Chapter II

European Parliament and Law Making

The proposed chapter deals with the procedures of lawmaking of the European Union and analyzes the new challenges to it especially in the light of enlargement. It especially focuses on the co-decision procedure and assesses how crucially this has ‘enabled’ the European Parliament to play an effective role in formulating and shaping European law and EU agenda.

The Law of the European Union is the unique legal system which operates alongside the laws of Member States of the European Union (EU). EU law has direct effect within the legal systems of its Member States, and overrides national law in many areas, especially in terms of economic and social policy. The EU is not a federal government, nor is it an intergovernmental organization. It constitutes a new legal order in international law for the mutual social and economic benefit of the Member States. It is sometimes classified as supranational law (Westlake, 1998, pp. 109-110).

European Union law has evolved gradually since it was established, when the Treaty of Paris was signed in 1951, it established the European Coal and Steel Community, and comprised just six Member States. Five years later the European Economic Community was founded by the same six Member States. Currently there are around 500 million EU citizens in 27 Member States subject to EU law, making it one of the most encompassing modern legal systems in the world.

EU law has what is known as a three pillar structure. The oldest and most important pillar deals with law concerning economic and social rights and how European institutions are set up. This is found in the Treaty of the European Communities, signed in Rome 1957 and subsequently amended by other Treaties concluded between the Member States. The second and third pillars were established under the Treaty of the European Union, signed in Maastricht 1992. The second pillar concerns the European Union Common Foreign and Security Policy (CFSP). The third pillar concerns Police and Judicial Co-operation in
Criminal Matters (formerly 'Justice and Home Affairs'). Technically speaking, "EC law" denotes anything to do with the first pillar and "EU law" denotes the law regarding all three pillars (Serbanescu, 2000, pp.29-31).

**Section I: Historical Development**

The development of law of the European Community has been largely moulded by the European Court of Justice (ECJ). In the landmark case of Van Gend en Loos in 1963, the ECJ ruled that the European Community, through the will of Member States expressed in the Treaty of Rome, "constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights albeit within limited fields" (Steinberg, 2001, pp.45-460.

The European Community (EC) law and European Union law, both are based on the Treaty structure of the European Union. The European Community constitutes one of the 'three pillars' of the European Union and concerns the social and economic foundations of the single market. The second and the third pillars were created by the Treaty of the European Union (the Maastricht Treaty) and involve Common Security and Defence Policy and Internal Security. The Maastricht Treaty created the Justice and Home Affairs pillar as the third pillar. Subsequently, the Treaty of Amsterdam transferred the areas of illegal immigration, visas, asylum, and judicial cooperation to the European Community (the first pillar). Police and Judicial cooperation in Criminal Matters is the third pillar. Justice and Home Affairs now refers both to the fields that have been transferred to the EC and the third pillar (Dehousse, Majone and Snyder, 2008, pp. 21-25).

The Treaty of Lisbon, which entered into force in December 2009, abolished the entire pillar system. The Police and Judicial Co-operation in Criminal Matters (PJC) areas and those transferred from Justice and Home Affair (JHA) to the Community were once more grouped together in creating an area of freedom, security and justice.

The role of the European Parliament in this institutional triangle has been gradually strengthened. Major landmarks in this gradual strengthening process have been;
• the transfer of budget responsibilities during the early 70s,
• the first direct elections in 1979,
• the introduction of the Cooperation procedure with the Single European Act (1986/87) and
• the co-decision procedure with the Maastricht Treaty (1993), whose scope was expanded considerably by the Treaty of Amsterdam (1999) and the Treaty of Nice (2001).

Section II: Treaties of the European Union

The primary legislation or treaties are effectively the constitutional law of the European Union. They are created by governments from all EU member states acting by consensus. They lay down the basic policies of the Union; establish its institutional structure, legislative procedures, and the powers of the Union. The Treaties that make up the primary legislation include;

i) The ECSC Treaty of 1951 (Treaty of Paris)
iii) The EURATOM Treaty of 1957 (Treaty of Rome)
iv) The Merger Treaty of 1965
v) The Acts of Accession of the United Kingdom, Ireland and Denmark (1972)
vi) The Budgetary Treaty of 1970
vii) The Budgetary Treaty of 1975
x) The Single European Act of 1986
xiii) The Treaty of Amsterdam 1997
xiv) The Treaty of Nice 2001
xv) The Treaty of Accession 2003
xvi) The Treaty of Accession 2003
xvii) The Treaty of Lisbon 2007

The various annexes and protocols attached to these Treaties are also considered a source of primary legislation. The heads of State and government of the member states of European Union signed a constitution in 2004 and it was ratified by the member states on December 2009 through the Lisbon Treaty (Metcalf, and Schout, 2006, pp. 41-44).

European laws are passed by the EU institutions through a number of procedures. In nearly all cases the European Commission (the executive branch) has a monopoly on legislative initiative. In such situation the Commission sends draft legislation to the Council of the European Union and European Parliament for amendments and approval. The former body is composed of national government ministers and the latter by directly elected politicians.

There are four main legislative procedures in the EU, with the main difference between them being how the European Parliament interacts with the Council of the European Union. These are the Co-decision procedure, Assent procedure, the Cooperation procedure and the Consultation procedure (Kreppel, 2001, pp. 132-133).

II.i EU Regulation, Directive and Decision

The European Parliament, the Commission and the Council of Ministers are empowered by the Treaties to legislate on all matters within the EU's competence. Examples of this secondary legislation are regulations, directives, decisions, recommendations and opinions. Secondary legislation also includes inter-institutional agreements, which are agreements made between European Union institutions clarifying their respective powers, especially in budgetary matters. The Parliament, Commission and Council are capable of entering into such agreements.

The classification of legislative acts varies among the First, Second and Third Pillars. In the case of the first pillar, secondary legislation is classified on the basis of to whom it is directed, and how it is to be implemented. Regulations and directives bind everyone, while decisions only affect the parties to whom they are addressed (which can be
Regulations have direct effect, i.e. they are binding in and of themselves as part of national law, while directives require implementation by national legislation to be effective. However, states that fail or refuse to implement directives as part of national law can be fined by the European Court of Justice (Simon, 1998, pp.29-31).

The Maastricht (1993) and Amsterdam Treaties (1999) later followed and increased the legislative power of the European Parliament by adding the co-decision procedure. The opportunity to impact, directly and effectively, policy outcomes had a significant and lasting influence on the internal dynamics between the party groups within the European Parliament. The overall pattern of internal evolution within the European Parliament after the SEA suggests that increasing the decision-making powers of a legislature can lead to the radical transformation of the institution as a whole. In effect the European Parliament has evolved from an ideologically dog-mastic, loosely organized chamber of debate to a frequently bipartisan and hierarchically structured legislative body. But this transformation does not come without costs. As a result, it is important to understand who is able to manipulate the transformation process to their benefit and who loses political influence as a result (Hoskyns, 2002, pp.21-24).

The European Parliament has been hailed as the winner of the Intergovernmental Conference (IGC) which was concluded in Amsterdam in June 1997. The Amsterdam Treaty widens the scope of parliamentary activity considerably. The Treaty has not only extended the scope of application of both the assent and the co-decision procedures, but the latter has been streamlined and puts the European Parliament on an equal footing with the Council. Another important innovation, which has been very topical, is the fact that the European Parliament now plays a role in the nomination procedure of the Commission President. However, this strengthening of the European Parliament’s legislative powers and powers of appointment has not led to greater recognition of the institution on the part of the citizens of Europe; on the contrary the turnout for the European Parliament elections hit an all time low in June 1999. With these points in mind, this article will explore the evolution of the European Parliament’s legislative
function both before and after the coming into force of the Amsterdam Treaty (1999). It will provide preliminary conclusions on how the new Treaty provisions have been applied in the practical political process. Closely linked is the question of whether the growing competences of the European Parliament have had an effect on the popular support for this Community institution (Van der Laan and Louisewies, 2003, pp. 67-78).

II.ii Consultation and Cooperation

The Consultation procedure is one of the legislative procedures of the European Community, the first of the three pillars of the European Union. Under this procedure the European Commission sends its proposal to both the Council of the European Union and the European Parliament, but it is the Council that officially consults Parliament and other bodies such as the Economic and Social Committee and the Committee of the Regions. The Council is not bound by Parliament's position or by any other consulted body, but only by the obligation to consult the Parliament. In some cases, consultation is compulsory because the legal basis requires it and the proposal cannot become law unless Parliament has given its opinion, however there is no time limit for giving its opinion, in these cases the procedure is more than just polite advice (keep in mind that opinion is given before council has decided). If the Council amends a Commission proposal it must do so unanimously. The procedure applies in particular to the Common Agriculture Policy. In its opinion on the Intergovernmental Conference in February 2000, the European Commission argued in favour of extending the procedure to the conclusion of trade agreements between the Community and one or more countries or international organisations (Butler and Newman, 2004, pp.110-113).

Consultation can be optional and the Commission will simply suggest that the Council consult Parliament. In all cases, Parliament can approve, reject, ask for amendments or abstain from giving an opinion to the Commission's proposal. The areas covered by Consultation Procedures are police and judicial cooperation in criminal matters, revision of the Treaties, discrimination on grounds of sex, race or ethnic origin, religion or political conviction, disability, age or sexual orientation, EU Citizenship, agriculture,
transport, tax arrangements and economic policy were also legislated by the consultation procedure (Schmitter, 2000, pp. 89-95).

The cooperation procedure was one of the important legislative procedures of the European Community, before the entrance into force of the Treaty of Amsterdam. It was retained after that treaty but only in a few areas like asylum, immigration and other policies associated with the free movement of persons.

The introduction of co-operation procedure by the Single European Act (Treaty of Rome, 1957) marked the first step towards the real power for the European Parliament. Under this procedure the Council could, with the support of Parliament and acting on a proposal by the Commission, adopt a legislative proposal by a qualified majority, but the Council could also overrule a rejection of a proposed law by the Parliament by adopting a proposal unanimously. Prior to the Amsterdam Treaty the procedure covered a wide variety of legislation, notably in relation to the creation of the Single Market. It was amended by that treaty when its replacement with the codecision procedure failed to be agreed (Richard and Michael, 2007, pp. 20-22). The Nice Treaty limited the procedure to certain aspects of economic and monetary union. Both the procedures were finally repealed by the Treaty of Lisbon in 2009.

II.iii The Streamlining of the Co-decision Procedure

A significant new element within the Amsterdam Treaty is the streamlining of the co-decision procedure. Most importantly, the possibility now exists to adopt a legislative act during the first reading, if either the European Parliament proposes no amendments to the Commission proposal or if the Council agrees to the changes put forward by the European Parliament.

The significance of this new step becomes apparent when one considers the functioning of the co-decision procedure after Maastricht, the total number of procedures finalized between November 1993 and June 1999, over 55% could have been concluded after the
first reading, as the European Parliament did not put forward any amendments to the Commission's proposal or as the Council approved all parliamentary changes (Bromley, 2001, pp. 86-90). This seems to suggest that the new procedure might lead to an acceleration and simplification of the legislative process.

The Co-decision procedure (Article 251 of the EC Treaty) was introduced by the Treaty of Maastricht. It gave the European Parliament the power to adopt instruments jointly with the Council of the European Union. The procedure comprises one, two or three readings.

The first stage after the Commission proposed a text is called First reading, which means that the European Parliament and the Council work on finding their initial positions for the rest of the procedure or, if there is consent or huge pressure, both institutions may already agree at first reading. But generally, both institutions have all their options open at this stage. In the Parliament's first reading, the majority of the votes which are given are enough to decide this particular vote yes on adopting a motion, for example to adopt an amendment (Scully, 2005, pp. 109-12).

After the vote in the parliament, the Council has its first reading on the basis of the text from the parliament. It can do two things;

1. Accept the text as voted in the parliament which means the directive comes into effect as voted in the parliament.
2. If it cannot agree with the parliament, it has to decide a common position between the member states. This always is a compromise between the member states, this is also often referred to as compromise, as in principle, the councils should take the position of the Parliament into account in order to reach a consensus with the parliament.

After the Council has sent its common position to the European Parliament, a time period of 3 months starts to run. If the Parliament does nothing within this time frame, the common position enters into force as directive. The Parliament can extend this time by one month if it decides so. If the European Parliament does not agree, it has to adopt
changes to the common position or reject the common position, the latter would end the Co-decision procedure at this point (Corbett, 2009, pp.39-45).

To change or reject the text in 2nd reading, the parliament needs an absolute majority of the 736 Members for a yes on an amendment for each change. If the text is changed then the text goes for 2nd reading in the Council of the European Union where three possibilities;
1. If all changes from the European Parliament are adopted by the Council, this text is adopted as directive and enters into force,
2. But on the amendments where the Commission gave a negative opinion, the Council would have to act unanimously,
3. Otherwise, the conciliation phase starts within 6 weeks of the Council’s decision.

Only once, a directive ever had been rejected at second reading; this was to the proposed directive on the patentability of computer implemented inventions on 6 July 2005. About 6 weeks, representatives from the Council, the Commission and the Parliament meet in conciliation committee meetings and try to find a common text to which all could agree upon. If the committee does not come to a result, the proposal is withdrawn, the process ends. If the committee comes up with a text, this text goes into 3rd reading.

The outcome of the conciliation is sent to Council and Parliament and if Council or Parliament rejects this outcome, the proposal is withdrawn; otherwise it enters into force as directive. So far a rejection at third reading has happened five times, the most recent one concerning a directive on port services in 2003. Other moments this happened include in the 1st directive process for the Directive on the patentability of biotechnological inventions and in the 1st directive process for takeover bids. The latter two directive proposals were re-issued by the Commission again and adopted shortly afterwards. The final formal step for each codecision is that the President of the European Parliament signs it and the adopted text gets published in the Official Journal of the European Union. It is this written publication which formally is the point where the directive comes into force (Steuenberg and Thomassen, 2002, pp. 163-69).
The Co-decision has the effect of increasing contacts between the Parliament and the Council, the co-legislators, and with the European Commission. In practice, it has strengthened Parliament's legislative powers in the following fields:

1. The free movement of workers, right of establishment, services,
2. The internal market, education (incentive measures),
3. Health (incentive measures),
4. Consumer policy, trans-European networks (guidelines),
5. Environment (general action programme),
6. Culture (incentive measures) and
7. Research (framework programme).

The Treaty of Amsterdam has simplified the Co-decision procedure, making it quicker and more effective and strengthening the role of Parliament. In addition it has been extended to new areas such as social exclusion, public health and the fight against fraud affecting the European Community's financial interests (Everson and Michelle, 2007, pp. 41-42).

Increasing the democratic nature of Community action requires Parliament to participate in exercising legislative power. Thus, any legislative instrument adopted by qualified majority is likely to fall within the scope of the codecision procedure. In most cases, therefore, codecision in Parliament goes hand in hand with qualified majority voting in the Council. For some provisions of the Treaty, however, codecision and unanimity still coexist.

The Treaty of Nice partially puts an end to this situation. The Intergovernmental Conference (IGC) launched in February 2000 called for an extension of the scope of codecision, in parallel with and as a supplement to the extension of qualified majority voting in the Council. Seven provisions for which the IGC planned to apply qualified majority voting are thus also subject to codecision. They are incentives to combat discrimination, judicial cooperation in civil matters, specific industrial support measures,
economic and social cohesion actions (outside the Structural Funds), the statute for European political parties and measures relating to visas, asylum and immigration.

The Treaty of Lisbon which entered into force on 1 December 2009 further strengthened the role of the European Parliament by providing with important powers regarding EU legislation, the EU budget and international agreements. In particular, the increase of co-decision procedure in policy-making ensures that the European Parliament is placed on an equal footing with the Council, representing Member States, for the vast bulk of EU legislation (Gerven, 2010, pp. 44-46).

Under the Co-decision procedure between Council and Parliament, a Conciliation Committee may be set up as provided in Article 251(4) of the Treaty establishing the European Community. It comprises members of the Council or their representatives and an equal number of representatives of Parliament and is co-chaired by the President of the Parliament and the President of the Council. In the co-decision procedure the MEPs were, for the first time, granted the power of veto in several policy areas. The innovative element of the procedure lies in the option to convene a conciliation committee in cases where the Council and Parliament are unable to reach a compromise (Earnshaw and Scully, 2003, pp.39-40).

The committee is composed of members of the Council or their representatives and an equal number of representatives from the European Parliament, who have to reach an agreement on a compromise text within the very short time-span of six weeks. The Commission is also represented in the conciliation committee where its role is circumscribed as it can no longer withdraw its proposals and prevent an agreement between European Parliament and Council. Within the committee itself, delegations are, in principle, composed of the following members:

1. Fifteen members of the Council, each accompanied by two or three assistants, the President of the Council, assisted by the Secretary General and three Council officials;

2. Fifteen Members of European Parliament, joined by the President of the European Parliament, if he/she is leading the delegation him/herself supported by the
Secretary General and 14 officials sent by the private offices of the President and the Secretary General and the Secretariat, as well as one or two officials (maximum 15) for each political group represented on the delegation;

3. One or two members of the Commission supported by their private office, the Secretary General and three officials.

4. It is clear that according to this set-up, where, in principle, more than 130 representatives of the three community institutions can be present, negotiations on highly technical and complex draft legislation are not feasible.

5. For practical purposes a distinct pattern has emerged for the preparation of the conciliation committee meetings. Following the delegation meetings of the Council and European Parliament, selected members of the Community institutions the chairman and reporters of the responsible parliamentary committee, the COREPER (The Permanent Representatives Committee responsible for preparing the work of the Council of the European Union) chairman and the responsible Director General or Deputy Director General of the Commission come together for informal negotiations. Notable instances of such meetings occurred in May-June 1998 on the EU’s Fifth Environmental Action Programme (Dowing, 2000, pp. 155-57).

II.iv The European Parliament as a Legislative Actor after Maastricht Treaty

Building on the positive experiences gained during the cooperation and consultation procedures, the European Parliament’s legislative competences were further extended by the Treaty on European Union (the Maastricht Treaty 1993) through the Co-decision procedure and the conciliation committee. The Treaty of Amsterdam has extended the powers of the European Parliament in the legislative field by streamlining and extending the co-decision procedure to fields such as transport policy and actions in the environmental sector. It aimed to accelerate the taking of decisions by making it possible to adopt a legal act already during the first reading. The initial experiences with this new procedure have shown that this innovative provision is highly suitable for legal acts of a technical nature. The Amsterdam Treaty has, furthermore, extended the role of the
European Parliament in the nomination procedure for the Commission, President. The European Parliament’s enlarged institutional role does not necessarily go hand in hand with growing support of the EU’s citizens (Smith, 1999, pp. 145-149).

The primary goal for pre-meeting is to create proposals which can be used to focus discussion at the actual meeting. In case if there is an obvious emerging consensus, to produce a proposal that can be voted on and eliminate the need for further discussion at the meeting. The pre-meeting also provides a way for members who are unable to attend to inject their thoughts and suggestions into the process. In EU pre-meeting discussions are carried out in the confluence space. Each topic has its own page in this space. The topic headings in the list below link to the discussion pages. One can comment at the bottom of each page, as well as edit page content or add attachments.

The pre-meetings do not follow a pre-set pattern, but depend to a large extent on the influence of the respective Council chairman. Each Presidency brings its own style to relations with the European Parliament. Not all Council delegations have held the Presidency since the introduction of the co-decision procedure and in some cases they therefore have to go through a period of adjustment, after which about ten conciliations per presidency nine have to be faced. The Presidency’s key task is to comprehend Parliament’s position, transmit it to the Council and act as a mediator in the quest to find compromises which are acceptable to both institutions (Edward, 5-6 November, 2009, pp.17-19).

Before Amsterdam Treaty, the European Parliament was not put on a completely equal footing with the Council. If conciliation failed, the Council still had the possibility to confirm its common position by qualified majority. The European Parliament was then left with a “take it or leave it option”, either it rejected the text by an absolute majority of its members or did not act within six weeks. This put the European Parliament into the uncomfortable position of being seen, in the latter instance, as responsible for the failure of a legislative act as it was forced to put in its veto in the final stage of the procedure. Consequently, the European Parliament used its power of veto extremely sparingly.
Under the co-decision procedure and the assent procedure (Parliament’s approval required in a single reading with no amendments for a measure to be adopted by Council) Parliament have an absolute right of veto which cannot be overridden by the Council even through unanimity (Blondel, Sinnott and Svensson, 2008, pp.29-34).

The codecision procedure applies to about a quarter of the total volume of European legislation going through Parliament which includes most single market legislation, the research programme, environmental programmes, consumer protection legislation, programmes in the field of public health and education. In 2004, following the largest trans-national election in history, despite the European Council choosing a President from the largest political group (the EPP), the Parliament again exerted pressure on the Commission. The Parliament used the veto along with the Civil liberties committees to reject Rocco Buttiglione for the post of Commissioner for Justice, Freedom and Security over his views on homosexuality (Stephen and Bache, 2001, pp.25-26).

A total of 275 draft legislative acts were submitted to the European Parliament under the co-decision procedure between November 1993 and March 1999, of which 177 were adopted. Two cases failed as no agreement could be reached by the conciliation committee. Only in one case the legal protection of biotechnological inventions where the European Parliament plenary rejects a compromise agreement which had been laboriously prepared over several conciliation meetings. Rests of the drafts were not introduced in the second reading as majority of the MEPs voted against the drafts. This veto, which was supported by the majority of the MEPs, was based on reservations in connection with the possibilities allowed by the text as regards of the patenting the human genome (Richardson, 2001, pp. 121-25). As the Council was also split on this matter, it did not make use of the possibility of reaffirming its common position (Edward, 5-6 November, pp.17-19).

The potential and the dynamics of the co-decision procedure are reflected in the evolving relationship between the European Parliament and the Council. The amount both of formal (departmental meetings, conferences, telephone calls, company news bulletins,
special interviews and appointments) and informal (face to face chatting, e-mails, grapevines, etc) contacts have increased significantly since the introduction of the procedure, bringing representatives of both institutions to the negotiating table in search of compromise and consensus. The assumption that the involvement of the European Parliament might slow down the legislative process has so far not been realised. The co-decision procedures that were concluded between November 1993 and June 1998 lasted 710 days on average. Procedures where no conciliation was necessary were on average concluded after only 634 days, whereas co-decision with conciliation was completed after 815 days. The Treaty of Maastricht has, by introducing the co-decision procedure, presented both the Council and the European Parliament, as well as to a certain extent the Commission, with a major challenge. It has enhanced cooperation between the institutions and given rise to new patterns of negotiations, preparing the ground for the interaction of the co-legislators after the coming into force of the Treaty of Amsterdam 1999 (Simon, Noury and Roland, 2006, pp. 79-82).

II.v European Parliament and Council on an Even Footing after Amsterdam

As mentioned above, the Treaty of Amsterdam strengthens the European Parliament’s role considerably, especially as regards its involvement in the legislative process. The co-decision procedure has been extended from 15 to 38 Treaty articles. It now applies to new areas within the fields of transport, environment, energy, development cooperation and certain aspects of social affairs. For certain areas within the third pillar, it is stipulated that the co-decision procedure should come into effect five years after the entry into force of the Treaty. The European Parliament is still, for the most part, excluded from policy fields such as the Common Agricultural Policy (CAP) (Catherine and Habermas, 2003, pp. 92-93).

The main legal basis for measures in the sector of the CAP will also only provide for parliamentary consultation in the foreseeable future. The provision on public health has been modified, which consequently fall under the co-decision procedure. Two other important fields where the European Parliament is only consulted are fiscal
harmonization and the conclusion of international agreements (except for association agreements). There are also new cases of "non-involvement" of the European Parliament, the consultation procedure having been expanded by nine Treaty provisions. The European Parliament is for example, only asked to give an opinion on recommendations on employment policy and on agreements concluded by the European social partners (Majone 2000, pp.83-87). In its opinion of 26 January 2000 on the next IGC on institutional reform, the Commission proposes an extension of the scope of co-decision to common commercial policy rules such as basic anti-dumping rules and to legislative aspects of the CAP and the common fisheries policy. It remains to be seen that whether Member States can agree on an enhanced legislative role of the European Parliament in these fields, which currently fall under the intergovernmental domain (Richardson, 2000, pp. 67-68).

Section III: The European Parliament and the Council in the Legislative Process

The European Parliament was put on an equal footing with the Council in the legislative process with the abolition of the so called third reading: as mentioned above, the Council had previously had the right to reiterate its common position after the conciliation procedure had failed, unless the European Parliament could mobilize a majority of its members to put in its veto. According to the new procedure, the draft legal act is deemed to have failed in the absence of agreement in conciliation. The European Parliament is no longer in the uncomfortable position of having to use the emergency brake, i.e. having to reject the Council's common position and therefore, in the last instance, bearing the sole responsibility for the defeat of a piece of legislation. After Amsterdam, both the Council and the European Parliament are now deemed to be responsible for the failure of a legal act. The informal negotiation patterns developed after Maastricht have proven to be efficient forums for pre-negotiations, and they were reconvened after Amsterdam (Verzichelli and Edinger, 2001, pp.21-23).

All five legal acts adopted during the conciliation phase under the chairmanship of the Finnish Presidency, in the latter half of 1999, were prepared in these sessions. They ease
and prepare the ground for the conciliation meetings, which have to be completed within a very narrow time frame. In some cases, the Council and the EP applied some rather unconventional methods to reach a compromise, for example by strengthening their own position through taking sides with the Commission. In the case of the “Culture 2000” programme, the main dispute between the Council and the European Parliament concerned the financial framework. Whereas the European Parliament proposed an increase in the budget for the five year programme, the Council decided to maintain the budget at the level stipulated in the Commission proposal. By teaming up with the Commission, the Council which had to decide by unanimity was in a relatively strong position. The institutions finally agreed on the financial framework put forward by the Commission combined with a number of compromise amendments concerning other budgetary issues (Moravcsik, 2001, pp. 54-55).

The institutions have also seemed to have resolved the conflict over which comitology committee (the committee system which oversees the delegated acts implemented by the European Commission) should be used for implementing a legislative act. The diverging opinions of the institutions have until recently led to blockages in the legislative process. In two instances, delegations in the conciliation committee failed to agree on a joint text.

The new comitology decision of the Council of June 1999 will alleviate this problem by “providing for an adequate involvement of the European Parliament.” It is important to note that the conclusions on the working of the co-decision procedure after Amsterdam are only of a preliminary nature, as the Treaty has only been in force for less than one year. Building on the experience of the co-decision procedure after Maastricht and the subsequent negotiations in the conciliation committee, one can assume that it will take between two and three years until a clear pattern for negotiations between the institutions will develop, especially as regards the first reading stage (Hermann and Thomson, 2000, pp. 84-86).

What can be concluded from the initial observations is that the Treaty of Amsterdam, by introducing the possibility to adopt a legal act after the first reading, will invariably shift
the bulk of the workload to earlier stages of the procedure. This will put an increased strain on the respective Presidency and on the parliamentary committees especially in the field of transport and environment (Lehtiranta, 18 January 2000, pp.3).

III.i European Parliament outside the Legislative Field

Other changes for the European Parliament, outside the legislative field are:

1. The laying down of a maximum number of members for the European Parliament,
2. The possibility for the European Parliament to draw up a draft electoral act,
3. The basis for creating a common statute for MEPs and
4. The European Parliament’s assent is required in the appointment of the President of the Commission.

The Amsterdam Treaty states, for the first time, that any reshuffling of the number of MEPs must ensure an appropriate representation of the peoples. This very vague formulation will inevitably provide the basis for each group to try to bolster its own case. In its opinion in the 2004 IGC, Commission had conceded that it is up to the EP to propose new arrangements for allocating seats, but offered the following ideas. In theory, seats could be allocated between the Member States on a strictly proportional basis according to population, but the Commission added that this is not a realistic option at this stage of political integration of the Union. While this path might seem appealing to larger Member States, it would meet with great opposition in smaller ones (Tsebilis, George, 2000, vol. 88, no. 3, pp. 128-142).

Another possibility would be to produce a revised version of the formula on which the European Parliament’s 1992 decision on the allocation of seats was based on maintaining the principle of digressive proportionality but starting from a lower minimum number of members and allocating fewer seats per capita and or altering the population bands. The formula can be modified by reducing the parliamentary representation of the more populous Member States. Keeping the prospective enlargement of the Union in mind, one can add that small to medium-sized member states would be joining the EU in the future.
This model would therefore widen the representation gap between larger and smaller states. Another option would be a linear reduction in the number of seats allocated by the formula used up to now. The enlargement process would then have the same relative impact on the distribution of the number of members. At this point it is unclear what will become of these Commission proposals (Svein and Eliassen, 2004, pp. 166-168).

The discussion of a reallocation of seats was one of the most pressing but sensitive topics with regard to the operation of the European Parliament, resulting possibly in a conflict with larger member states can argue for a leveling out of the present distortions in the ratio of MEP to population, and smaller member States insisting that their present numbers remain unchanged. Even before the Amsterdam Treaty came into force; the European Parliament adopted a resolution on a draft electoral procedure in July 1998. It provides for the introduction of an electoral system based on proportional representation in all member states and the creation of territorial constituencies. Another innovative provision stipulates that 10% of the total number of seats in the European Parliament should be filled by means of a trans-national list-based system relating to a single constituency comprising the entire territory of the EU (Nungent, 1999, pp.73-75).

The Commission is strongly in favour of this possibility of electing a number of members on Union wide lists. The European Parliament resolutions on the draft statute for members stipulate that MEPs who have been elected for the first time should receive the same salary. Unfortunately, the European Parliament could not agree on applying this rule to re-elected members as well. They were given the choice either to receive the new parliamentary allowance or to retain national parliamentary wages. After the June 2004 elections, all members finally received the same remuneration paid from the EU budget. The draft statute also focuses, inter alias, on bringing an end to an alleged “gravy train” expenses system that has, in the past, allowed members to claim more travel costs than they actually spend, by providing for a ceiling on travel costs for members. These new rules are still in the pipeline; members are due to vote on them in plenary (Cheibub, Limongi, and Przeworski, 2005, pp.209-211).
Article 214 TEC, which now provides that the European Parliament is required to give its assent to the nomination of the Commission President, constitutes a vital step forward for the European Parliament on the path to enhanced supervisory powers over the Commission. This new provision gained topical importance after the resignation of the Commission due to allegations by a committee of independent experts, triggered by Parliament's refusal to grant discharge of the 1996 EU budget. At the European Council in Berlin in March 1999, the heads of state and government nominated the former Italian Prime Minister Romano Prodi as designated Commission President. Mr. Prodi eventually won strong backing from the European Parliament in May 1999, which gave its assent with a 77.6% majority. The European Parliament has made its mark as a force to be reckoned with in this field: a veto by the European Parliament would have entailed the selection of a new candidate (Westlake, 1998, 439-41).

This chapter has so far mainly focused on the legislative role of the European Parliament, illustrating the transformation from a purely consultative body to co-legislator with Council. The questions which spring to mind are have the increased powers of the European Parliament had an effect on both the public perception of the European Parliament, and did this manifest itself in the turnout at the 1999 European Parliament elections? Looking at Euro barometer, the Commission based public opinion survey finds that only 37% of EU citizens feel that their interests are well protected by the European Parliament (Euro Barometer: Public opinion in the European Union, Report Number 51, July 1999, p.84). The turnout at the June 1999 European Parliament elections hit an all-time low, dropping by 7% compared to 1994, demonstrating the lack of popular interest on the part of the European citizens (Jacobs, Corbett and Shackleton, 2004, pp.101-105).

It is striking that as parliamentary powers have increased over the course of time, the overall turnout has declined at every election since the first 1979 ballot, from 63% in 1979 to 49.4 % in 1999. The results vary greatly from one Member State to another e.g. the turnout ranged from 90% in Belgium, where voting is compulsory, to 24% in the UK. Only in three countries the percentage of polls raised in Ireland, Portugal and Spain by around 5% in the last election. One (hypothetical) factor, cited in the literature, to explain
this trend is that these three countries receive funding from the Cohesion Fund, which might have the effect of mobilising the electorate (Hrbek and Rudolf, 1999, pp.158-160).

Section IV: The European Parliament in the Enlargement Process

The fifth EU enlargement since 1972 is, in the view of the European Parliament, a unique task of an unprecedented political and historic dimension, which provides an opportunity to further the integration of the continent by peaceful means. Addressing the assembled MEPs and members of all the national parliaments of the candidate countries during the historic enlargement debate in Strasbourg in November 2002, the President of the European Parliament, Pat Cox, said that "the enlargement of the European Union is our greatest political priority at this time, and a priority which has dominated much of the work of our Parliament and most of the focus of my presidency" (Sandholtz and Stone, 2004, pp.99-101).

The Luxembourg Summit of December 1997 decided to launch the enlargement process and open negotiations with six applicant countries. On 31 March 1998, accession negotiations were started with Hungary, Poland, Estonia, the Czech Republic, Slovenia and Cyprus. At the Helsinki Summit on 12 December 1999, the Member States decided to open negotiations with Romania, the Slovak Republic, Latvia, Lithuania, Bulgaria and Malta. The negotiations were opened with these countries on 15th February 2000. At this meeting Turkey finally achieved "candidate" status but no date was set for opening accession negotiations. At the Copenhagen Summit of December 2002, ten of the twelve negotiating candidate countries completed accession negotiations with the EU (Rittberger, 2005, pp.109-110).

Even though it is not a party to the negotiations and its main official role is to give its assent before the Treaty is signed, the European Parliament has contributed extensively to the enlargement process. As early as December 1997, in its Resolution on the Communication from the Commission’s Agenda 2000, for a stronger and a wider union and in its resolution on the conclusions of the Luxembourg European Council the
European Parliament insisted on an inclusive enlargement strategy, implying the involvement of all applicants in the accession process, which was essential to avoid negative side-effects in certain applicant countries.

It took the view that each country should be judged according to the progress of its negotiations, and that a flexible process of enlargement would be possible, progressing with negotiations at a pace which is appropriate for each country. It was the European Parliament that urged Council in its Resolution on the preparation of the meeting of the European Council in Helsinki on 10 and 11 December 1999 to adopt the Commission's proposals that accession negotiations should start in the year 2000 with all remaining candidate countries that fulfill the Copenhagen political criteria (Mark and Schneider, 2006, pp.212-214).

It urged the European Council "to put an end to the invidious divide between two classes of applicant countries and to adopt the recommendations made on 13 October 1999 by the Commission, bringing its policy into line with Parliament's 'regatta' model, opening the prospect of a fully flexible, multi-speed accession process, based exclusively on merit.

It was also the European Parliament which, in its Resolution on enlargement of 4 October 2000, proposed that the EU Institutions, the Member States and the candidate countries with which negotiations have been started, do everything in their power to ensure that the EP can give its assent to the first accession treaties before the European Parliament elections in 2004, in order that these countries might have the prospect of participating in those elections. Since October 2000, Parliament has held an annual debate on enlargement on the basis of reports prepared by its Foreign Affairs Committee and the opinions of the specialist committees. It has regularly adopted resolutions on the progress of the candidate countries and on the meetings of the European Council (Carter and Scott, 2001, pp.19-22).
Throughout the negotiations and right up to the accession of new Member States, the European Parliament has an important monitoring role to play. In the European Parliament, it is the Committee on Foreign Affairs, which is responsible for coordinating the work on enlargement and ensuring consistency between the positions adopted by the Parliament and the activities of its specialist committees, as well as those of the joint parliamentary committees. Parliament's most significant power in respect of enlargement is to give its assent (Article 49 TEU) before any country joins the EU. This power is exercised only at the final stage, once the negotiations have been completed. However, in view of Parliament's key role, it has been in the interest of the other institutions to ensure its participation from the beginning. Parliament also has a significant role to play with regard to the financial aspects of accession in its capacity as one of the two arms of the budgetary authority of the EU (Casey and Rivkin, 2004, pp.28-33).

Apart from adopting resolutions on the enlargement process, the progress of the candidates and the preparation and conclusions of the European Council, the European Parliament has been involved in the enlargement process through the following:

1. The bi-annual conferences of the President of the European Parliament with the Presidents of the parliaments of the candidate states; other activities of the President in the context of enlargement;
2. The work of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy;
3. The work of the Joint Parliamentary Committees established by the European Parliament with all candidate countries;
4. The work of the specialist committees; in the framework of relations with national parliaments, regular co-operation with the parliaments of the candidate states.

The Meetings of the President of the European Parliament with the Presidents of the Parliaments of the countries participating in the enlargement process have been taking
place twice a year since 1995. The 14th meeting was held in Brussels on 26 November 2002. The participants agreed that enlargement is the principal political challenge facing the institutions of the EU, the Member States and the candidate countries. They affirmed their belief that enlargement will represent a real and symbolic contribution to world peace, security and prosperity at a time of great international tension. Noting the arrangements whereby observers from the acceding countries would be welcomed into the EP after the signature of the Accession Treaty, they welcomed this next step as confirmation of the central role of parliaments in relation to public opinion in the final, decisive stage of the enlargement process. The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy is the committee politically responsible for the institution's work on enlargement (Jeffrey and Moravcsik, 2003, pp.69-72).

The Foreign Affairs Committee appoints a general rapporteur (Authors of reports prepared by committees of the European Parliament) and a rapporteur for each of the thirteen candidate countries. In 2002, the Committee followed the previous year's precedent by holding exchanges of view with the Chief Negotiators of the candidate countries and the European Commission in preparation for the reports on the enlargement negotiations adopted at the June and November 2002 plenary sessions (Christophe, 2007, pp. 11-16).

IV.ii Joint Parliamentary Committees (JPC)

Members of the European Parliament meet on a regular basis with their counterparts from the candidate countries within the Joint Parliamentary Committees. The relevant country rapporteurs of the Foreign Affairs Committee attend the meetings and, from 2000, this possibility was extended to the draftsmen of opinions of the specialist committees. The JPC meetings take place twice a year in order to exercise parliamentary oversight of all aspects of bilateral relations and to examine in detail the progress in the accession preparations and negotiations.
Each JPC meeting is concluded by joint Declarations and Recommendations which reflect the progress achieved and the commitments for future work. The specialist committees have nominated individual members to follow sector-specific enlargement issues. Their opinions have been incorporated into the enlargement resolutions. As the negotiations moved towards tackling the most difficult negotiating chapters, the various specialist committees of the European Parliament became increasingly involved in monitoring the process of negotiations in the policy areas for which they are responsible and the administrative capacity of the candidates to implement the acquis (the total body of the EU law). Many committees have sent delegations on fact-finding missions to a number of the candidate countries and have organised hearings on specific issues (Eichenberg and Russell, 2002, pp.44-46).

IV.iii Co-operation with National Parliaments

Within the secretariat of the European Parliament, the Division responsible for the work with national parliaments co-operates regularly with its counterparts in the candidate states. Its activities include, in particular:

1. Preparation and follow-up to the two annual COSAC (Conference of Community and European Affairs Committees of Parliaments of the European Union) meetings, the preparatory Troika Meetings and possibly future COSAC Working Group meetings, as well as assistance to the European Parliament delegation (consisting of 6 Members of the European Parliament including two Vice-presidents and at least one committee chair);

2. Preparation and follow-up of meetings of Secretaries General of the European Parliament and national parliaments of both member states and candidate countries; liaison with the secretariats of the parliaments of member states and candidate countries, including annual integrated seminar programmes for members and officials of parliaments of the candidate countries.

COSAC is a co-operation between committees of the national parliaments dealing with European affairs as well as representatives from the European Parliament. It was created
in May 1989 at a meeting in Madrid, where the speakers of the Parliaments of the EU Member states agreed to strengthen the role of the national parliaments in relation to the community process by bringing together the European affairs Committees. The first meeting of COSAC took place in Paris in November 1989 (Dahrendorf, 1998, pp.21-23).

The European Parliament's activities in the area of enlargement moved into a new phase from the year 2000 onwards as the negotiations gathered pace. The primary focus became the close monitoring of the negotiation process. The first of the annual enlargement debates took place in October 2000, following which resolutions were adopted on enlargement and the progress of the candidate countries. The second such debate took place in September 2001 (Helmbring, 2002, pp.83-84).

Reflecting the accelerating pace of events as the negotiations entered their final phase, Parliament's activities in the first half of 2002 culminated in the comprehensive enlargement debate held during the June plenary, at which a series of resolutions was adopted on the basis of the reports prepared by the Foreign Affairs Committee and the specialist committees on the state of the enlargement negotiations, the financial impact of enlargement, border regions, the ISPA and SAPARD instruments and agriculture (Details in page no. 68).

In its latest resolution on the progress made by the candidate countries towards accession, adopted on 20 November 2002, following the historic debate with members of the national parliaments of the candidate countries, Parliament welcomed the progress made in the negotiations with all ten countries on accession and supported all efforts to conclude the remaining and most difficult chapters with all ten countries as soon as possible. It also welcomed the prospect of increasing pre-accession aid for the candidate countries not able to join in the first wave (Jupille and Caporaso, 2008, pp. 104-106).

In its resolution of 19 December 2002 on the outcome of the Copenhagen European Council, Parliament welcomed the historic milestone represented by the conclusion of the accession negotiations with ten countries. It considered this a victory for the forces of
democracy, freedom and peace in these countries. However, it also recalled that the implementation of certain aspects of the acquis and of the commitments undertaken by the future new member states still needs improvement and that Parliament will have to give its assent to the accession of each of the candidate countries. Looking ahead, Parliament underlined the need to avoid new dividing lines in Europe and to promote peace and stability beyond as well as within the new borders of the Union. In this context, it welcomed the support for the efforts by the countries of the Western Balkans to move closer to the Union with an ultimate view to accession (Kreher and Lenaerts, 2009, pp. 48-49).

IV.iv The Process of Enlargement

The fifth enlargement will change the face of Europe and will affect all European Union institutions and areas of policy. In order to maintain the stability and prosperity of the entire European continent, an efficient and credible enlargement process must be sustained. Therefore the substantive preparedness of the candidates has been the overriding principle in deciding on the dates of the entry.

The candidate states must share the values and objectives of the European Union as set out in the Treaties. Compliance with political criteria laid down at the Copenhagen European Council of December 1993, the so called "Copenhagen Criteria", is the starting point for accession to the Union. The conditions governing accession must also be met: institutional stability and respect for human rights, the existence of a functioning market economy, the capacity to cope with competitive pressures of market forces and the ability to take on all the obligations of Economic and Monetary Union in connection with compliance with the acquis communautaire (The term acquis communautaire, (French pronunciation is used in European Union law to refer to the total body of EU law. The term acquis means "that which has been acquired", and communautaire means "of the community"). The Luxembourg European Council of December 1997 established the accession and negotiation process. Negotiations with the Czech Republic, Cyprus, Estonia, Hungary, Poland and Slovenia were opened on 31 March 1998.

The Helsinki European Council of December 1999 decided to open negotiations also with Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia in February 2000. The principle of differentiation among the candidates and the catch-up principle were agreed. The status of Turkey as a candidate country with all rights and duties and its full participation in the accession process were recognised, although there was no decision on opening negotiations. The importance of monitoring the commitments entered into by the candidate countries was underlined by The Feira European Council of June 2000 (Meyer and Rowan, 2007, pp.1-6).

The European Council of Nice, December 2000 endorsed the strategy proposed by the Commission in its 2000 Strategy Paper and the target date for membership of the most advanced candidate countries in 2004. It insisted that no further obstacle should now be put in face of the enlargement process. It further endorsed the differentiation amongst the candidates and confirmed the catch-up principle. The Road Map proposed by the Commission was reaffirmed for the next 18 months, which in Council's view would ease the way for further negotiations, bearing in mind that those countries which are the best prepared would continue to be able to progress more quickly. It specifically reconfirmed the European Parliament's view that the best prepared candidate countries should be able to participate in the 2004 European Parliament elections. The framework for the institutional reform necessary for enlargement was also defined (Neuhold, 2006, pp.79-80).

The Laeken (Belgium) European Council of December 2001 confirmed that the accession process was now irreversible. Reaffirming the Union's determination to bring the
negotiations to a successful conclusion by the end of 2002 with those candidates that are ready, it also called on the candidate countries to continue their efforts energetically, particularly to bring administrative and judicial capacity up to the required level. The Seville European Council of June 2002 reaffirmed the EU's determination to complete the negotiations with ten candidates by the end of 2002, if the countries concerned were ready, in expectation of signing the Accession Treaty in spring 2003. The Copenhagen European Council of December 2002 brought the negotiations with ten candidate countries to a close and decided on increased assistance to help the other candidate countries in their efforts (Roland, Kaufmann and Kleger, 2008, pp.28-34).

IV.vi The Actors in the Accession Process

They are the parties to the accession negotiations on the EU side. The Presidency of the Council of Ministers puts forward the negotiating positions agreed by the member states and chairs negotiating sessions at the level of ministers or their deputies. Each applicant-country with whom the negotiations have begun draws up its position on each of the 31 chapters of the EU acquis and engages in negotiations with the Member States. Each applicant has appointed a Chief Negotiator, with a supporting team of experts. The European Commission carries out the screening exercise with the applicants, conducts the negotiations and draws up draft negotiating positions for the Member States. The Commission also monitors the progress made by candidate countries and checks whether the commitments they made during negotiations have been followed in practice. The Council has requested the Commission to provide detailed annual assessments of the member states progress towards fulfilling the accession criteria (Sandholtz and Zysman, 2007, pp. 29-32).

IV.vii The Process of Accession

Parliament has an important role to play in the enlargement process in that it must give its assent to the final terms of accession before the Treaty can be signed and ratified. It has therefore closely monitored the negotiations, and the Commission keeps Parliament
informed at all key stages of the accession negotiations. The constitutional basis for the cooperation between the European Parliament and the Commission is the Framework Agreement on relations between the European Parliament and the Commission, which was signed by the Presidents of the two institutions on 5 July 2000. The European Parliament also has an important role to play in the financial aspects of enlargement in its capacity as one of the two arms of the budgetary authority. In particular, it has stressed the fact that agreement on a new financial perspective for the period beyond 2006 requires its approval. The national parliaments of the Member States and those of the candidate countries will have to ratify the Accession Treaty with the future member states once it has been signed following the assent of the EP and approval by the Council (Sbragia, 2005, pp.27-29).

The pre-accession strategy targets towards the specific needs of each candidate country as it prepares for accession. In this way, the EU focuses support towards the precise priorities identified by the Commission and the candidates. The key instruments of the pre-accession strategy are: the Europe Agreements, the Accession Partnerships, the National Programmes for the Adoption of the Acquis and the pre-accession assistance instruments (PHARE, ISPA and SAPARD, as well as the PHARE funded action plans designed to create sufficient administrative and judicial capacity at central and local level). In addition, the candidate countries already participate in several European Union programmes (Thorlakson, 2009, pp.7-9).

The PHARE (Poland and Hungary: Assistance for Restructuring their Economies) programme has been funding modernisation in the CEECs (Central and Eastern European Countries). In 1997 and 1999 it was modified better to meet the requirements of accession and to prepare the countries for the Structural Funds. It already finances a raft of projects, including cross-border co-operation schemes, in areas that will be covered by the Structural Funds (Puchala and Donald, 2004, pp.18-19).

The Pre-Accession Structural Instrument (ISPA) has been funding transport and environmental schemes in all the CEECs since early 2000, along the same lines as the
Cohesion Fund model designed for the least prosperous EU members. It provides direct financing for environmental projects to help apply directives that call for heavy investment, and for transport projects directly connected to the ten pan-European corridors that have been identified in these countries. The Special Accession Programme for Agriculture and Rural Development (SAPARD) has also been in operation since 2000, helping the applicants prepare for the common agricultural policy, in particular for its standards of food quality and consumer and environmental protection (Rasmussen, 2005, pp. 15-16).

This exercise, conducted by the Commission, precedes the negotiations themselves. It enables, firstly, the acquis (the body of the EU legislation) to be explained to applicant countries through a series of multilateral and then bilateral meetings, and, secondly, checks to be made on whether the applicants accept the acquis and are able to apply it. It also allows any problems that may arise during the negotiations to be identified. Once the screening is completed, the candidate countries submit their negotiating positions.

The Commission prepares a draft of common position and submits it to the Council, which unanimously adopts a common position and decides, unanimously, to open the negotiation chapter. The common positions may be altered in the course of negotiations if the applicants submit fresh information or agree to withdraw a request for a transitional period. The decision to close a chapter provisionally is also taken unanimously. The European Union may return to a "provisionally closed" chapter in the light of new acquis screened and included in the accession negotiations. Another case when the EU may return to a "provisionally closed" chapter is when a candidate country has not been living up to the commitments undertaken in that particular field (Taylor, 2008, pp.4-6).

The negotiations, which take place in the context of an intergovernmental conference, focus on the terms under which the candidates will adopt, implement and enforce the acquis, and, notably, the granting of possible transitional arrangements, which must be limited in scope and duration. In the negotiations, each candidate country is judged according to the principle of differentiation on its own merits. This principle applies both to the opening of the various chapters and to the conduct of the negotiations. Candidate
states that have been brought into the negotiating process later have the possibility of catching up with those already in negotiations, if they have made sufficient progress in their preparations. Progress in the negotiations goes hand in hand with progress in incorporating the acquis into national legislation and actually implementing and enforcing it. The pace of each negotiation depends on the degree of preparation by each candidate country and the complexity of the issues to be resolved (Serbanescu, 2007, pp.3-5).

The insistence by the Commission on the creation of the appropriate administrative capacity by the candidates, as well as on their ability to carry out a realistic legislative programme and enforce it, is the best way to speed up the negotiations without undermining the quality of the enlargement process. In order to reinforce this aspect, the Commission announced in its 2001 Strategy Paper that it would launch an action plan to strengthen administrative and judicial capacity in each of the negotiating countries and mobilize up to € 250 million in extra assistance over and above the annual PHARE allocation. The Commission reported on the action plans and the enhanced monitoring process to the Seville European Council. It will also submit a detailed monitoring report to Council and Parliament six months before the proposed date of accession of new Member States (Moravcsik, 2004, pp.2-5).

**IV.viii Transition Periods**

The general position, which the Union presented to the candidates at the outset of the negotiations, stated that transitional measures should be limited in time and scope, and accompanied by a plan with clearly defined stages for the application of the acquis. The Commission's view was that the EU must above all ensure that the candidates fully accept the EU acquis relating to the internal market. At the same time, transition periods should be possible in some difficult areas, such as environment, where large investments are needed before the candidates can fully adopt and implement acquits. The Commission based its assessment of the candidate's requests on these criteria, analyzing each on a case-by-case basis, taking into account the country's interests and the likely impact of the
request on the functioning of the Union and the interests of the other applicant states (Robertson and Kathy, 2008, pp. 54-55).

IV.ix Institutional Effect on Enlargement Process

The European Council of Nice held in December 2000 defined the framework for the institutional reform necessary for enlargement and endorsed the 'road map' which has guided the process over the last two years. In 2002, following the progress achieved during the Swedish Presidency and Belgian Presidency, the negotiations moved towards tackling the most difficult chapters in agriculture and finance. By the end of the Spanish Presidency in June 2002, 30 chapters had been opened with all the negotiating countries except Romania, and up to 28 had already been provisionally closed with some.

During the Danish Presidency (July-December 2002), the negotiations with ten countries entered their final phase. In accordance with the Nice Treaty, common positions had been adopted on the agriculture, regional policy, budgetary and institutions chapters. The Member States had still to agree on the final financing package and other issues not covered in the other chapters. In October 2002, the Commission published its Regular Reports, concluding that ten countries i.e. Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and Slovenia fulfill the political criteria and would be able to fulfill the economic criteria and assume the obligations of membership from the beginning of 2004 (Kappen and Thomas, 2007, pp. 9-12).

This enabled the Brussels European Council of October 2002 to confirm the determination of the Union to conclude the negotiations with these countries at the Copenhagen European Council in December 2002 and sign the Accession Treaty in Athens in April 2003. Agreement was also reached by the Member States on the financial framework for agricultural support and structural fund operations. The approval of the Nice Treaty in the second Irish referendum in October 2002 cleared the way for ratification to be completed and the Treaty to enter into force on 1 February 2003. The negotiations with the ten were duly concluded at Copenhagen in December 2002. On 19
February 2003, the Commission adopted a favourable opinion on the applications for accession of the ten countries acceding in 2004 and transmitted the draft Treaty to Parliament. The Accession Treaty is to be signed on 16 April 2003, subject to the European Parliament's assent. Thereafter, the current and acceding Member States must complete the ratification procedures (Serbanescu, 2009, pp-15-18).

Most of the acceding countries have already fixed the dates of their respective referenda. Once ratification is complete, the treaty will enter into force on 1 May 2004, allowing the new Member States to participate in the next European Parliament elections and in the next Intergovernmental Conference (IGC). In preparation for the IGC, the governments and parliaments of the candidate countries have been participating in the work of the European Convention set up following the Laeken Declaration on the Future of the EU, adopted by the European Council in December 2001. Once the Accession Treaty is signed, the acceding states will be given the status of active observers in the legislative work of the Council and delegations of Members of their national parliaments will participate as observers in the work of the European Parliament (Schmidt, 2008, p.11).

The negotiations with Bulgaria and Romania continue with a view to their accession in 2007. Revised roadmaps have been presented by the Commission and additional pre-accession aid is foreseen. They are to participate in the next Intergovernmental Conference as observers. The Copenhagen European Council of December 2002 encouraged Turkey to pursue energetically its reform process. It also decided that, if the European Council in December 2004, on the basis of a report and a recommendation of the Commission, decides that Turkey fulfils the Copenhagen political criteria, the EU will open accession negotiations with Turkey without delay. Cyprus will be admitted as a new Member State on 1 May 2004. Nevertheless, the European Council confirmed its strong preference for accession by a united Cyprus. However, the latest round of negotiations brokered by UN Secretary-General Kofi Annan failed to produce an agreement at the final session on 10 March 2003 so that application of the Treaty provisions to the northern part of the island will be provisionally suspended (Farrell, 2007, p.32).
On 9 January 2003, negotiations opened under the Greek Presidency with a view to the accession of the ten future new Member States to the European Economic Area (That time was the EU-15 plus Liechtenstein, Norway and Iceland). The aim is to conclude the negotiations in time for the relevant Treaty to be signed on 16 April 2003 at the same time as the EU accession Treaty. The Greek Presidency has included in its enlargement programme intensified cooperation with the countries of the Western Balkans "to promote their fullest possible integration into the political and economic mainstream of Europe, in view of the status of these countries as potential candidates for EU membership" (Scarrow, 2007, pp.9-11). A special 'Stabilisation and Association Process summit on the Balkans is planned for 21 June 2003 in Salonika. On 21 February 2003, Croatia submitted its formal application to join the European Union and would like to start negotiations by the end of 2004 with the aim of joining the EU at the same time as Bulgaria and Romania, probably in 2007. Croatia has already concluded a Stabilisation and Association Agreement (SAA) with the EU as has Macedonia (FYROM) and Albania hopes to open negotiations in the near future with a view to concluding an SAA. On 11 March 2003, the Commission published a Communication on 'Wider Europe Neighbourhood: A new Framework for Relations with our Eastern and Southern Neighbours' which examines the possibilities for an enlarged EU to enhance its relations with its eastern and southern neighbours (Taylor, 2002, p. 21).

The role of the European Parliament is more opaque than that of parliaments in most Member States and the European Parliament does not enjoy the same acceptance as national parliaments. Citizens do not have a clear idea of its role and objectives within the EU. Closely linked to this is the absence of transnational, European media. National media still focus on national issues and national candidates. This tendency was evident in the Netherlands, for example, where the crisis in the national government contributed to the voters turning their backs on the European elections, disillusioned. European issues such as EMU and the Common and Foreign and Security Policy (CFSP) are mainly analysed and discussed as regards to their possible effects on the national level. This lack of information about European issues and the role of the European Parliament are reflected in the Euro barometer survey. The most common response given (61 percent)
was that people do not feel well enough informed to vote; the second most common reason was that of not having enough knowledge about the importance and the power of the European Parliament (59 percent). Only 60 percent of EU citizens had been informed about the European Parliament in the papers, on the radio or television (Steinberg, 2006, pp. 27-29).

The EP’s censure of the Commission and the latter’s downfall could have led to two possible scenarios i.e. the fact that the MEPs finally resorted to the use of this blunt weapon against the Commission could have, on the one hand, convinced voters of the importance of the parliamentary body. On the other hand, it seems to have had just the opposite effect; turning voters away from the polls in view of this malpractice. The results of the elections do not have an effect on the composition of the European Commission or the Council of Minister (Weiler and Ulrich, 1999, pp. 28-33). This leaves voters disillusioned as their electoral participation does not have an effect on the composition of the European government.

The European parties are, to a large extent, extensions of their national parties and have difficulties developing their own, specific profiles. They are unable to come up with coherent positions on issues such as the role of the European Parliament, the reform of the Commission and developing a vision for European integration. This problem might be alleviated in the future by reserving seats for “European” as opposed to national lists, enabling possibly, the development of a stronger stance on the integration process. Last but not least, the issue of a European identity (or the lack of it) has to be taken into account. For citizens who see the EU as being remote from their own (domestic) concerns and problems it is unlikely that they would voice their support for the parliamentary body. These politically disenfranchised groups are more likely to turnout in national elections. Citizens who see the EU in a critical light and have no sense of European identity are more reluctant to vote at the European than at the national level. By giving their vote to the EP, they would be seen to be legitimizing one of the European institutions (Thorlakson, 2001, pp.12-15).