

HOW THE EU WORKS

Democracy in action - Having your say in Brussels

How the EU makes laws

Quiz

In these first two Quiz sessions the web module is designed to take students through a sequence of short “brain-storming” discussions, followed by the suggested reasons here:.

Why do you need new laws?

- * Update existing laws that have got out of date
- * Deal with new needs in society
- * Provide a legal framework for new social and commercial activities
- * Protect citizens against new risks to health and safety
- * Protect the environment against new threats

Quiz

Why do you need laws that apply to all member states of the EU?

- * So that people can move easily from one country to another
- * So that companies can compete on equal terms across the EU
- * To help cooperation on matters that cross national boundaries, such as the environment, security, international crime

In these two Quiz sessions the web module is designed to take students through a sequence of “brain-storming” discussions.

Step 1

Coming up with the idea of a new law

Role play:

Get students to suggest an idea or pick from a list of suggestions, such as

- * Make 50 mph (80 kph) the speed limit for all vehicles on all roads
- * Make it mandatory for all employees to have a 40 minute lunch break
- * Have common clothing and shoe sizes across the EU
- * Have a qualified lifeguard on all beaches of a certain size in daylight hours during the months of July and August
- * Only bags that can be recycled to be used in shops and supermarkets

Step 2

Get the idea accepted by the European Commission

Quiz/ discussion: How do you get your idea to Brussels?

- * Write to your MP who may seek and obtain the support of the national government (who is he/ she?)
- * Write to your Member of the European Parliament who may seek the support of the party group of which he/she is a member (who is he/ she? There will be several in this region)
- * Go to Brussels as a delegation and hand in a petition with signatures, make sure the press is invited
- * Write to a lobby that is in touch with the Brussels ‘machine’.

Sub quiz: What is a lobby?

- * A professional association: National Union of Students
- * A business association: Institute of Directors
- * An industry association: Society of motor car manufacturers
- * An employers association: Confederation of British Industries
- * A trades union association: Postal Workers Union
- * An environmental group: Friends of the Earth
- * A local government office: European Office of West Sussex County Council

What is a lobby for? Is a lobby a good thing? Could it use influence to distort the democratic process?

Step 3

The European Commission considers the proposal

Role play:

The class takes on role of a directorate-general in the European Commission

What is the European Commission?

The web module has more on the main EU institutions

The European Commission is the organisation in Brussels that drafts the laws. It consists of 25,000 permanent officials who come from the member states in numbers that are roughly proportional to the size of the member state. It is headed by a college of 27 Commissioners, one from each member state. One of these is the President of the Commission. Each commissioner is responsible for one or more of the 36 directorates-general and services such as agriculture, consumer affairs, transport, the environment, trade.

Besides drawing up laws the Commission is also responsible for ensuring that laws are applied in the member states. If member states don't apply the law the Commission takes them to the Court of Justice that may impose penalties if it finds member states guilty.

The Commission also manages the Common Fisheries Policy and is responsible for the laws of competition as they apply to business.

Quiz

What questions will the Commission ask when deciding whether to proceed with a proposal for a new law?

- * Does it already exist or overlap with an existing law?
- * Is it something Brussels should get involved in or could be it be left to member states? This is the idea of subsidiarity.
- * What amount of support does it have or is it likely to have among the member states?
- * What will it cost to implement?
- * Will it make a difference?
- * How easily can it be enforced?
- * Who will benefit / be disadvantaged?
- * Does it fit with the priorities set by the current President of the Council?

Step 4

The European Commission drafts the law and sends it to the European Parliament and the Council of Ministers for their review and approval.

What is the European Parliament?

The Parliament has elected representatives from each of the member states. The number for each member state is broadly in proportion to size of population. Germany has the most with 99 and Malta the fewest with five. In all there are 736.

MEPs are elected for five year terms. The most recent election was June 2009. There are five main political groupings: the European People's Party, the Party of European Socialists, the Alliance of Liberal Democrats for Europe, the European Green Party and the newly established European Conservatives and Reformists.

How do MEPs get elected and how large are their constituencies?

The UK, which has 72 MEPs, is divided up into 12 regions, each with between three and 10 MEPs who collectively represent the region. When you go to the polls you have a list of the parties that are putting up candidates. You put a cross against the party you want to vote for. Which candidates get elected depends on the number of votes each party gets and the ranking of the candidates within parties.

Debate

Voting is compulsory in some countries such as Italy and Belgium. It is voluntary in the UK. We get a low turn-out for elections at all levels, local, national, and European. *Do you think voting should be compulsory?*

The web module has more on the main EU institutions

The **European Parliament** meets for most of its full sessions (or *plenary* sessions as they are called) in Strasbourg. It has 20 committees that meet in Brussels. It has equal status with the **Council of Ministers** on most legislative matters. This is called co-decision.

When a proposal is issued by the **European Commission** to the Parliament and Council of Ministers it is the responsibility of the Parliament to take first action. It does this by 'expressing an opinion' which may take the form of full approval or some amendments.

Role play:

Set up committee with representatives of each of the political groups and appoint a rapporteur to take notes and be spokesman.

Quiz

What will influence MEPs in their views on a new piece of legislation ?

- * If they have a special interest in it
- * How it will affect their constituents or an important group of them
- * How the party grouping to which they belong views the matter

The role-play has a section on party group attitudes

- * European People's Party: similar to British Conservatives, ie pro business; rights of the individual; light regulation. (The Conservatives sat with the EPP in the last European Parliament, but have now joined the ECR group, below)
- * Socialist Group: similar to British Labour Party, ie supports working people, redistribution of wealth, importance of the state
- * Alliance of Liberals and Democrats for Europe: local decision making, importance of the community
- * European Conservatives and Reformists Group: a new party grouping formed from British Conservatives and minority parties from seven other member states. It opposes what it calls federalism, namely the over concentration of power at Brussels.
- * Greens: protecting the environment.

- * How it will affect the country they come from
- * How it will affect the EU as a whole

What is the Council of Ministers?

This organisation whose full name is the **Council of the European Union** represents the governments of the member states and is the main decision-making body. There are **committees** of officials from each of the member states on each of the matters that the EU deals with, for example, consumer affairs, agriculture, the environment, foreign affairs, justice and home affairs. These committees consider proposed legislation in their area of interest and assess it from the point of view of each of the member states.

The most senior committee is the **Committee of Permanent Representatives** (Coreper) on which sit the ambassadors of the member states. This committee takes decisions on major proposals. Those matters on which Coreper is unable to get agreement it refers to ministers of member states who meet as a Council of Ministers from time to time.

At least four times a year there is a meeting of heads of state or government in the **European Council** to determine major strategic issues and resolve any outstanding matters not dealt with at lower levels. The presidency of the Council that carries with it chairmanship of all committees rotates at six monthly intervals among member states.

Decisions

Decisions are made in one of three ways. *Unanimously* in some matters such as amending the Treaties of the Union or allowing a new country to join or tax matters; in a few cases by simple majority; in most other cases by *qualified majority vote* (QMV) with votes allocated to country roughly according to size. Under QMV, approval must be by a majority of member states and usually 62% of the EU's population.

Role play

The detailed allocation of votes under QMV can be seen in the web module.

Set up a committee of member states to review the draft proposal, chaired by whichever country holds the presidency.

Quiz

What will influence individual member states in their decisions ?

- * How the matter will affect their national interests (*see below*)
- * Whether it will help them gain allies for support on other matters of greater importance
- * Impact on short term political support back home.

National attitudes

Some examples:

- * **France:** tight regulation; agriculture; fishing; motor car industry; protection of industry
- * **Germany:** lighter regulation; manufacturing industry; environment; protection of industry
- * **UK:** light regulation; free market economy; service industries
- * **Netherlands and Scandinavian countries:** environmental protection; tight regulation

When these two organisations (European Parliament and Council of Ministers) receive a draft law, they refer it to the relevant committee within their organisation. The committees review the proposals in detail. The Council tends to take most account of the particular views of individual member states. MEPs will have regard to the interests of their constituents, their party's political view and the broad community-wide perspective.

Step 5

Approval at first pass

The relevant Parliamentary committee recommends adoption of the proposal subject to some minor amendments. It goes to Strasbourg for a first reading and passes by a simple majority of delegates.

Role play:

Rapporteur presents draft to entire class who act as Parliament. Debate and discussion, followed by a vote.

The Council of Ministers reviews any amendments proposed by the Parliament. They are approved by the specialist committee, if necessary Coreper and if necessary by Ministers. The draft directive is adopted and becomes law.

Role play:

Committee reviews draft law with any Parliamentary amendments. Votes on it based on QMV.

This is as far as role play can go within normal class time. Taking the procedure to the various options under **Step 6** would require a morning or even a whole day.

Step 6

Negotiation

It is unusual, but more common than it used to be, for a piece of legislation to be approved by both organisations at the first time of asking. More common is that the Council of Ministers rejects some or all of the Parliament's amendments and produces what is called a 'Common Position'. This represents the changes the Council seeks in order to approve the draft law.

From this point there are several routes that the draft law may take:

- ◇ The Parliament may reject the Common Position by an absolute majority of MEPs. In this case the draft falls.
- ◇ The Parliament may approve the Common Position in which case it becomes law.
- ◇ The Parliament may propose further amendments by an absolute majority. At this point the European Commission intervenes and expresses an opinion. The newly amended draft goes back to the Council of Ministers. If it approves the draft is adopted. If it rejects, a Conciliation Committee is set up between the Council and the Parliament with the Commission taking part.

If the committee succeeds in producing a revised draft that is acceptable to both sides the draft is adopted. If not it falls.

How long does it take?

The time taken between the proposal being issued by the Commission and its being adopted is, on average, two years but can be much longer. Once it has been adopted by the EU it then has to be converted into national law by the parliaments of the member states. This can take up to a further two years.

February 2010