
How Can Different Parliamentary Systems among the EU Member States Affect the Efficiency of Delivering the European Green Deal

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ABSTRACT

It is undeniable that the European Union harbors crucial states as actors capable of making remarkable change in solving the climate change challenge. Given that EU members are responsible for a major portion of factors that accelerate climate change it is also their burden to show extra effort. Even though the EU as an organization takes noteworthy action, it is the coordination of EU and national law in all member states that will make significant change. By using the mechanism of infringement cases through quantifying breaches and inability of implementing EU law into national law. It is evident that some countries are better at integrating EU law into their systems through parliamentary motions; it is crucial to examine the structural factors like parliamentary styles, regulations on interest groups, economic sector make-up creating a country's path dependency that constraints them in implementing certain actions, in order to know the limitations of implementing ambitious collective plans. It can be seen that countries which have bicameral legislatures, consensus democracies, interest group regulation, and less physical economic sectors will perform better given checks, balances, inclusiveness of ideologies and supervision of politically and environmentally harmful practices.

Keywords: *Green Deal, Parliamentary Systems*

Introduction

With rising sea levels ¹, unsustainable extraction of resources and degradation of biodiversity ², climate change is an indisputable factor that weighs in on directing social, political, and economic decision-making. However, the lack of an ambitious collective solution that aims to form consequential policies encapsulating the globe, is alarming given the urgency of the problem. It is evident that the European Union (EU) has a fair share in amplifying climate change, being “responsible for approximately 18% of global carbon dioxide emission” ³. With that, the inauguration of the Von Der Leyen Commission brought the European Green Deal (EGD) to the forefront of the EU legislative agenda ⁴. The EGD promises a long desired “fair and prosperous society with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use.” Aside from creating new policy initiatives through the EGD, the commission promised an increased vigor in enforcing pre-existing climate-control policies entailing environment and sustainability.

Independent from the face value of decelerating the deadly extents of climate change, discussion of the EGD rather than other EU policies is crucial given indirect effects overarching many other policy areas like destabilization of countries producing migrants, insecurity of global food systems, and human rights concerns. The EU is a pivotal actor in global politics and more than the direct

effectiveness of the execution of the EGD, the ability of a full implementation in each member state could set a model for the whole world to follow a similar path by proving that transformative reforms are possible to execute. However, accommodating EU common law in 27 National governments consisting of their own structures, rules of law, and especially different legislative bodies can create frictions for EU policy implementations, leading to infringement cases. Infringement cases are different stages of actions taken by the commission in response to the inability of member states to fully and correctly integrate EU law into national law.

Although the adoption of policies like the Energy Union 5 had previously demonstrated commitment to the path of a sustainable Europe, a significant number of infringements were brought upon member states that breached, or were not able to fully implement legislated environmental policies. The execution of such an ambitious plan as the EGD, that makes up almost 25% 6 of all initiatives proposed by the commission, is bound to have conflicts with national legislatures given its reformative nature in critical areas like energy, resource extraction, transportation, greenhouse gas emissions, and biodiversity. Differences in national parliament structures, unicameralism — one chamber of legislature — and bicameralism — two chambers of legislature — can create administrative divulgements which lead to different implications of abiding by EU laws. The consistent existence of factors like different types of democracy, interest groups and economic structure influence decision making in parliaments greatly. With a discussion of infringements, this essay will demonstrate the optimal parliament structure of a bicameral legislature, consensus democracy, regulatory laws for lobbying and economic structure less dominated by transport and industry sectors, through examining the efficiency of delivering key initiatives of the European Green Deal among European Union member states.

Majoritarian vs. Consensus Democracy

With only one chamber in the legislature, unicameralism can make the legislation and reformation process faster, however, it leaves a large portion of leeway for legislators, creating the threat of making the legislature an unchecked parliament in terms of authority and power. Conversely, a bicameral parliament leaves the legislature balance between two chambers to check each others' powers, which can make the legislation process slower, given the constant travel of bills between the two chambers. However, perhaps more than a mere debate on unicameralism vs. bicameralism, the sociological foundations that create the dynamics within the legislature are as crucial as the authority balance between the chambers themselves. It is absolute that the parliament is the legal ground of operation for laws to be passed, nevertheless the way a parliament is organized is as important in passing laws; this organization can be categorized as a majoritarian democracy, or a consensus democracy.

Based on Arend Lijphart's work, governments branded as majoritarian democracies usually entail ethnically homogenous cultures, creating minimal to no representation for minority ideologies in legislatures. Majoritarian democracies have a majority of the people being represented in legislature, with usually two major parties making up the parliament and the one in control dominating cabinets and the legislation passed. Consensus democracies, on the other hand, namely govern based on a consensus with a multi-party system that includes minority ideologies in parliamentary seats; given the array of opinions on legislation, oversized cabinets and parliaments that are more powerful than other branches are formed.

These structural considerations direct the way of legislation, therefore, discussing them would contribute to the understanding of how different parliaments implement policies like the EGD. The EGD stresses an increased vigor of implementing the already existing directives designed to protect the environment; a 2011 directive on the “assessment of the effects of certain public and private projects on the environment” has not been fully implemented in Portugal with discrepancies in national law and EU law concerning Environmental Impact Assessments (EIA). Portuguese law states that in some cases where a lack of decision by the EIA is present, “the project will not be subject to an Environmental Impact Assessment.”⁷ Another infringement: Portugal has been referred to the Court of Justice for having “poor air quality caused by high levels of nitrogen dioxide”. One of the key aims of the EGD is the ‘Zero Pollution Action Plan’⁸, and Portugal was unable to comply with common directives of keeping NO₂ levels under the required limit in certain regions. Portugal has faced 181 infringement cases related to environmental issues.

Portugal has a unicameral legislature and a majoritarian democracy with more than 80% of the parliament being controlled by the two major parties, Socialist Party and the Social Democratic Party. Given the domination of the legislature by two parties in majoritarian democracies a lack of representation of minority ideologies that focus on more niche interests like green parties centered around environmental policies. The Assembly of the Republic or the Portuguese parliament, has less than 1% of seats belonging to the ‘Ecologist party’. Conversely, Germany has a consensus democracy with a bicameral legislature, where ‘The Greens’ have approximately 17% of the seats in the Bundestag (lower chamber) and 10 seats out of 16 constituencies in the Bundesrat (upper chamber). Although Germany’s higher population, and more competitive economy has the potential to create more environmental breaches, Portugal has 25 more active environment related infringements.

These inefficiencies when delivering environmental laws can partly be attributed to Portugal’s unicameral, majoritarian parliament where parties like green parties have little to no representation; Green parties generally never dominate majority interests, therefore, they create only a tiny portion of representatives in majoritarian parliaments, being unable to push for the increased importance of the enforcement of environmental laws. A consensus government where green parties do not get trampled by two competing parties’ seat shares is optimal for less infringements through an increased authority and legislative presence of green parties. The absolute legislation of a single chamber in unicameral parliaments shows how the enforcement of laws without a second, higher chamber of legislature create a lack of authority checks and completely neglects a further discussion on the inclusion of minority ideologies. In bicameral parliaments even if the lower chamber delivers certain legislation overriding minority opinions with a majority vote, in the higher authority of the upper house a minority representative can serve to check these decisions to exert more proportional power on the decision. The infringement statistics of Portugal with a unicameral and majoritarian parliament, compared to Germany with a bicameral and consensus parliament, shows that a bicameral consensus parliament is more effective in acknowledging minority parties like green parties to deliver the European Green Deal.

Interest Groups

The European Union has a core mission of ensuring democracy where people of member states are able to choose who represents them in public offices like legislatures. Although these representatives are chosen to reflect the preferences of their electorate, their political and monetary

ambitions can get in the way of solely representing the interests of the people. Interest groups exert influence on policy through pressuring lawmakers. “Lobbying for public interest”⁹ is an effective strategy of skewing decision-making in favour of certain interests. These interests can change between different nations given different social, cultural, economic, and political structures engrained in that society, its needs and preferences. The different interest groups present in different member states of the EU can create infringements of certain EU laws based on the dominant interest groups active in influencing decision-making; this situation also reflects onto the delivery of the European Green Deal.

Acquiring the desired clean energy foundation through a liberation from fossil fuels is a key initiative of the EGD, which will create an economy decoupled from resource dependency. Nevertheless, one constant interest group that is the fossil fuel lobby affects decision-making in almost every member state given the dependency on oil, natural gas, solid fuels like coal; the EGD goal is to shift this dependency to a sustainable relationship with renewable resources which separates economic development from the availability and exploitation of non-renewable resources. Breaking free from this dependency is quite hard which can be seen in the commissions decision to send ‘letters of formal notice’ to all 27 member states on two separate infringements; failures and non-communication cases concerning the promotion of renewable energy¹⁰ and “failure to comply with some of the provisions of the Security of Gas Supply Regulation”¹¹.

The fossil fuel lobby which entails oil, gas, coal, and aviation is present in affecting legislation in all member states national parliaments. Even in the production of the EGD, fossil fuel lobbyists have influenced decision concerning transitional fuel (fossil gas), carbon trading, and limits on big polluters¹². The fossil fuel lobby’s influence in European law-making comes from the Big Oil spending of around 251 million euros since 2010 for lobbying efforts. Taking the point of consensus versus majoritarian democracies as precedent, the lack of green party representation brings a heavier oil lobby influence to parliaments in majoritarian democracies; in a consensus democracy, the coalition of green and likewise ideated parties would not represent the interest of the fossil fuel lobby giving them less power to exert influence on national lawmaking. Following this, interest groups can exert more influence in unicameral parliaments because of the lack of checks of policies and regulations in a second chamber where a representative opposing the fossil fuel lobby interests can exert more influence.

Despite the Dutch corporation Shell, the 4th largest oil company in the world, grouped under Big Oil, the Netherlands has only one infringement case related to breaches of oil and gas directives; in fact, this specific infringement was also received by all other EU members (except Cyprus). Croatia, on the other hand, has faced 5 infringements in the energy topic related to breaches of oil and gas directives. The Netherlands has passed laws to create transparency and regulate lobbying, whereas the lack of these policies in Croatia has contributed to the lack of regulation of the breaches of EU common Law. The structure of bicameralism in nature makes it harder for lobby groups to exert unchecked influence given that one representative’s vote reflecting the fossil fuel lobby is not as strong as it would be in a unicameral representative’s vote; the unicameral legislature representative would directly be transferring the interests fo the lobby whereas the bicameral representative’s vote would have to be approved by an upper chamber. On top of this, the bicameralism in Netherlands allows for longer discussions and considerations of policies like regulating lobby groups; whereas, a lack of regulatory lobbying laws in Croatia topped with a unicameral legislature make it easier for Croatia to have a faster legislation process fueled by lobbyists that create direct influence, unchecked by another authority which is an upper chamber and end up in infringements within EU common law.

Although the fossil fuel lobby is not the only interest group influencing decision-making in legislatures, it is an evidently dominant one with available heavy funding. The functioning of life depends on energy use and the dependency on fossil fuels interests Big Oil, making the EGD promise of transitioning to renewable, clean energy a difficult one; the presence of regulatory laws concerning lobby groups and a bicameral legislature to ensure authority checks on decisions made by representatives through lobby interests would be more optimal for delivering the EGD as it leads to less infringements seen through the example of the Netherlands and Croatia.

Economic Structure

The economic structure of a country is a determinant of how a nation's primary, secondary, and tertiary sectors dominate the economy; the economic aspect of politics is a highly, if not, the most contributing factor that directs decision-making in a legislature. Based on the dispersion and success of agriculture, industry, and service sectors, differences in job opportunities, taxation, public health, and in general, quality of life arise which affects the outlook of the electorate in choosing representatives to elect to national parliaments. The different economic structures of member states contribute to the differences of parties and ideologies, interests represented in a parliament. However, one constant is still in place: to drive economies the use of energy is essential.

Sectors requiring higher energy use benefit from a more free use of fuels which are readily and easily available like fossil fuels. Non-renewable energy use, through an unsustainable greenhouse gas increase, leads to heightened habitat destruction, degradation of biodiversity, deforestation, air pollution,¹³ and other lethal effects that encompass climate change, which the EGD aims to mitigate and eradicate. The transition from non-renewable energy usage to renewable energy usage can create hardship for different sectors of the economy since a transition requires the adjustment to a new set of energy foundation. One factor that dictates the inability to comply with energy directives can be concentrated a member states' economy is in certain sectors that entail more dependency on non-renewable resources.

Greece has the 3rd most total infringement cases in the EU concerning environment, with 674 cases. Greece's economy is mainly dominated by the tourism and shipping industries. Tourism and shipping are both centered around the ability of transportation. The transportation sector accounts for approximately 21%¹⁴ of the global greenhouse gas emissions. With a unicameral legislature, it is logical that Greece's parliament would not favour, and have difficulties in implementing policies that will limit the operation of the transport sector, making it bound to switch and adjust to a renewable energy source. The legislature, especially in Greece with the financial crisis, would unanimously not be willing to smoothly put laws in effect, that require to switch to a different energy source bringing a transitional period of adjustment and accommodation of a different type of energy use that might slow down the economy.

Lithuania which has the 25th most infringement cases related to the environment, 120, has an economic structure that has a dominating sub-sector of information and communication technologies. The considerably less physical requirements of this sector bring less greenhouse gas emissions by this sector, in general, making Lithuania less susceptible to infringements of EU common law that require environmental protections. Although Lithuania also has a unicameral parliament, it has quite a consensus structure with 22 of the 141 seats belonging to the Farmers and

Greens Union, making up approximately 16% of the parliament, compared to Greece's green party seats that make up approximately 7% of the parliament.

In this case a consensus democracy, again, allows more way for environmental interests given that the Lithuanian economy is not dependent on economies that would be highly damaged by pro-environment policies which allow the electorate to vote for representatives who can represent green interests without risking economic backsliding.

Conclusion

Through a review of the extent of infringements, it can be concluded that the optimal parliamentary system in a national government to enforce EU laws concerning the European green Deal is a bicameral legislature with a consensus democracy, regulatory policies concerning interest groups, and economic sectors less dominated by transport and industry. This conclusion is significant because it predicts the effectiveness of the smooth implementation of crucial EU directives in different types of legislature with different factors weighing in. More than the actual practicality of implementing laws, member states planning out potential structural problems in legislatures that may arise in attempts to execute common ambitious EU laws like the EGD, would provide a comprehensive solution to identifying institutional barriers in legislating EU law, creating less troubled transpositions of common law to national law. An institutional barrier assessment would be a precautionary knowledge measure to create a more integrated and functional European Union which can be a role model for the whole world.

References

A grey deal? (2021, July 7). Retrieved November 26, 2021, from <https://corporateeurope.org/en/a-grey-deal>

Bassot, E. (2021, September 9). The von der leyen commission's six priorities: State of play in autumn 2021: Think tank: European parliament. Retrieved November 24, 2021, from [https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA\(2021\)696205](https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA(2021)696205)

BAUMGARTNER, F. R. A. N. K. R. (1996). Public Interest Groups in France and the United States. *Governance*, 9(1), 1–22. <http://doi.org/10.1111/j.1468-0491.1996.tb00231.x>

Corporativa, I. Biodiversity Loss, a risk for the environment and for humanity. Retrieved November 24, 2021, from <https://www.iberdrola.com/sustainability/biodiversity-loss>

Global and European sea level rise. (2021, November 18). Retrieved November 24, 2021, from <https://www.eea.europa.eu/ims/global-and-european-sea-level-rise>

Infringement Decisions. Retrieved November 24, 2021, from https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/index.cfm?lang_code=EN&typeOfSearch=false&active_only=1&noncom=0&r_dossier=&decision_date_from=&decision_date_to=&title=&submit=Search

May infringements package: key decisions. (2021, May 14). Retrieved November 26, 2021, from https://ec.europa.eu/commission/presscorner/detail/EN/INF_20_859

Nunez, C. (2021, May 3). Carbon dioxide in the atmosphere is at a record high. here's what you need to know. Retrieved November 25, 2021, from <https://www.nationalgeographic.com/environment/article/greenhouse-gases?loggedin=true>

October infringements package: key decisions. (2021, November 12). Retrieved November 25, 2021, from https://ec.europa.eu/commission/presscorner/detail/en/inf_21_5342

Ritchie, H. (2020, October 6). Cars, planes, trains: Where do CO2 emissions from transport come from? Retrieved November 26, 2021, from <https://ourworldindata.org/co2-emissions-from-transport>

Tiseo, I. (2021, August 4). Emissions in the EU - Statistics & Facts. Retrieved November 23, 2021, from <https://www.statista.com/topics/4958/emissions-in-the-european-union/#dossierKeyfigures>

user_administrator. (2021, October 26). Energy Union - European Commission. Retrieved November 25, 2021, from https://ec.europa.eu/energy/topics/energy-strategy/energy-union_en