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***“The European Parliament and the US Congress - Representative Democracy
in a Comparative Perspective”***

**European Union Studies Association Conference
Understanding Bicameral Systems - the EU and the USA Compared**

5 May 2023, Pittsburgh

I agree with Professor Amie Kreppel and Joseph Dunne that on many accounts the EP resembles the American House of Representatives, that they share a number of core features. The affinity between the two bicameralisms is there, even though the one on the European continent is not yet a formalized federal structure.

I share the view that the comparative federalism approach offers a strong explanatory and change driving power. This is very different from what we often hear from skeptical European thinkers who reduce Europe to a lame duck version of the national political systems or who see the integrated Europe as an international organization and not a political community. Comparing the European Parliament to national parliaments which has always been a preferred option of all those in favor of intergovernmental Europe has never made much sense in the context of its breathtaking evolution.

But let me also say that in my view classifying the European Union as a sui generis product could be seen as an argument delegitimizing the logic of comparing the Union to national systems. Sui generis implies lack of purpose in comparing the Union to national unified jurisdiction, or even in seeing the Union as a simple sum of national jurisdictions. It would then admit that the Union is a supranational jurisdiction with elements of national options and discretions.

However, let me also say that comparing the two systems in a static way, making their photos in the same moment instead of recording a video proving their dynamism and context, does not serve well the purpose.

The American Congress, subjected through its history to various reform efforts, still, compared to the European Parliament, is a well established structure with a long history of consolidation. EP continues to be a work in progress as the entire EU is and will be for a while. I trust that taking into account its impressive evolution adds a relevant added value to this intellectually sophisticated exercise.

I greatly appreciate the idea of bringing us here to enrich the already well established approaches to the comparative federalism with new observations. Let me also say that for us in the EU, federalism encourages recognition of plurality and implies inclusion. It should also facilitate provision of European public good or at least be conducive to their emergence.

In 1979 the enthusiasm for the EP came from the fact that it was directly elected by the people of Europe. Today the scope and scale of expectations have moved up considerably.

I would even take a risk to say that current dream, after the experience of the recent Conference on the Future of Europe, is to strengthen representative democracy by creating a space for the participatory democracy. And this is also work in progress. For many Europeans, European Parliament vested with acute moral and political responsibility needs competences to exercise them. And my assessment is that the EP demonstrates stronger capability than other institutions to grab new initiatives like the one of the Conference. We assert EP's power to ensure that its competences are commensurate with challenges and responsibilities.

We probably all agree that comparing as a method of exploring and understanding the reality is not for its own sake only. And when I put aside my academic hat, then, as a politician, I see that comparing means looking for ways to use somebody else's experience. Then you do not copy paste, you don't even adapt your reality to the one of others. I would say that comparing could be seen as enabling to identify best practices.

When I recall cooperation between Congress and European Parliament over the last twenty - thirty years through TLD, but also in the framework of TPN, and when I take into account challenges the liberal democracies face, I feel tempted to say that this detailed hard look at the comparative federalism can also make us, transatlantic

allies, stronger, allowing to provide more powerful legislation rooted in democratic values and influencing global standards. So yes, as practitioner experiencing Europe from three perspectives - as member of the Council, European Commissioner and Member of European Parliament - I see value added in looking anew at the EU - US comparative federalism in today's geopolitical or even geo strategic global context.

We are living in the world that requires strengthening of liberal democracies, making them resilient and capable of building alliances with like minded partners. It is also becoming more evident that parliamentary democracy can benefit from its bonds with the participatory democracy.

When asked in this context about fundamental differences between the two bicameralisms, and before entering into detail, I would start with the way we, in the EU, see the sovereignty issue. It is still defined at national level in spite of the recent European strategic autonomy philosophy, pushing us toward European sovereignty.

Prevailing national dimension of sovereignty implies as a method of building European democracy a permanent search of compromise between often conflicting national interests. But federal outcome of European democracy can come from the logic of identifying European public good.

As I see this challenge today - we need in our bicameralism this logic of moving toward European public goods. Only then bicameralism can strengthen the federalism without pacifying nationalism based fragmentation of Europe.

It is true that our European federalism is neither complete, nor formalized. But there is a risk that we can have well technically functioning bicameralism leading us toward intergovernmental Europe with mechanism of coordinating national resources.

With lack of political will to move from growing Europeanization of policies toward federal Europe through the change of Treaties, we probably need to accept a large dose of pragmatism. This is not going to be a walk in the park. There are risks pushing us toward fragmented Europe.

Among specific meaningful differences, I would also choose the system of political parties at national and European levels, their diversity, financing of the parties and of elections, electoral laws at national and European levels.

I would probably follow the crowd in mentioning the lack of right of initiative in the EP but I am not a fan of shifting this right from the Commission to the EP and I see challenges in having two institutions with this right; and I would add to this list the type of political bonds between the Commission as the core executive body and EP political structure.

In exploring comparative federalism it is probably useful to remember that the way Union has progressed institutionally over decades was not through announcing its *finalité politique*, territory and institutions wise.

It has been through step by step institutional progress and progressive formalization of its structures. Sometimes through making big leaps but also through stretching out the treaties to achieve goals, through pragmatic approach to its internal structure, through using the inter institutional arrangements, adjusting internal rules of individual institutions to common objectives agreed in institutional cooperation agreements, respecting specificities of European institutions within the framework IIAs, which led to different speed in institutional remodeling.

The EP, due to its internal powers as a consequence of its independence as a directly elected institution and with strong attachment to the independence of the mandate of its members, has proved to be the fastest and most advanced in forward looking and progressing through changes to its internal rules.

The EP has become in this process of change an increasingly complex, meaningful and effective institution, with an enormous power of influencing the policy frameworks, at the level of legislating, scrutinizing and implementing.

And it continues to be a living organism. I would say that under Lisbon Treaty and in the context of subsequent crises, as we normally call any period of major challenges affecting the European Union, the European Parliament, through many internal reforms and new inter institutional arrangements, has been quite efficiently adjusting both to the internal and external challenges.

The jury is still out on what kind of impact this is having on our comparative federalism. But I see moves toward more pragmatic federalism in the EP, through combining check and balances stiff rules with common goals perspective.

In my view, the lack of the right of initiative has been compensated through Parliament's impact on the Commission Working Program, both annual and multiannual, through Inter Institutional Agreements of different types, extremely generous system of permanent dialogues at the plenary and standing committees' level, regularized structural dialogue with the Commission and individual Commissioners, dialogue of the Committees and Plenary with the Presidencies, the right to ask oral and written questions to the Commission and the Council, informal consultations with officials of the Commission, regular inclusion in the Committees' and Plenary agenda of topical discussions with the representatives of the Commission, briefings and debriefings on the progress on individual points from the Commission agenda.

Since previous legislature, heads of states and governments present in the Plenary usually in a lively debate their vision of the future of Europe.

In short, I would say that over the last decade the EP managed to expand unprecedentedly broad and deep exchanges with the Commission, European Council and Presidencies. This is promoting the culture of institutional deliberation and strengthening the EP role as the most federal structure of the European Union.

My feeling is that what used to be a very sensitive issue in the past which was protecting the independence and separation lines between the European institutions, has moved towards more pragmatic approach. There is much more cooperation between them, more informal contacts are used in search of compromise solution.

This cultural shift was most likely boosted by now well-established tradition of IIA and the role of Framework Agreement. IIAs as different as the one on BLM or on transparency register, they introduce common framework within which the institutions' internal specific rules and solutions are applied to deliver on commonly agreed objectives.

That actually means as I said before that we see in addition to strict rules on check and balances also the possibility of adding to them a desire of reaching a common goal. This implies the political will.

The IIAs are fundamental for legislative process which brings together not only legislators but also the Commission as initiator and honest broker in the process. There are also changes to the way the Commission delivers on its task. The three institutions are independent, separated and still each of them benefits from cooperating. The two co legislator see their own independence as fundamental for the stakeholders they represent, still there is awareness of interdependence between the states represented by the council and citizens represented by the Parliament.

So in a way the separate institutions have a common goal, achieving a European public good. This can be a piece of legislation, a reform, an investment, meeting the needs of all European stakeholders.

On the legislative side, the system of informal trilogues deserves a look. It is clearly pragmatic and facilitating successfully a shift toward the culture of consensus seeking. There is also a clear reduction of tension in what was a main battlefield between the Council and the Parliament regarding the choice between the implementing and delegated act at the level two legislation.

This political softening came during the pandemic when it was easier to convince legislators that speed of decisions matters. Hopefully, it will be a permanent change of attitude, facilitated also by seeing the benefits from flexibility introduced to the policies by level two legislation.

Over time I see an increased political propensity not only to have more conversation between the EP and the Commission. I see much stronger openness on the Presidency side to enter into dialogue with rapporteurs still at the stage of building general Council's position before trilogues.

This reflects the concern of legislators about the risk of potential failure in timely finalizing the work on a legislative act. There seems to be a growing respect of shared responsibility.

All these efforts influence the efficiency of democratic process of decision-making, offering an answer to the big dilemma continuously present in the EU regarding the tradeoff between democracy and efficiency. But there is also a growing number of

issues on which we legislate which cross the dividing lines between standing committees, and require cooperation of several committees on equal footing.

This might require a future reform of the rules of procedure on the scope of competences of the committees, which has been delayed to avoid opening a Pandora box (Annex VI).

An important new element with the impact on the efficiency of the work of Committees was already looming on the horizon during the last European elections.

In 2019 we could see across Europe a common substantive agenda with climate and rule of law dominating in all MSs and at the same time new type of membership, more focused on issues requiring more radical reforms and bolder Europeanization of our policy agenda (European demos emerging bottom up). Pandemic increased and improved technical efficiency of our work. Unfortunately, however, pandemic also reduced our chances to build after 2019 elections, very different from those before, a compromise oriented membership, which might have been needed with 60% of the new kids on the block. For a year and a half we did not have meetings in person. More conservative political groups have also embarked on a very controversial habit of flooding their voting lists with key votes, a very divisive tool, contributing to dividing lines within the group. And leading in a growing number of cases to a situation of being outvoted in the Plenary on important issues. I already mentioned a reduced commitment to respect voting discipline within the political group.

I would see it as well as a result of clear domination of some national delegations within the groups and in response growing assertiveness of other national parties. I guess that the elections next year will be a test for the unity of some European political parties.

I have been worrying for some years now that traditionally very powerful standing committees lose their power to political groups. It is linked to weakening voting discipline within political groups, growing number of nationally sensitive issues being subject of legislation (climate, energy, migration) and their diversified impact on national or regional situations. It often leads to intervention by a political group, at coordinators or political leadership level, in reality undermining the position of standing committees. I am concerned that for quite some time the EP is moving in

this direction. With the new topics on our agenda, we start to see new majorities in the EP. As we all know, this is already third legislature without a stable majority provided by the two biggest political groups. There is also a growing internal instability within the political groups, making the internal discipline in voting disappearing.

I think we have a consensus regarding the need of giving a hard look to the way we legislate. I mentioned it when talking about the delegated and implementing acts. Today we can see that the future is more uncertain and less predictable that it used to be. The success of Brussels effect in legislation requires more flexibility in the way the European legislation is structured.

Moving, wherever feasible, away from the very prescriptive legislation toward more principle based approach with flexibility injected by delegating possibilities of evidence based reaction to changing environment to the Commission or supervisors through level two legislation.

We have always insisted that responding to the diversity of 27 member states required a prescriptive approach, but we see benefits of the Anglo-Saxon principle based approach to legislating. I think closer links across the Atlantic and building bridges in our relationship with the UK can lead over time to some modifications in our legislative culture. It could facilitate regulatory cooperation actors the Atlantic and across the Channel.

And the last issue I would want to mention is that Europe neither starts nor ends in Brussels. Europe is a local phenomenon. Political institutions must provide the link across all levels of EU's governance, balancing not only national, regional, stakeholders' interests but also bringing citizens into the system of decision-making. Big chunk of this challenge stays with the EP which since Lisbon Treaty represents citizens of the Union and not people of the member states.

Through the Council we bring states into the decision making process. The big open question is where to put national parliaments. Should they stay at national level or participate in policies requiring at the European level double legitimacy. There is a risk that bringing national parliaments more intensely to the European level will further solidify European.

I feel tempted to conclude my remarks with a comment that our reflection should be future oriented, enabling the transatlantic bicameralism to become fit for the challenging pivot to a very different world.