

# The executive deficit of the European Union

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The oft-repeated mantra of 'more coordination' won't provide a real solution to Europe's political crises unless the EU's dual executive architecture is first rationalized and democratized.



Opposition Leader Margaret Thatcher shows her European colours in Parliament Square, June 1975. PA Archive/ Press Association. All rights reserved. Not even the enormity of the recent terrorist attacks in Brussels has managed to shake national and European leaders out of their political torpor. In every statement they make there is a mantra, which is heard over and over again: 'we must improve coordination among the national security and intelligence systems'. The same mantra was repeated at the peak of the euro crisis, and is still used in the face of the arrival of millions of migrants to our continent. The keyword of the mantra is always the same: coordination.

Faced with crises and threats of historical proportions, what the member states of the European Union (EU) are willing to do is, wait for it, coordinate better. In other words, they are prepared to cooperate, provided, however, that each national government maintains control over its own domestic policies. This is the problem that goes unaddressed and so creates all the other problems: we have a Union but we don't have a government of the Union.

## The EU's executive power: uncertain, dispersed and opaque

The EU suffers primarily from a deficit of executive power. Its executive power is uncertain, dispersed, and opaque. It is uncertain because it is ascribed both to the European Council of heads of state and government and to the European Commission. However, on the politically most important issues for the member states, it is the European Council that controls the political initiative.

Since crises keep rolling in, the European Council, which under the Treaties should meet twice a year, is *de facto* in permanent sitting (between February and March 2016, for instance, it met formally and informally three times). Thus, Europe's heads of government cannot follow domestic politics as they would like, but at the same time they do not have the resources to conduct European affairs as they should. The uncertainty about who must decide is inevitable.

The EU's executive power is also dispersed. The European Council consists of 28 heads of state and government, plus its semi-permanent president, the president of the Commission, and the High Representative for Foreign Affairs and Security Policy whenever international issues are on the agenda. This amounts to 30 or 31 political leaders, each with a domestic agenda and outlook, and each worried about the domestic consequences of collegial decisions. If things go well, an agreement is found and the ground rule is consensus. However, when things go wrong, the game changes: everyone tries to impose, or in any case preserve, his or her own national interest.

As if that were not enough, the European Council has no administrative support structure. It must therefore rely on the Commission, but above all on the Council of Ministers. The latter, which should be a legislative body, thus also contributes to executive decisions (as in the case of ECOFIN and the Eurogroup), so generating a confusion of powers which would make Baron Montesquieu weep.

Additionally, the Commission consists of 28 commissioners. Between one and the other there is then the never-ending committee system. Considering the members of the European Council, the Commission and the various formations of the Council of Ministers, the conclusion is that almost one hundred people (but not always the same people) formally share decision-making powers in Brussels for each crucial issue – this without taking into account that many decisions also see the involvement of the president of the European Central Bank as well as members of the European Parliament.

Finally, the executive power of the EU is opaque. To be sure, all the executive powers of democracies are protected by confidentiality (while this is not the case for the work of legislative assemblies). Opaqueness, however, should be understood here in the sense of making decisions (or non-decisions) for which no one is held to account – i.e. for which no one is responsible.

This opaqueness reaches its apex in the case of the European Council which can, overnight, transform itself from a formal institution of the EU into an international conference of the member states, thus making decisions according to international rather than EU law. The February 2016 deal between the European Council and the British government is a clear example of the double game played by the national leaders of the EU member states.

## **Coordination is not enough**

How, then, can one imagine resolving the EU's decision-making deficit with "better coordination", when that deficit is due exactly to the logic of coordination among national governments? To handle the financial, migration and terrorism crisis, a common government of the Union is needed. A limited government, to be sure, but still equipped with autonomous resources and skills, with its own democratic legitimacy, and thus kept in check by a separate legislative power. This goes well beyond the simple idea of better coordination of the existing system. It is necessary to create in Brussels a true executive power with its own intelligence and investigative system, its system of control of the external frontiers of the Union, and its own military force.

Likewise, it is necessary that this executive power be equipped with its own budget, supported by a fiscal capacity independent of the financial transfers made by the member states, to be used on the basis of political considerations (while currently expenditures are pre-established by interstate negotiations).

Coordination is not enough to beat the terrorist criminal organizations that have killed hundreds and hundreds of innocent people. It is necessary to create executive institutions that can operate at the same level as the challenges they face – which are European and no longer national.

## **Rationalizing dualism**

How is it possible to resolve the Union's deficit of executive power? The main alternative to the current intergovernmental coordination continues to be the parliamentary model. The Commission should become the exclusive executive power of the Union, and operate on the basis of support by a majority of the European

Parliament. The Commission president, moreover, should also have the role of president of the European Council. This is certainly a plausible alternative to the current state of affairs, one coherent with the political tradition of executive democratization in the majority of European nation-states.

However, it is unlikely that this alternative would be accepted by the leaders of countries with the historical and political import of EU member states. It is therefore necessary to try a new approach, namely democratizing and rationalizing the dualism that Europe's executive power already embodies.

At its head there should be, on the one hand, a president of the Union who grounds his/her legitimacy in the EU member states and, on the other, a president of the Commission who is legitimized by the European Parliament. The former should have a political role, the latter an operational one. It is through this executive dualism that the EU's decision-making process must be institutionalized. And this must be done quickly – because, as with every political body, a EU which cannot decide has no future.

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