



# Britain's European Challenge – reforming the UK

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## Policy Recommendations

1. Election reform for “open lists” for European Parliament elections: voters can choose an individual candidate or change the ranking on a list.
2. Better integration of Members of the European Parliament elected in UK, with national parliament in London
3. Exchange of “best practices” between national parliaments to upgrade procedures on Europe

## Abstract

This paper focusses on the UK's current awkward relationship with the EU in the light of the upcoming European Parliament elections which point to a substantial swing to anti-European politics. A shift in rhetoric to highlight “engagement” with Europe rather than “exposure” would bring a greater positive touch to the debate. For this to work Members of Parliament (MPs) and Members of European Parliament (MEPs) elected in the UK could both profit from an improved two-way flow of information. In his “referendum speech” Cameron quoted the importance of national parliaments omitting any reference to the European Parliament

but both are needed for good governance and democratic accountability. For the “new settlement” with the EU, the UK is starting to review its own procedures and progress has already been made together with a number of experts and think tanks not just in the UK but other legislatures. Strengthened inter-parliamentary cooperation and more citizen involvement are just some of the proposals being discussed. The EU challenge for the UK lies in reforms not just in Europe but also back in London. In addition winning the trust of voters is vital to enable national parliaments to act as a credible channel of their concerns at EU level.



## Britain's European Challenge – reforming the UK

### Britain and/or “Europe”

As the Economist once bluntly put it, “the British will never love Europe” - history, geography and political culture all weigh against such a sentiment but currently the support for Europe is as Cameron said in his “referendum speech” last year<sup>1</sup>, “wafer thin”. Just at this point therefore it might seem foolhardy to promise a referendum, much discussed since the 1990s but ever elusive. The Prime Minister’s hope that the Europe debate would subside came to nought and the referendum offer even fuelled the passion of the Eurosceptics ensuring it will be an issue not only in the European Parliament (EP) elections but also in the national election of 2015. By contrast the Austrian parliamentary election of 2013 scarcely found a word to debate Europe as an election topic of any note. But despite the intensity of the debate in the British Isles, many doubt if there is much in the way of quality information received not just by voters, but also by Members of Parliament<sup>2</sup>.

One of the most awesome institutions in the UK is undoubtedly the splendour of the British parliament, steeped in tradition with a sense of power and history. A parliamentary culture where opposition and government cross verbal swords enlivens the political debates. Even with coalition government, it can be said that with the strength of the backbenchers, there is no “coalition parliament”<sup>3</sup>. Furthermore an assertive, reformed House of Lords regularly sends

bills back to the Lower House to think again and is respected for its expertise.

The UK’s basic assumption throughout the post-war period was that the European project was doomed to failure - too diverse and even conflicting were the interests and cultures of that motley collection purporting to make up the Common Market or EU. This blithe assumption guides the rejection of joining the Euro, a currency which many in the UK view with suspicion. But whilst the Euro threatened once to almost fulfil the Cassandra prophecies of “perfidious Albion” and tottered on the verge of collapse, the Eurozone moved together to shore up its beleaguered currency devising even closer working mechanisms, something recognised to be also paradoxically in the interests of the UK. Now there is an increasing realisation that Britain itself has to adjust to rapidly evolving changes in the European Union.

### Lack of Voter Choice - “Closed” Election Lists

The European Parliamentary elections in the UK take place on the basis of proportional representation (PR). Over the years variants of PR have been applied in different UK regional and local elections but never for national parliamentary elections<sup>4</sup>.

Whereas turnout in the last general election was 65%, EP elections show a significantly lower participation rate - in 2009 35% compared with the EU average of 43%. In 1999 the turnout in the EP election was a mere 24%, the lowest ever with the highest rate recorded in 2004 at 38.5%. A below UK average turnout in 2009 can be seen in Scotland (28.5%) and Wales (30.4%) whilst southern England on the whole showed an above average

1) EU Speech at Bloomberg <https://www.gov.uk/government/speeches/eu-speech-at-bloomberg>

2) Foreign Affairs Committee House of Commons, HC 87/1 June 2013.

3) The backbenchers are those MPs in the UK parliament who are not holding positions in either the government nor as spokespersons for their party. They often diverge from their party line and cause surprise defeats or embarrassment for the government by voting with another party. This has happened especially on European issues.

4) See Melanie Sully, “Election Potpourri – the British Way” in K. Poier ed, Demokratie im Umbruch, Böhlau, 2009.



turnout. Voting takes place on a Thursday, a normal working day which is the same for national and local elections.

Since the “winner takes all”<sup>5</sup> system is used in parliamentary elections, any increase in percentage strength of the Eurosceptic UK Independence Party (UKIP) at the May EP election is no reliable guide to distribution of seats in the national parliamentary election next year.

Furthermore the list system in operation for the UK European Parliament elections is “closed” and voters cannot alter the ranking of candidates on the party lists. Since positions on Europe cut across party lines it would be worth considering electoral reform to open the lists to allow voters to choose individual candidates (as in Malta and Ireland) or enable preferential voting as practised, for example, in Austria<sup>6</sup>. It is conceivable that the “take it or leave it” nature of the closed list system could entice support for UKIP. A Conservative Eurosceptic ranked low on the party list has no chance to move up and instead voters agreeing with such views may opt for a more radical UKIP candidate or abstain.

### Enhancing Communications with MEPs

In the United Kingdom there are no parliamentary groups as understood in Austria (Klubs) which also usually include not only members of the Nationalrat and Bundesrat but also Members of the European Parliament elected in Austria<sup>7</sup>. The MEPs

(UK) can apply for a pass to access the premises of the House of Lords only, but just a fifth have done so<sup>8</sup>. However only current members of the House of Lords can take part in debates, sit in committees and vote. In the House of Commons the status of MEPs (UK) is not regulated by legislation and they are not entitled to automatically use any of the services provided to MPs. The Commons has passed a resolution saying that MEPs should not be issued with photo identity passes to access the premises of the Commons. According to experts<sup>9</sup> there is insufficient engagement between MEPs elected in the UK and the national parliament in comparison with for example Denmark or the Netherlands. In the lower house of the latter the MEPs can even be invited to speak in the chamber in accordance with the rules of procedure.

The MEPs elected in the UK are not allowed to speak or vote in plenary or committee of either House of Parliament, but can watch the debates as any other member of the general public. The right to speak in the chamber is restricted to the MP alone. Since there would be no reciprocal right ie the MP would not have the right to speak in plenary in the EP, no change is anticipated.

The right to speak in the Austrian plenary of the National Council is also limited but can include for example the president of the National Court of Audit and Ombudspersons and so is broader than in the UK. MEPs elected in Austria have the right to speak in committees but some seek to enhance this through video conferencing allowing interventions by MEPs not able to be present in Vienna.<sup>10</sup> Furthermore in some state parliaments, for example Styria, MEPs (Austria) have the right to speak in accordance with the rules of procedure and rules

5) Only one candidate is elected per electoral district with a simple majority.

6) Austria like most EU countries has a “semi-open” list system whereby voters can change the order of candidates placed on a list by means of preferential votes. In Luxembourg voters can split the ticket and vote for candidates from different lists and in Sweden voters can delete or enter new names on the lists. (see “The European Parliament: electoral procedures”, R. Raffaelli, 2014).

7) See homepage of Austrian Parliament <http://www.parlament.gv.at/PERK/PE/EUPARL/index.shtml>

8) Information provided by the Houses of Parliament Office.

9) Tobias Ellwood MP, „Upgrading UK influence in the European Union“, Open Europe, London, 2012 and R. Fox et al “Measured or Makeshift?”, Hansard, London 2013.

10) „EU-Abgeordnete und heimische Parlamentarier wollen enger kooperieren“, Parlamentskorrespondenz, Nr 973, 2012.



also allow MEPs to be invited to speak in the Vienna City Council for relevant European issues. In devolved assemblies of the UK as in Scotland this is not the case. As a start one suggestion for better integration is to allow MEPs (UK) to have easier official access to parliament in London so as to meet more often and work with the relevant committees. This could be informally arranged with the national parliament but would need to be utilised by the MEPs and also the national MPs. Very often suspicion or rivalry hinders meaningful communications.

### **Updating Procedures for Treatment of EU Business**

As far as the treatment of EU business in the British parliament is concerned there is recognition that changes are long overdue. The present structures stem largely from the early years of membership in the 1970s<sup>11</sup>.

Currently there are ongoing reviews of best practices and so far the UK is looking at the following:

- Procedures followed in the Netherlands parliament with its support for upstream (pre-legislative) scrutiny revolving around an attempt to wield influence earlier on in the European decision-making process. In the UK too few MPs are involved and too late on, with little media interest. The Dutch Tweede Kamer (Lower House) is concerned that the information flow comes primarily via government channels and welcomes an increased input from civil society and internet consultations.<sup>12</sup> This could help increase democratic legitimacy in the eyes of voters.

- The Tweede Kamer produces an annual document containing a list of the proposals from the Commission's annual work programme which are prioritised by committee<sup>13</sup>. A subsidiarity concern is noted in committee as, for example in 2014, on climate energy and the labour mobility package. Building on this the Chamber is strengthening accountability with prime ministerial statements after European Council meetings as well as before.
- Whilst the Lisbon treaty gave national parliaments a role in allowing for a reasoned opinion on breaches of subsidiarity, many feel it has neither been used effectively nor had a real impact on decisions taken. In the Netherlands and Denmark work is in progress to consider reforms which would increase the scope, deadline and outcomes of this mechanism. The yellow card procedure is seen by the Netherlands parliament as important but not particularly effective in altering legislative proposals. Rather than counting up how often the card is used, it focuses on what happens as a result and the response of the Commission. It further notes that it is often the same group of chambers that are involved and urges improved communications between more parliaments. Another idea is for a "green card" to amend existing European legislation. The Danish Folketing too has taken up this idea so that parliaments would become proactive and not simply react to initiatives from Brussels.<sup>14</sup>
- The Danish Folketing European affairs committee has further recommended smaller and more structured inter-parliamentary

11) „The Role of National Parliaments in the EU”, House of Lords Report, London, March 2014.

12) “Democratic Legitimacy in the EU and the role of national parliaments”, Tweede Kamer, 2013.

13) See „EU Scrutiny 2014“, Tweede Kamer, The Hague, January 2014.

14) European Affairs Committee, „Strengthening the role of national parliaments in changing European governance“, Copenhagen, 2014.



meetings with a distinct focus, laid down in a code of conduct.

- Another idea which has met with interest in Britain is that each committee should have an EU specialist rapporteur to foster a systematic European profile pushing for early engagement with European institutions. Whether rapporteurs raise awareness and visibility of EU affairs varies depending on the legislature but Scotland has rather positive experience where a committee member takes on the job of rapporteur monitoring developments in their area on the EU.
- The European scrutiny committee in the UK wants more debates on Europe and the Europe minister to answer questions regularly. Currently a junior minister for Europe responsible to the Minister for Foreign Affairs does not enjoy cabinet status. An upgrade to cabinet level could enhance the standing of EU affairs within the government. European affairs should be seen as a field that can bring added value and be associated

with career advancement not as a chore or task to be avoided.

### Conclusion

“Europe must change”, says David Cameron in his analysis of the EU but the UK has also to change in any “new settlement” with Europe. The Commons committee for foreign affairs has urged the government to adopt a tone, language and overall approach which could be positive and engaged by framing its language in pan-European terms rather than UK-only. This plus:

- Increased voter choice on EP party lists
- greater interaction of MEPs with the national parliament and
- an upgrade of procedures in the national parliament

could all serve to strengthen governance in both Britain and the EU. This could help ensure that support for the EU in the future would be more than just “wafer thin”.

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