

Chapter 2 The EU institutions

Context for this chapter

‘The European Union is ruled by an army of unelected bureaucrats who dream up new legislation and run day-to-day business.’

Sub-headline of a Daily Express Article, 30 September 2016

Discuss the quote.

Approaching the question: taking a position

The quote represents a fairly standard essay-style university exam question in law. It sets out a statement that invites you to take a clear **position**, and to then use **evidence** to build the **arguments** that support your **position**. While it remains true that university-level essay questions do not normally have a single ‘correct’ answer, the quote is so extreme that it will be a challenge for any student to fully agree with it in a way that is properly evidenced with facts about how the EU operates.

Given that it is such an extreme statement, the best approaches to answering assume relatively *nuanced positions*. For example, acknowledging that while there are unelected bureaucrats in the EU, they do not per se ‘rule’ the EU—nor are they the sole actors (or perhaps even the most important ones) in the EU’s legislative process.

In plain words: after reading Chapter 2 of the book, you are invited to set out to *what extent* you agree with this quote.

Again, the one thing that we wish to avoid is that you engage in what we call **sitting on the fence**: rather than adopting a position, you try to write an answer that basically just *describes* what the different EU bodies are. While that addresses some of the subject of this quote, it fails to actually address *the* quote. Showing that you understand that the EU has a Commission, a Council, an EU Council, a Parliament, and a Court does not demonstrate that you have given any thought to whether the accusation in the quote is accurate. In other words, if you fail to develop a clear **argument**, you will end up writing very descriptive material that does not actively support a **position** on the quote.

Examples of possible positions you could take include, but are not limited to:

Somewhat agreeing with the statement: *‘It is an overstatement to say that ‘unelected bureaucrats’ are the only actors in the running of the EU, as there are more institutions involved in the EU’s operation than the Commission. Nonetheless, given how many powers the Commission does hold on account of the Treaties, its influence can be likened to a form of ‘rule’ of the EU, especially when considering day-to-day activity.’*

Somewhat disagreeing with the statement: *‘While the Commission has many important powers in the EU, such as legislative initiative and enforcement, it is appropriately checked by the other EU legislative institutions in most instances. Where concerns about*

unelected 'rule' exist in the EU, they relate to matters of delegated and implementing regulation, rather the 'day-to-day' operation or the ordinary legislative process.'

Mostly disagreeing with the statement: *'The most important institution in the EU has always been, and will always be, the Council of Ministers. While the Commission's unelected bureaucrats carry out important work for the Union, they in no way 'rule' it.'*

Building your argument: evidence

In an exam question, or even in a piece of coursework, you cannot cover *every aspect* of both the composition of and the functions of the EU institutions. Trying to do that again results in the very descriptive answer that we are trying to avoid! As such, part of writing university-level essays is making smart decisions on what to include and what not to include in your response.

A first step is determining what, specifically, the question *needs* you to discuss. What are the **key issues** that come up in the quote that you have to engage with in order to actually answer the question?

In this specific quote, there are three **key issues** that must be addressed to answer the question:

- 1) 'The European Union is ruled by': what do we mean by *rule* in this context, and what institution(s) do we think carry out such a role?
- 2) 'an army of unelected bureaucrats': who is the quote alluding to here? (the Commission)
- 3) 'who dream up new legislation and run day-to-day business': does this describe the entire legislative process? And how do these two jobs reflect on the idea of 'rule', in your view?

Now that you know what key issues you need to discuss, you can start thinking about what the best **evidence** is for your position. This will depend on your position. If you somewhat agree with the quote, you will need to set out just how many powers the Commission holds, and why in *your view* those result in 'rule' of the EU—and how the other EU institutions cannot in most cases fully *stop* Commission activity to steer the EU in another direction. A discussion of the legislative initiative is essential in that case. Once you have read Chapter 3¹, in particular, you will need to discuss the Commission's involvement in delegating and implementing legislation. You might also point out that the Commission's role in enforcement means it is essential to the EU's operation, and that is a form of 'rule' in your view.

For those of you who instinctively disagree with the quote, you will also need to talk about the Commission, as they are the 'unelected bureaucrats' alluded to in the quote. However, the majority of your evidence will probably be focused on the fact that the Commission's powers remain limited, and it is other EU institutions (such as the Council, or perhaps the Parliament) that actually 'rule' the EU.

¹ This may seem like it is unfair (or foreshadowing!), but it is common if not expected that coursework or exam questions at university involve more than a *single* topic that you are taught. As such, questions about the institutions are likely to also ask after their democratic qualities—and you have to know what the institutions are in order to answer questions about the EU's democratic deficit, which is the topic of Chapter 3.

The ‘**Discussing the quote**’ boxes throughout the chapter are there to help you consider what material in the chapter can work as evidence for different arguments, and so you should come to this quote ready with reflections on the following issues, if you followed them:

- The composition and powers of the European Council;
- Whether the Commission is ‘wholly unelected’ as of the Lisbon Treaty;
- Where in the EU the most legislative power lies: with the Commission or with the Council (and what this means for the ‘unelected bureaucrats’ argument);
- What the balance of power between the Commission, Council, and European Parliament looks like as of Lisbon, and what this suggests about the Commission’s overall ‘power’.

For the purposes of making your approach workable, the emphasis here is on selecting your **best** evidence. As mentioned, you cannot possibly discuss everything! So perhaps focus on evidence about three institutions and their powers/roles, and get ready to discuss them in detail before concluding that *you* are correct.

Dealing with counterarguments

In building an **argument**, it is important that you are consistent in arguing for the **position** you start your essay with. If you are not, you risk falling into the ‘**fence-sitting**’ trap, whereby you describe a number of different views but do not clearly argue in favour of one.

That said, you cannot ignore the arguments that you disagree with! Doing that would make you far less persuasive to anyone that you are arguing with (including your future markers). Particularly when addressing a quote like this one, you *must* address not only the institution that you think ‘rules’ the EU—but also the ones that consequently do *not* rule the EU.

As such, anyone arguing that the Commission is indeed over-powerful will need to address in some detail *why*, in their view, the powers of the Council and the Parliament do not actually counteract the power of the Commission. Why is legislative initiative so important? And why is it more important than the power of legislative adoption held by the other institutions, for example? If you do not address this, the reader will be left at the end of your argument asking, ‘But what about...?’.

Likewise, however, answers that disagree with the quote cannot ignore that the Commission has *substantial* powers. Failing to address that the power of legislative initiative is a very big one leaves a hole in any argument. Acknowledging that it is an important power—but that ultimately the legislative adoption power is *more* important in your view—is far more difficult for any reader to disagree with. You have not ignored evidence that is inconvenient for your **position**, but instead you have made it clear why that evidence does not *change* your **position**. This is the most effective way to tackle arguments that you do not agree with, and you should find some room to do this in your response.

Again, in terms of identifying possible counterarguments to your position, having another look at the material you prepared for the ‘**Discussing the quote**’ boxes should help you

identify what counterarguments to your position exist—and will give you a chance to dismiss them before they can be raised.

Answer the question!

As a final and general note on essay-writing at university, it is imperative that you *conclude* your argumentation by ending on your **position** again. Be sure to explain how what you are discussing *proves* your **position**, and conclude with a firm statement of the position that you have by now proven to be correct. You can follow this up with a short summary of the **evidence** you have discussed, but in general, you need to ensure that the reader comes away from your essay with a clear understanding of your position on the quote.