

The EU and the Lisbon Treaty: Making a Weak Democracy Weaker

TODAY

Even today, before the ratification of the Lisbon treaty, the European Union is in an alarmingly undemocratic state:

The bigger the political entity, the more important it is to ensure democratic and transparent structures. Being the largest and most powerful supra-national institution, the EU is so undemocratic that even the German EU Commissioner Günter Verheugen admitted: "If the EU were applying for accession here, we would have to evaluate it as 'democratically insufficient'."

a) The EU is centralistic / 80% of all new laws come from Brussels (p.33)

According to the German Ministry of Justice, 82 percent of all new laws from 1998 until 2004 came directly from Brussels whereas only 18 percent came from Berlin. (The Irish figures are similar to these.)

The number of European Union laws from this period directly applied across the European Union was **18,917** (82%). The number of laws of the Federal Republic of Germany (not counting the laws of the German states) in this period was **4,250** (18%).

b) A weak EU parliament / insufficient separation of powers (pp.56)

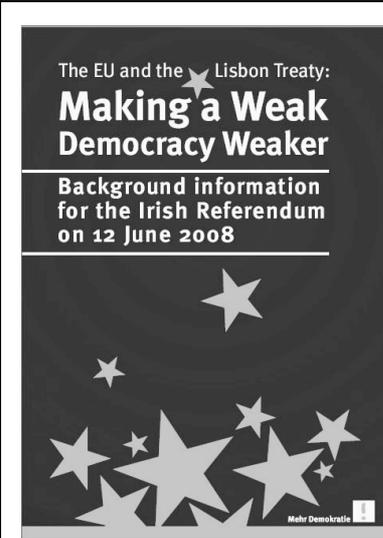
- The EU parliament cannot initiate law.
- The EU parliament does not have complete budgetary authority.
- The heads of national governments (executive) fly to Brussels, there - as the European Council - make a law (legislative), then fly back home and execute it (executive).

c) Civil servants with too much power / lacking democratic legitimization

- The EU Commission (appointed, non-elected civil servants) is the only institution who can initiate law though it is not accountable to citizens (pp.58).
- Citizens elect a national parliament who in turn elects a prime minister who elects their ministers who elect their permanent representatives in Brussels. The permanent representatives (COREPER) are unknown to the public; yet they make 80% of all decisions amongst themselves many of which the ministers do not even take note of and only rubber-stamp (pp.72-73).
- In negotiations concerning matters of external trade – for example within the WTO – only ONE commissioner represents the entire EU. In consequence, the interests of the smaller member states cannot be adequately considered (p.38).

d) Non-transparency and secret diplomacy

- Powerful bodies like the EU Council of Ministers and the EU Commission hold their meetings in secrecy (pp.55/21/14).
- The influence of lobbyism is enormous as there are approximately 15,000 lobbyists in Brussels compared to around 30,000 Commission employees (pp.59/76).
- Director Generals, unknown to everybody, decide and determine the day-to-day operations (p.59).



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Background information
for the Irish Referendum
on 12 June 2008

Mehr Demokratie 

This leaflet summarises the booklet „*The EU and the Lisbon Treaty: Making a Weak Democracy Weaker*“ published by the German NGO Mehr Demokratie e.V.

All the pages mentioned refer to this booklet.

You can download it at:
www.mehr-demokratie.de/eu-booklet.html

a) The Lisbon Treaty creates more centralisation without sufficient democratic control (pp.36)

- Even more completely new competences are transferred to Brussels, e.g. energy policy, aerospace, tourism, sports, civil protection.
- The competences within the Common Foreign and Security Policy are significantly expanded, e.g. through the new European Secretary of Foreign Affairs and the creation of an EU Foreign Service.
- Policy surrounding Justice and Home Affairs is being increasingly communitarised as well, e.g. in the area of counter-terrorism, European criminal law and police co-operation.

b) Small countries in particular continue to lose influence (p.37)

- At present 137 political areas will come under qualified majority voting. The other areas are ruled by unanimity voting – meaning all countries are able to use their veto.
- Under the Lisbon Treaty 181 political areas require qualified majority voting enabling smaller countries to easily be overruled. Large countries will have more possibilities to make themselves heard.
- Majority voting in the Council of Ministers shall be the standard procedure. Starting in 2014 the double majority will be introduced (55% of votes of the member states in the Council representing 65% of the EU population). The weight of German votes will double, also France and the UK will gain 50% and 40% more voting weight. Smaller states however shall lose part of their influence on decisions made in Brussels.

c) The EU creates its own rules by means of the flexibility clause (p.45)

If the EU wants to act within the framework of a given policy area transferred to it and the treaty has not provided the necessary powers, the EU can adopt the necessary powers. (Art. 352 (1) TEU*)

d) This is possibly the last Irish referendum on European matters (pp.46)

Heads of state and government can expand the EU's frame of action in many political areas without the consent of the European Parliament and without holding an Intergovernmental Conference. The term in use is "approved", not "ratified" anymore. This will probably make referenda „unnecessary“ for Ireland (Art. 48 (6) TEU*).

e) Military policy without democratic and judicial control (pp.52)

- Member states are obliged to „progressively improve their military capabilities“. This phrasing must be understood as an obligation of rearmament. In charge will be the European Defense Agency, originally referred to as the "Armament Agency".
- The European Parliament only has to be informed and heard regarding foreign, security and defense policy. The military budget is excluded from the budgetary control of the European Parliament and military missions can be launched without its consent. The European Court of Justice is declared as unauthorized (Art.275 TFEU*).

f) The Lisbon Treaty is barely understandable

- The entire treaty contains 479 pages*. It consists of two treaties (TEU and TFEU), 23 protocols and 65 declarations. All this is very confusing and almost incomprehensible for both citizens and parliamentarians.
- "They [EU leaders] decided that the document should be unreadable. If it is unreadable, it is not constitutional, that was the sort of perception." "Nothing [will be] directly produced by the prime ministers because they feel safer with the unreadable thing. They can present it better in order to avoid dangerous referendums." - Giuliano Amato, former Italian prime minister.



Mehr Demokratie e.V.

Mehr Demokratie e.V. is a German, independent, cross-party NGO that specialises on democracy and citizen participation.

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For further information go to:
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*consolidated version, 30th April 2008 with the No. 6655/1/081.