

The state of EU law-making now resembles a political ‘Harlem shake’

by Blog Admin

This week, the European Parliament rejected the European Council's proposals on the EU budget for 2014-2020. While some believe this to be a victory for the Parliament in opposing budget cuts, negotiations are still to take place until a package deal is agreed between both institutions. [Raya Kardasheva](#) argues that while package lawmaking initially served as a flexible tool for negotiation among a select group of senior legislators, the process has now evolved outside institutional rules and it increasingly resembles the frantic group dance movements of this year's viral YouTube meme 'Harlem shake'.



On 13 March 2013, the European Parliament (EP) rejected the European Council's proposals on the [EU budget \(2014-2020\)](#). While some believe this to be a victory for the Parliament in opposing budget cuts, negotiations are still to take place until a compromise is reached. [Trilogues](#) are already scheduled to provide the institutional setting for negotiations between MEPs and governments while the process will be facilitated by the Commission. The Council and the Parliament are now starting to work towards reaching a final package deal on the EU budget.

Decision-making through [packages](#) has been increasingly adopted by EU legislators. The package legislation process involves the linkage of multiple issues and proposals and their simultaneous decision. The European Commission has recently proposed a number of legislative packages including the [Railway package](#), [Climate and energy package](#), [Single European Sky package](#), [Pharmaceutical package](#), [Financial services package](#), and the [Employment package](#). In my research on [package lawmaking](#), I estimated that around 25 per cent of all EU legislation completed in the period May 1999 – April 2007 was decided through a package deal. The study involved the analysis of 2,369 issues, 1,465 legislative proposals and 19 policy areas. Around 72 per cent of all package deals fell under the [co-decision procedure](#) and around 28 per cent took place under the [consultation procedure](#). The results indicate that package lawmaking is preferred when proposals are distributive and urgent, when the chambers' preference intensities differ, when the EP party leaders are involved in negotiations, and when the policy area is defined by multi-issue legislation. This is certainly the case of the 2014-2020 EU budgetary package.

Without exaggerating the effect of package deals on the EP's legislative influence, I found that in exchange for supporting Member States' budgetary preferences, the Parliament secures greater institutional powers. Legislators exchange support in some issues for loss in others, thus achieving mutual gain. Therefore, there are clear benefits for each institution in negotiating legislation in packages. However, such informal compromises face the inherent problem of enforcement. Package deals are likely to break if promises are made sequentially, across policy areas, or if it is unclear who represents the Parliament or the Council in such salient and costly negotiations. With an increasing number of legislators



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involved in package deal negotiations, there is a serious issue of ambiguity over who has a mandate to strike a deal between the EP and the Council and to what extent the negotiated compromise is representative of the chambers' interests.

As package lawmaking has gained popularity in the EU, a wider group of legislators have become involved in intra- and inter-institutional negotiations. The process has now evolved outside procedural rules and it increasingly resembles the frantic group dance movements of this year's viral YouTube [harlem shake meme](#). The video features one person dancing, who is largely ignored by everyone else in the room. When the chorus begins, however, everyone starts dancing frantically, often out of control. Package lawmaking was traditionally adopted in distributive legislation with a select group of senior negotiators involved. However, with the Commission proposing a number of packages following the increase of complex multi-issue legislation in the EU, package lawmaking now resembles the second stage of the 'harlem shake' where legislators negotiate within and across institutions, leading to a less transparent and often frantic decision-making process.

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