



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Power Dynamics, Accountability, And Influence: The Roles of the European Commission and European Parliament in EU Governance

Siddharth Bhagwan Pariani^a

^aSymbiosis Law School, Pune, India

Received 21 November 2024; *Accepted* 23 December 2024; *Published* 26 December 2024

This paper examines the intricate roles, powers, and accountability structures of the European Commission (EC) and the European Parliament (EP) within the European Union (EU). As core institutions, the EC and EP collectively shape EU policies through a complex checks and balances system that ensures democratic governance and upholds the Union's integrity. The EC, often termed the 'Engine' of EU legislation, holds the unique right to propose laws, oversee policy implementation, and enforce compliance among member states. On the other hand, the EP, the only directly elected EU institution, represents citizens' interests, shaping legislation alongside the Council of the European Union, with co-legislative and budgetary powers. Additionally, the EP exercises supervisory authority over the EC, ensuring transparency and public accountability. This study delves into how these institutions' powers balance each other to reflect the diverse needs of EU citizens, fostering trust in EU governance. The analysis underscores the significance of these institutional interactions, which contribute to a cohesive and effective legislative environment, ultimately reinforcing the EU's democratic legitimacy and policy effectiveness.

Keywords: *European union, European commission, European parliament, EU legislative process, accountability mechanisms.*

INTRODUCTION

As a supranational entity, the European Union (EU) has to ensure that the institutional framework within which it drafts, implements, and enforces laws through its members is nothing less than complex. Two of the most powerful bodies within this institutional framework include the European Commission (EC) and the European Parliament (EP). EC serves as the executive organ entrusted with the proposal of legislation, the implementation of decisions, and the enforcement of the treaties of the EU. While that may be so, the EP is a directly elected representative body responsible for critically shaping, amending, and approving legislation.

These institutions work together to contribute to the overall EU legislative process, each bringing their set of powers, responsibilities, and accountability mechanisms to bear on making EU policies. The functions of the different roles, their influence in the legislative process, and the degree to which they balance powers and ensure democratic accountability within the EU's political landscape will be touched upon within this assignment.

The EU works through a convoluted system of legislation, wherein the EP and the EC are two of the powerful arms in the system. Both institutions are of immense importance while shaping the legislation and policies of the EU and the democratic governance of the Union. Besides their respective roles, there is this dynamic interplay between the European Commission and the European Parliament to ensure that the legislative process is robust and inclusive. The EC has a monopoly of legislative initiative where it would be able to propose policies that may answer the collective interests of the Union. At the same time, the EP, being the voice of EU citizens, scrutinises these proposals through debates, amendments, and votes. This is further enhanced by the co-decision procedure, in which both institutions share an equal footing in law-making. The checks and balances that characterise this relationship add to the legitimacy of EU governance, thus fostering transparency and accountability.

ROLE IN THE LEGISLATIVE PROCESS

European Parliament (EP): The EP is the only directly elected European institution representing the citizens of the EU. It exercises co-legislative powers with the Council of the European Union

under the Ordinary Legislative Procedure, which is the ordinary procedure of adoption of the legislation of the European Union. The EP shares with the Council equal right to amend, adopt, and reject legislative proposals from the EC. Because of that fact, the result of this co-legislative procedure is that the interests of EU citizens are taken into consideration during the legislation process.¹ Apart from this, the ability of EP through international legislation involves influencing the agenda for legislation by requesting the EC to propose new laws on issues that interest them. The Parliamentary committees are of great importance in scrutinising proposals and suggesting amendments so that legislation may fit the needs and priorities of the EU. EP also participates in the Consultation and Consent procedures.²

European Commission (EC): The EC is often described as the ‘engine’ of the legislative process in the EU. It has a formal monopoly on proposals in most policy areas, hence the agenda-setting power of the EU.³ This constitutes the foundation of its leading role, from defining the issues that require a legal response to elaborating the legislative proposals and then adopting them with EP and the Council.⁴ In addition to legislative proposals, the EC is a major enforcer and administrator of EU law and ensures that the laws of the member states are applied uniformly while overseeing compliance and representing the EU in international negotiations.⁵ ⁶ As ‘guardian of the treaties,’ the EC polices the member states’ compliance with the EU's founding treaties and adopts enforcement action when it sees this as necessary.⁷

¹ Stephen Vitkovitch, ‘Assessing the European Parliament’s Democratic Credentials’ (2015) 15(4) Romanian Journal of European Affairs
<https://www.researchgate.net/publication/287546861_Assessing_the_European_Parliament's_Democratic_Credentials> accessed 15 November 2024

² *Ibid*

³ Adriaan Schout et. al., *Clingendael Report: From the ‘Ordinary’ Method to the Transgovernmental Method Comparative Trends in EU Governance* (2019)

⁴ *European Commission and Ors v Republic of Poland* [2021] MANU/UKCJ/0116/2021

⁵ Mustafa T. Karayığit, ‘The Semi-Presidential EU Governmental System As A Constitutional Design’ (2020) 17(67) *Uluslararası İlişkiler / International Relations* <<https://www.jstor.org/stable/26928573>> accessed 15 November 2024

⁶ *Ibid*

⁷ Andreas Staab, *The European Union Explained, Third Edition: Institutions, Actors, Global Impact* (3rd edn, Indiana University Press 2013)

POWERS OF THE EUROPEAN PARLIAMENT AND THE EUROPEAN COMMISSION

The EP and EC also shape the EU's legislative and policy environment. EC has an effective monopoly of proposals, adopts measures needed to enforce EU laws, and manages the EU budget. The EP is allowed to amend or block its adoption.⁸ The EP has the power to amend, approve, or reject laws with the Council of the EU, giving it legislative powers, and in consequence, it represents the citizens of the EU.

1. European Parliament (EP) -

The EP has various important powers that make it strong enough to have its say in the legislation and policy adopted by the EU. These include the following:

Legislative Power: EP is a Co-legislator, having the right to adopt, amend, or reject legislative proposals along with the Council.⁹ Amendment proposals are a way of showing the strength through its committees.¹⁰

Budgetary Power: The budgetary powers are held jointly by EP and the Council, with the adoption of the annual budget of the EU, exercising control over its implementation, thereby contributing to prioritisation for where financial resources are allocated to make them consistent with the priorities of the Union.¹¹

Supervisory: This is the most essential Parliamentary function, i.e., overseeing the EC. It approves or rejects the appointment of a Commission President and members; it puts questions to hold the EC accountable and, in extreme cases, has the right to bring down the EC by voting a censure.¹²

⁸ Amie Kreppel and George Tsebelis, 'Coalition Formation in the European Parliament' (1999) 32(8) Comparative Political Studies <<https://doi.org/10.1177/0010414099032008002>> accessed 15 November 2024

⁹ Berthold Rittberger, 'The Creation and Empowerment of the European Parliament' (2003) 41(2) JCMS Journal of Common Market Studies <<http://dx.doi.org/10.1111/1468-5965.00419>> accessed 15 November 2024

¹⁰ *Ibid*

¹¹ *Ibid*

¹² Martin Westlake, 'The European Parliament's Emerging Powers of Appointment' (1998) 36(3) Journal of Common Market Studies <<https://ideas.repec.org/a/bla/jcmkts/v36y1998i3p431-444.html>> accessed 15 November 2024

Political Influence: Parliament exerts influence through initiative reports, public debates, and hearings in setting the agenda for EU policy.¹³ Such work determines not only the policy agenda but also influences public opinion.

2. European Commission (EC) -

The scope of the EC's powers is not limited to the legislative process but also extends to the implementation of the policy:

Legislative Power: EC enjoys a formal monopoly of the right to propose legislation—a fact which has proven to be an influential factor in EU legislation. The original drafting from EC sets the parameters and direction of the legislative debate.¹⁴

Executive Power: The EC is in charge of administering the budget of the EU; it oversees policy implementation and adopts delegated acts for the smooth operation of the Union, regulated as one.¹⁵ EC ensures the enforcement of EU legislation throughout all the member states.¹⁶

The Power of Enforcement: This Commission is a 'guardian of the treaties' that, under certain conditions, carries out responsibilities connected with observing compliance by member states with EU law.¹⁷ This may include enforcement actions, bringing cases before the CJEU, and imposing fines on businesses for breaking EU competition laws.¹⁸

¹³ Richard Corbett, 'Testing the New Procedures: The European Parliament's First Experiences with its New 'Single Act' Powers' (1989) 27(4) *Journal of Common Market Studies* <<https://ideas.repec.org/a/bla/jcmkts/v27y1989i4p359-372.html>> accessed 15 November 2024

¹⁴ *Kingdom of Spain v European Commission* [2023] MANU/UKCJ/0009/2023

¹⁵ *Ibid*

¹⁶ *Google LLC and Ors. v European Commission and Ors.* [2021] MANU/UKCJ/0174/2021

¹⁷ Mark Leonard and Jeremy Shapiro, 'EMPOWERING EU MEMBER STATES WITH STRATEGIC SOVEREIGNTY' (*European Council On Foreign Relations*, 25 June 2019) <https://ecfr.eu/wp-content/uploads/1_Empowering_EU_member_states_with_strategic_sovereignty.pdf> accessed 15 November 2024

¹⁸ *Ibid*

Regulatory Power: EC sets standards at the Union level in such fields as competition, preservation of the environment, and consumer rights. Through its regulatory power, it provides a level playing field across the Union and protects the interests of the EU citizens.¹⁹

ACCOUNTABILITY MECHANISM

Accountability ensures that the EU is transparent, it engenders trust, and it offers democratic legitimacy. The European Commission is responsible before the European Parliament, which examines its activities, approves its composition, and, on occasion, can make it resign by a motion of censure. For its part, the EP is directly accountable to EU citizens through direct elections held once every five years. Checks and balances in this system ensure that neither of these two institutions acts against the best interest of the EU.²⁰ It makes sure responsiveness is accorded and abuse of power is repressed. Thus, policies reflect the will and welfare of the people they serve.²¹

1. European Parliament (EP) -

Accountability is central to the EP's legitimacy as the representative of EU citizens:

Direct Election by Citizens: MEPs are directly elected by EU citizens every five years. This process ensures that EP is responsive to the electorate's needs and preferences.

Transparency and Public Engagement: EP conducts its business transparently, with open plenary sessions and committee meetings. Citizens can follow the legislative process and hold their representatives accountable through live broadcasts and public documentation.²²

¹⁹ David Coen and Mark Thatcher, 'Network Governance and Multi-Level Delegation: European Networks of Regulatory Agencies' (2008) 28(1) *Journal of Public Policy* <<https://www.jstor.org/stable/40072035>> accessed 15 November 2024

²⁰ Gabriel-Liviu Ispas, 'Issues On The European Parliament Functions' (2014) 8(8) *Conferința Internațională Educație și Creativitate pentru o Societate Bazată pe Cunoaștere* <<https://www.cceol.com/search/article-detail?id=823039>> accessed 15 November 2024

²¹ *Ibid*

²² Matthew Gabel, 'Public Support for European Integration: An Empirical Test of Five Theories' (1998) 60(2) *The Journal of Politics* <https://is.muni.cz/el/1423/podzim2015/EVS185/um/Gabel_1998_Public_Support_for_European_Integration_An_Empirical_Test_of_Five_Theories.pdf> accessed 15 November 2024

Reporting and Communication: MEPs are expected to engage with their constituents, providing reports on their legislative activities and seeking feedback. This communication helps maintain trust and ensures that MEPs remain accountable.²³

Parliamentary Questions and Debates: EP holds regular debates and question sessions, providing a platform for scrutiny of EU institutions, particularly the EC.²⁴

Oversight of EU Institutions: EP oversees the EC's activities, approving or rejecting its members and ensuring that its actions align with EU law and principles.²⁵

Financial Accountability: EP reviews the implementation of the EU budget, ensuring that funds are used effectively and in line with the Union's objectives.

2. European Commission (EC) -

The EC is accountable through several mechanisms designed to ensure that it operates transparently and within its legal mandates:

Accountability to the European Parliament: The EC is accountable to the EP, which approves the appointment of the EC President and members. EP can also dismiss EC through a vote of censure. This relationship ensures that the EC remains responsive to the democratic process.²⁶

Judicial Oversight: The EC's actions are subject to review by the CJEU, which ensures that the EC operates within its legal competencies. If the EC oversteps its authority, the Court can annul its actions.

²³ R. Bourguignon-Wittke, 'Five Years of the Directly Elected European Parliament: Performance and Prospects' (1985) 24(1) *Journal of Common Market Studies* <<https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.1985.tb00082.x>> accessed 15 November 2024

²⁴ *Ibid*

²⁵ Karlheinz Neunreither, 'The Democratic Deficit of the European Union: Towards Closer Cooperation between the European Parliament and the National Parliaments' (2007) 29(3) *Government and Opposition* <<http://dx.doi.org/10.1111/j.1477-7053.1994.tb01223.x>> accessed 15 November 2024

²⁶ Nikoleta Yordanova and Asya Zhelyazkova, 'Legislative Control over Executive Law Making: Delegation of Quasi Legislative Powers to the European Commission' (2020) 58(2) *Journal of Common Market Studies* <<https://ideas.repec.org/a/bla/jcmkts/v58y2020i2p345-364.html#>> accessed 15 November 2024

Financial Accountability: The EC manages the EU budget and is audited by the European Court of Auditors. It must present annual financial reports to EP and is subject to scrutiny by EP's Budgetary Control Committee.

Transparency and Public Accountability: EC conducts public consultations on significant policy initiatives, allowing citizens and stakeholders to contribute to the decision-making process. It also adheres to transparency rules in its interactions with lobbyists and stakeholders.²⁷

Internal Checks and Balances: EC operates under internal rules that promote collective decision-making, ensuring that no single Commissioner can dominate the process. The European Ombudsman provides an additional layer of accountability, addressing cases of maladministration.

INFLUENCE ON THE POLICIES OF THE EU

The EP and EC are the central institutions in the EU, each having different, important roles in setting the legislative and policy outlook of the Union. The two roles interrelate and balance in the institutional framework of the EU in so far as the EC proposes the legislation and enforces the EU law, whereas the EP scrutinises the proposals and approves them to make them correspond to democratic values. In this way, the system of checks and balances will reinforce legitimacy and effectiveness in the EU's governance.²⁸

1. Influence of European Parliament -

Co-legislation and Legislative Influence: Under the Ordinary Legislative Procedure, the EP shares equal legislative powers with the Council of the EU, with powers to amend, adopt, or reject the proposals put forward by the EC. In this respect, such co-legislative powers as

²⁷ *European Commission v United Kingdom of Great Britain and Northern Ireland* [2024] MANU/UKCJ/0045/2024

²⁸ Tapio Raunio and Wolfgang Wagner, 'Contestation over Development Policy in the European Parliament' (2021) 59(1) *Journal of Common Market Studies* <<https://ideas.repec.org/a/bla/jcmkts/v59y2021i1p20-36.html>> accessed 15 November 2024

bestowed upon the EP accord it adequate capacity to shape the laws of the EU in a manner that addresses the needs and concerns of all EU citizens.²⁹

Budgetary Power: Along with the Council, the EP shares responsibility in the final decision on the annual EU budget under the same roof. It thus has strong bargaining power in making financial allocations that are consistent with the identified policy priorities above, such as environmental protection and social cohesion.

Supervisory and Accountability Role: The EP supervises the EC by confirming a nominated Commission President and members. It debates, holds question sessions, and conducts hearings to hold responsible acts of the EC, among other EU institutions, for transparency.

Political Influence: The EP, therefore, plays a role in the policy agenda of the EU through initiative reports and resolutions, which may bring about new legislation or policy changes. It further creates an avenue for public debate, offering a way to the building of public opinion and shaping the political discourse in the EU.³⁰

2. Influence of the European Commission -

Legislative Initiative: Because of its monopoly of the right to propose new legislation, the EC, therefore, shapes the legislative agenda of the EU. It is the ‘engine of European integration’ and as such, gives direction to EU policies both in the internal market and on environmental protection.³¹

2. Policy Implementation and Coordination: After the adoption of legislation, the EC ensures that they are implemented throughout the member states by coordinating measures for uniform application. It may adopt delegated and implementing acts when adaptation requires the legislation to do so.³²

²⁹ Andreas Maurer, 'The Legislative Powers and Impact of the European Parliament' (2023) 41(2) *JCMS Journal of Common Market Studies* <<http://dx.doi.org/10.1111/1468-5965.00420>> accessed 29 December 2024

³⁰ José Luis Rufas Quintana and Irmgard Anglmayer, 'Retrospective Policy Evaluation at the European Parliament' (2019) 1(2) *European Journal of Law Reform* <<https://doi.org/10.5553/EJLR/138723702019021002013>> accessed 29 December 2024

³¹ Kreppel (n 8)

³² Wittke (n 23)

3. External Representation and Negotiations: EC represents the Union in international negotiations, shapes global governance and projects the interests and values of the Union internationally.

4. Enforcement Power: Through the EC, it acts as a guardian of treaties; it ensures that member states comply with EU law. If not, then infringement procedures take off, and cases are sent to the CJEU. The issuance of fines and penalties are also imposed if there are legal infractions.³³

CONCLUSION

It is, therefore, interoperable between EC and EP that policymaking and legislative processes are highly centralised in the EU, with each organ complementary to one another. Whereas the EC drives the policy agenda of the EU, about its monopoly of the legislative proposal, it usually serves as a 'Guardian of the Treaties' to ensure there is uniformity in their application and compliance by all the member states. The latter is an independent supranational body in legislation, budget, and supervision, giving democratic legitimacy and accountability to the interests of the citizens of the EU as expressed concomitantly through the EP.

The same filamentous institutions are representative of the checks and balances that facilitate openness, inclusiveness, and efficiency in conducting EU affairs. Their interaction thus helps to bring efficiency in EU legislation, enforcement and representation of the different needs and aspirations of various member states and their citizens. The result of such contributes to the integrity and cohesiveness of the Union.

³³ René Cuperus and Cathelijn Padberg, *Research Report- An Inter-institutional battle: who decides upon the EU's future?* (2019)