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The EU's Persistent Problem: The Democratic Deficit, Representational Democracy, and the European Parliament

Master's Thesis

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Abstract

The thesis aims to consider the relationship between the European Parliament and Democracy by asking if giving the European Parliament more power inherently makes the European Union more democratic. By first addressing the role legitimacy plays in international institutions and considering if the EU has a democratic deficit and what it may be perceived as, this paper hopes to answer that question. To test the relationship between the European Parliament and Democracy, a theoretical framework of standards of legitimacy is used to test where the EU is in need of greater representational democracy and therefore greater EP power. In the end, we find that the EU needs more effective representative democracy rather than greater power. Rather it is important to enhance current representation and offer greater avenues of representation, as giving the EP more power does not make the EU inherently more democratic or address the democratic deficit.

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Introduction

The European Union has been plagued by the idea that it is not legitimate enough, there have been constant discussions over its need to be legitimized and how that can be best achieved.¹ The consensus seems to be that one option for greater legitimacy is through increasing the power of the European Parliament as that will increase the legitimacy of the European Union.² This idea is not unique to the EU's situation. Governments seeking legitimacy can utilize direct democracy through the use of referendum as a way to legitimize policy and their power. This struggle for legitimacy begs the question of why is the EU seen as being illegitimate, what are its institutions lacking? Or is it the lack of a European ethos, a historical legacy, that makes some of its citizens question its legitimacy and ability to represent their interests?³ The European Parliament is meant to be a bridge between the EU and its citizens. Yet, there seems to be a disconnect between EU citizens and the EP, as evident from low voter turnout and the lack of interest and understanding in EU policy or what the EP is responsible for.⁴ Representation is key in a democracy and is part of the reason, the EU has been plagued by a democratic deficit. If citizens feel that they lack avenues of representation, that they lack ways to make their voices heard or ways to ensure that stakeholders are accountable, then they will not support the government nor feel that it accurately represents them. Accountability and responsibility are key for citizens when looking to understand their governments, to feel that they are being represented and in feeling that their parliament and its representation of them is legitimate. If citizens

¹ Peter Mair and Jacques Thomassen, *Political Representation and Government in the European Union*. (Journal of European Public Policy: Political Representation and European Union Governance 17 (1): 2010), 20.

² Maurits de Jongh and Tom Theuns, *Democratic Legitimacy, Desirability and Deficit in EU Governance*. (Journal of Contemporary European Research 13(3) :2017), 1285.

³ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011), 8.

⁴ *Ibid.*, 9.

struggle to hold parties accountable or distinguish between who is responsible for policy, they may feel that institutions are undemocratic. This translates to the EU and its perceived democratic deficit, as some of the questions about its legitimacy stem from the lack of understanding that EU citizens have towards its institutions, competence, and its connection to their daily lives⁵. Therefore, it's important to consider where the root of this problem comes from and if the European Parliament as a solution is functioning as intended.

Since the Lisbon Treaty, the European Parliament's power has increased. In many ways, it has been seen as the solution to the legitimacy question, but this thesis will delve into the question what the EU needs to be more legitimate. First, I will delve into literature that considers what is the EU's democratic deficit. By identifying what the key deficits are we can determine what legitimacy means and how we can use theoretical literature to best address it. Through the use of theory, we can distinguish what exactly governments need to be legitimate and where they overlap with the democratic deficit. This theoretical approach will lay the groundwork for the research design, in which representative democracy is taken as the lens through which remedies to the democratic deficit will be assessed. Representative Democracy can lead to further strengthening democracy for the European Union and Parliament through the adoption and strengthening of certain aspects of representative democracy and the enhancement of the current state of representation in the EU. In the Analysis, we will reconsider if giving the European Parliament more power will help make the EU more democratic. I will build upon the ideas set out in the theoretical framework and research design and see what initiatives can be implemented to further Representative Democracy in the EU. This thesis will take on a theoretical assessment of the EU's democratic deficit and the subsequent theory that by enhancing the power of the

⁵ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011), 9.

European Parliament through further integration, the final approval of legislation, and agenda-setting, the European Union will be more democratic. These forms of theoretical questions are important in helping understand democracy, the role popular opinion plays in democratic legitimacy, and what makes an institution legitimate according to its citizens.

Theoretical Framework

The EU's Democratic Deficit

The literature surrounding the EU seems to be agreed on the fact that a democratic deficit is perceived. Moravcsik does not believe that a democratic deficit exists, rather that there is a perceived deficit that has been central to EU politics.⁶ Moravcsik argues that the EU is just a democratic as its member states and its the vagueness of the perceived deficit has popularized it.⁷ Regardless of the existence of a deficit, what is important is the fact that citizens feel it exist and that it has been central to EU studies for over a decade.⁸ This idea of the EU technocracy is enough to hinder further integration and stop the EU from adopting more competencies.⁹ It's also been enough to help in the fueling of mass exit campaigns such as Brexit, where regardless of the truth UK citizens felt strongly enough that the EU had too much power.¹⁰ The EU has even attempted to address the democratic deficit through the EP, first by directly electing the Parliament rather than the nominated assembly as well as increasing their power by making them a co-legislator.¹¹ But, there remains a perceived deficit as scholars argue over solutions and what exactly is the democratic deficit. The EU has introduced numerous reforms to address institutional structures, but they fall short of being actual democratic reforms that fully address the democratic deficit. Throughout the literature, it's clear that the root of the democratic deficit

⁶ Andrew Moravcsik. *The Myth of Europe's 'democratic deficit'*. (Intereconomics 43(6):2008), 331.

⁷ Ibid., 332.

⁸ Alex Warleigh, Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies*, In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 10.

⁹ Ibid., 11.

¹⁰ Emmanouil Mavrozacharakis, Stylianos Ioannis Tzagkarakis, and Apostolos Kamekis. *'Brexit: A Consequence of the European Social and Democratic Deficit'*. (Universtat Kreta, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-51586-8> : 2017), 7.

¹¹ Joseph Lacey and Kalypso Nicolaidis, *Democracy and Disintegration: Does the State of Democracy in the EU put the Integrity of the Union at Risk?* (Cambridge, Cambridge University Press: 2020), 382.

can be condensed into two main ideas, deficits in representation and deficits in understanding. The first deficit, representation, includes many things such as low voter turnout in EU elections, the feeling that many citizens have of not being represented at the EU level and of not having a voice in the decision-making process, as well as the lack of the ability to hold decision-makers accountable.¹² The second deficit, the lack of understanding connects to representation in that it reinforces low levels of voter turnout, as citizens are often confused by the EU, its competences, do not understand how it works, and are therefore unlikely to vote in EU elections or vote in a meaningful way.¹³ A Eurobarometer survey conducted on the European Parliament in 2007 noted that people generally feel that they are not well informed about the EP. People lack knowledge about the way the EP functions including how MEP elections work, the number of MEPs there are, when the next EP election would be held, and what authority MEPs had.¹⁴ In general, this survey found that Europeans were unaware of how the EP makes decisions and their role in EU decision-making, outside of enlargement and their role in the EU budget.¹⁵ This lack of understanding is reinforced by the lack of perceived transparency within EU institutions as well as the inability to not hold people accountable due to the fact they can't distinguish who is making policy decisions. It is clearly stated in Catherine De Vries benchmark theory of public opinion, which suggests that there is an intrinsic link between how people see themselves within the EU and their national conditions. Citizens have difficulty distinguishing themselves and their own experiences and perceptions from the EU, therefore they conflate their opinions and national

¹² Alex Warleigh, Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies*, In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 10.

¹³ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011) 9.

¹⁴ European Commission and European Parliament. *Special Eurobarometer 288/Wave 68.1*. (Brussels, 2007-2008), 28.

¹⁵ Ibid.

economic and political context with the EU. This is furthered illustrated when EU voters use EU elections as a way to comment on national politics.¹⁶ These two major deficits are cultivated by other grievances EU citizens have, creating a situation in which voters are feeling underrepresented by the EU and do not know how to fix the situation, as they don't understand who is making decisions, what policies they are voting for and who is responsible for what within the EU and within the national context. Warleigh states that the EU's principle obstacles are deficits in legitimacy and participation.¹⁷ These have led the EU to be unpopular for three main reasons. The first being that people do not think the Union's current competencies are ones it should have. Citizens feel that they are not active participants in the decision-making process because efforts made by the EU are mainly symbolic. Finally, the EU is an example of post-parliamentary governance, therefore it suffers from criticisms that tend to be disproportionate but are also common across member states. This last problem is somewhat positive in the fact that it gives hope that a universal solution is possible as well as the fact that these systemic problems are disproportionate which means that solutions can be possible without a complete overhaul of the current system. Warleigh states that the EU's democratic deficit refers specifically to the EU's non-standard parties and institutions of decision-making including its inability to generate a demos with a sense of shared interests or one that shifts its loyalties from member states to the EU.¹⁸ This has to do with differences in what a formal democracy does and what occurs in the EU. While member states have collective control of the decision-making process and treaty change, they cannot use the EU to achieve their preferred policy outcomes unless they are

¹⁶ Catherine E De Vries, *Euro-scepticism and the Future of European Integration*. (Oxford: Oxford University Press: 2018), 5.

¹⁷ Alex Warleigh, Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies*, In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 10.

¹⁸ *Ibid.*, 12.

willing to compromise or through a significant cost. Member States have given some of their independence to the EU to secure objectives in state-building and policymaking which allows for some concessions to reach favorable policy outcomes. This has caused problems in legitimacy since other non-governmental actors may have a say in the EU decision-making process. By allowing other actors to influence policy-making, the EU can no longer rely on member governments for legitimacy.¹⁹ Citizens cannot rely on their national governments to ensure policy outcomes they want due to the QMV process, further complicating the issue.²⁰ When it comes to solving the democratic deficit, rather than reforming the Council to increase democratic credentials, national governments have chosen to scapegoat the Commission. This is furthered by the fact that there is no single decision-making authority that can be held accountable for EU decision-making by citizens. The lack of a clear separation of power makes it difficult for citizens to identify between national and European tiers leading to identification and accountability confusion. The blurring of functions of governance leads to a reliance on informal use of power through comitology.²¹ This makes it difficult for citizens to identify rival parties or governments. In the case of the EU, the Commission is usually identified as the executive authority, but in reality, decision-making tends to need policy coalitions. These coalitions are usually issue-specific groupings made through networking, which makes it difficult for citizens on the outside to differentiate who has contributed to the process or result. In the end, transparency in the process is low, making accountability more difficult. Warleigh finds that through the lens of formal democracy the EU system is inadequate.

¹⁹ Sarah B. Hobolt and Catherine E. de Vries. *Public Support for European Integration*. (Annual Review of Political Science 19(1): 2016), 416.

²⁰ Alex Warleigh. Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies*, In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 14.

²¹ *Ibid.*

The unclear separation of power and the complicated decision-making process makes the entire system opaque and accountability difficult to establish.²² This has intensified the democratic deficit in the EU as citizens are unable to find their place in the system or interpret how the system works. This problem is heightened by the difficulty of creating a European identity which is necessary to move citizens away from just the economic benefits of membership towards the creation and defense of common interests. This means instilling in citizens that there are not only economic benefits to integration, many of which have become somewhat commonplace, but also a European demos that they are a part of.²³ This would require the need to adopt a different rationale for the EU integration project so that citizens can build stronger connections to EU institutions. Currently, citizens in the EU tend to emphasize their diversity and national identities, rather than what they have common.²⁴ They see themselves first through their national identity and then European, this makes it increasingly difficult to establish a European demos. This is not to say that citizens should not have a national identity but for a supranational organization to function effectively, citizens need to remove themselves from their national context and strive for the collective good. By identifying through nationality first they differentiate themselves from each other, looking at differences rather than commonality first. Therefore, when looking at EU politics and institutions they tend to gravitate towards national policy and preferences instead of EU initiatives. This is further exacerbated by the lack of a common “other”, which would help EU citizens to identify against. For some Europeans, the other can be seen as Russia or China or the U.S., but by not having a singular other that is common across member states at least as the top priority for all you get various policy positions

²² Ibid.

²³ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011) 10.

²⁴ Ibid.

and disunity. Citizens can't rally together because they have different interests and instead of a common EU group, it's more likely to see regional or historical groups with a shared other such as the Visegrad States who rally behind similar policies and support each other in the EU.

Warleigh is not trying to state that diversity is bad or diversity in unity is bad, but instead notes that it should be harnessed to create a form of social communication in which within all the diversity there is still a unifying thread or identity.²⁵ Chrysochoou builds on this by stating that without an identity to rely on, there needs to be a process in which EU citizens are encouraged to participate actively in the integration process. This would then help create a politically defined demos in which EU citizens feel actively connected to civic identity. By engaging citizens actively through citizenship practice, they can help shape the policy process and what it produces. Therefore, generating a sense of shared interests that can be furthered and entrenched via structures of the EU. The onus of this falls on the EU which must create structures in which EU citizens can be socialized through so that they can identify with the EU and deem it legitimate.²⁶ When considering the democratic deficit in the EU, the most consistent approach is that of ensuring that citizens participate sufficiently and effectively. The need for citizens to participate and ensure democratic controls has been repeated throughout the literature. de Jongh and Theuns further elaborate on how to address these concerns in their literature discussing the democratic deficit.

de Jongh and Theuns state that there are two important concerns when addressing the democratic deficit. They agree with Warleigh that one is the lack of sufficient citizens participants, but the other is the lack of sufficient democratic controls. They go on to highlight

²⁵ Alex Warleigh. Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies* In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 16.

²⁶ *Ibid.*, 17.

proposals to address the concern the first being the low levels of participation in EP elections and the latter being introducing the direct election of the EC president.²⁷ By allowing for the direct election of the EC president, de Jongh and Theuns argue that it will help reinforce the EC's mandate and accountability. Although the focus here is on voter turnout, the idea is still that of participation and civic duty. If citizens feel their votes matter and that they have a direct effect on the EU, they are more likely to feel attached and responsible for EU policy and policy outcomes. Some literature places the burden of representation on EU institutions and the lack of access citizens have to them. Other literature considers the role that political parties play in political representation and government.

Peter Mair and Jacques Thomassen believe that traditional systems of party government at the national level are no longer effective or a legitimate system of representative government. In contemporary democracy, they lack the functions of representation and executive control on the EU level, which are necessary to connect accountability and governance. This means that parties cannot represent the will of the citizens in Europe. Literature tends to agree that European political parties are not competing for votes based on European issues, but rather elections are closely tied to national political party preferences.²⁸ Mair and Thomassen recognize that political parties are not working as intended on the European level, therefore they feel that introducing them on the European level would be counterproductive. Especially as they do not appear to serve as effective instruments of political representation. Rather the focus should be on creating representative democracy. By separating the link between electoral democracy and party

²⁷ Maurits de Jongh and Tom Theuns, *Democratic Legitimacy, Desirability and Deficit in EU Governance*. (Journal of Contemporary European Research 13(3) :2017), 1285.

²⁸ Peter Mair and Jacques Thomassen, *Political Representation and Government in the European Union*. (Journal of European Public Policy: Political Representation and European Union Governance 17 (1): 2010), 21.

democracy, the EU can rely on direct democratic procedures. Citizens need to be able to elect officials which they can then hold accountable through elections. The current party system in the EU has left a deficit in which parties are not able to hold top officials accountable. Mair and Thomassen believe this is because of how parties work in the national context have not translated to the EU context. Systems and conditions have changed, parties are used to playing both roles to be legitimized. But in the EU, they are only playing one role. Mair and Thomassen lay out three main factors in where traditional systems of party government are no longer working.²⁹ The first is the shift parties have had away from private voluntary associations, which were rooted in civil society, into public service agencies. Parties are used to being legitimized by their histories and relationships to civil society, this has changed as they have become disconnected from civil society and popular representation. The second factor is that parties have moved into attracting larger electorates so that historically strong constraints placed on home electoral constituencies and party members no longer matter as they once did. Leaders can be more flexible, but at the same time, this further disconnects them from civil society, while weakening their representative capacity. Parties are no longer representative of a singular group or message; they are choosing to dilute the message to encompass more people. Finally, there is tension between efficient government and representative government. With increasing modernization and fragmentation, parties find it increasingly difficult to establish a mandate. Their actions are limited by complex legislative structures and commitments to international organizations, forcing them to dilute their connection with civil society to remain in power.³⁰ These factors are represented in the national context which then infiltrates into the EU context. Parties at the EU level do not govern, at least not in the traditional sense, therefore they should have more capacity to represent effectively.

²⁹ Ibid., 24.

³⁰ Ibid., 25.

They should be able to bypass certain concerns to broaden their appeal to achieve a mandate. By creating a wedge between governance and representation, parties should be better equipped to provide effective representation than seen on the national level. Mair and Thomassen hypothesize that the absence of party government may in the end enhance representative democracy at the EU level.³¹

Mair and Thomassen go on to consider political representation at the EU level and whether political parties have been able to connect EU citizens with the policy process and policy preferences. They find that EU elections are not connecting citizens to policy preferences or the policy process. Therefore, citizens are not connected to the European Parliament or public policy. They highlight two factors that contribute to the failure to connect citizens with the EU. The first is that national elections are generally considered to be more important than EU elections. This factor is not new and has been known to contribute to the power of political parties in the national context. If citizens consider national elections more important than EU elections they will not try to learn about EU policy practices or the process and may instead choose to use the EU elections as a way to showcase their public opinion of national politics if they chose to participate at all.³² The second factor is that political parties on the EU level are not organized around EU integration issues. EU integration is a very salient issue, citizens tend to have opinions on EU integration and concerns as to what EU integration should look like in the future. Citizens need their representation to be tied to decision-making processes, in the EU these issues tend to be addressed on the intergovernmental level instead. There needs to be a change in representation to best address citizens and their concerns. Traditionally, representation has

³¹ Peter Mair and Jacques Thomassen, *Political Representation and Government in the European Union*. (Journal of European Public Policy: Political Representation and European Union Governance 17 (1): 2010), 26.

³² *Ibid.*, 28.

involved three actors: those who represent, those are being represented and those whom the representation is for, i.e. the government. Party government has fused those who represent and those whom the representation is for into one category which can confuse citizens who cannot distinguish them. Citizens need to understand who is representing them to their representatives to enhance accountability and transparency. If citizens don't understand who represents them, they feel excluded. The exclusion of citizens may move them towards populist tendencies.³³

Therefore it's important to address representative democracy in the EU system, as it can help fill the democratic deficit. In general, democratic deficit literature points to the lack of representation of the EU citizen, the need to incorporate them into policymaking, and the policy process.

Representative democracy could be useful in filling the gaps and make citizens feel closer to the EU.

Definitions of Legitimacy

Legitimacy means different things to different people, especially when considering governance and what a legitimate government looks like. Citizens may expect different things from their governments and legitimacy can take different forms to them. Theorists have tried to define legitimacy and while these definitions matter, it's also important to consider how citizens perceive legitimacy and how they define it within their own contexts. This is because even if a government fits the traditional definition of legitimacy, its citizens may expect more or feel that they are not legitimate enough. Thomas Christiano writes that an institution has legitimacy when it has the morally binding right to rule over a certain set of issues. Legitimacy usually has three main conceptions which depend on the process in which the outcomes they make come from. The legitimacy that is an outcome of an authoritative decision process will depend on the quality

³³ Ibid., 30.

of the outcomes. When the process of an outcome is authoritative the legitimacy will be based on the consent of its members. An institution that is grounded in the liberal democratic processes of decision making will obtain legitimacy through the use of the liberal democratic process.³⁴ Democracy usually confers legitimacy by treating all participants as equals, as long as the outcome follows some minimal standards of justice. In the case of the EU, it most closely fits the last concept in which it should use the liberal democratic process to legitimize itself. The problem, as seen through the democratic deficit is that citizens are confused by the liberal democratic process which takes place.³⁵ Therefore, the process of decision making cannot be legitimized by that alone.

Robert Keohane finds that a global public is needed when trying to obtain legitimacy for international institutions. He considers the relationship between legitimacy and international institutions, looking to the liberal democratic theory as a reason for why international institutions are unable to meet the threshold of legitimacy. He begins by establishing the normative and sociological definitions of legitimacy. The normative definition states that when an institution has legitimacy it has the right to rule. The sociological definition states that when an institution has legitimacy it is widely considered to have the right to rule.³⁶ The difference is having the right versus the idea of having the right. In the case of the EU, the global public does not have a consensus on whether the EU has the right to rule and what it has the right to rule on. This is in part due to the complicated nature of the EU's decision-making process in which citizens are unclear about who makes what decisions, but also what power they have consented to give to the

³⁴ Thomas Christiano. *Is democratic legitimacy possible for international institutions?*, (Cambridge: Cambridge University Press: 2011), 69.

³⁵ Sarah B. Hobolt and Catherine E. de Vries, *Public Support for European Integration*. (Annual Review of Political Science 19(1): 2016), 416.

³⁶ Robert O Keohane. *Global Governance and Legitimacy*. (Review of International Political Economy 18 (1): 2011), 99.

EU. This needs to be further addressed by the EU decision-making process and what role the Commission, EP, and Council play as well as what role citizens feel they should play.³⁷

David Robertson takes the normative definition one step further by defining it also as an empirical concept. So while in the normative definition asks whether a state or government has the right to rule, the empirical definition considers how a governing system has obtained from its citizens the right to require obedience.³⁸ The normative theory believes that there are three fundamental principles of democracy, that are necessary to achieve institutional legitimacy. These three fundamental principles include inalienable human rights, the freedom to make decisions for oneself as long as your actions do not improperly interfere with the lives of others, and having an equal voice over how one is governed.³⁹ Therefore, institutions of governance must limit the potential for abuse of power, by using checks and balances as well as accountability. These definitions of legitimacy do not all address the democratic deficits that exist within the EU. Whilst helpful, they only target certain aspects of legitimacy and can only help address certain parts of the democratic deficits. Instead, they do a good job of highlighting traditional ways to achieve legitimacy and where the EU is falling short, in this case, it is determining not only their right to rule but also in the relationship they have with citizens. Therefore, in order to address the democratic deficit, we need to consider legitimacy in a variety of ways.

³⁷ Alex Warleigh, Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies*, In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 14.

³⁸ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011), 4.

³⁹ Robert O Keohane. *Global Governance and Legitimacy*. (Review of International Political Economy 18 (1): 2011), 100.

Standards of Legitimacy

Robert Keohane considers the relationship between global governance and legitimacy, by proposing general standards that institutions can use for legitimacy. Keohane notes that legitimacy is not the same as justice, therefore when considering if international institutions are legitimate, there is a threshold value through which to view institutions. Legitimacy is a matter of degree, institutions should be viewed by how far above or how far below they fall on the threshold of legitimacy. Keohane lays out six criteria in which to examine where on the spectrum of legitimacy an institution may fall under.⁴⁰ These criteria with the exception for the first are key to the rest of this thesis, they will first layout standards to which we can hold the EU to and later we can use them in the case study on representational democracy as standards that the EU can strive towards. The first criterion is minimum moral acceptability, which states that institutions may not commit serious injustices. They are accountable for maintaining the right to physical security, liberty, and subsistence for their citizens.⁴¹ The second criterion is inclusiveness, institutions need to be open to anyone willing to participate in obtaining the goals established by the institutions. That is not to say that everyone has an equal voice, but rather it is meant to protect citizens from being arbitrarily excluded from participation in discussions about global governance.⁴² The third criterion depends on an institution's epistemic quality which considers an institution's integrity and transparency. This means that an institution can't base its beliefs on ideas that are proven false, that distort the truth, or that counter the goals they have set in their institutions. For institutions to achieve legitimacy under this criterion they must be

⁴⁰ Robert O Keohane. *Global Governance and Legitimacy*. (Review of International Political Economy 18 (1): 2011), 101.

⁴¹ Ibid.

⁴² Ibid.

transparent.⁴³ The fourth criterion is accountability, which has three elements that an institution must achieve. The first element is that there are standards for which those who are held accountable are expected to meet. There needs to be information available to accountability-holders, which they can then apply to the standards in question to the performance of those who are held to account. The last element is that accountability-holders have to have the ability to impose sanctions, this gives them the power to attach costs to those who fail to meet the standards that they are accountable for.⁴⁴ Accountability helps institutions meet the minimum moral acceptability necessary for the general public to view them as legitimate. The fifth criterion is how compatible institutions are with democratic governance within countries. These institutions should help enhance democracy in the countries they are working with. Institutions can enhance democracy in three ways, the first of which is that they can make it more difficult for special interests to operate. They can also help in the protection of minorities and individual rights.⁴⁵ Finally, international institutions can help foster a collective deliberation by making discussions more open than when they only take place within the national context. Although international institutions can help enhance democracy, one should be cautious because they can also do the opposite. The last criterion is that of comparative benefits, in which institutions must prove that they produce results that are better for the nation than the status quo or that any alternative institutional arrangement could ensure. This can be quantified through substantive benefits such as security, welfare, or ecological quality. But, it can also be quantified through procedural benefits such as the ability to work with people from diverse societies, the ability for nations to solve problems cooperatively rather than through the use of coercion and the ability to

⁴³ Ibid., 102.

⁴⁴ Ibid.

⁴⁵ Robert O Keohane. *Global Governance and Legitimacy*. (Review of International Political Economy 18 (1): 2011), 102.

create opportunities.⁴⁶ The legitimacy will be questioned more if there is an institutional alternative, especially if it provides more benefits and if the alternative institution is more accessible with fewer transaction costs and also meets the minimal moral acceptability criteria. Keohane uses these criteria to test if the UN and WHO are achieving some sort of legitimacy, as he stated before the criteria for legitimacy is a degree, rather than a checklist.⁴⁷ This theory would be interesting to consider when looking at the EU and where on the spectrum of legitimacy it falls. The problem with legitimacy is that it relies heavily on perception and the relationship between people and the international institution. This is important because perception is not the same as reality, therefore, citizens may feel that the EU is not transparent or not legitimate without actually examining if this is true, the perception that it is not transparent is enough for me to feel that a change is necessary. This perception will be important in deciding what kind of changes are necessary to make the EU be perceived as more democratic.

When considering the specific criteria for legitimacy in the context of the European Union, it becomes clear that even when looking at the EU on a spectrum of legitimacy it still appears to lack severely. Minimum moral acceptability is not necessarily a criterion that the European Union fails at, it actively tries to ensure basic human rights especially through the use and creation of the European Court of Justice, the Common Security and Defense Policy and through the creation of EU rights that ensure basic liberties and human rights. Inclusiveness, on the other hand, is much more difficult for the EU to achieve especially when considering how people perceive their connection to EU institutions. People may perceive that their lack of inclusion is due to arbitrary rules or barriers, but also historically it has been difficult to include citizens into the EU in a meaningful way. This has led to campaigns such as “this time I’m

⁴⁶ Ibid.

⁴⁷ Ibid., 103.

voting” for the EP elections in 2019, the creation of the European Citizens Initiative and it may be the reason there has been an increased push for the European Parliament to receive more power in the EU decision-making process. These initiatives have showcased the difficulty in trying to incorporate citizens more meaningfully. Part of the struggle stems from the fact there are just too many citizens who are not voting; therefore, they are not utilizing their main access to the EU. Another is that fact citizens are having trouble understanding the EU, which not only affects voter turnout but also affects other avenues of representation such as the European Citizens Initiative. The European Citizens Initiative is essentially a petition created by European citizens to the Commission to request that they fix an existing legal act, or ask that they create a new law or get rid of existing law.⁴⁸ The initiative has to meet four elements before it can be submitted the first being that every signatory is a European citizen, the initiative must have 1 million signatures, and the signatories must represent a significant number of member states.⁴⁹ A significant number of member states has been quantified to mean that at least seven EU member states must be represented in the signatories. Finally, the initiative has 12 months to collect signatures. Currently, there have only been 5 successful initiatives registered from the 74 initiatives registered to the EC.⁵⁰ The biggest problem that occurs with unsuccessful ECIs is that initiatives are made that are out of the scope of the Commission’s powers. If the initiative does not fall within the scope of the Commission’s competencies, they cannot act upon the initiative regardless of its content.⁵¹ This illustrates the fact that EU citizens have trouble understanding the EU and its competencies. The next criterion is that of institutional integrity and transparency,

⁴⁸ Andreas Auer. *European Citizens’ Initiative*. (In: European Constitutional Law Review 1(1): 2005), 82.

⁴⁹ Ibid, 81.

⁵⁰ Europa.eu. *Home | European Citizens’ Initiative - Portal*. ([online] Available at: <https://europa.eu/citizens-initiative/home_en> [Accessed 2 July 2020].)

⁵¹ Andreas Auer. *European Citizens’ Initiative*. (In: European Constitutional Law Review 1(1): 2005), 82.

EU institutions are often cited as not being transparent because decision-making is opaque and technocratic.⁵² The EU has attempted to address this with an Ombudsman and checks and balances, but the main problem here lays with the fact that decision-making through procedures like comitology make accountability even harder to distinguish. There is also a problem due to citizens perceiving a lack of transparency, due to the complicated relationship between EU institutions and national governments. If people do not comprehend how EU institutions work, then transparency does not matter to the extent that they won't understand measures taken to be transparent and where to find the information they require. This notion goes with the criteria of accountability as well, citizens have a tough time distinguishing accountability within the EU institutions as they do not understand how the institutions function and their respective roles. This makes accountability very difficult to attribute as well as the standards which should be met by each institution. The difficulty citizens face when attributing accountability also makes it difficult to hold those accountable when necessary to impose sanctions or attach costs to failures. This may be further exacerbated by national governments who assign blame of failures to the EU and successes to themselves, irrespective of the truth.⁵³ The next criterion is whether the EU is compatible with democratic governance and if it helps enhance democracy. This is a difficult criterion for the EU to meet, but not from a lack of trying. The EU has introduced criteria for membership that includes the protection of democratic values and democracy, for many new members, this has meant creating and protecting democratic institutions. There has also been a struggle to keep the rule of law within existing members such as Poland and Hungary, who have had trouble maintaining democratic ideals. The EU has tried through sanctions and formal legal

⁵² Adam Cygan. *Accountability, Parliamentarism and Transparency in the EU: The Role of National Parliaments*. (Cheltenham, Gloucestershire: Edward Elgar Publishing Limited: 2013), 11.

⁵³ Gijs Jan Brandsma and Carolyn Moser. *Accountability in a multi-jurisdictional order*. (Cheltenham, UK: Edward Elgar Publishing: 2020), 75.

proceedings to hold member states accountable for their actions, but so far this has not led to tangible results. Therefore, this criteria is hard to evaluate because if we consider intentions and history, the EU has worked to be compatible with democratic governance and to enhance democracy through membership criteria, but recent trends have shown that the EU doesn't have the power to stop member states who move towards undemocratic trends. The final criterion is that of comparative benefits, one that the European Union would have easily met during its inception and early years. But, as time passes and people become used to the benefits that exist, they forget or do not know what it was like before. It has been about 70 years since the EU in its first form has existed, meaning many do not remember or know of what life was like before it. This means that the benefits that were once novel are now expected, making it difficult for people to attribute the benefits of membership to the EU. These criteria help consider what an institution can do to achieve legitimacy, but there are problems with perception. Many of these criteria depend heavily on how citizens receive the international institution and how they perceive if these criteria are met. Perception is extremely important because citizens are the biggest stakeholders and are the ones that need to feel that international institutions are legitimate for international institutions to work. To achieve legitimacy then, the EU must address the democratic deficit that exists and how citizens perceive it. That means giving citizens an avenue to express themselves in ways that make it feel to them that they are being heard and their grievances are being addressed. By considering the democratic deficit first, we can address in what ways EU citizens feel the EU and its institutions are lacking. We can gather where the problem lies to best solve it and put forth a form of democracy that would best address this. Solving the democratic deficit requires us first to see what it is and why it exists so that we know the best way forward.

Crum and Fossum introduced a multi-level parliamentary field as a function in which they can chart how the EP and national parliaments can and do work together in the EU.⁵⁴ The purpose of the multi-level parliamentary field is to consolidate the two channels of representation in the EU. The EP has been trying to consolidate its power for a long time, especially as national parliaments have lost power in the realm of EU Affairs. As EU competencies grew, national governments and parliaments were pushed out and the EP was used to fill the void left by them. The lack of input from national governments and parliaments allowed for a legitimacy gap to grow. National governments were not too keen on being replaced by the European Parliament, so they had started to implement structural protections to their power. Two examples of this are the Protocol on National Parliaments in the 1997 Treaty of Amsterdam and Article 8C of the Treaty of Lisbon which has set up an early warning mechanism in case of future subsidiary infringements.⁵⁵ Therefore, it's important to consider a structure in which both the EP and national parliaments can represent their citizens to the EU in an effective and complementary manner, especially as neither is going to relinquish their power. By creating a multi-level Parliamentary Field, Crum and Fossum are hoping to layout a structure where they can establish how authority within the EU is distributed as well as help to clarify the quality and character of EU democracy. To create this structure, they need to map the nature of inter-parliamentary interaction in the EU. They categorize these interactions as formal mechanisms and informal structures.⁵⁶ Formal mechanisms include horizontal interactions such as those among national parliaments and vertical interactions such as those among the European Parliament and national parliaments. These interactions can include formal procedures for consultations, exchanges of

⁵⁴ Crum, Ben and J. Fossum. *The Multilevel Parliamentary Field: A Framework for Theorizing Representative Democracy in the EU*. (European Political Science Review 1 (2): 2009), 250.

⁵⁵ *Ibid.*, 252.

⁵⁶ *Ibid.*, 261.

information, personnel, and resources as well as establishing responsibility. Informal structures include political parties in which members are part of and interact within, these may be more common than formal interactions as well as more effective.⁵⁷ Another variable that is important for the multilevel parliamentary field is constitutive units that consider different variations in how the EP and national parliaments may interact. It's important to consider whether they reinforce one another or if they operate as competitors. This can be determined by how strong national parliaments are and if they have power in their national context because the more power they have the less prominent they are in the EU.⁵⁸ The same can be said the other way around. These power differentials are important to consider because they shape the relationship between the EP and national parliaments. These characteristics amongst other help shape the multilevel parliamentary field. The purpose of this tool is to help determine which democratic standards can be used in the EU and how to best apply them. While they can not necessarily replace a global legislature they can help address certain needs that a global legislature would fill.

⁵⁷ Ibid., 262.

⁵⁸ Ibid., 263.

Research Design

Research Design

This thesis aims to tackle questions on the EU's legitimacy and if giving the European Parliament more power will make it more democratic. We first considered the basics of the perceived democratic deficit, which has laid the foundation on what issues of legitimacy exists and need to be addressed. We then considered theory and how other theorists have attempted to help international institutions and governments achieve legitimacy. By first considering the democratic deficit, we can consider which theories can better address the deficit. We will consider five of Keohane's Standards of legitimacy in terms of Representative Democracy to test what aspects of Representative Democracy should be implemented further to address the EU's democratic deficit. These aspects include Inclusiveness, Epistemic Quality, Accountability, Compatibility with Democracy, and Comparative Benefits. By addressing these five aspects we can further consider the relationship between representation and legitimacy within the EU and help determine what kinds of changes and initiatives can be used to address these deficits. These deficits have been chosen due to their prominence in EU democratic deficit literature and the role they play in EU citizens' perceptions of the EU and its connection to legitimacy. By considering the literature on the deficit and what scholars and EU citizens are saying, we can further discuss the role of representative democracy in a way that addresses the actual concerns of citizens. We will first consider representative democracy as a case study to help determine which representative deficits exist within the EU. This will allow us in the analysis to determine in what ways Keohane's five standards are not being met and how they can be better achieved through the adoption of aspects of representative democracy. The EU has certain features that make it more difficult for citizens to differentiate from where individual politicians and parties come

from and whom they can hold accountable. These factors include the predominance of domestic issues and political parties, the EU's multilevel nature, and the legislative proposals that come from the Commission which are subject to co-decision by the Council and EP. By implementing these changes, we can help address the democratic deficits laid out before as well as concerns towards elitist and populist deficits that can arise from representational democracy.

Case Study: Representative Democracy

Representative Democracy is a democracy in which voter elected representatives pass legislation and act as the executive over the citizens.⁵⁹ In the EU case, there are bits of representative democracy in place throughout the European Parliament and the Council. But, the problem with representative democracy in the EU is that the Commission is not directly elected, making the decision making far from the voters. Therefore, it is clear that there are representation deficits that help to exacerbate the democratic deficit. So, to solve this democratic deficit, one must look at representative democracy as a solution. Rousseau defines representation as being intrinsically elitist because it favors collective decision making which displaces the involvement of citizens. Therefore, modern forms of representation in itself create a democratic deficit. This leads to an inherent tradeoff between democracy and representation that only grows stronger the larger the constituency, so there needs to be a way to adapt modern democracy to enhance representation.⁶⁰ Hobson and Rokkan see the linkage between representation and democracy as contingent on certain developments, the most notable being the gradual emergence of a nation-state that is territorially confined and has a competitive party system. These ideas make it difficult for representative democracy to naturally occur in the EU system. The standard

⁵⁹ Richard Bellamy and S. Kröger. *Representation Deficits and Surpluses in EU Policy-Making*. (Journal of European Integration: Representation and Democracy in the EU: Does One Come at the Expense of the Other? 35 (5): 2013), 478.

⁶⁰ Ibid.

model of representative democracy stems from the American and French revolutions. These models have entrenched democratic credentials of representatives through the electoral mechanism that gives them authority and holds them accountable. Direct democracy has been adapted to accommodate the size and complexity of modern politics as well as the creation of the professionalism of politicians. This created a division of labor in which there were rulers and those who were ruled over, who benefited from the expertise of the rulers. But these models have an intrinsic representation deficit that needs to be addressed.⁶¹ The first is an elitist deficit in which popular views are underrepresented because elites either only represent their interests or only represent the interests of a small group in their constituency which is highly influential. This is seen through the creation of a class that is only concerned with power and holding office, commonly known as a career politician. They are often susceptible to capture by special interest groups who have disproportionate influence and lobbying power. The second deficit is a populist deficit as named by Kroger and Bellamy, where unpopular views of a minority group or experts are underrepresented to appease the majority. Representatives are more inclined to listen to only the majority and to ignore or engage negatively with populist ideas.⁶² Both of these failures stem from representatives who fail to represent their political community as a whole. They are either creating a democratic deficit by failing to adequately represent the majority or a democratic surplus by over-representing the majority. Implementing representative democracy in the EU means addressing concerns over creating either elitist or populist deficit or seeing if it exists within the EU as well as examining the current model of representative democracy and noting what about it is not working.

⁶¹ Ibid., 478.

⁶² Ibid., 479.

Currently, two channels of representation in the EU, include the European Parliament and National Parliaments & Governments. The problem is that these two channels do not work together to reinforce representative democracy. They do not act together or cohesively to help citizens understand their role in the EU and how they can work to better represent them. Citizens need an institutional function in which they can distinguish how the EP and their national parliaments and governments relate to one another and how to best utilize them. When voting for EP elections, citizens are not understanding their role of an MEP in the policymaking process and how they relate to the overall structure of the EU.⁶³ Therefore, it's key when implementing representative democracy further in the EU, that changes are made that help to better distinguish the roles of MEP as well as connecting them institutionally to the agenda-setting so that voters can hold them accountable and use their vote to influence the policy and agenda of the EU. The EP is missing certain critical aspects that would allow it to better represent its people such as a proper budget, executive control over legislation, or followers, therefore some form of a transformation is needed for it to be effective. Some of these aspects are obvious, such as the fact that the EP does not have the financial and bureaucratic resources necessary for leaders to be effective. Executives can manage policy through certain institutional structures that the EP doesn't have, especially considering the EP cannot create legislation without the approval of the Commission and Council. Executives are also better at attracting voters through their parties and charisma, which has yet to be replicated in the EP.⁶⁴ This is not to say that the EP does not help shape policy, rather it's important to note that the EP has helped shape individual policy as well as been involved in agenda-setting in the Commission, but they lack the power to do so alone.

⁶³ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011) 9.

⁶⁴ Michael Shackleton. *Transforming Representative Democracy in the EU? the Role of the European Parliament*. (Journal of European Integration: Political Leadership in the EU 39 (2): 2017), 192.

It's important to note that the EP has been at the forefront of representative democracy in the EU. The European Parliament has had a history of working towards representative democratic starting with strengthening its role in the Ordinary Legislative Procedure where it was able to create a space for itself as legitimating the EU.⁶⁵ This is something they have been working on for some time, starting with the Furler Report in 1963 after the Treaty of Rome.⁶⁶ The EP argues that they should hold the power to accept the final version of the budget, ratify international agreements, approve legislation and help chose the Commission President from a list of names give to the parliament. These powers are not different from the classical powers usually held by parliaments and are not too far from certain powers the EP currently has, but this took years to be accepted. The EP had to fight for these powers, as the Commission and national governments were unwilling to give them up. Policy integration was key in giving the EP more powers and restructuring the distribution of power in the EU. As policy integration grew so did a legitimacy deficit, as the EU took power from national parliaments there needed to be an alternative institution that would represent citizens within it. The EP was there to fill that void, as you couldn't rely on national governments to represent citizens over policy issues and decision making that fell under the sole competence of the Commission. Even though it was clear that the Parliament needed to be involved more deeply to address legitimacy concerns, the Commission still retained the power to oversee and set the agenda of the EU.⁶⁷ This has been a constant problem with the EP and the EU. It's clear that representation is necessary especially as the EU further integrates and seeks to expand its competencies, but institutions such as the Commission and Council are unwilling to give up said power. The European Parliament needs to be further

⁶⁵ Ibid., 193.

⁶⁶ Ibid., 194.

⁶⁷ Ibid., 195.

integrated into the decision-making process or else, the democratic deficits it is meant to address still exist as the gap between citizens and institutions grows larger. Steps such as the Spitzenkandidat process, campaigns to increase EP voter turnout, or the Furler report has tried to develop the European Parliament's representational deficit, but so far they have yet to be consistent or lasting.

Discussion

Implementing Representative Democracy in the EU

Inclusiveness as a standard requires that anyone who wants to participate in the EU can as long as they do not try to inhibit the goals of the EU. Therefore, citizens should not be arbitrarily excluded from participating in discussions or having their voices heard. One option for ensuring inclusiveness is through forms of direct democracy including referendums and citizen juries, where citizens who are randomly selected are given the chance to collectively decide or give policy recommendations on policy issues through negotiations. These citizens on juries are informed on the issue before coming to a decision or recommendation. Referendums can be contentious and when the outcome is not one that politicians expect or need for their political goals can lead to the undermining of results. This can be seen in the depoliticization of the results and the need for multiple referenda to achieve the results they desire.⁶⁸ This undermines the democratic value of the referendum, therefore when implementing referendums states need to be careful that they not only respect the results of the referendum but also do their best to ensure that citizens are given factual information and enough time to consider what the referendum means before they vote. It also means that for the sake of legitimacy, a referendum should be used as a tool amongst other aspects of representative democracy to ensure that citizens can voice their opinions and be heard. Inclusiveness can also be ensured by addressing the concerns of minorities by giving them special representation rights. These tools can help enhance representative democracy within the EU by giving citizens more ways to be heard and represent themselves. But there needs to be a balance, as dealing with one deficit can exacerbate the other

⁶⁸ Connor T Jerzak. *The EU's Democratic Deficit and Repeated Referendums in Ireland*. (International Journal of Politics, Culture, and Society 27 (3): 2014) 368.

as seen through representational deficits and surpluses. It's clear that the answer is to ensure that citizens have access to the government in plentiful and meaningful ways. This becomes difficult in the EU case, as the EU has evolved into a particularly complex system of representation that supplements an incomplete and partial institutionalization of the standard model of representation within the EP.⁶⁹ As the EU has evolved it has tried to implement more ways of representation by giving the EP more power, but this has never been fully realized. By adopting some aspects of representational democracy but not fully committing to creating a parliament with traditional powers the EU has made it increasingly difficult to see how representative decisions are made.⁷⁰ This is not to say that the EU has not tried to solve democratic deficits within itself, they have implemented direct democracy through the election of the EP and adoption of the Spitzenkandidat process as well as referendums have been implemented by some in the national context to help with the elite deficit. They have also implemented the double-majority vote in the Council during the ordinary legislative procedure involving co-decision with the EP that addresses the second kind of representative deficit. By having a double majority vote with co-decision with the EP, citizens are better protected. Representatives are more likely to represent various views and interests and promote policies more widely accepted. Finally, by keeping the Commission relatively independent and consulting with sector groups and non-majoritarian regulators, they seek to ensure the representation of experts and the general interest of policy-making. Yet this abundance of representation can also cause a surplus of representation which in the end makes it hard to hold representatives accountable.⁷¹ The key to creating a

⁶⁹ Richard Bellamy and S. Kröger. *Representation Deficits and Surpluses in EU Policy-Making*. (Journal of European Integration: Representation and Democracy in the EU: Does One Come at the Expense of the Other? 35 (5): 2013), 484.

⁷⁰ Ibid.

⁷¹ Ibid., 485.

representative democracy is to create a system that allows citizens to be represented in decisions that can relate to the ways their political communities interact and interconnect in a manner that shows both citizens and states as having equal concern and respect.⁷² The idea is that representation is needed but national parliaments and party systems are not working. Therefore, there needs to be direct access for citizens to the EU through referendums and direct channels of representation like the European Citizens Initiative. Citizens are dissatisfied with the current system that is not transparent, which is hard to follow and needs a new system that gives them access which is clear and distinct. Just having an EP is not enough to make EU citizens feel represented as seen by the democratic deficit. Especially when citizens find the EP hard to distinguish from their national context. The EP needs to make it clear what role they play institutionally by being transparent with their role in the decision-making process and what EP elected officials are responsible for.⁷³ Representative democracy is necessary, but the form in which it comes in must address the history of representation in the EU and where it has fallen flat.

These representational deficits left behind by the EU can be addressed by the EP as well as non-state actors. Non-state actors and civil society are key in helping to communicate with the Commission and relaying citizens' views to EU institutions. The EU Commission has already begun to invest in the creation and survival of non-profit European umbrella organizations.⁷⁴ This has helped the Commission increase its legitimacy and grow some form of transnational

⁷² Ibid., 486.

⁷³ Alex Warleigh, Introductory Overview: *The 'Democratic Deficit' and the Normative Turn in European Union Studies*, In *Democracy and the European Union: Theory, Practice and Reform*. (Sage Publications Ltd 1: 2003), 14.

⁷⁴ Richard Bellamy and S. Kröger. *Representation Deficits and Surpluses in EU Policy-Making*. (Journal of European Integration: Representation and Democracy in the EU: Does One Come at the Expense of the Other? 35 (5): 2013), 490.

demos. The idea is that by working with non-state actors, they can help bridge the gap between EU citizens and Brussels. Functionally they would serve a similar service as political parties would at the EU level, by helping to Europeanize and democratize the EU. They can also help construct some form of a European demos and make the EU more legitimate by engaging with non-state actors nationally as well as having a direct line to Brussels.⁷⁵ The important thing about civil society organizations is that they are autonomous actors of representation that do not necessarily represent pre-existing constituencies and interests. Instead, they shape an issue and how that issue is represented themselves through political communications and framing their agenda and policy goals. A Eurobarometer survey conducted in 2013 noted most respondents felt that NGOs could influence decision-making on the EU level.⁷⁶ This is important in creating clear accountability and transparency for citizens to follow, civil society can help them understand what the goal is and how to achieve it rather than following a party which already exists that follows a pre-arranged platform.⁷⁷ It's also important to note that in a Eurobarometer survey conducted in 2018, citizens said that one of the factors that was more likely to increase the likeliness that they would vote was if they felt that had more information about the EU and its impact on their lives.⁷⁸ They also noted that certain aspects of democracy were not satisfactory but felt that civil society was vital to the protection and promotion of democracy and shared values.⁷⁹ By allowing citizens avenues to voice their opinions through the European Citizens Initiatives and civil society and non-state actors, the EU will better address standards of legitimacy and increase representation across the EU. This will help in addressing democratic

⁷⁵ Ibid.

⁷⁶ European Commission, Flash Eurobarometer 373. (Brussels, 2013), 4.

⁷⁷ Ibid., 491.

⁷⁸ European Commission, Special Eurobarometer 477 Summary. (Belgium, 2018), 4.

⁷⁹ Ibid., 5.

deficits and ensure lasting solutions. Kohler-Koch disagrees with the idea that civil society can represent citizens at the level that EU institutions have said they could, due in part to the fact that civil society organizations do not necessarily represent all those they claim.⁸⁰ But, this does not change that reality that they can represent some stakeholders albeit not all and not in a large encompassing way. Therefore, to enhance representation they serve well, as citizens trust them and can represent some. The key here is to adopt various ideas and solutions that can help enhance representation in various ways so that citizens have multiple avenues to be heard and feel heard and represented. Another standard of legitimacy that can be addressed through greater representative democracy is the institutional integrity and transparency criterion.

This criterion considers an institution's epistemic quality and is important when looking at the EU's democratic deficit. A reoccurring reason in literature for the democratic deficit was that citizens were uncertain of how the policy process worked and didn't feel that the EU was transparent. Citizens were confused and unable to relate to the EU or comprehend what it was responsible for and who was in charge. This has lasting effects on voter turnout as well as how citizens regard European elections, as what tended to happen was that citizens used EU elections to comment on national politics. To change this, the EU needs to address ways in which they can be more transparent and clearly show what each institution does and how they relate to one another. The EU has been criticized for its lack of transparency within its decision-making processing, as it has been seen as being opaque and technocratic.⁸¹ This has to do with comitology, especially when legislative acts undergo the process and have a large impact on

⁸⁰ Beate Kohler-Koch, *Civil Society and EU Democracy: 'Astroturf' Representation?* (Journal of European Public Policy: Political Representation and European Union Governance 17(1): 2010), 111.

⁸¹ Adam Cygan, *Accountability, Parliamentarism and Transparency in the EU: The Role of National Parliaments*. (Cheltenham, Gloucestershire: Edward Elgar Publishing Limited: 2013), 11.

citizens'. Citizens are more likely to feel the impact of this legislation and question who is accountable and how it came to be.⁸² This has to do with the fact that the comitology procedure tends to act without direct input from the EP as well as the exclusion from national parliaments from the process. By using comitology to pass legislation the role of parliaments and the connection they have with citizens is bypassed, which exacerbates the issue of transparency and accountability.⁸³ To solve this, the EU needs to adopt a multi-level parliamentary field like the one suggested by Crum and Fossum. The multi-level parliamentary field would help enhance communication and representation coming from national parliaments and the EP. By consolidating avenues of representation, the EP and national parliament can help streamline representation and ensure that citizens feel heard and are being heard by the right groups and members of parliament.⁸⁴ By using the multi-level parliamentary field, we can better understand how both the EP and National governments and parliaments can use representative democracy and where they are lacking. The problem with the EU is that representation is dispersed across multiple levels and sites due to the mechanisms of interactions. This allows for challenges in how representation is dispersed including how to ensure political equality amongst others. The multilevel parliamentary field is not complete, but the idea is that by using creating the field it can be used to reconstruct how representational democracy exists within the EU. The focus here is on how to best use the EP and national parliaments and governments in representation. There is currently no concrete answer as to how to fill the democratic deficit in the EU, but the idea that remains constant throughout the literature is that representation is lacking. Representative Democracy can help fill that void, but its current existence within the EU needs to be

⁸² Ibid., 12.

⁸³ Ibid.

⁸⁴ Ben Crum and J. Fossum. *The Multilevel Parliamentary Field: A Framework for Theorizing Representative Democracy in the EU*. (European Political Science Review 1 (2): 2009), 253.

transformed. It needs to better represent its constituents and work through all the institutional problems it currently faces. Part of the problem exists in the institutional makeup of the EU, that leaves certain voids and representational deficits, but another part comes from the Parliament itself and the certain powers it has and doesn't have. By adopting the multi-level parliamentary field, it can help the EU address institutional integrity and transparency by making it clear how the EP and national parliaments are representing citizens to the EU and by creating a more efficient form of representation.

The next criterion to address is accountability, in which institutions can be held responsible as well as have information available on accountability holders.⁸⁵ Accountability is extremely important in the EU case because citizens need to feel that they can hold decision-makers responsible. They also need to understand who is making policy decisions, if citizens are unclear on how to hold decision-makers responsible or how to input their ideas into a policy they will not feel represented. They will not want to engage in voting or with the EU in general. Within the EU, the EP is center of accountability as established by Article 2 TEU, which has stated that democracy within the EU is conferred by the idea that 'a public authority must be directly elected or answerable to a directly elected parliament.'⁸⁶ This statement is vague enough that it can also allow for the inclusion of national parliaments, but neither route has been taken fully by the EU leaving gaps in accountability. Accountability is furthered impeded by the comitology procedure due to the lack of involvement of national parliaments and the minimal involvement of the EP.⁸⁷ There needs to effective accountability, to prevent the use of arbitrary

⁸⁵ Robert O Keohane, *Global Governance and Legitimacy*. (Review of International Political Economy 18 (1): 2011), 102.

⁸⁶ Adam Cygan, *Accountability, Parliamentarism and Transparency in the EU: The Role of National Parliaments*. (Cheltenham, Gloucestershire: Edward Elgar Publishing Limited: 2013), 8.

⁸⁷ *Ibid.*, 12.

power within the EU which would require them to closely monitor the actions of the Commission and Council. This would also mean monitoring the role that civil servants and permanent representatives play in the decision-making process, which further complicates the issue.⁸⁸ Accountability is necessary to further legitimize the EU, but the multi-level governance structure that exists with the EU makes matters much more complicated. One option for addressing this is through the continued adoption of the Spitzenkandidat. When the Spitzenkandidat was adopted it helped reform the relationship between the Commission and the EP. Juncker's candidacy was the first attempt at a Spitzenkandidat, in which the EP put forth candidates for the President of the Commission. Juncker ran his campaign on five priorities which included stimulating jobs and growth, creating a balanced trade agreement between the EU and U.S., an energy union, and a fair solution to the Brexit problem. These priorities were then made into ten priorities of the European Parliament after his election, that would be the framework under which they would operate in conjunction with the Council for the five years of his Presidency.⁸⁹ This framework was structured by detailed commitments that were made, a 300 million infrastructure fund, a review of the current U.S. trade agreement, and the moving of resources towards stimulating jobs and growth. There was also the establishment of G5 meetings in which Juncker alongside his first VP Timmermans met with the Parliament President Schulz, and the heads of the EPP and the Socialists and Democrats parities, Weber and Pittella, which helped create a more direct relationship between the EP and Commission. These meetings, although more social in nature, allowed the Parliament to take on a politicized role that was on the same level as the Commission and Council. It ensured the protection of the relationship

⁸⁸ Ibid.

⁸⁹ Michael Shackleton. *Transforming Representative Democracy in the EU? the Role of the European Parliament*. (Journal of European Integration: Political Leadership in the EU 39 (2): 2017), 198.

between the Commission and Parliament and by combining the priorities of the two, creating a common goal.⁹⁰ The introduction of the Spitzenkandidat was meant to make the European Parliament more democratic, create ties between voters and the executive. It created a deeper connection between the Commission and Parliament that allowed for greater integration in their policy work and agenda. But it was abandoned in 2019, with the election of Ursula Von Der Leyen as Commissioner, rather than the Spitzenkandidat nominee. That is not to say that the legacy of the Spitzenkandidat is not important, as the EP has continued to have a more politicized role. It's just unclear what the future will be like for the EP and if the Union is ready to move the Parliament into a position of power and a more parliamentary government role. Representative Democracy has a role in the European Union, but there is a power struggle that exists between the institutions and between the EP and national parliaments. This power struggle needs to allow for the EP to take on a stronger role within the EU, a role that showcases its authority and makes it clear to voters what it means when you vote in European elections. Accountability and understanding are key in solving the democratic deficit, as voters are not going to turn out if they don't know what they're voting for. Voters are not going to care about the EU if they don't understand what is happening and who is making decisions. There needs to be greater separation from member state nationality and EU politics so that voters can distinguish between the EU and their member state politics. As well as distinguish between competencies and who is accountable for decisions being made. This won't be easy and it won't be just the European Parliament that will need to step up and undergo reform, but for the project to continue and further integration change and reform are needed.

⁹⁰ Ibid.

Another option for accountability can be the adoption of more referendum which can help not only with accountability but also inclusiveness. Referendums allow citizens to partake in the policymaking process and make their voices heard. They also allow policymakers to see what citizens' preferences are and how to move forward especially as citizens that are dissatisfied with government tend to want referendums more.⁹¹ By adopting more referendums in EU policy-making, MEPs and the Commission can see what EU competences citizens want them to have, what legislation is popular and what agenda should be adopted.⁹² This does not mean that referendums should be adopted for every decision, but it would be helpful to have them every once in awhile, to ensure that citizens are agreeing with EU policy, that they feel involved in the decision making and to direct agendas to better reflect what citizens want. The problem with referendums is that voters may not be informed, they may vote based on current feelings due to the current climate,⁹³ so they need to be offset by better institutional representation, high voter turnout in EP elections, and other forms of representative democracy.⁹⁴

Finally, the last two criteria which should be addressed through representative democracy are compatibility with democracy and comparative benefits. This means that the EU should work to maintain democratic standards within its member states or help them achieve democracy if they have not. Comparative benefits mean that EU membership should have an added benefit to its members, meaning that it should be better than the status quo would be.⁹⁵ It's important to

⁹¹ Richard Bellamy and S. Kröger. *Representation Deficits and Surpluses in EU Policy-Making*. (Journal of European Integration: Representation and Democracy in the EU: Does One Come at the Expense of the Other? 35 (5): 2013), 492.

⁹² Ibid.

⁹³ Sarah B. Hobolt and Catherine E. de Vries, *Public Support for European Integration*. (Annual Review of Political Science 19(1): 2016), 424.

⁹⁴ Connor T Jerzak. *The EU's Democratic Deficit and Repeated Referendums in Ireland*. (International Journal of Politics, Culture, and Society 27 (3): 2014) 368.

⁹⁵ Robert O Keohane, *Global Governance and Legitimacy*. (Review of International Political Economy 18 (1): 2011), 102.

address this because the EU has historically rooted its legitimacy in the teleological vision. This means that historically the argument has been that the EU was the best way to ensure peace and prosperity post World War II. By tying their legitimacy to this, the EU has not had to showcase their usefulness to the people because the idea was that integration and its outcomes would be evidence enough to show how the EU is beneficial.⁹⁶ This was rooted in the utilitarian approach of EU integration in which the focus after peace was on economic cooperation and market integration. Therefore, citizens would look at the economic impact that EU integration had in their lives through individual cost-benefit analysis.⁹⁷ This approach has largely benefited educated and higher-income individuals, which is evident in who traditionally has supported EU membership. Low-skilled workers have felt the negative impacts of trade liberalization as job insecurity has risen and production has shifted across borders. Therefore, the popular utilitarian approach of the 1990s does not help universally when trying to highlight the benefits of EU membership, like peace was.⁹⁸ This is why these two criteria should be addressed together because being compatible with democracy is a benefit that EU member states currently hold and can highlight to citizens universally, although it may be slipping in some nations. One does not need to be educated or have a high income to benefit from democracy or to participate in democracy. Through strengthening democracy, citizens traditionally excluded from recent EU benefits may address their needs, feel that they matter, and recognize the role the EU plays in their lives. By addressing comparative benefits and enhancing democracy, the EU is better equipped to ensure that it has lasting and effective power. This will make the EU more

⁹⁶ Olivier Ruchet. *Cultural Diversity, European Identity and Legitimacy of the EU: A Review of the Debate*. (Cultural diversity, European identity and the legitimacy of the EU, 2011), 6.

⁹⁷ Sarah B. Hobolt and Catherine E. de Vries, *Public Support for European Integration*. (Annual Review of Political Science 19(1): 2016), 420.

⁹⁸ Ibid.

democratic through its enhancing of democracy as well as help ensure that citizens can attribute the positives of EU membership to the EU. The most obvious way being that of protecting the rule of law and justice within its member states. This has been one of the EU's longest priorities and if it cannot deliver on promoting and maintaining democracy within its borders, how can it begin to push for it through further integration and in its neighborhood policy. In the end, all of these criteria need to be addressed and implemented to ensure that representative democracy is being upheld throughout the EU.

By implementing representative democracy in the EU further, several concerns are being addressed. Citizens will be able to not only understand the policymaking process and agenda-setting in the EU, but they will be able to hold the EU and MEPs accountable when necessary. By addressing the concerns of citizens and using representative democracy to fill the gaps, the EU can help address existing democratic deficits as well as find the support needed to move the EU forward to further integration. Therefore, it's important to consider is giving the EP more power makes the EU more democratic. Are these reforms addressing the main concerns relating to EU democracy and how does representative democracy give the EP more power. Then we can theorize if giving the EP more power does solve the democratic deficit.

Conclusion

Does giving the European Parliament more power make the European Union democratic?

When beginning this project, the idea was to see if giving the European Parliament more power would help make the EU more democratic. To answer this question, we considered the role of the EP when it was first created, the democratic deficit, various literature on Representative Democracy, and what role it can play on making governments more democratic. In the end, the EU needs to enhance representative democracy, which will require institutional structures that can enhance the current representation that exists and offer more avenues for representation. Currently, there are two avenues for representation, the European Parliament and National Parliaments, but neither is currently working to represent EU citizens effectively on the EU level. The goal should be to connect citizens to the policy process and policy outcomes through the EP.

Reforms of the EU need to address two main ideas, representation, and understanding. This means ensuring that citizens have representation that matters and have an understanding of EU institutions and what they are doing. EU representative democracy should address that citizens feel that the EU has competencies where it shouldn't. It should also make sure that citizens are active participants in their governance. This can be done by streamlining the European Parliament. Ensuring that elections make it clear what the salient issues are which voting effects and what it is that the EU can and can't do. By addressing citizens' concerns and connecting the EP to the policy process, citizens may feel more comfortable giving the EU greater competences. If they feel that they have a say in EU policymaking, they are more likely to trust the EU with greater power. There should also be better communication between the EP and citizens so that during times of crisis people know how to access help and in what ways the

EU is helping them overcome crises. The Covid-19 pandemic was one avenue in which the EP showed unity and that the EU was key to helping member states survive the crisis. The need for joint measures and EU direction was evident especially in member states that were hard hit by Covid. The stimulus package was key to helping businesses and people survive what is both an economic and health crisis. But there also needs to be a real change to the EP to ensure that representation in the EP matters post-Covid. This means ensuring that the EP has more power so that it plays a bigger role in the decision-making process of the EU and agenda-setting. One way that has already been explored is through the Spitzenkandidat, this would give EU citizens access to the Commission in a meaningful way. If voters felt that their vote would shape the agenda for the EU and would determine who is in charge, they would vote. They would feel invested in EU elections. By drawing a connection from the EP and the Commission, it allows voters to feel that not only have a voice in EU decision making but it also makes the EU more transparent. Voters can recognize who is in charge, how they got to that position, and that by voting they can show support or hold EP parties accountable. It also means that the EP needs to fully take on a political role, it needs to campaign for more power. Showcase their role in the decision-making process, making it clear what role they play and what legislation they have worked to put through in the EU. Something it has started to do but needs to fully commit too.

This alone will not solve the democratic deficit, there also needs to be a mass understanding of the EU policy-making process and what competences it has. This is a hefty task, but one the EU does not have to take on alone. Rather it should utilize civil society to better represent EU citizens and make it clear what they are doing. Non-governmental organizations are influential, they can disseminate information much more clearly and easily than the EU can. Civil society organizations, especially ones that have long national histories, have built up trust

with citizens and can influence on behalf of the EU and citizens. By working with NGOs and civil society, the EU can work to build connections to voters and ensure that they understand not only what the EU can do, but also what it is currently working on, as well as figure out their ideas and feelings towards EU policy. The role civil society can play in the EU, should not be underestimated, especially as they are already working to help the EU be more democratic. The Conference on the Future of Europe is an important event that will help set the stage for how the EU makes itself more democratic and how willing it is to listen to its citizens, how it plans to implement long-lasting changes, and how it can further engage with citizens in the future. If the EU is willing to use the Conference as a steppingstone to further integrate citizens and civil society in the institutional structure of the EU, it very well can start to overcome the democratic deficit. By creating an avenue in which citizens can partake in EU governance, in which they can voice their likes and dislikes, feel that their vote matters then it will be more democratic especially in the eyes of their citizens. This will not be an easy task; more engagement means more voices trying to steer. More compromises and more power struggles, but the alternative is to continue on a path in which the democratic deficit widens, citizens feel disengaged with the EU and further integration becomes less likely. In the end, you need both non-state actors, civil society, and greater power to the EP to give citizens fair and equal access to the EU and the policymaking process.

This paper is not attempting to solve the EU's democratic deficit, rather it is trying to create a foundation on which we can further understand ways that the deficit can be mitigated and where it has stemmed from. The democratic deficit will take years to solve, probably much longer than it took to occur because, in the end, the EU needs to build trust with its citizens. It needs to make them feel and perceive that they should and do have opinions on the EU, and that

those opinions are being listened to and implemented through policymaking. This is also a learning process, in which the EU has to try new and innovative ways in which they can better represent their electorate. By considering the democratic deficit, representative democracy, and the role of the EP, this paper looks to find connections between them as well as ways in which the EU can start implementing change. This by no means is an exhaustive list or sets up the EU for success, rather it considers what are the reoccurring complaints and which ways the EU can begin to address them. There is much that needs to be addressed in the upcoming years as the EU reevaluates its goals and priorities, but by beginning to address the problem they are setting themselves up to come out stronger in the end. These problems of democracy and international institutions are not unique to the EU, therefore whatever happens to the EU will leave a lasting impact not only on member states but also on other international institutions and their members.

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