

## The European Parliament and the European future of Albania

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### Abstract

On 06.24.2014 Albania was granted the status of candidate country. The foreign ministers of the 28 European Union member states decided unanimously to grant the candidate status for Albania. After receiving the status of “candidate country” for EU membership, the institutional relations with European international bodies are becoming stronger. One of these institutions, which during this time has increased its authority with Albania, is the European Parliament. In this paper will be analyzed the composition, competences and functioning of this particular institution, which is not only important for the future of the European Union and its Member States, but also for those who aim to join in. The study will be based on decisions made by this legislative body, as the only direct representative of the citizens of the European Union, and the impact they have on the performance and functioning of the Member States and the EU itself.

In order to verify the validity of these claims, the analysis aims to assess the scope of the legislative function of the European Parliament post-Lisbon, examining its participation in the EU law-making both from the point of view of quantity and quality in over the past legislatures. Particular attention has been given to the examination of the changes that have taken place with the entry into force of the Lisbon Treaty, and the areas most affected.

We will finally look at the work and contribution of the European Parliament, through the instruments at his disposal, on behalf of Albania's progress towards full accession in the European Union.

**Key words:** *European Parliament, European Union, Legislature.*

### Introduction

It was originally born as a Common Assembly of the ECSC (European Coal and Steel Community) on 18 April 1951 in Strasbourg. It consists of 78 members nominated by the governments of the 6 member states (of that time), after consulting their national parliaments.

From 1979, it was decided that member states may hold elections and the elected members of the European Parliament should have 5-year term of office. Over the years, the number of EU members was increased and therefore also its importance.

Actually, European Parliament is the only directly-elected body of the European Union. The 751 Members of the European Parliament are there to represent the citizens of EU. They are elected once every five years by voters right across the 28 Member States of the European Union on behalf of its 500 million citizens. A clear distinction with national parliaments is fact that the EP consists of Interstate fractions, such as the European Popular Parties- or Socialist- and Social Democratic Party fraction.

The European Parliament is an important forum for political debate and decision-making in the EU level. The Members of the European Parliament are directly elected by voters

in all Member States to represent people's interests with regard to European Union law-making and to make sure other European Union institutions are working democratically. Over the years and with subsequent changes in European treaties, the Parliament has acquired substantial legislative and budgetary powers that allow it to set, together with the representatives of the governments of the Member States in the Council, the direction in which the European project is heading. In doing so, the Parliament has sought to promote democracy and human rights – not only in Europe, but also throughout the world.

However, the same organization and functioning of the European Union, highlights the lack of a full and direct representation of EU citizens in the decision-making process. The debate on the democratic deficiencies of the European Union (EU) has focused mainly on the discrepancy between the decision-making process that develops in Brussels, apparently still lacking full participation by the European Parliament (EP), and the supervision exercised by democratic national parliaments within the Member States (MS). The European Parliament has been often criticized for his “incomplete role” that, even in the face of new powers assigned to it by the Lisbon Treaty (LT), remains minor when compared to the role exercised by national parliaments. The European Parliament does not have in fact a right to initiate legislation - which remains the exclusive preserve of the Commission (Art. 17.2 of Treaty on European Union) - and legislative powers and control in all policy areas.

On the other hand, precisely in order to mitigate the old problem of perennial democratic deficit that seems to afflict the EU, the Lisbon Treaty provides greater involvement of national parliaments in its activities, so that they can “express their views on legislative act drafts of European Union and on other matters which are of particular interest to them” (Protocol n. 1, of Treaty on European Union).

The role of national parliaments in EU decision-making process control should therefore be complementary to that of the EP, even through greater use of inter-parliamentary cooperation, emerged strengthened from Lisbon.

In order to verify the validity of these claims, the analysis presented here aims to assess the scope of the legislative function of the EP post-Lisbon, examining its participation in the EU law-making both from the point of view of quantity and quality over the past legislatures. In particular, they examined the changes that took place with the entry into force of the Lisbon Treaty, and the areas most affected.

The analysis reported refers only to public sources, as statements made by different political actors, the work in Parliament and the articles published in newspapers, magazines and research centres of greater importance in the background. In conclusion, brief general assessments on the legislative impact of European Parliament are presented, and the attention dedicated to it by the Italian Parliament. A renewed focus by the national parliamentary actors, that should be based on the increased role that the Lisbon Treaty reserves to both European Parliament and the national parliaments, respectively, in the participation and supervision of European decision-making processes. These are both key elements in mitigating the democratic shortcomings of the European Union in search of full respect of democratic legitimacy.

## The European Parliament after the Treaty of Lisbon

The entry into force of the Lisbon Treaty in December 2009 was preceded by a few months that the seventh legislature of the EP (July 2009) took office, which was able to take advantage of many new laws introduced by Lisbon Treaty. The most frequent use of the co-decision legislative procedure - now renamed symbolically "ordinary legislative procedure" OLP (Art. 294 TFEU) is undoubtedly the most important sign of a greater involvement of the EP in the European legislative process. The ordinary legislative procedure, in fact, submits the Commission's legislative proposals to the approval and amendments of both the EP and the Council on an equal basis. Full participation, not provided instead by the other procedures involving the EP: special legislative procedures (art. 289.2 TFEU). The latter, like the approval process and the consultation process, provide for a role of Parliament which is "either not binding (Consultation Process) or not participatory (Approval process)", making it subject to the pre-eminent role of the Council.

The Lisbon Treaty increased the legal basis that requires the co-decision coming to represent about 88% of the legislative areas that require the participation of the European Parliament. The use of special legislative procedures was however greatly reduced, now being contemplated in just thirty legislative areas.

Starting from the fourth term of the EP, it can be noticed a steady increase in the use of the co-decision procedure, introduced by the Maastricht Treaty. A net resulting increase, especially during the first ten years of this century, thanks to the entry in force of the Treaty of Amsterdam and Lisbon, who have expanded the areas of application. During the current legislature, the ordinary legislative procedure has now become the main procedure, applied on average in about 82% of cases. Greater participation of the EP, achieved at the expense of the consultation procedure in 74 areas of legislation, remained the most widely used until the end of 2006 (Maurer, 2003, 231). However, a wider application of the ordinary legislative procedure is not matched by an increase in decision files approved. The VII legislature, compared to the past, does not show any increase in the adoption of legislative acts, the number of which, we can presume, will probably settle at the levels of the previous year. This figure, apparently contradictory, could have two explanations. The first is related to a sharp decrease in the number of new legislative proposals licenced by the Commission since 2007, as shown by the data collected by an independent organization set-up to promote better debates and greater transparency in EU decision-making. The decision of the Commission is to be considered in line with the promise of better regulation through a thinning of the bulky jungle of EU legislative acts. A goal announced by the Commission President *José Manuel Barroso* argued the introduction of stricter political planning by the Secretary General towards the different general directions. The search for a less but better legislation adopted by the Commission, has definitely influenced the slight quantitative decline in legislative acts.

Secondly, the wait for the entry into force of Lisbon Treaty would push the Commission to delay the presentation of several legislative proposals. An action motivated by both the desire to adopt important files already under consideration before the workload resulting from the new areas of co-decision could slow down the procedure, and by the opposed

desire to wait for the new treaty to exploit new areas of ordinary legislative procedure and present proposals that could find a political support in a co-legislator European Parliament. An explanation is reflected in the numbers of the legislative initiatives of the Commission, in sharp decline until the end of 2010, and consequently in the co-decision procedures adopted by the EP.

The simple quantitative data on EU legislation may in some cases seem limited if not misleading, since not all the ordinary legislative procedures have the same value, like different is the effect of the amendments proposed by Parliament.

In the analysis of the evolution of Parliament's legislative activity, timing regarding the adoption of co-decision files is another important aspect to be considered. The approval of a legislative proposal by the ordinary legislative procedure foresees a maximum of three stages of reading, until reaching a joint approval by the EP and the Council. If at the end of the third phase, which presumes the prior establishment of a conciliation committee between representatives of both co-legislator institutions and the Commission, no agreement is reached, the legislative initiative will be considered not approved. In addition, in order to reduce the legislative time, the second and third readings have time limits within which Parliament and the Council are called upon to rule (art. 294 TFEU).

When considering the data of the last three terms, it is clear that the adoption of files at first reading tend today to be the norm in 85% of cases. A clear change from the fifth parliamentary term, during which only 30% of the acts was adopted at first reading, and a further improvement from the VI term, which already showed a greater convergence of positions taken by the EP and the Council in the early stage of the procedure (about 3/4). Such tendency appears to be primarily motivated by a "growing familiarity with the co-decision procedure by all institutions involved". The Parliament now has the ability to approve the proposal at first reading by a simple majority voting, and usually places the more politically sensitive files at the top of the agenda, to facilitate discussion and speed up the approval.

The Presidencies of the Council have shown the desire to conclude the procedures during its term, showing a greater tendency to achieve the first-reading agreements, more flexible since there are no time limits set out until successive phases. Finally, the Commission ready to push through its proposals at first reading to demonstrate efficiency and reduce amendments. Because of these reasons concerning the individual institutions, it should be highlighted the strengthening of contacts between the institutions, through which the representatives of the EP and the Council have begun to hold contacts and negotiations from the very preliminary stages of ordinary legislative procedure.

This has led to two other effects. An increase of the acts approved by the European Parliament in fast second reading, thanks to the presence of informal negotiations between the Parliament and the Council before the latter expresses its position at first reading, and use of adoptions at third reading becoming residual, preceded by the conciliation procedure. The end result is a constant shortening of the average duration of the legislative process, for the 22 months of the V term (1999-2004), to almost 4 of the VII term (2009-2014). This is an improvement achieved thanks to the higher number of agreements concluded at first reading compared to the previous years, where the average duration of adoption found in the individual stages of the procedure remained substantially unchanged.

The reduction legislative time is considered one of the most important results achieved by the European institutions. However, from the EP point of view the evaluation appears twofold. If there is no doubt that the constant and fruitful dialogue with the Council has facilitated the adoption of the proposals, while creating a more “institutional trust” based on more cooperative attitude of legislators, excessive conclusion of first reading agreement has raised extremely doubts and criticism. These mainly concerned the lack of transparency and media coverage on the informal negotiations, together with the reduction of the democratic control carried out by Parliament as a whole. A situation caused by the extensive participation of experts, whose ambitions and personal interests might affect the structure of the agreement reached and, in fact, reduce the monitoring exercised by the parliamentary committees and the plenary (Costa, 2011, 31-33). Not surprisingly, in 2008, the EP adopted a code of conduct for the negotiations, aimed at “increasing transparency and democratic accountability, especially at an early stage of the procedure”.

Thanks to the higher powers provided by the Lisbon Treaty, the legislative work of Parliament has obviously affected a wider spectrum of thematic areas, previously excluded from the co-decision procedures. The new legal bases introduced by the last reform of the Treaties extend the ordinary legislative procedure in areas such as the area of freedom security and justice, agriculture, fishing and trade policy. To understand the possible changes, it may be useful to examine the distribution of legislative files between the parliamentary committees during the last two legislatures. Data shows that during recent years it was actually achieved a moderate redistribution of legislation workloads. This way, it seems to have been partially overcome the historical division between legislative committees, consulting and non-legislative, which in the past (and still today) was due to frequent political struggles between the parliamentary groups, eager to “occupy” the most influential posts in the committees.

In the specifics, the legislation adopted by the current Parliament concerned numerous dossiers worth mentioning. For the first time in history, the EP has had occasion to rule on the reform of the Common Agricultural Policy, in a long process that ended only at third reading. In the economic field, it has participated in the approval of some of the most important regulations that have introduced greater supervision of public budgets of MS, such as those contained in the two-pack, or those relating to the establishment of the single supervisory mechanism, first pillar in the construction of the banking Union. On environmental issues, the EP has been able to influence the review of the system of credit emission, which regulates the cost of polluting production activities by limiting emissions of greenhouse gases. In the area of social policy we should remember the battle (still in progress) endorsed by European Parliament for the extension of maternity leave, while on immigration issues should be mentioned the contribution in defining the new rules on the introduction of temporary controls to internal borders. It is a short list of examples useful to give an idea of the heterogeneity of issues on which the Parliament has had to legislate – in a binding and participatory manner - together with the Council.

Having to finally consider the “not-full” legislative participation exercised by parliament through the special procedures of approval and consultation, we have seen how their usage has been dramatically reduced in favour of benefit of co-decision. The EP was still

called upon to give its approval on files of great significance, like the approval of the multi-annual budget of the EU, which required extensive negotiations, and the conclusion of the disputed International agreement anti-counterfeiting, rejected by Parliament, thanks to new powers granted by Lisbon.

Each time the EP was only consulted, has however emerged the will to exercise a role as participatory as possible, sometimes outside of that intended by the treaties. Such is the case with the creation of the European External Action Service (EEAS), in which the Parliament, relying on his powers of approval of the Community budget (which also includes the financing of the EEAS), managed to push through some instances advanced during the consultation requested by the institution of diplomatic service (Wisniewski, 2013).

Many of the resolutions licenced on its own initiative by the Parliament are to be considered in the name of affirming of a greater proactive participation in the legislative proposals and an equal role to that of other institutions. These are non-binding documents but with a significant political value, which allowed the EP to express a position on major issues in the European public debate, from the introduction of Eurobonds to the strengthening of the resources of the EU budget, through the creation of a free trade area with the United States.

### Conclusions

The European Parliament that we know today, the one after the Treaty of Lisbon, has found more established powers in most areas of legislation. A strengthening in addition to greater speed in adopting of the acts, motivated mainly by improved inter-institutional cooperation, however, not without criticism. Over the past five years, the overall impact of the EP in the legislative work of the EU is considered to be certainly increased, although, because the Commission was motivated to favour the quality of the laws over the quantity, the number of co-decision procedures concluded has not increased compared to past legislatures. Nonetheless, it was possible to detect the involvement of a larger number of parliamentary committees, previously excluded from areas of co-decision. So in general, it has been found an improvement of the democratic decision-making, even though the path to the realization of full democratic control remains incomplete. Just think of the many areas where the Council remains the sole and exclusive legislator, as in the case of the Common Foreign and Security Policy.

In conclusion, even though there are still whole areas of legislation excluded from full participation of Parliament - think of all the decisions of the Council regarding the Common Foreign and Security Policy - the Treaty of Lisbon has contributed to improve the democratic nature of many decisions. The innovations have enabled a real increase of the involvement of the EP, which was noted more in the work of the individual Parliamentary committees than in the numbers of the initiatives adopted. However, the problems concerning the implementation of an effective democratic control at European level cannot be considered resolved. The European Parliament, as the only European institution directly elected by the citizens, is undoubtedly the most important expression of democracy at EU level, but given its institutional deficit, needs at the same time a

continuous cooperation with national parliaments, as the only ones able to provide a direct democratic control when the EP is unable or unsuitable to perform it. It is precisely for this reason that the Lisbon Treaty also included a strengthening of the role of national parliaments (Protocol n. 1 of Treaty on European Union).

Despite this progress, during the political debates of the member states, the European Parliament does not yet appear as the primary subject. It is rare that members of national parliaments cite the positions taken in Strasbourg, or at least demonstrate specific knowledge of the objections raised there, although the topics discussed at the EP usually receive more attention in the case of binding decisions.

So, in spite of the increased legislative powers of the EP, the failure to take note of its new role on the part of some member states, and excessive closure of their Parliaments to issues not considered of national interest, appear to reduce the scope of some of the reforms introduced by the Lisbon Treaty. Measures aimed not only to enhance and improve the inter-parliamentary cooperation, but also to expand and strengthen the democratic nature of the European legislative procedures.

In terms of our country, as a candidate country for membership in the EU, EP resolutions do have only an advisory and not binding role in the decision making process of the EU enlargement policy. The Foreign Policy Commission of the European Parliament has adopted various resolutions on Albania, and the most important, recently, has been the recommendation to grant the status of candidate country. The rapporteur for Albania in the European Parliament prepared the resolution for Albania, which became the subject of a debate in the EP for the status of candidate country.

European Parliament resolution of 30 April 2015 on the 2014 Progress Report on Albania (2014/2951(RSP)), make statements which promote regional stability and cooperation and good neighbourly relations. European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, as the other party (codified text) (COM(2014)0375 – C8-0034/2014 – 2014/0191(COD)) (Ordinary legislative procedure – codification): European Parliament 2014 – 2019.

In addition, there have been occasional assessments by the European Parliament and other international organizations regarding the organization and conduct of parliamentary and local elections in Albania.

These resolutions have played and still play a significant role in the maintenance of fragile democracy in Albania. They contain the guidelines of our internal and external policies, serving to a better functioning of the rule of law in Albania. Thanks to the work and continuous support of the European Parliament difficult moments were overcome for the functioning of democracy in Albania, considering critical relations that exist between political parties in Albania.

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