiency-oriented and functional, and as *input-legitimacy*, the latter being substantial in character. In addition, it has been argued, a political entity is in need of somewhat broader foundations of legitimacy, a common identity, a consciousness of belonging, and a deeper going, less specific agreement with the political regime in general. In his excellent overview over the academic debate on legitimate rule in the EU, Schimmelfennig (1996) frames this category as *social legitimacy*. He describes the three different underlying theories as follows:

1. The theory of *output legitimacy* claims that a political system obtains legitimacy by effectively and efficiently realizing the citizens’ goals and solving their problems. According to this theory, the democratic order at European level ought to maximize the effectiveness and efficiency of policy-making. [...] 

2. A political system achieves *input legitimacy* if the citizens possess political equality and if they effectively participate in, and exercise control of, the political decisions. Accordingly, the democratic order at the European level ought to
maximize equal, direct, and effective citizen influence on European policy-making and government accountability. [...] 

(3) According to the theory of social legitimacy, the legitimacy of political order depends on the degree of social homogeneity, the strength of civil society institutions, and the existence of a collective identity among citizens. [...] 

(Schimmelfennig 1996 : 5)

As we will see in more detail in the next chapter, the IGC 2000 has been convened to tackle problems regarding output legitimacy, to remain efficient with a much higher number of members. But the central theme which deeply concerns a wide range of actors and institutions is behind this first layer, it is about input legitimacy, the concern of linking the citizens to their Union, to make them present. To make ‘present something in some sense of something which is nevertheless not present literally or in fact’ is – in Pitkins words – the basic definition of representation (1972 : 8-9). Indeed, representation runs like a thread through the reform proposals to the IGC and the claims coming from outside actors. Even though I will concentrate on the different conceptions about the input dimension of legitimacy, the other two categories will not be ignored entirely, for they are all three closely interconnected. First, reforms in the field of output legitimacy have an impact on the input dimension: If a member state loses or gains relatively in vote-weighting this may lead to a more efficient outcome, but it seriously affects the feature of representation itself. Second, changes in representation may very well affect identity. Direct participation of citizens - European-wide referenda, for example - would certainly bolster the social aspect of legitimacy.
Having this focus on input legitimacy in mind, we can now turn to the different forms of representation which will complete the tool kit necessary to analyse the struggle for a reformed EU. Again, Schimmelfennig’s (1996) categories make the task to differentiate between the different forms of representation much easier. First, he distinguishes between *individualistic* and *collectivistic* forms of representation. Collective representation, in turn, occurs in various forms: non-territorial, i.e. *functional*, and *territorial*, which may, if applied to the EU level, be once again split into a *subnational* and a *national* level. Second, Schimmelfennig refines these categories of representation by combining them with different ways of participation: *direct* or *indirect*, and if indirect, *individual, parliamentary* or *executive* (see Table 1). This typology should enable us to get a much clearer overview over the different proposals calling for reform. To fully understand them, however, two further categories must be added. The first broadens the perspective and takes intermediary institutions, such as political parties and interest groups, into account. Both channel representation and function as a link between the citizenry and the centre of power. The second broadens our horizon even more insofar as it makes us look at the very foundations of the European Union and the ‘rules of the game’. Indeed, we may also imagine that the European Union might be closer linked to its citizens, not only by reforming the institutions, but by changing the basis of the Treaties and by constitutional means.
Table 1

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(table adapted from Schimmelfennig 1996 : 10)

examples:
field 1: direct democracy on the European level (e.g. European-wide referenda)
field 2: European Parliament
field 8: functional representation (e.g. in the Economic and Social Committee)
field 12: regional representation (e.g. in the Committee of the Regions)
[field 14: A European Senate modelled after the U.S. Senate would constitute a collectivistic national representation combined with indirect participation through individuals.]
[field 15: Representation of the national MPs at European level would constitute a collectivistic national representation combined with indirect, parliamentary participation.]
field 16: Council of Ministers

3. The IGC 2000: What is at stake?

The dynamics of the agenda-setting process of an Intergovernmental Conference constitute a rather complex topic. An encompassing answer includes the waxing and waning of issues, how they arise at the horizon of the agenda and then either disappear again or make their way on negotiation tables. Moreover, one has to take into account the ‘background music’, the issues which are not negotiated by Member State governments but are nevertheless important.

I will look at the whole phenomenon of EU reform, thus including issues which are not on the
IGC agenda directly but are clearly related to it. However, it is not my intention to tell the whole story of how the issues made their way to and from the agenda. As the IGC 2000 has just begun, some issues may gain importance but still have to mature, so that there is little to say about them by now. Hence, suffice it to pinpoint the outlines of the IGC process as well as the actual reform issues.

The central actors of an Intergovernmental Conference are, just as the term suggests, the governments. The proceedings of an IGC underline the fact that it is the Member States which are the Masters of the Treaties, not their peoples. The Treaty stipulation thus reads as follows (Art. 48 TEU):

The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Treaties on which the Union is founded. If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council, for the purpose of determining by common accord the amendments to be made to those Treaties. [...] The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

Consequently, the core documents setting the frame for the negotiations stem from intergovernmental resolutions, namely the Presidency Conclusions of the European Councils, the relevant Presidency Conclusions for the IGC 2000 being those from the Cologne summit in June as well as the Helsinki summit in December 1999.
There is little to say about the negotiations proper because they are not open to the public. Claims have been made for years that given the supranational character of the EU, the basic rules should not be exclusively laid down by Member State governments without participation of the European Parliament and against the backdrop of an ignorant public. Although the rule of intergovernmental negotiations – suggesting that the EU is indeed an international organisation comparable to, for example, the WTO or the UN – has not been changed, the European Parliament ‘will be closely associated and involved in the work of the Conference’ (European Council Helsinki : para. 18)\(^7\). However, the concern for more transparency and openness usually does not lead to fundamental change but to change at the surface, which is, for example, reflected by the creation of an IGC-web site to inform the public.

The IGC will take the entire year 2000, ending on another European Council, this time under French Presidency on 7 and 8 December in Nice. The Conference is set up in a way that no further Treaty amendments will be needed for the years to come when enlargement will take place, so that the new Treaty hopefully will ‘survive’ longer than its predecessors, the Maastricht and the Amsterdam Treaties. It is noteworthy, since the Treaty amendments are usually named after the location where the Council takes place, the EU Treaty for the next decade probably will be named ‘Nice Treaty’. We may hope that already its name will provide it with more than the usual popularity.

The main purpose of the IGC, as I have already mentioned, is to meet the conditions to make a success of enlargement by ensuring ‘that the European Union’s institutions can continue to work efficiently’ (European Council Cologne).
This implies that the three so-called ‘leftovers from Amsterdam’ have to be settled. These are:

- the size and composition of the Commission
- the weighting of votes and
- the possible extension of qualified majority voting in the Council.

The Cologne Presidency Conclusions furthermore state that ‘[o]ther necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam, could also be discussed’. Even though the Conference concentrates on issues of institutional nature, this opens the door for a range of topics.

First of all, not only the Commission and the Council have to be adapted to higher numbers, but also all other Community institutions. Thus, the membership of the Court of Auditors and of the Committee of the Regions has to be reviewed as well as the membership of the Economic and Social Committee (ECOSOC). Only recently, the Commission has added another reform proposal in this field, that is an encompassing review of the judicial system. It thereby acknowledges the fact that the European Court of Justice and the Tribunal of First Instance are on the verge of collapsing under the weight of cases they have to deal with.

Concerning the smooth functioning of the institutions, and therefore very closely related to the IGC 2000, are the internal reforms of the Council, the Commission and the Parliament (Council 1999, COM 2000a), which are not dealt with in the IGC framework. These constitute an important task, particularly for the Council which has to re-organise its entire structure but also for the Commission the stated ambitions of which are to make it ‘a model of excellence, in Europe and throughout the world’ (COM 2000).
Coming back to the IGC, a bunch of further propositions originate from a report on ‘Institutional Implications of Enlargement’ which has been drawn up for the European Commission. Its authors Jean-Luc Dehaene, David Simon and Richard von Weizsäcker point out that an efficient decision-making process in an Union of 27 should empower Member States to rely on closer co-operation mechanisms more easily without leaving the general framework of the Community. Transparency being a major concern, they furthermore suggest to reorganise the Treaty by dividing it in two separate parts: the first would be the basic treaty including the aims, principles, and general policy orientations, the citizens’ rights and the institutional framework. A second, distinct text would include the clauses regarding specific policies. This would, according to the report, enhance the public’s understanding for EU politics, and reduce the need for IGCs; the second part could be then modified by internal procedures also involving the European Parliament without lengthy intergovernmental negotiations to be called for. In the field of the Union’s external relations, Dehaene et al. underline that the Union has to gain the status of a legal entity if it wishes to be a global player. Also, they maintain that the Union’s need for a well-functioning Common Foreign and Security Policy has to be borne in mind, even though the IGC probably cannot deal with it due to its concentration on institutional issues. This point of view has been officially confirmed by the Commission’s President (COM 2000d).

Last but not least, the IGC will deal with problems concerning fraud and the protection of the Community’s financial interests (Article 280 ECT). Here, the Commission deems the establishment of an European Public Prosecutor inevitable (COM 2000f : 16).
All the above-mentioned proposals are directly concerned with output efficiency, which is for most of them even measurable: more decisions taken in less time, a faster legislative process, etc. The effects of the second type of proposals are much more difficult to measure for they are ‘soft’ ones. This category may be better characterised as being concerned with democracy in the largest sense of the word. I do not intend to introduce sharply distinguishable categories because the boundaries are often blurred. Yet, the distinction between output efficiency and democracy may help us to better understand and classify the IGC-related proposals.

The first issue is closely linked to one of the Amsterdam ‘leftovers’, that is the idea to introduce a genuine standard-type of European legislative decision-making. Here, nothing new has to be invented. The idea is simply to combine Qualified Majority Voting (QMV) in the Council with co-decision, and to make this the ‘default procedure’ of legislative decision-making. Thus, Council and Parliament would both be at the centre of European legislation by acting as co-legislator (COM 2000f : 27).

Concerning the Commission, the lessons drawn from the crisis which has led to the fall of its predecessor shall be incorporated into the Treaty, i.e. that a Commissioner has to resign if asked to do so by the President (COM 2000f : 14). More generally, enhanced accountability and openness is one of the Commission’s central concerns and can be found in many documents. The White Paper on Reform speaks a very clear language in this respect: the terms ‘service’, ‘responsibility’, ‘accountability’, and ‘transparency’ run like a thread through the document. Of high symbolic significance is that the Commission rendered its official opinion on the IGC at the same day it decided upon the new regulations concerning the open access to documents. Thus, both projects had been presented together (cf. COM 2000g). In the same spirit, the Commission has launched an initiative ‘Dialogue on Europe’ to
accompany the IGC process with public debate (COM 2000b). All this falls into the same category of efforts: attempts to implement the new orientation of the Commission, which is expressed in remarkable rhetoric in a speech given by its President Romano Prodi to the European Parliament (COM 2000c, emphasis not added):

If we act boldly and decisively together, we can shape the new Europe our citizens want and that we owe to the future generations.

A just, humane, inclusive Europe.

An exciting, energetic, enterprising Europe.

Everyone’s Europe.

Let us work together to make this decade a decade of outstanding achievement and success.

A decade history will remember as the **decade of Europe**.

As for the European Council, more declaratory and less elaborate efforts have been undertaken to stress the importance of European citizens in the integration project and of European democracy. The Millennium Declaration of the European Council (Helsinki, Annex I) states that ‘an open, democratic and efficient Union [...] needs the confidence and active involvement of its citizens and civic organisations’. One may wonder why civic organisations figure so prominently in the closing paragraph of a declaration which is meant to be short and concise. Indeed, over the last years, the idea of involving ‘civil society’ in the policy process has gained some importance. However, this is less conceived as to take the form of individual representation, be it direct or mediated, than that of collectivistic representation. This explains the reform proposal to render the Economic and Social Committee ‘more representative of
civil society’ (COM 2000f : 18), which will be discussed at length in the next chapter. Conversely, the Commission rejected the European Parliament’s request to change the method of reforming the Union by establishing total transparency and ‘a procedure for greater democratic control over the process of drafting and adopting changes to the Treaties’, which might also involve national Parliaments, the European Parliament and eventually referenda (EP 1999a : para. 3; COM 2000d).

Nevertheless, the drawing up of a Charter of Fundamental Rights simultaneously to the IGC is more than mere ‘background music’. On the German presidency’s initiative, the European Council has convened a body to draft such a Charter (Presidency Conclusions Cologne). The function as well as the composition of this Convention demonstrates that the character of this body goes beyond the ‘classic’ intergovernmental approach: It is composed of government representatives, the President of the Commission, members of the European Parliament and national parliaments. However, the decision whether or not the Charter will be incorporated in the Treaty will be taken at the Nice summit, i.e. by intergovernmental method again.

4. Different conceptions of how to close the legitimacy gap

4.1. The Council of Ministers

The current IGC provides us with an excellent illustration of how closely questions of representation, efficiency, and legitimacy are bound together. If the Union as a whole cannot maintain its capacity for working efficiently, it will gradually lose legitimacy. In the perspective of an enlarged Union this implies that the modes of representation have to be adapted in order to enable the institutions to work properly. Since, in our case, the change in
the patterns of representation has to be dramatic - in the future, the Union will have to accommodate almost twice as many members – it seriously affects the input dimension of legitimacy.

Changes in vote-weighting for the Council’s Qualified Majority Voting (QMV) fit a category where output and input legitimacy mutually determine each other: if the input in the form of accurate representation is not seen as sufficiently legitimate, the output will become contested. Conversely, if equitable representation leads to inefficient solutions, or even no outcome at all, the very existence of a political entity depending so heavily on output efficiency like the EU will be called into question.

Over the last decade the fact has become more and more accepted that QMV is necessary to overcome the quandaries of unanimous decision-making, and to produce (efficient) outcomes. Even though the Council is much more an institution of deliberation than of competitive voting, the sheer possibility that a Member State might be outvoted in the Council, and consequently might have to comply with rules it has not agreed upon, makes QMV susceptible to legitimacy concerns. In fact, the de facto establishment of QMV through the Single European Act has not only lead to a speeding up of the integration process; it has also provoked an explosive growth of organised interest groups in Brussels which could no more exclusively rely on the national governments (Mazey/Richardson 1993, Kohler-Koch 1996). Ever since, the interest group sector has been expanding. Despite the increased lobbying activities, these groups also stand for an Europeanisation of societal actors and provide the integration process with some momentum from the Member States’ societies.
It has become evident that an enlarged Union will hardly be able to take decisions unanimously. Consequently, the overall majority of policy fields will have to be dealt with through QMV mechanisms. Since some policy fields remain in the sensitive area of sovereignty concerns, unanimity will not be abolished entirely, and a reinforced QMV, a kind of super-majority voting, may be established. The tricky question is how to balance the two dimensions of representation in the Council, namely the representation of the populations and of the Member States. The small states should have enough weight not to be outvoted systematically, but the populations of the big member states should also be represented appropriately. To strike this balance is no easy, but an urgent task, because the Council’s representativeness has decreased dramatically due to past enlargement rounds:

T]oday, in the worst-case scenarios, a decision can be blocked by a group of Member States representing just 12% of the Union’s population, or adopted by a group of Member States representing only 58%.

If the Treaty were to remain unchanged, in an enlarged Union of 27 members a decision could be blocked by a group of states representing 10% of its population and adopted by a group representing just 50%.

(COM 1999b : 9)

It remains to be seen what the final weighting of votes will look like. Certainly, it will be defined by a political rather than a technical decision, which will, in turn, have an important impact on the ‘legitimacy patterns’ of the future EU. Following the Commission’s proposal, all QMV should represent a ‘double simple majority’, i.e. the simple majority of the Member States as well as the majority of the Union’s total population (COM 2000f : 30).
4.2. The European Parliament

If the European Parliament’s and the Commission’s vision comes true, QMV will automatically imply co-decision, a rather complex legislative procedure which involves both Council and European Parliament as more or less equal co-legislators (Article 251 ECT). The EP would gain in power and status. Moreover, the decision-making procedures would be simplified by introducing the formula ‘QMV + co-decision’ as a rule while simultaneously abolishing the forerunner of co-decision\(^{10}\). This, in turn, would make the understanding of Community legislation much easier, which is a necessary precondition for reducing the perceived remoteness of the European decision-making process.

Of course, enlargement also affects the Parliament. Already by now, its composition is as problematic as the Council’s. Here, the problems stem from the number and the distribution of seats as well as the different modes of electoral systems\(^{11}\).

The most extreme imbalance occurs between Luxembourg and German MEPs, the first coming from the least, and the latter from the most populated member state. The precise figures are stunning: Whereas a German MEP represents roughly 828,660 citizens, his Luxembourg counterpart represents only 71,500. In other terms, more than ten Germans are needed to gain the same representational weight of a Luxembourg citizen\(^{12}\). Focusing on the two ends of the spectre, the most extreme relation does not tell us too much about the general patterns of representation. However, representation remains skewed even if one moves more into the centre of the spectre. The factor of under-representation is still higher than 2 regarding the relationship between the UK and Denmark, i.e. that a British MEP represents more than twice the number of citizens than a Danish one\(^{13}\).
The different electoral systems account for an even more unequal representation. Some member states apply the proportional election system, others the first-past-the-post rule. In some Member States, a MEP represents her or his constituency, whereas in others only national or regional lists exist. Moreover, there is no genuine European political party system, nor is there a significant number of ‘European’ candidates. All these problems are under way to be dealt with. A decade from now, we might well see ‘Europeanised’ elections with European parties presenting their candidates who are elected on the basis of a harmonised electoral system (cf. EP 1996c, COM 2000f : 8).

Three problems remain, however.

The representational patterns will probably become even more skewed with enlargement. The Treaty of Amsterdam stipulates that the number of MEPs cannot exceed 700, which is a threshold beyond which a Parliament loses its capacity to work efficiently. Already its current working methods are not entirely suited to accommodate the actual number of 626 members. If the same rules of seat distribution continue, the Union of 27 would have a Parliament with 963 members. Thus, the distribution key has to be adapted, which will be not an easy task, nor a purely technical one.

The second problem arises from the role of national parliaments. They risk to become the ‘losers’ of the European integration process for they have to ‘compete’ with the European level as a whole, where the Parliament is gaining more competencies as is the Council, and with the general trend towards a bureaucratisation of politics on both the national and the European level (cf. Bach 1999). Since national parliaments are not seen as facing major legitimacy problems, some attention has been paid to their actual and potential role in the EU.
Co-operation mechanisms among national parliaments have been strengthened by the Treaty of Amsterdam. Also, there is a trend to reinforce domestic control procedures, for instance in the case of the German Bundestag. However, given the number of institutions which constitute potential ‘competitors’ of national parliaments, these may lose influence over time. It is an open question whether effective remedies can be developed to secure the role of national parliaments. Even though this issue has never been at the centre of the debate over the democratic deficit, it may well gain more salience over the years.

The last set of problems is more pressing. Over the last decade, a pivotal role in solving the democratic deficit has been ascribed to the European Parliament. More competencies for the EP, the argument went, would bolster the EU’s legitimacy. On the theoretical level, one could still make this case, but there is some empirical evidence which makes it more difficult to assume a causal relationship between the power of the EP and strengthened acceptance on the side of the citizens. First, the voter turnout in European elections has dropped to a rather depressing level. The rising power of the EP has by no means been reflected by an increased interest of European citizens. Often, European elections are substitutes for national electoral campaigns, thus providing a sort of testing playground for the ‘real’, i.e. national elections. Interestingly enough, the skewed representation has never been addressed as a real problem in the debate over the EU. National debates are more concerned with budget contribution (Germany), deeper-going fears of losing sovereignty (France, Britain), but in no big member state the under-representation of the population has provoked a feeling of injustice. Not even British Eurocritics who usually never miss any occasion to blame the EU for being undemocratic, have picked up on this topic (cf. www.eurocritic.demon.co.uk). The absence of both an active interest in EP politics and a debate on the unequal patterns of representation...
suggest that the problem of citizens’ involvement in European politics is going too deeply to be simply solved by a reapportionment of power among the European institutions.

4.3. The European Commission

The size and composition of the Commission constitute the last of the ‘Amsterdam leftovers’ I have not discussed so far. Indeed, enlargement threatens the collegial working style, which has always been characteristic of the Commission. The question of how to deal with this problem is the only one where the Commission offers two optional recommendations. The negotiators are given the choice whether to opt for maintaining the present number of Commissioners (20 members), or for increasing the numbers in the case of enlargement. The first option would imply the establishment of a rotation system, i.e. a Member State would not be represented by a Commissioner for approximately two out of seven years. The second option would in turn necessitate a fundamental institutional reorganisation, and would force the Commission to at least partly give up its collegial working methods.

After the general crisis of 1999 which saw the fall of a Commission, a historically low voter turnout in the EP elections, and an increase of Eurocritisim throughout the Member States, the new Commission has itself devoted to promoting ‘genuine reform to usher in an new era’ (COM 1999b). This implies the strengthening of the democratic dimension which the Commission mainly defines as accountability and transparency as far as it is itself concerned. Consequently, the Commission has proposed to the IGC to incorporate into the Treaty the already above-mentioned stipulation forcing a Commissioner to resign if ask to do so by the President. In the same spirit, it has adopted new regulations concerning open access to
documents, and will establish a public register of the Presidents’ correspondence. In order to tackle the high rates of criticism among Europe’s citizens concerning EU affairs, the Commission has launched an initiative ‘Dialogue on Europe’. In concrete terms, this is supposed to ‘dispel the perception that the operation of the institutions suffers from a lack of democracy’, and ‘explain how the IGC and institutional reform help to pave the way for enlargement’ (COM 2000b).

It is doubtful if such an approach will be successful as long as it only aims at dispelling allegedly ‘wrong’ perceptions by explaining the ‘correct’ ones. It sounds too paternalistic to really convince people in an open dialogue which could, in turn, also channel demands and perceptions back into the European institutions. However, such an open, non-paternalistic approach would not fit the definition of the purpose of European politics as presented by Romano Prodi to the European Parliament: ‘The EU needs strong, efficient and accountable institutions’. In the same speech, he expresses his concern whether the citizens ‘see and understand what we are doing? In other words, do European taxpayers know and understand where their money is going and why?’ (COM 2000c). The input as well as a social dimension of legitimacy are remarkably absent in this kind of rhetoric. Where the term democracy appears, its use suggests that it is merely equated with a more of public debate and understanding, measurable by public opinion polls. It is certainly not seen as something mainly defined as being of substantial input, as ‘government by the people’. Thus, the following quote drawn from a speech given to the EP is characteristic of the Commission’s stance towards European democracy. Prodi explains the advantages of the restructuring of the Treaties as follows:
‘It would concentrate the basic Treaty on essential matters, making it clearer and far more readable for the general public, *thus enhancing European democracy.*’ (COM 1999c, emphasis added).

However, the Commission’s efforts to ‘usher in a new era’ are not limited to rather superficial initiatives such as the ‘Dialogue on Europe’. Indeed, in May 1999 the Commission’s internal think tank, the Forward Studies Unit, has presented findings of the ‘governance project’ the purpose of which is to make the EU ready for the 21st century (COM 1999d). This report contains preliminary recommendations some of which might well re-appear in the White Paper on governance which is supposed to be presented in spring 2001.

It starts out from a background analysis of the current state of EU affairs by stating that the EU needs to improve its effectiveness and to react to a ‘perceived lack of accountability and legitimacy’ (8; emphasis added). To overcome the challenges the EU is confronted with, the report proposes a new style of governance. Without going into the details, this would imply decentralisation of EU policies, and the establishment of mechanisms to tackle fragmentation. Hence, a more encompassing policy approach would reduce ‘negative externalities’ and improve ‘synergistic opportunities’ (10). The ‘revolutionary’ part of the proposal, however, lies within the re-orientation of administrative working methods. New governance would transform the Commission from a bureaucracy that sets the general policy preferences and translates these into detailed programmes, drafts, etc. into an administration that enables all groups affected by a policy to participate at every stage of the policy process and set the general framework of their acting together:
... [T]he entire policy process from the framing of problems, through the formulation of policy, its implementation, evaluation and revision needs to be opened up and liberated from the shadowy world it currently inhabits – civil society needs to be engaged in and by European action.

(11, emphasis original)

Let us avoid any misunderstanding of the above quote: This approach is still mostly technocratic in nature. It illustrates the fact that the ideas of input and social legitimacy do not fit the logic of bureaucratic rule. Proving good will the report states that the relationship between ‘Europe and the citizen [...] can no longer be a paternalistic relationship but rather must be one of partnership’ (12). Although the Commission might strive for partnership in the field of concrete policy formulation and with regard to organised groups, the entire text leaves the question open how the partnership with the individual citizen is conceived. The report suggests to ‘organise the simultaneity of national debates’ (14) to influence public opinion in the member states. Characteristically, no allusion is made to the possibility that the outcomes of public debate might in turn influence the Commission. As soon as the level of individual citizens is mentioned, the term democracy is, against the report’s explicit intention (9), used as if it was just a Public Relations problem: ‘The European agenda must come to be understood as more relevant by civil society’ (15). It is therefore no surprise that the background analysis sees a ‘perceived lack of [...] legitimacy’ without being able to see any substantial and structural problems which might account for that.
'Channels of representation' are a necessary precondition to make the reports’ new approach towards governance work. It thereby focuses on functional representation, with territorial representation being rejected as ‘too broadly [...] based’ (15). The envisaged partnership, including the Commission, ‘pluralistic scientific expertise’ (14) and participation of all affected interests (17), has two immediate implications. First of all, this entails more funding for those who are structurally ‘disadvantaged in the policy process’ (16), namely public interest groups. The report remains silent on the second point, i.e. the question whether the Commission should continue to initiate the creation of groups, as it has already done in the 1970s and 80s. As I will discuss later, the formation of interest groups by the state can be problematic. More generally, the whole proposal draws on a mainly American discussion of group politics, in particular the concept of associative democracy (cf. Cohen/Rogers in: Wright 1995; Hirst 1994). Interestingly enough, this is not made explicit, nor are the critiques taken into account which I will not discuss in this paper due to their scope and complexity. Here, I rather follow the report which develops an encompassing vision of a new governance comprising other EU institutions:

New mechanisms would probably be required to implement these reforms and there would be implications for the role and function of the European institutions. The Economic and Social Committee and the Committee of the Regions, for example, could be given a role of regulating consultation processes, channelling information in both directions – up from civil society to the institutions and vice versa. A role as procedural regulator could be envisaged for the Committees of the European Parliament, while the ECJ [European Court of Justice] and the national administrative courts could be given the task of enforcing procedural rights and obligations. (17)
4.4. The Economic and Social Committee

Among these proposals, the most concrete one concerns the Economic and Social Committee (ECOSOC). It is already sufficiently elaborate to figure among the Commissions’ propositions to the IGC in the form of changes to Articles 257 and 258. The current version is:

[...] The Committee shall consist of representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public. (Art. 257 ECT)

The Commission suggests to replace the enumeration of professions simply by the term ‘civil society’, so that the second paragraph would read ‘... categories of civil society’. Furthermore, the distribution of ECOSOC members per member state fixed by Article 258 ECT is supposed to be deleted. The Article would then simply read: ‘The Economic and Social Committee shall consist of [...] members’.

What do these changes mean? Where do they originate from?

In October 1999, the ECOSOC organised the ‘First Convention on Civil Society Organised at European Level’ debating at length an ECOSOC opinion issued on the contribution of civil society organisations to European integration (1999j). For this purpose, the catchy term ‘civil society’ has been restricted to the organised forms of civil society, thus gaining a much closer-defined meaning than is usual. The idea behind the Conference was to remodel the ECOSOC according to the visions of a new European governance, the ECOSOC being an
institution which has never played a central role in European politics and the internal organisation of which risks to become utterly outdated. Since Europe’s remoteness to European citizens has been identified as one of the main obstacles to overcome legitimacy problems, it is surely worthwhile for an institution to undertake efforts to become ‘a bridge between Europe and civil society’ (cf. www.ces.eu.int). If these efforts were successful, they would certainly increase the institution’s political weight considerably.

More generally, two propositions are being debated to render the EU more legitimate by including civil society: first, a Civil Dialogue will be set up. It remains to be seen if this will be as formally institutionalised as the Social Dialogue. For now it has become fashionable to frame the usual consultation process with interest groups as ‘Civil Dialogue’ as soon as NGOs are involved, as is, for example, illustrated by the Dialogue on the WTO Millennium Round of the Commission’s DG for Trade. Second, to make sense of the proposed new formula for Article 257 ECT, the ECOSOC’s composition might be changed as to include civil society organisations. In concrete terms, this would mainly affect the Group III (Various Interests), leaving the other two Groups, Employers (I) and Workers (II) intact.

This idea has been developed in greater detail by the President of Group III, Anne-Marie Sigmund (ECOSOC 1999f). Drawing on a rich, though rather idiosyncratic theoretical background she has tried to demonstrate that civil society organisations play a key role for European democracy. According to her approach, they represent individual citizens; they stand for participation, public debate, openness and democracy; and they function as mediators. In her conclusion Sigmund determines the link between European democracy, civil society organisations, and the ECOSOC as follows:
The citizens of Europe are in search of a new social contract which is based on the Rousseau concept of self-determination and does not look on the sovereignty of the people as transfer of power from top to bottom. It is obvious that civil society organisations have a key role in this ‘Europe project’. The representatives of civil society organisations, and the Economic and Social Committee as their legitimate representative, have the opportunity but also the duty to influence this development.

Several problems arise from the idea to open European policy-making to civil society organisations. The first one concerns the definition. Indeed, we already get a very diffuse picture of civil society and its organisations if we only compare the four definitions inherent in the Commission’s IGC proposal (1), those of Sigmund’s speech (2), a self-definition given by a NGO (3), and of the already discussed Commission Forward Studies Unit report (4).

The Commission’s reformulated above-quoted Article 257 ECT would replace an enumeration ranging from farmers, workers and craftsmen to representatives of the general public with the term civil society. Consequently, all members of the ECOSOC including the employers’ and workers’ groups would be defined as representatives of civil society (1).

For the purpose of the ECOSOC conference, Sigmund has defined civil society organisations as ‘structures whose members serve the public interest through discussion and function as mediators between the public authorities and the citizen’. In concrete terms, this includes employer’s associations and trade unions, all other representative social and economic organisations, NGOs, Community-based organisations and religious associations (2).

Whereas Sigmund’s definition is more encompassing and precise, both the Commission proposal as well as the ECOSOC definition could be replaced by ‘intermediary organisations’
more accurately. The definition becomes much more restricted from the NGO perspective which is illustrated, for example, by the membership of the Permanent Forum of Civil Society, a very active organisation to promote civic issues on the European stage. Here, economic organisations cannot become members, not even co-operatives. The same is true for charities, socio-cultural and sports organisations. Instead, the European Confederation of Trade Unions is a member, also organisations representing the ‘New Social Movements’, such as associations promoting de-colonisation, consumer protection or public health as well as the anti-nuclear, the students’ or the women’s movement (Dastoli 1999 : 149) (3).

The least compelling definition can be inferred from the Commission’s Forward Studies Unit report. In most cases, it would be more appropriate to replace the term civil society with either ‘society’ (in contrast to state), or simply with ‘consumer’ (4).

Civil society and civil society organisations are not clearly-defined terms. Sometimes they are even used in a very different and mutually exclusive way, which can be seen if one compares the definitions (1) and (2) with (3); the first two include all socio-economic organisations, whereas the third excludes all economic ones categorically. The confusion gets even worse when civil society is equated with ‘citizen’ and ‘consumer’, and thereby any particular meaning of civil society is ignored.

A similar confusion can be observed with regard to the role civil society organisations should play in European politics. Having drafted an internal paper on the relationship with NGOs in 1999, the Commission is now trying to adopt a new stance towards civil society organisations (cf. COM 1999a). A whole range of questions needs to be answered: Should NGOs only be consulted by the Commission? Should they be involved in the implementation process?
Should the consultation procedure be formalised? Should NGOs register? The questions become more complicated, if the third ECOSOC Group will be transformed into an ‘Civil Society Organisations Group’. The role ECOSOC could play in a new institutional setting is still to be determined. Moreover, the European Parliament has to be taken into account, for it is not only the institution which represents individual citizens but has also always played a very active role advocating the concerns of public interest groups.

Even if the necessary answers to these questions will be agreed upon over the next years, some more deeper-going theoretical concerns should be taken seriously. A first caveat originates from the fluid structure of civil society organisations. What makes them valuable contributors to politics is their capacity to feed civic perspectives into the policy process. They therefore need to be close to the people they represent, which makes a long term institutionalisation problematic. In some cases, the organisations least connected with European institutions are closest to their ‘clientele’. More important, it has to be borne in mind that the public interest can only be generated by the input of various groups, and may not exclusively be defined by those who rightfully claim to speak on behalf of the public interest. As the former president of the Commission Jacques Delors puts it in a speech given to the ECOSOC conference:

Civil society organisations must not give in to the temptation of saying they represent the general interest. They may identify the general interest in their discussions. But that is quite a different thing. As for the associative interests that flourish around the European Commission, it would be dangerous for those involved to become too much a part of the system; to believe they alone have the right to represent society.
Associative interests move just as society moves, and care must therefore be taken not to ensconce privileged lobby groups while ignoring everything that emerges from society as it evolves. But I think that more than ever we are counting on the representatives of civil society organisations to have their finger on the pulse of society.

(ECOSOC 1999e)

Even though civil society organisations might have their finger on the pulse of society, they are not representative *strictu sensu*. A consumer organisations speaks for consumer interests, but it does not represent consumers as an employers’ organisation represents its constituency. European institutions would like to see civil society organisations to be representative, which is usually not only impossible but also undesirable. What makes these organisations so rich in variety and scope, what makes them vivid and their claims so important, is due to the very fact that they are not representative, but factional, and that they are not entirely formalised but have a more or less flexible organisational structure. Of course, there are highly organised groups such as the Young European Federalists (JEF) which dispose over an impressive membership all over Europe; but these are exceptions to the rule.

The more the European institutions will count on civil society organisations to provide links to the citizenry and therefore help to bolster the legitimacy of EU rule, the more they will demand them to be representative of interests which are in turn defined by the institutions. The relationship between ‘state’ and civic organisations is a very difficult and fragile one, especially if the latter become more and more dependant on funding and power resources provided by the former. Almost since the inception of the then EEC, the Commission has
created or helped to built up a whole bunch of civil society organisations, some of which get important funding resources from the Commission - if they are not financed entirely by the Commission.

The attempts to involve NGOs in an institutionalised context have therefore been criticised by authors working in this field. They warn against the danger that such efforts might lead to the creation of civil society by European institutions (Boual 1999a : 44). Also, the loss of independence due to the inclusion of NGOs might render an open debate about the content of European integration impossible; a debate which is utterly needed to transform the former Europe Economic Community into a political project Europe’s citizens would be willing to identify with (Hermann 1998 : 144).

5. Conclusion

Representation is one of the central topics of the IGC and, more generally, the current debate on EU legitimacy. It is evident that the different types of representation and participation have to be combined and reinforced in order to built a strong, enlarged, legitimate, and political Union. Therefore, the Council must be efficient. The Commission must become more accountable and transparent. The European Parliament’s institutional position needs to be strengthened. New channels of representation have to be found and efficiently activated.

There is a risk of collectivistic types of representation becoming overall dominant, be they national-executive as in the form of the Council, or non-territorial-functional as in the case of the ECOSOC debate. These types of representation might turn out to be sufficiently effective in terms of output legitimacy; moreover, civil society organisations may provide the EU with
a stronger link to its citizenry. Yet, the significance of individualistic representation for liberal Western democracies must not be forgotten entirely. We probably need more direct participation to get Europe’s citizens involved in EU affairs. Most importantly, we need to switch from a Union in which the member states constitute the high contracting parties to an Europe of the peoples. The convention working on a Charter of Fundamental Rights is more than a nice event accompanying the IGC. The fact that the Charter has provoked more public debate than most of the other, more IGC-related topics shows that this is a way that should not be ignored. The claim made by the European Parliament as well as many NGOs to ‘reform the reform’ in the sense that not only member state governments but also all other sorts of different actors should participate in the re-formulation of the Treaties goes even further in this direction.

Proposals inspired to promote output legitimacy or based on collectivistic representation are very important to bolster EU legitimacy. Due to their limitations, they will not suffice if they are not being complemented by components which stress individualistic representation. Unintentionally, Anne-Marie Sigmund has glued something together which had been opposed for a long time: referring in her first sentence to Rousseau, who was fiercely hostile to any kind of intermediary institutions, and stepping directly from his social contract to the importance of civil society organisations she expresses something which might be seen as a contradiction in terms, but must not be seen as one in the context of the future European politics. Individualistic representation should still be at the centre of politics and can be usefully complemented by national, regional and functional executive representation.
Bibliography


**European Council**

Lisbon (2000), *Presidency Conclusions*,

--- Helsinki (1999). *Presidency Conclusions*,

--- Tampere (1999). *Presidency Conclusions*,

--- Cologne (1999). *Presidency Conclusions*,


--- (2000e). *Conference of Presidents on Intergovernmental Conference*,


Suffice it here to give one example: The perspectives according to which the Union is seen as either as federalist in nature or as an evolving state are both contested by groups which stress, according to their views, the still predominant intergovernmental character and the central role of the Member states as the Masters of the Treaties.


I have taken into account all Community institutions. However, in this paper I do not list any documents of the Committee of the Regions, because none of its statements concerning the IGC or any other related issue is relevant for my topic.

It has to be noted that the resolution concerning Austria is not an official EU act, therefore not affecting the working procedures of the Council, but an intergovernmental agreement only affecting bilateral relations which constitute by now only a small portion of intergovernmental relations among the EU Member States.

It is important to note that the Treaties are not treaties between the peoples of Europe, but between their governments, thus starting out in their Articles 1 “By this Treaty the HIGH CONTRACTING PARTIES establish among themselves a EUROPEAN UNION....” respectively “EUROPEAN COMMUNITY”.


This is, for example the case with the question whether the Treaties should be clarified and newly ordered. At the European Commission’s request a study from the European University Institute in Florence is still under way, and will not be finished until May 2000 (EP2000e : 3-007).

The two EP representatives to the IGC 2000 are Elmar Brok (PPE) and Dimitris Tsatsos (PSE).

The Single European Act taking force in 1987 extended QMV generously and thereby made an end to the Luxembourg compromise of 1966 according to which a single Member State could always veto a decision by claiming that vital interests were concerned.

At present, the QMV is defined as follows: Germany, France, Italy, United Kingdom: 10 votes, Spain: 8 votes, Belgium, Greece, the Netherlands, Portugal: 5 votes, Austria, Sweden: 4 votes, Denmark, Ireland, Finland: 3 votes, and Luxembourg: 2 votes (Article 205 ECT). 62 votes are required to adopt an act, and 26 votes suffice to block a decision.

A program to calculate the votes and define the implications of different models (with respect to size of population, contribution to the budget, etc.) can be downloaded on the web-site of the Centrum für angewandte Politikforschung (CAP) @ www.cap.uni-muenchen.de/stimmenrechner/.

The co-operation procedure, Art. 252 ECT.

Presently, the distribution of seats is as follows: Germany: 99 seats, France, Italy, United Kingdom: 87 seats, Spain: 64 seats, the Netherlands: 31 seats, Belgium, Greece, Portugal: 25 seats, Austria: 21 seats, Denmark, Finland: 16 seats, Ireland: 15 seats, Luxembourg: 6 seats (Article 190 ECT).

It has to be noted that the EP’s system of representation is more differentiated than the Council’s vote-weighting.

To be precise, the factor is 11.59. The calculations are based on the population figures given by the Commission (COM 2000f, Annex 3).

An MEP from Denmark represents 332,062 citizens, whereas a British MEP represents 681,000, i.e. 2.05 more than his Danish counterpart.

The English translation is partly misleading which would have been avoided by translating the French terminology ‘société civile organisée’ with ‘Civil Society Organisations’.