THE SOCIO-POLITICAL ANALYSIS OF EU'S INSTITUTIONAL DEFICITS WITHIN THE EXTENT OF DEMOCRATIC GOVERNANCE

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Abstract

The EU began its journey at the beginning of the second half of the twentieth century as a sectoral cooperation between the six founding member states and progressed miraculously by creating an economic union and then a political union with the new members. Throughout the years it has developed with new members and institutional set up in order to cope with the tremendous issues concerning the administration of the European people. It has advanced to such an extent that recently its structure and institutions have been questioned in terms of congruence with democratic rules and procedures; and what is more, this is usually done by comparing the EU with democratically and economically developed states. This article tries to indicate the institutional deficits of EU in achieving the aforementioned aims.

Keywords

Institutional deficit, legitimacy, political accountability, transparency, decision- making process

Introduction

Although the EU is not a state and does not intend to form a state in the future, it is a very dynamic system and is continuously undergoing deep changes via decisions taken by the institutions, Intergovernmental Conferences, and European Council meetings. Such decisions have been concerned its scope of operations, its institutions, its effects on the Member States, and most importantly, its commitment to democracy and legitimacy

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in recent years (Eriksen and Fossum 2001). After the Maastricht Treaty through which the Union has laid down European citizenship and thus accelerated political integration, it had to move forward its democratic structure as well. In recent years many attempts have been made in order to democratize the decision-making mechanism through more transparent, accountable and representative EU institutions; to increase the participative potential of the people to the EU governance and to create a European demos via several citizenship rights and privileges. Nonetheless, these endeavours have not been deemed adequate to ensure a democratic and transparent government and to have the people willingly involved in European affairs.

The EU is a mixed system comprising supranational and intergovernmental organs- those which are making decisions, appropriating resources, making and implementing policies to make the European people's economic and democratic conditions better. It is clear that such a complex system requires democratic governance to prevent the alienation of the citizens and to satisfy the participatory demands of the people living under the rule of this system. Perhaps the most important point in this issue is the representation of the peoples in institutions which are taking decisions that increasingly affect their everyday lives. The other point, almost as significant as the first one, are how these institutions can be made accountable to the people they affect. Therefore, if these institutions are affecting everyday lives of the EU citizens so deeply, then there must be democratic participation, accountability, openness and fairness within them (Woods 1999). This was also the intention of the EU's founders 'to create a democratic, autonomous political body that would be directly responsible to the European people' (Serbanescu 2000).

Zweifel asks the following questions in order to check the legitimacy and accountability of the EU institutions and to learn if these institutions are democratic and representative enough:

> Can citizens use their votes effectively to select lawmakers and/or threaten them with dismissal? Do legislative institutions in the EU empower citizens to influence lawmaking through votes? Is the separation of powers that check and balance each other a guarantor of representative government? Are EU institutions designed in a way that they end up being and acting in EU citizens' best interests (Zweifel 2002a:7)?

Democracy is basically defined as 'rule by the people'; and in order for people to rule, they must simply participate and exercise influence on the process of decision-making directly or through their representatives. Decker expands this definition and argues that in a democratic system the government must be appointed by the people; the decisions taken by the government must comply with the interests of the people; and the government must be responsible to the people (Decker 2002).

Looking at the overall picture of the empirical elements in Europe, Héritier deducts three significant features. According to him, European policy-making consists of a patchwork of democratic practices of different backgrounds. This does not seem surprising if we consider the different democratic understandings and different expectations in the member states. That also implies the pooling of diverse origins of national democratic experiences related to the future development of European integration (Héritier 1999). Therefore this diversity can be seen, to some extent, as one of the reasons for the ambiguity concerning the democratic form of reasons for of the ways for democratic governance in Europe; there is a mixture of democracy or representation, bureaucratic governance and instruments of bargaining affecting the whole European policy-making.

Actually, the crisis of confidence in the institutions of democratic society is a phenomenon recognized not only on the EU level but in most European nation states. There is a general democratic dissatisfaction affecting not only the government or parliament but also high public service and the law, parties, trade unions, and the media. What is worse, this phenomenon proves to be lasting, as results in recent surveys demonstrate (Braud 1997:112). In this sense, a large degree of discontent associated with democratic governance in the Union is very common among the European citizens as well. Therefore, what Chryssochoou calls the 'orthodox view' of the democratic deficit, associated with the institutions of the EU, can be explained as follows:

> The transfer of legislative powers and responsibilities from national parliaments to the executive branches of the EU, like the Council or the Commission, has not been matched by a corresponding degree of democratic accountability and legislative input on the part of the European Parliament, as the only directly elected institution at the European and international level (Chryssochoou 2001a).

Therefore, this gap, having emerged between the transferred power and accountability of institutions, is filled, according to Williams, by national civil servants known as European experts or technical committees. Moreover, sometimes several business interest groups and lobbies are also becoming actors in this process (Williams 1991:162). Actually these concerns have been more pervasive particularly since the Single European Act, which strengthened the position of the Parliament, and granted new rights to the EU to extend decision-making in new policy areas and allowed the use of qualified majority voting in the Council. This has lessened the capabilities of national parliaments, causing the 'national democratic deficit' (Chryssochoou 2001a). The Single European Act carries a significant meaning in this regard because it is either the first sign of political integration. Moreover, it can be seen as a turning point which has taken necessary steps to enable the Union to diffuse into the European people's lives more deeply. The debates about the EU's democracy has increased to a greater extent after Maastricht due to the intensity of its political implications, compared with the Single Act, and the profound influence it will exert over people.

Democratic deficit can basically be defined so that 'the flow of influence from the people to government is impeded in some way'. Democratic deficiency in this framework implies that the institutional mechanisms set up by a particular model are either absent or not functioning correctly (Coultrap 1999). Readers should bear in mind that the European Union should be thought of as a separate state analyzing its democratic features. So far, it was imagined in the sovereign statist framework. A considerable quantity of normative theory about the integration process has increased to give a name to this newly emerging polity; and a variety of contemporary, historical and conceptual studies have attempted to bring about a language to discuss the EU other than a statist nomenclature. Therefore, in democracy critiques towards the EU, not comparing it with a state and not having a statist perspective is very important (Wincott 1998).

Moreover, the democratic deficit of the EU's institutions argument includes a number of issues, those which are intertwined with each other very strongly. Therefore, it does not denote a malfunctioning of a specific institution, but rather implies various themes like insufficient public participation and representation, lack of transparency, inadequate

mechanisms of control and accountability as well as issues of technocratic decision-making. Although it is known that a deficit in a democratic procedure negatively triggers the others' functioning, we will analyze these so-called institutional deficits of core institutions individually in order just to make conceptualizing clear.

1. Weak Parliament

The European Parliament (EP) is the only supranational EU body that is directly elected by the European citizenry and that has some various functions in the EC/EU such as legislative function, policy-making function, control function, elective function, system development function and budgetary function (Mourer 1999:11). According to Sullivan, the Parliament is the unique truly democratic institution, which the EU created over its 50 years of incremental growth (Sullivan 2001). Direct elections were first held in 1979 and have taken place every five years since that time. But the EP did not gain enough power as a representative body of the people or as an institution of political authority. However, it has developed from the Treaty of Rome onwards and increased the range and the nature of its legislative and representative authority; and finally the Treaty of Amsterdam gave it additional powers in 1999.

Parliamentary democracy in the European Union is often questioned and presented as a choice between the intergovernmental and the supranational, that is either the EU is seen as an intergovernmental structure and its legitimacy stems from national parliaments; or the EU is a supranational entity and its institutions, and specifically the European Parliament, contribute the major share of democratic legitimacy (Wessels and Diederichs 1999).

Generally people's expectations of a democratic system differ; they expect to be able to limit the powers of their leaders and rulers; this can be called minimalist or liberal democratic benefits. They may also expect the satisfaction of functional democratic benefits; those are the majority's wants, needs, and interests. Therefore, the EP may be termed a model of representative democracy if it functions in congruence with the expectations of the European people (Mather 2001). However, since it fails to perform these functions, EU democratic deficit critics have pointed out that the European Parliament has a relatively marginal institutional position

in the Union governance. In effect, the EP was traditionally a weak component of what has been called the EU 'institutional triangle'; that means it was weak in comparison with the European Commission and the Council of Ministers (Coultrap 1999).

In fact, the weak position of the EP originally emerged in its foundation as a European Assembly, an advisory body, instituted by the 1957 Treaty of Rome. Although the powers of the EP have gradually increased over the years and particularly within the last decade, many argue that EP reforms have not gone far enough. Its power does not yet include the right to determine its own seat, or to raise funds for its own budget, or indeed to pass legislation as the sovereign representation of the people of the Union. Though it is being directly elected by the people, sovereignty still remains in the hands of member states (Dahrendorf 2001). Moreover, its mode of operation in terms of time and place, its language problem and the difficulty and disinterest of media coverage worsen the EP's position (Weiler *et al.* 1995). Therefore, the EP's weakness has been called a significant problem, because according to many deficit critiques it has prevented the EU from becoming more democratic compared with the ideal, national parliamentary model of democracy. Therefore, parliamentary deficits of the EU can be analyzed from two different points of view: representative deficits and legislative deficits.

As Rovni puts it, the representation aspect of the democratic deficit is mainly regarded as the 'deficit's core', because it is not only the most problematic area, but also the most visible one. Perhaps this is because in the experience of liberal democracy, the representative institutions have always had a central function (Rovni 2003). Democracy, according to Dahrendorf, means three things: 'change is possible without violence; there are checks and balances to the exercise of power and the people have a decisive say in the process' (Dahrendorf 2001). These functions are performed by representatives who get authority from their electorates, which is typical of representative or parliamentary democracy. They can create and change policies and control the exercise of power in the Parliament. Therefore if the deficits are seen in the representative aspect of the system, it then simply refers to the weakness of the European Parliament (Dahrendorf 2001). Although the Parliament's power has been substantially increased over the past fifteen years *vis-à-vis* the Council, the

EP still remains weak in representation capabilities of the European people (Zweifel 2002b).

Actually the representative deficits of the European Parliament emerge at its very formation during the supranational Euro-elections. In this context, the Euro-elections seem unable to perform the general functions of elections. Through these elections, the people do not choose a government, and a person in the position of a president or prime minister; they do not determine public, economic or social policies that will be applied during the governing process (Bogdanor 1986). Therefore, in the EU elections, the apathetic category of people is much larger than in the national ones since European citizens are not interested in European issues and do not understand the political system. That is causing the decreasing turnout in European elections over time (Magnette 2001).

Turnout for the EP elections had declined from 62.5 per cent in 1979; 59 per cent in 1984; 57.2 per cent in 1989; 56.8 per cent in 1994 to 49.4 per cent in 1999 (EP Official Web Page 2004). As a result, this low turnout reinforces Euro-MPs' reputations for irresponsibility (The Economist 1994). What is disappointing is that the EP elections held on 10-13 June 2004 resulted in the lowest turnout rate in the EU history. 155 million of recorded 350 million electors have voted in this poll. While the turnout of the existing 15 member states was 49 per cent, the rate in the ten new member states was 26.4 per cent (EP Election Web Page 2004). That means the efforts for democratization of the Union put in the recent years have not done enough to persuade the voters for the importance and functionality of the Parliament for European democracy. This is important because turnout signifies the interest and trust of the people in a democratic system and governance. Moreover, it also affects the legitimacy of a Parliament and justifies the achievements of its members positively or negatively.

However, national elections attract more interest and participation of people because they can change or form a new government. However, Euro-elections are seen as something like tests of public opinion on domestic issues within each member state. Weiler *et al*. also emphasize this point that the elections are not performing one of its main functions in Europe because this process does not allow the electorate to 'throw the scoundrels out'. That is the ultimate power of the people to replace one set

of governors by another. Therefore, in this current position, the voters do not have a logical reason to focus on these elections because they are not able to affect policy choices at the European level and to elect European governance (Weiler *et al.* 1995).

Although Moravcsik does not share this view, according to this 'second order' discourse, it is the fact that European citizens are more interested in their domestic policies than in the supranational European ones. For this reason, the national parties campaigning for European elections focus on national political affairs instead of European ones, and thus people see these elections as 'second order' (Moravcsik 2001). Due to the lack of popular interest in these supranational elections, national parties have little incentive to spend valuable resources, such as time, money, and strong candidates. Actually, there seems to be a vicious circle in that process, like the 'chicken-egg' analogy: people are not paying enough attention to elections due to the Parliament's lack of enough power and the EP does not have enough power because people are not participating in its formation with high turnout election rates (Muntean 2000).

In addition to this representative aspect, what is worse is that genuine 'Euro-parties' will not develop until there is real power to be exercised in the European Parliament. As Steinbeck puts it, in theory and practice, political parties perform a vital task for the practical realization of democracy in terms of opinion building of the citizens and transmission of the citizen's will to the policy- maker representatives. Moreover, they are also very effective in generating a European discourse through politicization, which in turn creates a European public and a public space (Steinbeck 2001).

As Lehning underlines in this context, the citizenship concept in the Union is also suffering from a lack of representative characteristics of the EU institutions. Citizens are not able to actively exercise some of their vital political rights, like choosing their governments. The political institutions connecting the citizens to each other are missing. Therefore this deficit negatively 'influences the question of shared citizenship identity, if this identity is indeed constituted by participation in a common set of political institutions on the pan-European level' (Lehning 1998a).

The second democratic deficit critique attributed to the European Parliament is that the decision-making mechanism of the EU fails to transfer the choices of European people into decisions. Although Majone argues, the 'Community has no legislature but a legislative process in which different institutions, namely Council, EP and Commission have different parts to play' (Majone 2002a), democratic decision-making requires the people are given a voice in that process. That means, as Eriksen underlines, the principle of popular sovereignty must function for a democratic system; that all affected people must participate in the legislative process. In this regard, a governmental structure is legitimate when the principles of liberty, equality, security and participation are complied with. Moreover, decision-makers must also be held responsible to the citizens (Eriksen 2001). Public sphere seems a precondition for realizing popular sovereignty, because in principle, it is the space in which everybody can speak and discuss freely; and public opinion and wills emerge (Eriksen and Fossum 2001). The decision-makers, therefore, will have to take these opinions and wills into consideration in legislative process. Therefore, the public sphere comes up as the most elemental tool of popular sovereignty in democratic governance. When seen from a Habermasian deliberative perspective, parliamentary bodies transform this influence of people into communicative power and the decisions that a parliament will take thus become legitimized (Habermas 1996b:371). As it can be seen from the preceding explanations, there is a substantial link between the public sphere and the parliaments' decisions in terms of reflection of people's demands into rules and policies of governance.

Nonetheless, despite its growing powers in recent years, the Parliament's influence on the European decision-making system is still quite limited in comparison with most national parliaments. One of the most important points in the Parliament's weak power is that it has no initiative right in European legislation. It is the Commission that is the unique authority of initiating through its legislative proposals (Zweifel 2002a:12). This initiative function was granted to the Commission by the 1957 Treaty of Rome. The consultation procedure specified by this Treaty explains the process like the Council accepting or rejecting the Commission's proposal but consulting the EP for its non-binding opinion. The Single European Act introduced the co-operation procedure and afterwards the co-decision procedure was advanced by the Maastricht Treaty in 1993 (Rasmussen 2000).

As it can be seen, the power and influence of the EP have increased in the decision-making mechanism of the Union step by step. At the very beginning of the Union, however, the European Parliament was created only as a Common Assembly by the Treaty of Paris signed in 1951. Then it was granted several supervisory powers over the executive High Authority, today's Commission (Rittberger 2003). As the developmental history of that institution demonstrates, the Parliament was not even thought of participating in the legislative process in its very origin.

However, it is clear that the European Parliament has still relatively weak power. If the influence of the Parliament is assessed in legislation, execution, checking and budgetary fields of the EU, then this conclusion can easily be reached. Though its legislative and control powers were increased by Maastricht and the following treaties, the EP is still unable to determine the progress of EU policy. As Woods states, sceptics point out from another perspective that the European Parliament is unable to attract public confidence and support, but its inclusion in decision-making is only legitimating the Council's decisions (Woods 1999).

Furthermore, as the democratic processes demonstrate, parliaments have the authority to check the executive government, control it, and whenever necessary, dismiss it. In the Union, however, there is no European government that can be held accountable to the EP. The President and the members of the Commission are selected not by the result of a popular election, but by the Council. The unique power of the EP in this process is to give its approval to the Commission and to the Commission President. Although it has the vote of censure mandate, to force the entire Commission to resign, it is usually very difficult to use this authority with respect to the possibility of a chaos in the whole system (Raunio 2000:231). Therefore, from the normative point of view, as Helmbring states, if the policy-making process of complex Euro-polity is divided theoretically into four sequential phases, it appears as: 'policy initiation, decision-making, implementation. In these phases, the EP is sharing authority with the Commission on policy initiation and with the Council on decision-making (Helmbring 2002).

As for the accountability of the Parliament, it is the democratic process that members of the EP as directly elected representatives of the European people must be accountable to their electorate. However, in order

to account for their activities, the people must know what they have or have not done and evaluate them accordingly (Neuhold 2001). Nonetheless, in the EU, the complex decision-making procedures are not transparent to the people and difficult to understand. However, many people do not know the difference between the institutions. Moreover, they do not trust in the institutions that these will reflect their views and concerns effectively and produce what they desire. (Commission White Paper 2001). Thus, the electors are not satisfactorily being informed about the EP's activities; and as the turnouts show, they are not participating in elections in order to monitor them (Neuhold 2001). Furthermore, the EP is only and at the best condition a co-legislator with the Council in the decision-making process. Therefore this brings into mind the question of how the EP can be held accountable for the decisions that it did not take.

Neuhold stresses one more fact that informal politics is also common in the EU legislative system. This system has complex forms of bargaining between the Commission, the Parliament and the Council obscure which decisions are taken by whom. This complexity is, however, presents a conflict of the members of the EP. The members have to choose one of the roles between the competent co-legislator or the representative role of the voters (Neuhold 2001). Before Maastricht, the Single European Act broadened the powers of the European Parliament, transformed it from a 98-pound weakling into a 99-pound one' and the Act has allowed it to veto petitions for EC membership and trade agreements with non-EC nations or to request changes in directives and regulations. However these required the Council's approval (Lagerfeld 1990). After the introduction of the co-decision procedure under the provisions of the Maastricht Treaty, the Parliament has gained much more authority in decision-making. The Council has to negotiate with the European Parliament, and the Parliament had the right to say 'no' at the end. Moreover, a new conciliation procedure was introduced in order to solve the discrepancies between the Parliament and the Council. These developments introduced by Maastricht brought a considerable increase in interaction and interdependence between these two institutions (Shackleton and Raunio 2003). As Corbet follows the evolution of the EP's authority, he underlines the successes of 1997 Treaty of Amsterdam. This Treaty, although far from providing the normative democratic authorities to the Parliament, responded to a number of the Parliament's wishes. It extended the co-decision procedure from 15 to 38 and ultimately 40 articles, including employment, social policy and

transport. It strengthened the Parliament's role in co-decision with the Council and turned Parliament's role from consultative to confirmation in the appointment procedure of Commission members and president (Corbett 1999:104).

Although Wallace is pleased to observe the EP has considerably 'developed from a rather decorative to a legislative institution' over time (Wallace 1996:453), the Parliament has not yet acquired the authority to elect or appoint a government which will be responsible and accountable to it. Moreover, it has not been given the right of legislative initiative, though it has the ability to request the Commission to give a proposal on a specific issue (Héritier 1999).

The EP has, in contrast to generally accepted democratic experiences of parliaments, still very limited power in financial issues of the Union. While the Community distributes a significant amount of funds to member states via Commission, for structural, cohesion or social concerns, the EP does not have any control function over it; and these funds are only indirectly controlled by national governments. It is however, one part of the so-called twin budgetary arms of the Union together with the Council. These two institutions must agree on the proposal of the European Commission on the overall budget. The Council must approve the so-called compulsory expenditures and the EP has the authority on non-compulsory expenditure (Maurer 1999).

Although the EP has created a novelty as an institution and as a parliamentary form, it lacks various competences and authorities required representative democracy to function properly. The representative and legislative authority of that institution indicates that 'the sense the EP represents the people does not bear much popular benefits' (Mather 2001). Actually the EP does not look like a territorial parliament in a legislative sense, but it has developed to fulfil a surveillance role and that is, as Weiler calls, an 'audit democracy'. This term implies that democracy in this framework is promoted by the strong public through its monitoring and stock-taking role more than its roles in the decision-making process (Weiler 1999).

It is widely believed that the EP is one of the most important institutions for the EU system because it is the unique directly elected

supranational institution by the European people. Moreover, people in Europe also think in line with that as the Euro barometer survey demonstrates. According to it, 54% of the Europeans believe that the EP is either very or fairly important for the European Union. Moreover, half of the European public (49.9%) stated that the EP should play a more important role in the EU system. As these figures also show, European public considers the EP as the most reliable institution in the EU system (Muntean 2000). Therefore, it is apparent that, if democracy will be set up with all its institutions and procedures in the EU government, the EP must be given more authority and plays more crucial role in administration and legislation.

Although it was equipped with broader power and duties through the Constitution of the EU which was signed by the member states in November 2004, these powers do not bring any structural reform signals for the Parliament, but rather an extension and expansion of its current capabilities. However, for the deeper and broader participation of the people into EU governance, more radical reforms are needed for this place where the people's voice will be heard most loudly. It will only be possible through these Parliamentary reforms that the EU will be more democratic, legitimate, civil, participative, responsible, accountable and transparent. Lastly it would be wise to take Barker's warning into consideration: 'the EP provides a focus for both the hopes and frustrations of democrats' (Barker 1993:101).

2. Unaccountable Commission

The Commission is the most prominent actor which reflects the supranational structure of the EU in respect of its unique construction and authority. It is able to impose duties and responsibilities to the member states' citizens. As it was elucidated in the previous section of this study, the citizenship concept was introduced to legitimize the decisions and enforcements of the supranational EU structure. This new citizenship concept was therefore expected to contribute to the political interaction between the individual and the governance system and thus to strengthening of the EU institutions.

In contemporary pluralistic democracies, individual citizens are supposed to have the utmost authority so that the governance system is

based upon the choices of individuals. The state derives its authority to enact and enforce laws for individuals from the individuals and; and thus the system is continually legitimized by the citizens. The rule of law maintains the existence of the state, while the democratic existence of the state legitimizes the rule of law. If a factor is missing in this relationship, the whole system becomes problematic in terms of legitimacy. Therefore, the core problem of European integration in this regard refers to the lack of this interaction between the individual and (supranational) EU governance (Carter and Scott 1998). In the EU context, such a relationship between the individual and the supranational governance just reminds the relationship of the European citizens with the European Parliament and the European Commission.

Like a state's executive, the Commission consists of politicians at the top and an administrative bureaucracy. The Commission's tasks are very similar to those of national cabinets in a state (Egeberg 2002). However, the extent to which the Commission should be seen as a really powerful actor on the European scene is a highly contentious issue in terms of democracy in the EU. The European Commission, meanwhile, comprising 24,000 bureaucrats and staffs headed by 20 national commissioners, is the most powerful unelected body in the world. It alone has the authority to initiate European legislation, which overrides national law in member states and now accounts for 80 percent of economic and social legislation in Europe (Peter 1999).

According to the Commission itself, it was established to act impartially in the interests of the European Community as a whole. Its main function is to act as a guardian of the founding Treaties, notably by exercising its right of legislative initiative. It also ensures the Member States' respect of Community law; negotiate on behalf of the Community in commercial agreements with non-European countries; represent the EU in foreign affairs by opening embassies all over the world; and Center for European Union Studies implements the common policies and regulates competition in the Community to curb distortion of the market (Commission White Paper 2000). Its influence on regulating the common market and arranging competition is substantial in the member states such as the sectors like energy, telecommunication, broadcasting, postal services and the like (Schmidt 1997).

The Commissioner presides over the 19 Commission members. These individuals are selected by the EU's member states and come to office only after a process of European Parliament's collective approval. The European Commission acts as the EU's executive branch like national cabinets and has a very important role in the decision-making mechanism of the EU as an initiator. It is very authoritative and determines the policies in competition matters, the agricultural field and trade. The Commission also administers the EU budget, it gives around $40 billion a year in aid to poorer regions and this makes it the largest foreign-aid dispenser in the world (Tsakatika 2002). It is seen that major EU policies, particularly the economic and commercial arrangements concerning the common market, are performed by the Commission. The Commission even sees itself 'at the top of the administration of the internal market' (Joerges 2001) because it is the unique agenda setter in this field and monetary policies. With these characteristics it is argued that this organ is the main driving force behind the whole European integration project.

A new Commission is appointed every five years, within six months of the elections to the European Parliament. The procedure is as follows: The member state governments select their candidate commissioners and agree together on the new Commission President. After that, the Commission President-designate, in discussion with the member state governments, chooses the other 26 Members of the Commission. The new Parliament then interviews all 27 members, after the EU enlargement of 1 May 2004 and 1 January 2007, and gives its opinion on the entire 'college'.

If we imagine the practice in a state, The Commission is assumed to implement the policies that have been decided by the legislature. In the EU this means that the Council, together with the Parliament, takes decisions and the Commission assumes the responsibility of the implementation of that decision in the member states. However, sometimes the decisions appear so broad, like guidelines, that the Commission has the right of filling in the blanks of these decisions through directives and regulations (Egeberg 2002). These decisions taken by the Commission itself are known as the 'secondary legislation' in EU law which is directly influential on the members. Therefore, the Commission also takes its part in the legislating process other than initiative role. This secondary legislation of the Commission is very common and effective such as regulating the common

market, the Common Agricultural Policy (CAP) or in firm merger applications (Zweifel 2002a:7).

Actually, in policy-making, the EU has three substantial institutions: the Council composed of ministerial level representatives from each member state; the European Parliament, directly elected by the citizens of the member states; and the European Commission, composed of the supranational representatives of the member states, the EU's executive and to a limited extent, legislative body (Casey and Rivkin 2001). Moreover, Christiansen defines the Council of Ministers as the guardian of national autonomy, the EP as the guardian of democratic governance, and the Commission, together with the ECJ, as the guardian of effective integration (Christiansen 1997). As it was noted, like national executives, the Commission initiates and formulates policies in the form of legislative and administrative proposals. With reference to these functions, the Commission is seen as more political than other organs because the activities like proposing legislation and supervising the implementation of decisions are highly politicized tasks. The Commission has thus been called a 'politicized bureaucracy' (Zweifel 2002a:18).

However, because of the legitimacy deficit of the the Commission with broad authority, it is required to create necessary mechanisms for holding them accountable for their actions (Eichengreen 2003). A commission president with new powers would be regarded as legitimate only if he or she was accountable to Europe's citizens. Actually the concept of accountability is one of the most substantial elements of a democratic system and in this context it can be defined according to Bealey in two ways: First, to be accountable is to be answerable to the questions about one's activity or administration. This is closely related to transparency because the citizens, for whom decisions are taken, must understand and be able to have a certain idea about what kinds of results such a decision will bear for him or her. Secondly, to be accountable means to be 'censurable' or 'dismissible' from administration (Bealey 1998:2). The accountability mechanism includes elections, constitutional limits on power, checks and balances exercised through the inter-institutional relationship, courts, and parliaments (Woods 1999).

Transparency, as was mentioned, is of utmost importance to ensure accountability, because in representative democracies legitimacy requires

that majority rule can have a meaning if there was an informed public deliberation about the interests, benefits and alternatives available. 'These procedures thus allow well-founded preference aggregation among citizens' (Føllesdal 2000). In the setting up process of accountability for the legislative or administrative institutions, the importance of the development of the public sphere must also be underlined. Through the public sphere, not only will the citizens' rights and consciousness level increase by deliberating about the policies, but decision-makers and implementers will have to penetrate into the people to give account of their decisions or enforcement (Eriksen and Fossum 2001). The existence of a public sphere will have a very positive effect on the politicians, at least psychologically, to have them perform their duties by feeling persistent public pressure on their actions.

Moreover, the essential points, according to Alvarez, a democratic regime should have two offices to be directly and indirectly elected by the citizens so that the office holders are responsible only to the electors, not to any non-elected powers (Alvarez *et al.* 1996). Although scholars disagree whether it is the EU executive branch, the legislative branch or the bureaucracy (Zweifel 2002a), or whether it is as Moellers calls a 'guvernative body' (Moellers 2001), the Commission is today widely regarded as the European executive for various reasons. First and foremost, the Commission is responsible for the implementation of EU policies and supervision of them over the member states through various measures, including the Court's rulings. It represents the EU/EC in commercial negotiations. It determines the EU policies through its agenda-setting role. Moreover, it has, although to a limited extent again, legislative powers in the form of directives or regulations within the broad range of European law. Last but not least, it has a very extensive technocratic and bureaucratic mechanism running under the commissioners.

Therefore, if one of the institutions of the EU would be regarded as the executive power, it is not any other institution but the Commission. According to Alvarez's criteria, indirect elections qualify as popular only if the electors themselves are elected by the public. As those criteria suggest, the Commission cannot be regarded as a democratically elected body because elections by bodies which are themselves nominated, do not qualify as popular elections (Alvarez *et al.* 1996).

As we have explained in the foregoing paragraphs, the Commission president is nominated by the Council, and the Commissioners are selected after that process with bilateral negotiations. It is therefore concerning the legitimacy of the Council as well, because there is also a widely held belief that the Council's members, national representatives of the member states, are elected for their domestic politics and not specifically for EU affairs. Therefore the Commissioners that are elected by the unelected Council also have legitimacy problems in this regard.

However, in a traditional parliamentary system of government the legislatures have not only legislative, but also executive powers because political executives are selected by the legislature (Lijphart 1991:3) and generally among the parliamentary representatives (Lijphart 1984: 68-71). Therefore the executives are also have legislative roles at the same time and they are dependent on the legislature's confidence at the risk of being dismissed from office by the vote of no confidence (Lijphart 1984: 68).

In this system, since the executive gets its legitimacy from the representative parliament, it should hold the confidence of the legislature. However when the executive was not selected by the legislature, then the legislator's vote of no confidence becomes problematic. To create a democratic balance with respect to the legislature's vote of no confidence, the executive has the right of dissolving the legislature by renewing the Parliament with new elections (Lijphart 1991:8). Therefore in Parliamentary systems there is a vital interconnectedness between executive and legislative bodies (Judge and Earnshaw 2002). And if the EU is regarded as a Parliamentary democracy, the relationship between the EP and the Commission must comply with this defined rule. However, the EP is impotent in selecting the Commission and the Commission is thus unaccountable to the Parliament, though it has very effective power over the lives of European citizens.

Nonetheless, as mentioned by Jachtenfuchs and Kohler-Koch, from a normative and logical point of view, if independent and unelected regulatory bodies enjoy policy-making power, they must be held responsible before parliament in one way or another. Thus if there are structural problems in the process of parliamentary accountability of EU institutions, then policy-making is questioned in terms of democracy and legitimacy (Jachtenfuchs and Kohler-Koch 1995). In the EU context this

accountability must be ensured at the Parliamentary level because of its characteristics as the unique institution elected by the popular vote of European citizens.

The Commission, however, has no steady parliamentary basis. As was explained previously, it is not given power by the Parliament, but appointed by the Council and the EP has only right of approval. Therefore, there is not a party alliance or coalition in the Parliament to support its initiative proposals (Dann 2002). This weak connection between the two legislative institutions not only lessens the effectiveness and deliberative function of the Parliament, but also lessens the legitimacy of policy enforcement power of the Commission. (Lang 2002) On the other hand, according to the Commission itself, its independent nature is guaranteed by the treaties which stress that it must not accept instructions from anyone: not from governments or from the Member States acting together, or even from the European Parliament (Commission web page 2004).

Based upon these discussions, the core of the democratic deficit arguments concerning the Commission arises to emphasize the unaccountability of the Commission having a wide range of authorities on behalf of the European people. The Commission's weight in Europe's policy-making and implementation can be better understood if Majone's observation is taken into account. He says that if there is a unique way to prove the exclusive competence of Community over an issue, the European institutions and processes should advance the interest of the member states. Therefore, this grants immense authority to the supranational institutions in general, and to the Commission in particular (Majone 2002b). It is a fact that in almost all matters, especially in those concerning economic, financial, fiscal and commercial issues including energy, environment or transport, the Commission has broad authority.

The Commission also functions independently from national governments. Although the European Parliament has certain powers regarding its appointment and dismissal, the Commission is not dependent on the majority power in the Parliament. Commissioners are completely independent in the performance of their duties, and must act in the general interest of the Community. Moreover, legislative initiative is not vested in the Community legislature itself, but in the Commission. Thus, the democratic legitimacy of executive action on the part of the Commission

cannot be sought exclusively in a system of checks by the two legislative chambers (in the sense of the Council and the Parliament), since the channels as well as the underlying philosophy for such checks are lacking.

As Jasey and Rivkin explain, although the European Commission seems to be accountable to the Council and the European Parliament in theory, their power in relation with the Commission is usually negative. That is, the power to withhold their approval for the proposal adopted by the Commission, and even this checking function is exercised infrequently. Therefore, according to them, 'the European Commission is the most powerful EU Institution' (Casey and Rivkin 2001). It is apparent, therefore, as Hix warns that, 'the holders of political power in the European Union (EU) institutions must be made more accountable' (Hix 1997).

In fact other actors, 'like the European Council, the EP, individual member governments, subnational governments, European associations, large firms, or interest groups' can request the Commission to prepare a proposal to initiate legislative process for a specific issue (Egeberg 2002). But it should be mentioned that the Commission does not have to consult with the democratically legitimated national governments in the preparation of its legislative initiatives (Scharpf 2001). However, it is up to the Commission to take their request into consideration and put it on the legislative agenda. Some argue that the Parliament's right to request the Commission to submit any appropriate proposal is almost equal to legislative initiative authority of the Commission (Majone 2002b).

The Commission's exclusive right of initiative, as another democracy distorting effect, will prevent parliamentary parties from presenting bills in parliament as it is the case in national legislation. Proposing bills is a productive way of acquiring publicity for the political parties and distinctive feature for the political parties of the member states (Steinberg 2001). Therefore, this exclusive right of the Commission also disaffects European political parties to develop, and thus has a negative influence on democracy of the Union in general too.

Some thinkers go further, and call the administration of the EU as 'absolutism' by considering this structure and power of the Commission. It is because the chief attribute of absolutism, according to them, is the accumulation of executive authority in the hands of centralized and

unaccountable bureaucracy, rather than in electoral politics and a system of political accountability. Some believe that government by elected representatives is inefficient, and that professional and expert government is good and necessary for the European case (Casey and Rivkin 2001). What is interesting is that, the European Commission seems to share this opinion and implies is that this very lack of accountability has been the secret of its success: The essential reason behind the success of European Integration is the Commission, its supranational structure that is independent from national, sectoral, or other influences. 'This is at the heart of its ability to advance the interests of the European Union'. (Casey and Rivkin 2001)

The picture is worsened by the fact that after the completion of the single market there occurred a decline in the number of primary legislation and the so- called delegated legislation has replaced it (Dehousse 2002). Therefore, various critiques have been put forward as the European bureaucratic and expert-based technocracy, that involves special interest rule, has dominated EU policy-making. In this system, organized lobbies have a strong position, and decisions are taken by experts, not accountable people, behind closed doors in preparatory, regulatory and management committees. The EU system appears as run 'by the special interests of big business and the ideology of free markets' (Eriksen and Fossum 2001). It is therefore, as Middlemas calls it, an 'elite game' (Middlemas 1995:612). From a similar point of view, various concerns are also advanced towards the Commission claiming that national interests are very dominant over this institution and the commissioners and bureaucrats are mainly following their national interests (Egeberg 1996).

Siedentop also warns that all is not well in Brussels. He argues that a kind of 'bureaucratic despotism' haunts the continent. The accumulation of power in the EU's capital Brussels, is transforming the EU into a centralized 'tyranny' (Moravcsik 2001a). The economic liberalization through the Commission's success has produced the triumph of a centralized, autonomous state bureaucracy. The EU is becoming an alien 'government of strangers' (Siedentop 2001).

In this so-called bureaucratic process, the Commission is supported by hundreds of technical committees that consist of experts from the Member States. Joerges and Vos put more emphasis on the discussions

about the committees of the Commission which are functioning outside democratic control (Joerges and Vos 1999). This process of the Commission is known as 'Comitology', which is through its committees increasingly affecting European policy-making because there are many issues that require technical knowledge. It has been the practice in decision-making from the very beginning of European integration and in the past years covered some basic issues like agriculture, trade, and customs policies. However recently it comprises more and more areas like telecommunication, research and development or environment (Eriksen and Fossum 2001). The problem in the involvement of these committees is that the technical decisions they output are very unclear to the people by its nature. Therefore 'the more technical and issue, the less likely it is to become a topic in the public debate, which, in turn, contributes to decreasing democratic control' (Wind 2001).

Europe has therefore come face to face with a phenomenon of what some American authors have called technocratic 'fourth branch of government' (Straus 1984). However, since the legislative and executive power is not separate as it is in the US, it is the fact that the system of Comitology is out of legislative and judicial branches of government and thus there cannot be democratic control on their decisions. Besides, the EP is also against the Comitology decisions because the EP does not have any contribution, like the co-decision procedure, in the legislative process maintained by these committees (Bradley 1997). As all of the characteristics of comitology implies, decision-making under the comitology procedure is very untransparent and out of democratic control. Deliberations of the experts and voting methods in comitology committees remain in principle secret. Even the numbers of committees are not known exactly as well as what their powers and working procedures are (Dehousse 2002). It is a fact that in such a huge integration project, technical issues must be delegated to some expert-based groups and people; however, in a democratic system of thought they must function under the control of elected peoples or their substitutes. In the EU case these technical matters can be solved, for instance, under the Parliament's power and through parliamentary committees or at least Commission's committees should function under or be accountable to the Parliament in some way.

Public distrust for these expansive capabilities is also reflected in the Commission's low popular credibility. The Eurobarometer reported that

only 45% of European citizens trust the Commission, while 30% mistrust it. Trust is lowest in the United Kingdom by 24%, and highest in Ireland by 61% (Eurobarometer 2000). To accentuate this fact, the ex-Commission President Prodi* believes that politicians are expected to find solutions for our society's problems. Moreover, even he accepts that, 'there is a growing lack of confidence (or just interest) among ordinary citizens in politics and political institutions' (Prodi 2001). These figures also conclude the argument of Braud that the reason for declining confidence in the institutions of democratic society seems related to two observations: 'first, citizens' perception of a gap between legitimizing values and actual practices; next, or simultaneously, the erosion of founding beliefs themselves' (Braud 1997).

Actually the practical origins of the Commission's power as the 'motor of integration' can be traced back to Jean Monnet and his peculiar way to integrate Europe; what has been termed as the 'Monnet Method' of integration. Many aspects of the methods by which the European Union has progressed, therefore, seem to have emerged in the early fifties (Tsakatika 2002), the period when Jean Monnet set up and became the first President of the High Authority of the European Coal and Steel Community (ECSC). Monnet's unique aim was to integrate European states to such an extent that this would prevent all the possibilities which could lead them to suffer from the devastation of war and economic destruction of Europe again. Therefore, that was the time of integrating Europe very fast even through disregarding some democratic ways or procedures. However, European integration has probably progressed more than even Monnet's view over the five decades, and it will very probably progressed on its way through deepening and enlargement. In a nutshell, the problem is that the organization, structures and working methods of the Commission, as the executive and legislative of the enlarged Union, as Kinnock claims, were not be able to sufficiently adapt themselves to the changes that have taken place in the recent years (Kinnock 2002:21). Therefore, the democratic deficit concerning the Commission can be summarized as that Europe evolved and democratized, but the Commission did not keep pace.

*As it is known, Barosso undertaken this position since 1 November 2001

3. Secretive Council

As the European Union went on with its political integration and as the decision-making power was transferred to supranational governance, transparency has become one of the most debated issues in European Union governance in recent years. As it was previously implied many times, democracy is not only related to universal suffrage but it also must comprise of various parameters like transparency and accountability through legislative, executive and judiciary implementation of the governance (Føllesdal 2000). Therefore, the lack of transparency critique raises various doubts about its legitimacy while the EU maintains its legislative and executive functions. Therefore, another intense line of democratic deficit argument is related to the lack of transparency of EU policy processes to citizens (Zweifel 2002b). As the Commission's accountability and transparency deficits were elaborated, the claims concerning to the Council of Ministers will be detailed in this section.

Much of the transparency debate has been about public 'access to information' and relating to what might be called 'open government'. Deliberative democracy considers political participation of citizens not only in political institutions, but also in a broader sense of policy formation. From this point of view, the ability of citizens to effectively participate in social dialogue is a definite attribute of the notion of contemporary democracy. Very naturally, participation of citizens in social dialogue depends on accessibility of information and dialogue itself (Curtin 1999), if the citizens will produce a social and political discourse in this process and will contribute to the governance of their polity.

As Lodge puts it, transparency challenges the EU's structures, accountability and values, accessibility to information and its security (Lodge 2003). Bankowski puts great emphasis on transparency of a governance system and summarizes its significance:

> Making government more open would be part of the condition of more democratic and participatory government. For the more transparent and open things become, the easier it is to hold governments and officials to account, for citizens to take a meaningful part in government and give a democratic legitimacy to the EU that many feel is lacking. Transparency, then, might be seen

as part of a general aim of legitimating the EU by the idea that we take part in that polity in a meaningful way (Bankowski 1999).

If we consider the deliberative process can take place through the participation of people directly or via their representative, the place of this public deliberation then must be the Parliament. However, as it was explained, the Parliament is still weak in the legislative process and the major decision-making institution of the Union is the Council. That was the first argument of democratic deficits of the EU, secondly, and worse, the Council's intransperancy in the decision-making process makes up the second argument. It is the fact that secrecy over the policy-making in general would seem incompatible with democratic governance in the EU.

The Council of the European Union is responsible, in a broad context, for decision-making and co-ordination (Muñoz 2003). It passes laws, usually legislating together with the European Parliament. The Council is the major coordinator of broad economic policies of the member states and the unique authority in the EU's foreign affairs and Common Foreign and Security Policy. It defines and implements the EU's foreign policy by concluding international agreements between the EU and one or more states or international organizations when necessary. It determines policy concerning police and judicial co-operation in criminal matters. It has extensive budgetary power and adopts the Community's budget together with the Parliament (Council's web page 2004).

As its responsibilities and authority are taken into account, the Council appears, generally, as the most powerful institution of the EU. Although the scope of its powers and responsibilities has changed over the years since 1951 (Muñoz 2003), it is still keeping the main authority over the EU policies, as the intergovernmental institution of the EU and the representative of member states. Thus it has been objected that the Council, however, is not democratically elected, like the Parliament at the EU level to decide and enforce EU policies. It is composed of representatives from the executives of Member States at ministerial, sometimes prime ministerial or presidential level, not of their legislatures. These executives are elected by their states' citizens for their national and domestic affairs. What is worse is composed as such is not under the democratic control of either the European Parliament or their national parliaments. In order to make the governance of the EU more democratic, first of all the Council, as the most

powerful institution, must be democratized. However, it is the Council that has been criticized mostly in terms of its unique authority in the decision-making mechanism when democracy of the EU is discussed. It is argued that the Council meets secretly far from public with limited access to its and its preparatory committees' documents like background documents, consultation papers and draft decisions (Curtin 1999).

Whereas Parliament, as the most important legislative institution, votes publicly and the quality of their vote is a crucial identifier of the parliamentarian's role and performance, in the Council, voting is totally closed and decisions are adopted generally by bargaining between national representatives (Hayes-Renshaw and Wallace 1995). For Sbragia, the effect of the dominant Council of Ministers in the EU is that national representatives mainly pursue particular interests of their states and there is a compromise between them while determining general European politics. However, real European politics must release itself from member states' interests and must be conceived from a European perspective (Sbragia 1992:32). Moreover, the Council is not democratically elected at the EU level: contrary to the principle of separation of powers, it is composed of representatives of the executives of Member States, not of their legislatures, and the Council is not subject to the democratic control of either the European Parliament or the national parliaments.

If one neglects these mixed legislative procedures involving the Council and the Parliament, the legislative process is basically simple: the Commission proposes, the Parliament considers and may or may not approve, and the Council must approve. In other words, this process resembles a two-chamber legislature, consisting of the Parliament and the Council (Lang 2002). Moreover, in decision-making in the EU, there are also many combinations of procedure, particularly when co-decision is applied together with the Parliament. Therefore, it is almost impossible to understand and follow more than twenty different combinations of procedures between the Council and the Parliament while legislating together. Thus, it seems impossible for an ordinary citizen to understand which decision is taken, by whom and in which way, and such a process is creating mistrust for the institutions, especially towards the Council.

Moreover, the decision-making power is so diffused in the EU governmental system that some scholars call it 'confusion of power system'

(Schmidt S. 1997). It means the differentiation from the principle of separation of powers; decision-making in the EU is performed together with the legislative and executive powers. Actually, there is not such a clear distinction among the institutions of EU governance where roles are interwoven in terms of legislation and execution. Therefore much of this confusion concerns the Council, because though the power of the Parliament has increased to a large extent, it is the fact that the Council of Ministers is still the main legislative power in the EU; it would not be wrong to call it a 'master of the decisions'.

An argument defending the secretive attitude and against greater transparency of the Council states that if the Council discussions were all open to the public, national governments would get informed and could discuss the actions their governments will take. Therefore, they intervene in the Council's meeting, become too involved in the Council discussions, give instructions to their representative and thus make it more difficult to reach an agreement. This intervention however, reduces the efficiency or freedom of action of the government. However, since much Council business is transacted confidentially, to reach an agreement is relatively easier and intergovernmental brokering of agreements would be harder (Goldstein 1997). This argument is misleading to the extent that for democratic governance in such a composite polity like the EU, the right balance between different institutions must be set up. Moreover, the national parliaments should, and must, be involved in the EU affairs because the EU is still an intergovernmental polity and need national parliaments that carry more legitimacy then any European institution (Dinan 2004).

Furthermore, democratic accountability of the members of the Council is ensured in their respective states because they are elected politicians and thus feel the electoral pressures as a democratic check on their behavior. These arguments can be correct for secret diplomacy, but not for a democratic governance because it limits democratic participation of the European people. In this context, transparency was expected to trigger a change in the relative inter-institutional balance of power between the Council, the Parliament and the national parliaments. This concept is assumed to lessen an especially important dimension of the democratic deficit, namely the European Parliament's weak power in decision-making. Simply stated, if the process of initiation by the Commission and

deliberation in the Council becomes more transparent, then the Parliament can be able to exert more power over the process (Lodge 2003).

What is worse is that such arguments, advocating secret decision and policy-making in the Council, are diametrically opposed to the aims of the integration. As Serbanescu underlines, in the current situation of the EU, the founders' idea of transparency and participation of people has been lost (Serbanescu 2000). In addition, the Maastricht Treaty stated in its first article that 'This Treaty marks a new stage in the process of creating an ever-closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen' (Art. A.TEU). Therefore, Maastricht has also stipulated transparency and openness for political integration in order to increase the contribution of people to that process.

As Lang lists, the secrecy of Council discussions, apart from being contrary to the principle of open government, has several undemocratic effects:

- it seriously lessens the democratic legitimacy of the Council and its decisions, and their acceptability;
- it makes the EU institutions seem remote from the citizen;
- it enables national governments to blame the Commission or one another for decisions for which they themselves have voted;
- it makes it difficult for the public to understand how the EU institutions work;
- it misleads the public into regarding EU affairs as a diplomatic negotiation rather than a legislative process;
- it leads to package deals, by which unrelated concessions are exchanged;
- it makes governments unaccountable, because national parliaments do not know what their governments are doing;
- it enables Ministers to come out of Council meetings and misrepresent what has been said and what they have done (Lang 2002).

It can be mentioned at that point that perhaps COREPER, that is assumed as the heart of the Council and composed of the permanent members, carries many secrecy arguments which are attributed to the Council. As Lewis puts, COREPER is one of the most secret international

institutions of our modern world. The diplomats make preparation for ministerial meetings of the Council through this opaque and secretive body that is called a 'black box'. Actually, Coreper is a *de facto* decision-making body and thus occupies a very substantial position in the EU's unique version of supranationality (Lewis 1998). The most striking point concerning this body is its dominant, but hidden decision-making authority. The famous A-point procedure designates its influence over the Council's decision-making. A-points are 'Agreed points' over a proposal or a decision taken by the diplomats of Coreper and sent to the ministers en bloc. The ministers pass these A-points without discussion and by some estimates; around 90 percent of Council decisions are taken in that way (Hayes-Renshaw and Wallace 1997:40).

Transparency and openness are usually spoken of together in the EU context; however, these almost synonymous words are not originally entrenched as EU obligations in the founding treaties (Lodge 2003). However, as European integration expanded and deepened more than imagined, and as the rule-making and enforcement power were transferred to the EU level, the need for openness and transparency has become apparent. This was the prerequisite of democratization through public participation and thus was related to emerging European public sphere. The term transparency has, however, several usages denoting some different nuances.

The tactical use of transparency is related to the idea of closeness to citizens through making the EU more accessible and more visible (Schmitter 2000). Transparency, in this sense, refers the accesssion of the individuals and the legislative assemblies, like the European Parliament and national parliaments, to inform the public authorities. As Curtin puts it, it is not directly related, for present purposes, to 'the issue of open government as such, the question of opening up meetings, rule-making proceedings and governmental deliberations to the public' (Curtin 1999). The strategic use of transparency is very associated with the constitutionalization process of the EU, and with democratic governance including normative values and ideals (Schmitter 2000:35). But perhaps most importantly, instrumental usage of transparency in policy-making is of great concern for the current discussion. This is very connected to the efficiency of policy-making and the allocation of financial resources effectively between policy areas. 'In short, transparency means many things to many people' (Lodge 2003).

As it was clearly stated, transparency is an imprecise term, but it opens the way for the expression of political objectives. It increases the quality of citizens as political beings. 'Without effective transparency, political responsibility, political control and the true exercise of political

rights and duties make the democracy inhibited or impaired' (Alston and Weiler 1998). Therefore, increased transparency is vital for a democratic life to survive. In addition to voting, people in democracies can debate and demonstrate their reaction to the government by using a variety of means, from letters to polls to protests. It also deserves mentioning that interest groups and a free press are very influential in creating transparency not only in domestic democratic politics but at the international level. In contemporary political, social and economic life NGOs have emerged to play a positive role in increasing transparency in national and international sphere as well (Nye 2001).

There are more critiques directed towards the Council; one points out the unfair representation of the member states after making the qualified majority voting more common for the EU policies. The decline of the unanimity rule and the rise of majority voting in the Council recalls the risk of a 'tyranny by the majority', as minorities are no longer able to impose their interests in the Council (Zweifel 2002a:14). However, the same claims of unbalanced representation are also heard from the large states as well. They argue, in their case, that although they have much higher populations than the smaller states, they are inadequately represented in the council of the union (Woods 1999).

Weiler emphasizes the significance of the representation problem in the Council because domestic preferences of a member states can reflect the distortion of the enforced policies through a false representation. For example a member state may elect a center right government, but can be governed under center left policies if the majority of the Council is composed of centre left representatives. On the other hand, if the Council is dominated by centre right governments, they can impose rightist policies all over the member states. (Weiler *et al.* 1995).

4. Conclusion

Solutions to remedy the democratic deficits of the Council have internal and external dimensions. The internal dimension relates to intra-institutional relations and to inter-institutional relations, or to an increase in the representative function of the EP. That means that all the legislative proposals should be scrutinized by the elected representatives of people and then would be adopted. If MEPs have the same access to the most up-to-date draft proposals, they would be able to deliberate on them and therefore, the efficiency and effectiveness of the parliament would increase and the openness of process will be ensured (Lodge 2003). The external concerns are related to the accountability of decision-making and persuading the people to this; but this process is beyond direct election of

Parliament and rather depends on the efforts of MEPs and the Commissioners to show that the EU is transparent and open for public accession (Antalovsky *et al.* 1997).

Therefore, it is expected that if the EU becomes more transparent, more visible, and more accessible, the people will have the public interest, knowledge and trust about the EU. Moreover, in my view, this process will increase the benefits of European citizens and provide them with the opportunities created by the integration like the Single Market Programme. EU citizens will thus be more aware of their rights on employment, housing, education and other social rights.

The basic argument of demand for transparency is essentially that all citizens, as democratic citizens, should have the right of knowing what is done for them. Access to information is a fundamental right for citizens because it allows people to learn about their rights in a broader perspective. Public access to official documents enables free and democratic opinion formation; and in that perspective, it allows citizens to form their own opinion about what is being decided upon by the public authorities. In the basic form, in the words of James Madison, it allows people 'to arm themselves with the power knowledge gives' (Curtin 1999). To conclude, transparency with many dimensions of the term, is one of the most vital elements of democracy, not only in terms of public enjoyment of political rights, but also to oblige governing authorities to take the most effective and efficient decisions, and to enforce the most feasible policies for their citizens.

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