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Working towards a more democratic and decisive EU: With or without treaty change?

The current institutional setup of the European Union faces significant challenges. Crucially, since its establishment in the Maastricht Treaty, the EU's decision-making capacity has been strained by the addition of new member states, making agreements harder to reach, leading to more complicated and oftentimes protracted decision-making processes. Enhancing this capacity is critical for addressing urgent issues like economic crises, climate change or global conflicts such as the wars in Ukraine and the Middle East. The reliance on unanimous agreement, precisely in crucial areas such as foreign and defence policy or EU finances, often results in stalemates, where national interests diverge significantly, slowing responses to geopolitical, ecological and socio-economic challenges. These institutional weaknesses are likely to become even more harmful with the rise of nationalist sentiment across the EU and the participation of radical parties in member state governments.

Moreover, concerns about legitimacy and representation within the EU are growing. Smaller or newer member states may feel overshadowed by larger nations, leading to a sense of marginalization. Citizens across the EU are increasingly dissatisfied with their perceived lack of influence on decision-making, feeling that the EU's complex processes do not reflect their needs. This disconnect has opened the door for the EU to be criticized for a lack of transparency and a decision-making process that is dominated by distant institutions and 'unelected' officials. As a result, there is a growing demand for reforms to enhance the democratic accountability of the Union.

It is thus crucial to make the EU institutional setup both more democratic and more decisive. Democratic backsliding, the rise of Eurosceptic forces, ongoing ecological and socio-economic crises, and geopolitical shifts demand an EU that is both democratically legitimate and institutionally robust, capable of responding swiftly to maintain stability and influence.

One possible avenue for tackling these issues is through treaty reform. This can certainly enhance the EU's capacity to act and improve decision-making processes. A pressing

issue is the reliance on unanimity in the Council of the EU in sensitive and critical policy areas, as mentioned above. Expanding EU competencies and shifting to qualified majority voting in these policy areas could allow for quicker and more efficient responses to urgent challenges, such as war, economic disruption, natural disasters or, indeed, pandemics. In addition, granting the European Parliament (EP) a right of legislative initiative, potentially alongside a “green card” for national parliaments, formally acknowledging trilogues in the Treaties, making the Commission more explicitly accountable to the EP and introducing functioning mechanisms for EU-wide citizen participation would increase democratic legitimacy and ensure better representation of citizens’ voices.¹ Enhancing transparency and accountability within EU institutions by improving mechanisms for scrutinising executive actions, including holding non-majoritarian institutions like the European Central Bank to account more effectively, could also further strengthen public trust in EU governance.

However, reforming the Treaties is challenging, and the EU’s very institutional shortcomings make their resolution through treaty change unlikely. The requirement for unanimity among member states means that any single country can veto proposed changes, often leading to stalemates, especially because of rising nationalist sentiments. The complexity of the revision process, which involves lengthy negotiations and multiple stages, further complicates efforts for reform. Domestic politics in member states frequently lack the stability necessary for such bold changes, not to mention the reluctance among member state governments to call for a convention and to cede further powers to EU institutions.

Therefore, for the immediate future, it is worth looking into what can be done without treaty reform. For one, even without an expansion of formal powers, the EP could take on a more proactive role and maximise the use of its existing powers in areas such as digital policy, climate action and social rights, driving forward legislation that addresses the needs and aspirations of the European populace. Additionally, improving inter-institutional cooperation can lead to more cohesive and effective governance. By fostering better collaboration between the Commission, the EP and the Council, the EU can ensure that policies are more thoroughly vetted and supported across different branches of governance. This could involve regular joint sessions, enhanced communication channels, and more integrated policy-planning processes from the start. Such measures would help create a more unified and responsive EU, capable of tackling contemporary challenges with greater agility and coherence.

Beyond institutional efficiency, the EU could make important progress in tackling the disconnect between citizens, even without treaty reform.² One effective approach could be strengthening the European Citizens’ Initiative (ECI), which allows citizens to propose legislation directly to the European Commission. By revising the ECI regulation to simplify

1 For a recent discussion of the experience with citizen participation in the Conference on the Future of Europe, see: Borońska-Hryniewiecka, K. and L. Kinski (eds) (2024) *The Parliamentary Dimension of the Conference on the Future of Europe: Synergies and Legitimacy Clashes* (Abingdon: Routledge).

2 For a recent discussion of the EU’s struggle with democracy, see: Bremberg, N. and L. Norman (eds) (2023) *Dilemmas of European Democracy: New Perspectives on Democratic Politics in the European Union* (Edinburgh: Edinburgh University Press).

the process and lower the thresholds for participation, more citizens can engage in shaping policies that affect their lives. Additionally, establishing transnational citizens' panels on key issues citizens care about can foster a closer dialogue between EU institutions and the public, ensuring that diverse perspectives are considered in policy formulation. In line with progress in recent years, publishing member-state negotiation stances could potentially enhance transparency in decision-making processes.

Overall, switching from the EU's traditional top-down perspective on democracy towards promoting bottom-up democratic practices through local governance initiatives and civil society involvement would empower citizens to participate actively in the democratic process.³ Crucially, national parliaments and parties must live up to their roles as transmission belts to European citizens, acknowledging the inescapable European dimension of their domestic agendas, and thereby, reinforcing the EU's legitimacy as a multinational and multilayered representative democracy.⁴ The European Parliament, in turn, could be more accommodating to national parliaments as its 'natural allies', for example, by offering national parliamentarians attendance and speaking rights in committee meetings, as is the case in quite a few national parliaments for members of the EP. None of these elements require treaty change to be implemented or at least initiated.

Indeed, the most likely evolution of EU institutions in the near future will occur through a combination of incremental reforms and enhanced cooperation among member states, rather than immediate treaty amendments. To be sure, there is a growing call to expand qualified majority voting in decision-making processes to allow for quicker responses to crises, reflecting a need for more flexible governance structures. Additionally, proposals for greater citizen engagement and participatory mechanisms, such as EU-wide referendums, indicate a desire for more democratic governance. Still, given the hurdles to treaty reform and the current political climate, the EU will most likely focus on addressing its institutional challenges through operational improvements and collaborative efforts, rather than formal treaty changes.

3 See also: Oleart, A. (2023) *Democracy without Politics in EU Citizen Participation: From European Demoi to Decolonial Multitude* (Cham: Palgrave Macmillan).

4 See also: Pittoors, G. (2024) "Everything everywhere all at once? Introducing a field-theoretic model for party politics in the European Union". *JCMS: Journal of Common Market Studies*. DOI: 10.1111/jcms.13662