

# Die Europäischen Institutionen als Interessengruppe

*Prof. Dr. Roland Vaubel*

*Universität Mannheim*

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## „Demokratiedefizit“ der europäischen Institutionen:

- Parlament hat kein Initiativrecht für Gesetzgebung
- Ein nicht-gewähltes Exekutivorgan (Kommission) hat Initiativmonopol für die Gesetzgebung (Verstoß gegen Gewaltenteilung).
- Für die Wahl zum Parlament hat die Stimme eines Luxemburgers oder Maltesers mehr als neunmal so viel Gewicht wie die Stimme eines Briten, Deutschen, Franzosen, Italieners, Polen oder Spaniers.
- Die Beteiligung an den Parlamentswahlen liegt unter 43 Prozent (in sechs Ländern unter 30 Prozent).
- „The EC system is now more lobbying-oriented than any national European system“ (Andersen, Eliasson 1991): Wirtschafts- und Sozialausschuss, Beteiligung der Verbände an der Anti-Dumping-Politik, Comitologie etc.
- Zentralisierung und Intransparenz der EU erhöhen Informationskosten und schwächen Informationsanreiz der Bürger (rationale Unwissenheit).

Table 1

Question: How much influence, if any, do you think the opinion of people like yourself has on the decisions taken by

	a) the government of your country?	b) the institutions of the European Union?
no answer	0,2	0,3
great deal	5,4	3,9
some influence	23,4	15,6
not much influence	38,1	34,4
no influence at all	29,2	40,0
don't know	3,6	5,5
total	100,0	100,0
number of answers:	17 298	

Source: Eurobarometer 44.1, Nov./Dec. 1995, question 73

- Mangel an demokratischer Kontrolle führt zu „Principal-Agent-Problem“:  
Europapolitiker können weitgehend machen, was sie wollen.
  - Aber wollen sie denn etwas Anderes, als die Bürger wollen?
- Vergleichende Meinungsumfragen:

## Table 2

### EU-related opinions of the general public, 50 top Commission officials and 203 members of the European Parliament in nine EU member states (per cent)

	general public	top Commission officials and euro-parliamentarians
1. The European Union should strengthen its military power in order to play a larger role in the world:		
agree strongly	16	31
agree somewhat	30	34
disagree somewhat	30	17
disagree strongly	21	15
don't know	3	2
2. The European Union should have its own foreign minister, even if my country may not always agree with the positions taken:		
agree strongly	21	54
agree somewhat	44	24
disagree somewhat	18	6
disagree strongly	12	15
don't know	5	1
3. Generally speaking, do you think that Turkey's membership of the European Union would be		
a good thing	21	44
a bad thing	32	33
neither good nor bad	40	19
don't know	6	4

Source: European Elite Survey, Centre for the Study of Political Change, University of Siena, May to July 2006 (as published by Roper Center for Public Opinion Research MCMISC 2006-Elite) and Transatlantic Trends 2006, Topline Data, June 2006.

Table 3

Preferred levels of decision-making for the three most important issues in ten EU member states (percentages based on responses)

Preferred Governmental Level	Mass public	Members of national parliaments	Members of European Parliament
Regional	12	7	3
National	45	48	43
European	42	44	54

Schmitt, Thomassen (1999), European Representation Study, Table 3.1.

Table 4

EU-related opinions of the general public and top decision makers among elected politicians, national civil servants and journalists (per cent)

issue	general public	national civil-servans	parliamentarians	media leaders
support for EU-membership	48	96	92	91
benefits from EU-membership	43	92	90	86
support for membership in the eurozone	53	89	82	82
strengthening the European Parliament	60	68	70	73

Source: EOS Gallup Europe, The European Union: A View from the Top, Special Study, 1996, Sample size: 3.778 persons in EU-15

## Table 5

### A comparison of national referenda and parliamentary votes on issues of EU policy (per cent)

country	year	issue	yes in referendum	yes in parliamentary vote
Austria	1994	accession to EU	66.6	80.0
Finland	1994	accession to EU	56.9	77.0
Sweden	1994	accession to EU	52.7	88.0
Malta	2003	accession to EU	53.6	58.6
Slovenia	2003/04	accession to EU	89.6	100.0
Hungary	2003	accession to EU	83.8	100.0
Slovakia	2003	accession to EU	92.5	92.1
Estonia	2003/04	accession to EU	66.8	100.0
Spain	2005	EU constitution	76.2	Parl. : 94.2 Senate: 97.4
Luxembourg	2005	EU constitution	56.5	June : 100.0 Oct.: 98.2

Source: Haller (2008), Tables 1.1., 1.2a and 1.2b



Table 6

Net salaries at the European Commission and in the central governments of selected member states

EU grade		Commission		EIB	Germany	UK	France	Denmark	Italy
		non-expatriate	expatriate						
A4/A5 (councillor)	S	100	123	147	63	74	81	60	27
	M	100	121	149	62	61	80	53	24
B4/B5 (secretary)	S	100	120	151	70	84	59	66	41
	M	100	119	158	67	67	53	59	43
C4/C5 (security officer)	S	100	120	147	71	57	57	62	46
	M	100	117	154	67	44	50	53	37
average	S	100	121	148	68	72	66	63	38
	M	100	119	154	65	57	61	55	35
	M + S	100	120	151	67	65	63	59	36

Calculations on the basis of: European Commission, Comparative Study of the Remuneration of Officials of the European Institutions, June 2000.

Table 7

The comparative usefulness of EU institutions to interest groups (ranks)

criteria: institutions:	1. small number of decision makers	2. low majority requirement	3. removed from electoral control	4. legislative and spending power	average of ranks
Commission	1	1	2	1	1.25
Council	1	2	3	1	1.75
Parliament	2	1	4	2	2.25
Court of Justice	1	1	1	3	1.50

## Table 8

### Activity after leaving the European Commission, 1981 – 2009a

	all		Thorn		Delors I		Delors II		Delors III		Santer		Prodi		Barroso I	
	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%
1. Private interest representatives	36	39	6	50	2	25	3	43	5	45	9	56	6	32	5	26
A) registered	14	15	2	17	1	13	-	-	1	9	5	31	4	21	1	5
B) not registered	22	24	4	33	1	13	3	43	4	36	4	25	2	11	4	21
2. Returning to politics	40	43	5	42	4	50	3	43	3	27	4	25	9	47	12	63
3. Non-political public life	6	7	1	8	-	-	-	-	1	9	1	6	3	16	-	-
4. Retirement	10	11	-	-	2	25	1	14	2	18	2	13	1	5	2	11
Total	92	100	12	100	8	101	7	100	11	99	16	100	19	100	19	100
ratio 1.A/1.B	.64		.50		1.00		0		.25		1.00		4.0		.25	

Source: R. Vaubel, B. Klingen, D. Müller, “There is life after the Commission: An empirical analysis of private interest representation by former EU-Commissioners”, *Review of International Organizations*, Vol. 7, No. 1, 2012, pp. 59-80.

# Table 9

## Private interest representation by policy brief

	ex-Commissioners representing private interests	ex-Commissioners <sup>a</sup>	share (percent)	number of interest groups <sup>c</sup>
competition	5	5	100	39
internal market	8	9	89	105
economic, financial & monetary affairs	4	6	67	44
agriculture	4	7	57	100
energy	4	7	57	n.a. <sup>d</sup>
enterprise/industry	4	7	57	221
external relations	3	6	50	32
fisheries	3	6	50	10
president	2	4	50	-
taxation	2	4	50	28
enlargement	1	2	50	52
development	3	7	43	51
transport	3	8	38	n.a. <sup>d</sup>
justice & home affairs	1	3	33	76
consumer protection	2	6	33	n.a.
trade	2	6	33	64
employment & social affairs	2	7	29	106
budget	2	7	29	n.a.
regional policy	2	9	22	24
environment	1	6	17	132
others	0	15 <sup>b</sup>	0	398

## Der Gerichtshof der Europäischen Union als “Motor der Integration” (Marktintegration und politische Integration, d.h. Zentralisierung)

- Marktintegration treibt die nationalen Regierungen den europäischen Institutionen in die Arme: Politikkartell statt Politikwettbewerb.
- Weshalb wollen die Richter die politische Kartellierung und Zentralisierung?

Vier mögliche Erklärungen:

1. Je mehr Kompetenzen der Europäischen Union zugesprochen werden, desto wichtiger und interessanter sind die Fälle, die der Gerichtshof entscheidet.
  2. Selbstselektion
  3. Die Richter hängen von ihren Regierungen ab (Wiederernennung: durchschnittlich Amtszeit von 9,3 Jahren > eine Amtszeit von 6 Jahren).
  4. Die Richter teilen die Präferenzen der Regierungen, die sie zu Richtern gemacht haben.
- Gegen die Erklärungen 3 und 4 spricht, dass im internationalen Querschnitt die Zentralisierung der Politik (der Staatsausgaben) und die Unabhängigkeit des Verfassungsgerichts signifikant positiv korreliert sind: das Verfassungsgericht ist eine unabhängige zentralisierende Kraft.
  - Gegen die Erklärungen 3 und 4 spricht auch, dass die politische Zentralisierung signifikant positiv korreliert ist mit der Schwierigkeit, die Rechtsprechung des Gerichts durch Verfassungsänderung zu konterkarrieren.

## Zitate von Verfassungsjuristen:

- “Constitutional courts predominantly tend to expand the power of central institutions in the economic sector” (A. von Brünneck, 1988).
- “The few existing comparative studies of federal high courts indicate that all such courts do not hinder the accrual of power to the political center through legislative actions of the central government, and sometimes these courts actively encourage such centralist tendencies” (A. Bzdera, 1992).
- “Central judicial institutions almost invariably have centralizing rather than particularist tendencies” (D. H. Chalmers, 2004).
- “Federal polities sustained through effective judicial review tend to evolve in ways that centralize power” (A. S. Sweet, 2004).

Sollte das schweizerische Bundesgericht wirklich zu einem kompletten Verfassungsgericht ausgebaut werden?