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Object: **“Regieren in der Europaeischen Union – Auf der Suche nach demokratischer Legitimitaet” by Beate Kohler Koch (Governance in the European Union – Searching for democratic legitimacy)**

This text examines the role of the EU institutions, focussing on the Commission and the Parliament, in the process of governing. The author puts particular emphasis on the dilemma between efficiency and democracy, looking for ways to solve this dilemma other than in national systems.

- While the approach to constitutional questions in the the Commission is driven mainly by a focus on output and efficiency, the Parliament strives to implement a parliamentary system as it is in place in the member countries.
- The Commission is reluctant to grant more rights to the Parliament on the grounds of the assumption that the EU represents a system of its own kind, which more resembles a system of negotiations between states, where actors strive to achieve a broad consensus; in addition to that, arguments not exchanged along party lines but according to political expertise.
- Furthermore does the Commission’s credibility stem from its networking strategy: By granting access to a wide range of actors (ranging from experts to representatives of interest groups), the Commission increases efficiency, while at the same time ensuring closeness to the citizen. (This mode of Governance also seems the most apt for a federation of states, whose governments are already legitimated. The Commission acquires its legitimacy through the representation of functional interests.)

Fact is, the different EU institutions are growing stronger and are thus contributing to the creation of an “ever closer Union”:

- the Council is strengthened by the ongoing transfer of competences on a European level
- the Parliament would help creating a Europe-wide political public space (by promoting Europe-wide parties)
- the Commission creates Europe-wide interest groups

Yet this is not enough to create a European Demos, a necessary precondition to accord the European Parliament more competences.

- But at a time when ever complexer political process can hardly be managed by Parliaments, Kohler-Koch suggests to try out forms of “deliberative supranationalisms”. The idea would be to increase acceptance of policies through participation of those immediately concerned by it, hence granting the citizen a “functional right to participation”. Nevertheless, such a model would by no means be able to level out democratic deficits of a different kind.
- Therefore, the so far successful role of the Commission as the EU’s motor would have to be reconsidered in the light of ever more competences being transferred to the EU level. A deletion of those articles promoting spill-overs are suggested by Kohler-Koch as well as the importance of member-states to remain the “Herren der Verträge” (Masters of the treaties, as expressed by the German Constitutional Court in its ruling on the Maastricht Treaty). At the same time, she warns that a stronger participation of a European public would eventually hamper the consensus-building process as would more frequent Inter Governmental Conferences (since the pressure for success is high).

Only a debate about the long-term goals of the European Union would provide the necessary time to reflect, Kohler-Koch suggests and summarises that EP and EC have to find their role within a “supranational consensus-system” rather than trying to imitate national political systems, noting that the above-mentioned suggestion could contribute to a more legitimate governance. A model for the EU would less be the German federal system but more so the multi-linguistic Switzerland. Hence, also elements of direct democracy should be considered.

Commentary: This important contribution by a German author suggests that neither the system of parliamentary democracy nor the structure of German-type federalism will provide a guideline for governing Europe. Rather is a supranational consensus system suggested as the core element of European governance. Furthermore, the author assigns an important role to the Commission, as a network, that is mediating different interests and derives from this activity its democratic legitimacy.

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