

# Is the EU really run by unelected bureaucrats?

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*Much of the UK's referendum debate has focused on the extent to which EU decision-making is democratic, with the European Commission a source of particular criticism from leave campaigners on the basis that it is unelected. [Simon Hix](#) writes that while there are legitimate problems with the EU's system of democracy, there is little to justify the idea that the EU is run by unelected bureaucrats, and the procedures in place for appointing the Commission are now far more democratic than they were in the past.*



A popular claim by many supporters of the Leave campaign is that the EU is run by 'unelected bureaucrats'. How much truth is there behind that claim?

This claim mainly refers to the EU Commission: the EU's executive body. It is true that the Commission President and the individual Commissioners are not directly elected by the peoples of Europe. So, in that sense, we cannot "throw the scoundrels out". It is also true that under the provisions of the EU treaty, the Commission has the sole right to propose EU legislation, which, if passed, is then binding on all the EU member states and the citizens of these member states.

But, that's not the end of the story. First, the Commission's power to propose legislation is much weaker than it at first seems. The Commission can only propose laws in those areas where the EU governments have unanimously agreed to allow it to do under the EU treaty. Put another way, the Commission can only propose EU laws in areas where the UK government and the House of Commons has allowed it to do so.

Also, 'proposing' is not the same as 'deciding'. A Commission proposal only becomes law if it is approved by both a qualified-majority in the EU Council (unanimity in many sensitive areas) and a simple majority in the European Parliament. In practice this means that after the amendments adopted by the governments and the MEPs, the legislation usually looks very different to what the Commission originally proposed. In this sense, the Commission is much weaker than it was in the 1980s, when it was harder to amend its proposals in the Council and when the European Parliament did not have amendment and veto power.

Part of the misunderstanding about the power of the Commission perhaps stems from a comparison with the British system of government. Unlike the British government, which commands a majority in the House of Commons, the Commission does not command an in-built majority in the EU Council or the European Parliament, and so has to build a coalition issue-by-issue. This puts the Commission in a much weaker position in the EU system than the British government in the UK system.



Second, the Commission President and the Commissioners are indirectly elected. [Under Article 17 of the EU treaty](#),

as amended by the Lisbon Treaty, the Commission President is formally proposed by the European Council (the 28 heads of government of the EU member states), by a qualified-majority vote, and is then 'elected' by a majority vote in the European Parliament. In an effort to inject a bit more democracy into this process, the main European party families proposed rival candidates for the Commission President before the 2014 European Parliament elections. Then, after the centre-right European People's Party (EPP) won the most seats in the new Parliament, the European Council agreed to propose the EPP's candidate: Jean-Claude Juncker.

The problem in Britain, though, is that this new way of 'electing' the Commission President did not feel very democratic. None of the main British parties are in the EPP (the Conservatives left the EPP in 2009), and so British voters were not able to vote for Juncker (although they could vote against him). There was also [very little media coverage](#) in the UK of the campaigns between the various candidates for the Commission President, so few British people understand how the process worked (unlike in some other member states). But, we can hardly blame the EU for the Conservatives leaving the EPP or for our media failing to cover the Commission President election campaign!

Then, once the Commission President is chosen, each EU member state nominates a Commissioner, and each Commissioner is then subject to a hearing in one of the committees of the European Parliament (modelled on US Senate hearings of US Presidential nominees to the US cabinet). If a committee issues a 'negative opinion' the candidate is usually withdrawn by the government concerned. After the hearings, the team of 28 is then subject to an up/down 'investiture vote' by a simple majority of the MEPs.

Finally, once invested, the Commission as a whole can be removed by a two-thirds 'censure vote' in the European Parliament. This has never happened before, but in 1999 the [Santer Commission](#) resigned before a censure vote was due to be taken which they were likely to lose. So, yes, the Commission is not directly elected. But it is not strictly true to say that it is 'unelected' or unaccountable.

And, in many ways, the way the Commission is now chosen is similar to the way the UK government is formed. Neither the British Prime Minister nor the British cabinet are 'directly elected'. Formally, in House of Commons elections, we do not vote on the choice for the Prime Minister, but rather vote for individual MPs from different parties. Then, by convention, the Queen chooses the leader of the largest party in the House of Commons to form a government. This is rather like the European Council choosing the candidate of the political group with the most seats in the European Parliament to become the Commission President.

Then, after the Prime Minister is chosen, he or she is free to choose his or her cabinet ministers. There are no hearings of individual ministerial nominees before committees of the House of Commons, and there is no formal investiture vote in the government as a whole. From this perspective, the Commissioners and the Commission are more scrutinised and more accountable than British cabinet ministers.

So, it is easy to claim that the EU is run by 'unelected bureaucrats', but the reality is quite a long way from that. Although, having said that, I would be one of the first to acknowledge that the EU does not feel as democratic as it could or should be – as I have spent much of my academic career writing about this issue. But, this is perhaps more to do with the stage of development of the EU than because of the procedures that are now in place for choosing and removing the Commission, which are far more 'democratic' than they were 5 or 10 years ago.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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