Has the Commission’s influence over EU policy diminished over the last two decades, and if so/ if not, why?

The European Commission serves as the executive of the EU by administrating and implementing EU policies. The Commission is responsible for proposing new legislation, implementing decisions and enforcing EU law (El-Agraa 2007: 43). This essay will focus on the role of the Commission in the EU policy-process and examine the Commission’s influence as an agenda-setter. After a brief presentation of the EU policy-process, I will focus on the constitutional revisions the legislative processes in the EU have undergone, and its implications for the Commission. This will be seen together with the Commission’s relationship with the European Parliament and the Code of Conduct between these two EU institutions. I will also briefly look into the use of interest groups in the Commission, and finally, and the relationship between the Commission and the Council.

The EU policy-process consists of three distinct phases. The first phase is the agenda-setting or pre-proposal stage, which is followed by the decision-making stage, before the final policy-implementing stage. The pre-proposal stage is an important phase in the policy-process because it allows the actors involved to frame the issues that are being considered for the legislative action, and therefore to some extent set the legislative agenda of the EU. The Commission has the privilege to decide what is proposed in the agenda-setting stage and therefore the monopoly of initiative in the legislative process (Christiansen and Larsson 2007: 3-4).

The legislative processes in the EU have undergone major constitutional revisions over the last two decades. Of particular interest is the Single European Act in 1987 which introduced the co-operation procedure, the Treaty of Maastricht in 1992 which introduced the co-decision I procedure, and the Treaty of Amsterdam in 1997 which introduced the co-decision II procedure. These series of treaties meant that the decision-making rules changed, which again affected the role of the Commission. Tsebelis et.al. (2001) argues that the influence of the Commission increases over time under the co-operation procedure, but decreases under the co-decision procedure. For that reason, the Commission lost influence when the EU moved from co-operation to co-decision. Under the co-decision procedure, the Commission can more
frequently be overruled by the Parliament and the Council, which means that the power of the Commission has declined. The Parliament on the other hand, has moved from an almost purely consultative role to become a significantly more powerful player in the EU legislative processes (Tsebelis et.al. 2001: 573).

In regards to the relationship between the Parliament and the Commission, the Code of Conduct, which originally was an informal accord between these EU institutions, is also of importance. The Commission proposed the idea of negotiating a set of informal rules governing the relationship between them, which resulted in the Code of Conduct in 1990. This agreement was considered a significant improvement which enabled the inter-organisational procedures to operate more smoothly. Because of the multiple commitments made by the Commission to the Parliament, the Parliament gained through a number of new procedural adjustments, which basically meant increased control for the Parliament over the Commission. In the second Code of Conduct in 1995 the Parliament enhanced its supervision over the Commission, and as a result, the Commission gradually became more accountable to the Parliament. Stacey (2003) therefore argues that the Code of Conduct transferred power and authority from the Commission to the Parliament, and that the Commission has been losing ground to the Parliament due to this shift in relations.

The Commission frequently consults interest groups and representatives from the civil society when preparing its proposal. Because the Commission has the monopoly of initiatives in the EU legislative process, organised interests naturally seek to influence the process in this important stage. The Commission encourages contact with organised interests because it is in need for external expertise, and such contact maximises the inflow of useful information during the draft stage of legislation. It also gives the Commission an early indication of voting intentions in the Council and the Parliament, as well as legitimising the proposed action from the outset (Christiansen and Larsson 2007: 4-5). However, the use of expert groups is not entirely unproblematic. Although the Commission is benefiting from this regular access to expert opinions, it is acknowledging that the use of committees is one of the major problems for legitimacy in the EU. Comitology tends to favour limited groups, and politicians are not believed to actually be in control because much is dependent on informal proceedings with
expert and scientists (Christiansen et.al. 2007: 251). Over reliance on organised interests can therefore give an undemocratic outcome.

When legislation has passed both the Council and the Parliament, the Commission is responsible to make sure it is implemented. Like the Parliament, the Council has its own instruments to control the Commissions implementing policy and power. Comitology committees contribute to improve the implementation and application of the new laws in and through the Member States. These committees are set up by the Council to control the Commission and were invented for the purpose of checking the Commission through a committee of the Council. However, the comitology system is also an effective arena for cooperation, and a way for the Council to speed up its decision-making process by delegating complicated issues to the administrative level (Christiansen et.al. 2007: 262-265). The comitology system is therefore less an instrument of control, but the Council also affects the role of the Commission in other ways. Since the Treaty of Nice, decision-making has become more complex in the Council, which means that new legislation becomes more difficult to produce. The importance of the Council also increases because of its power to veto changes from the status quo (Tsebelis and Yataganas 2002).

However, when it comes to the role of the Commission, much is dependent on how the organisation of the legislative-executive relationship in the EU develops. As Crum (2003) argues, the functioning of the Commission will be a major issue if legislative and executive powers and procedures were to be streamlined. For the Commission to maintain the powers of legislative initiative and executive control it has today, the Council must entrust it with these privileges beyond the areas which the Commission already is active in. If these powers instead are assigned to institutions such as the Council secretariat or independent agencies, the role of the Commission will be jeopardised.

However, it could be worth mentioning some additional remarks before concluding. Tsebelis and Yataganas (2002) argues that although the Commission has lost significant power as a legislative agenda setter, it has gained power as the head of bureaucracy in the EU. Likewise,
Stacey (2003) claims that the Commission simultaneously is losing and gaining from informal activities in the EU. In fact, the Commission has long been in favour of increased power for the Parliament in the policy-making process. The assumption is that any gain for a supranational actor is a gain for the Commission, and that increased power for the Parliament will mean increased democracy in Europe. When that has been said, the Commission did launch an initiative to protect its exclusive rights of policy initiation, the White Paper on European Governance, which could be seen as an attempt to gain back some of its lost authority and power (Stacey 2003: 951).

This essay has focused on how the Commission’s influence has changed in the EU policy-processes over the last two decades. It has been argued that the Commission has lost influence over EU policy, because its role as agenda-setter has decreased. Much of this seems due to the fact that the legislative processes in the EU have undergone major constitutional revisions. The introduction of the co-decision procedure meant that the Commission more frequently could be overruled by the Council and the Parliament. The Commission also became more accountable to the Parliament due to the Code of Conduct between them. In regards to the Council, the decision-making process has become more complex after the Treaty of Nice, which means that new legislation becomes more difficult to produce. It has also been argued that the use of interest groups and external expertise, which the Commission regularly consults when preparing its proposal, can be problematic for the EU’s legitimacy and possibly give undemocratic outcomes. With that in mind, the future role of the Commission is dependent on how the organisation of the legislative-executive relationship in the EU develops.
Literature:


