



***Democratic improvements in the
European Union under the Lisbon Treaty
Institutional changes regarding democratic government in the EU***

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Treaty provisions on Democratic Principles

According to the main aim of enhancing the democratic legitimacy of the Union in the Preamble, for the first time in the Treaties, the Lisbon Treaty includes explicit provisions on democratic principles in its Title II. Article 10 of the Treaty on European Union (TEU) incorporates the most important democratic statements, which are complemented by a whole set of new provisions that increase the power of the most democratic institutions. These new reforms mainly strengthen the role of the European Parliament and the national parliaments, and provide for citizen's initiatives, with the purpose of increasing the democratic legitimacy of the EU.

The Treaties contain provisions aimed at reinforcing democracy in its representative and participatory dimensions: 1) Representative democracy, by empowering the most democratic institutions such as the European Parliament and the national and regional chambers' participation and control with regard to EU acts; and 2) Participatory/Direct democracy, by establishing new participatory mechanisms, such as the European citizens' initiative, and new channels of communication and information with European civil society.

The European Parliament (EP)

The European Parliament is the most democratic institution of the EU, as its members are elected by direct universal suffrage of all citizens of the EU. Treaty after Treaty has progressively empowered this institution as a way to democratise the EU, transforming it from a mere consultative chamber into an important co-decision institution for most EU legislation and for the adoption of the EU budget (art. 14.1 and 16.1 TEU). Among other powers and rights given to the Parliament, the appointment of the Commission requires its consent; and it has the authority to establish temporary committees of inquiry, to receive petitions from citizens, to elect the European Ombudsman, to put oral or written questions to the Commission and to the Council, etc. Moreover, the Commission is responsible to the Parliament, which may vote on a motion of censure entailing the resignation of the Commission as a body (art. 17.8 TEU).

- A) The composition of the EP: As regards the members of the European Parliament (MEPs), there has been an important change in the wording of the provision which defines their representative role. According to the previous article in force, the MEPs were “representatives of the peoples of the States brought together in the Community” (art. 190.1 Treaty establishing the European Community (EC Treaty)). The Lisbon Treaty went one step further with regard to the concept of representation, establishing that the Parliament is composed of representatives of the Union's citizens (art. 14.2 TEU), elected for five years by direct universal suffrage in a free and secret ballot. This new wording follows the democratic mandates underlined above, which stressed the importance of representative democracy (art. 10.1 TEU) and links with the idea that “citizens are directly represented at Union level in the European Parliament” (art. 10.2 TEU).

The number of representatives has been increased from 736 (art. 190.1 EC as amended by the 2005 Accession Act) to 751 (art. 14.2 TEU). Furthermore, the Treaty establishes some rules for the allocation of MEPs among Member States: “representation of citizens shall be degressively

proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats.” These rules favour the position of the smaller Member States in the EP since, as a result, they produce unbalanced representation. The German Federal Constitutional Court criticized this aspect of the Lisbon Treaty in its judgment of 30 of June 2009: “The result is that the weight of the vote of a citizen from a Member State with a low number of inhabitants may be about twelve times the weight of the vote of a citizen from a Member State with a [large population]” (paragraph 284 of the judgment). According to these rules, the European Council has to determine by unanimity, on the initiative of the Parliament, the future composition of the latter institution and the number of MEPs that corresponds to each Member State.

B) Empowerment of the EP:

- 1) **Extension in the scope of co-decision:** According to article 289 of the Treaty on the Functioning of the European Union (TFEU), co-decision has become the ‘ordinary legislative procedure’, which consists of the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission. The co-decision process has been extended to about thirty more policy and legal areas, and there are fourteen new legal bases where the Council applies QMV and the co-decision procedure is used. The most significant fields of extension are Freedom, Security and Justice, the co-ordination of social security for migrant workers, structural funds, culture, European administration, and amendments to the Statute of the Court of Justice, among others. The procedure of co-decision is defined in article 294 TFEU. This article provides for a system of first and second readings of Commission proposals to discuss and agree the adoption the legislative drafts, and resort to the Conciliation Committee where an agreement has not been adopted in the second reading. While co-decision was introduced to make EU decision-making more inclusive, accountable and transparent, the procedure has instead increased informalisation and seclusion from the electorate and from rank-and-file parliamentarians. This is the result of the organisation of informal meetings or ‘trilogues’ between the Council Presidency, the Commission’s representatives and the European Parliament’s Rapporteur. These meetings are intended to reduce delays in the legislative procedure by avoiding time-consuming second readings and the need to resort to the Conciliation Committee. In the trilogues, where successful, the key interlocutors informally adopt texts that are later officially approved by co-decision, allowing for an early agreement at first reading.
- 2) **Control of the implementation powers of the Commission in comitology - Delegated and implementing acts:** Committees of Member State officials have implemented much EU legislation with limited transparency and democratic control. These deficiencies have been partially overcome with the revision of the Second Comitology Decision in 2006. The revised Decision introduced a new regulatory procedure (‘regulatory procedure with scrutiny’) in which both the EP and the Council have the ability to block the adoption of proposals that emerge from committees. As a main consequence of this reform, the Commission and the Council have been more willing to rely on extensive delegation as a means to circumvent the influence of the EP on the regulation process. The EP reacted by restricting the scope of delegation instead of opposing delegation as such, and used its opposition to gain more leverage on the comitology process.

This democratic control of the EP over the comitology process has been implemented with the adoption of the Lisbon Treaty, which distinguishes between two kinds of non-legislative acts, namely:

- **Delegated acts:** The Lisbon Treaty replaces “comitology” (art. 202 EC) with “delegated acts”. The EP plays a role in the monitoring and control of delegated powers to the Commission when the latter adopts non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act (art. 290 TFEU). The EP, together with the Council, retains the option of objecting to or revoking the delegation.

Despite the adoption of the new Treaty, comitology – at least where management or regulatory committees are concerned – still has no clear legal status. The committees are in legal limbo since: a) the TFEU does not mention such committees, and b) the comitology procedures introduced by the Second Comitology Decision have not yet been adapted to the new institutional parity between the Council and the EP with regard to the control of the delegated acts based on article 290 TFEU. The legal status of comitology in relation to delegated acts may ultimately have to be clarified by the European Court of Justice (ECJ).

- **Implementing acts:** where uniform conditions for implementing legally binding Union acts are needed, the EP has been given a co-decision power for the adoption of the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (art. 291 TFEU).
- 3) **Legislative initiative:** The Treaty, as in former Treaties, enables the EP to call on the Commission to submit any appropriate proposal on matters concerning which the EP considers that a Union act is required in order to implement the Treaties (art. 225 TFEU). If the Commission does not submit such a proposal, it must inform the EP of the reasons.
 - 4) **Appointment of the Commission:** The EP has the power to elect the President of the Commission, and to approve the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission (art. 17.7 TEU). In the case of the President, a candidate is proposed to the EP by the European Council, which acts by QMV, taking into account the elections to the EP and after having held the appropriate consultations. The EP elects the candidate by a majority of its component members. If the candidate does not obtain the required majority, the European Council, again acting by QMV, must within a month propose a new candidate to be elected by the European Parliament following the same procedure (art. 17.7 TEU). This is an important change in the power of the EP if we consider that, under art. 214.2 EC, the nomination had to be approved by the European Parliament.
 - 5) **EU budget:** The powers of the EP have increased in relation to the budget procedure, as it now co-decides with the Council on all expenditures (art. 314 TFEU). This implies the elimination of so-called ‘compulsory expenditures’, that is, expenditures on which the Council had the last word.
 - 6) **International agreements:** The areas in which the European Council must obtain the consent of or at least consult the EP prior to the conclusion of an international agreement have been enlarged (art. 218.6 TFEU). Furthermore, the EP must be kept informed at all stages of the negotiation of international agreements (art. 218.10 TFEU).
 - 7) **European External Action Service (EEAS):** The Council is required to consult the EP on the organisation and functioning of the EEAS (art. 27.3 TEU).

- 8) **Area of Freedom, Security and Justice:** Together with the national parliaments, the EP has been given the competence for scrutinising or evaluating the content, development and results of the evaluation system of the implementation of FSJ policies by Member States (art. 70 TFEU), and for scrutinising the activities of Europol (art. 88.2 TFEU) and Eurojust (art. 85.1 TFEU).
- 9) **Flexibility clause:** Whereas art. 308 EC only required consultation of the EP where the Council adopted legal acts on the basis of the ‘flexibility clause’, following the Lisbon reform, art. 352 TFEU now conditions the adoption of such acts on the consent of the EP.
- 10) **Revision of the Treaties:** The EP may submit to the Council proposals for the amendment of the Treaties, by means of either the ordinary revision procedure or the simplified procedures (art. 48 TEU).
- 11) **Withdrawal of a Member State from the Union:** in this eventuality, the Council concludes an agreement on behalf of the Union with the withdrawing Member State, after obtaining the consent of the European Parliament (art. 50.2 TEU).

European Citizens’ Initiative (ECI):

According to article 10.3 TEU, which provides that every citizen shall have the right to participate in the democratic life of the Union, the Lisbon Treaty, for the first time, establishes the right to directly participate in or influence the EU decision-making process, in particular by means of the “citizens’ initiative”. Article 11.4 TEU offers some guidelines for the implementation and exercise of this mechanism: “Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties”. Hence, the ECI has two important features. First, to be valid the initiative requires at least one million signatures coming from a significant number of Member States. Second, the Commission, after checking whether the request falls within the limits of the powers conferred by the Treaties, is invited to make a proposal on the basis of the ECI.

The Treaties call on the EP and the Council, acting by the ordinary legislative procedure, to adopt the procedures and conditions required for a citizens' initiative, such as the minimum number of Member States from which signatures must be collected for the ECI (art. 24 TFEU), and other details such as: the minimum number of signatures per Member State, which citizens are able to join the ECI, the procedures and so on. The European Parliament did in fact adopt guidelines relating to these matters in its resolution of 15 December 2010.¹ Among other important features, the resolution makes some specific requests:

- The initiative should require the support of at least one million eligible signatories coming from at least **one quarter** of all Member States to be valid. The signatories and organisers would have to be **citizens of the Union** and they would have to be old enough to vote in EP elections.
- The ECI should be initiated and submitted by a citizens’ committee of at least seven persons who are **residents of at least seven different Member States**. By way of exception, MEPs are

¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0480&language=EN&ring=A7-2010-0350#BKMD-16>.

not counted for the purposes of reaching the minimum number required forming a citizens' committee.

- The signatures collected must include at least those of the **minimum number of citizens**. The minimum number should correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750.
- After receiving the proposal, the Commission would have to indicate the action it intends to take, if any, and its reasons, to the organisers and to the **European Parliament and the Council**; that information would have to be made public.
- The organisers should be given the opportunity to present the citizens' initiative at a **public hearing**. The **Commission and the European Parliament** would have to ensure that this hearing is organised following a specified procedure. The hearing would be organised at the **European Parliament**, if appropriate together with such other institutions and bodies of the Union as may wish to participate, and the Commission would be represented at an appropriate level.

Participation and influence of citizens, associations and civil society in EU decision- making:

In order to facilitate the participation of European civil society and citizens, the Treaties have established additional obligations for EU institutions to promote openness, transparency, and the dissemination of information. These general principles are confirmed in article 10.3 TEU, which states that every citizen has the right to participate in the democratic life of the Union, and for that purpose EU decisions must be taken openly and as closely as possible to the citizens.

- **Involvement and dialogue with civil society in EU decision-making (art. 11 TEU):** Under art. 11 TEU, the EU institutions are required to inform citizens and representative associations, and they must publicly exchange their views in all areas of Union action. The same article contains an explicit mandate for the European Commission to consult with parties concerned in order to ensure that the Union's actions are coherent and transparent. Finally, article 17.3 TFEU recognises that the EU respects churches and religious associations or communities as well as philosophical and non-confessional organisations, and it encourages the EU institutions to maintain an open, transparent and regular dialogue with these churches and organisations.

- **Dialogue and public debates (arts. 15 and 16 TFEU):** Articles 15 and 16 TFEU reinforce the idea of good governance and require the Union institutions, bodies, offices and agencies to ensure participation and political debate on EU issues in civil society. For that purpose, the EP (art. 15.2 TEU) and the Council (art. 16.8 TEU) are obliged to meet in public when considering and voting on a draft legislative act. Finally, the Treaty acknowledges a right of access of civil society to the documents of EU institutions under the procedure laid down for this purpose. Article 298 TFEU also provides that the EU institutions, in carrying out their activities, shall have the support of "an open, efficient and independent European administration".

- **Citizens' democratic rights (arts. 20.2 b) and d), 24, 227 and 228 TFEU):** Various Treaty articles list the different rights that EU citizens enjoy, including the right to vote in European Elections, and other rights such as the right to petition the EP, the right to apply to the European Ombudsman, the right to address the institutions and advisory bodies of the Union in any of the Treaty languages (and

the right to obtain a reply in the same language). All of these rights were previously established in the EC Treaty (arts. 19-21, 194-195). Also relevant in relation to citizens' rights is Title V (especially arts. 39-44) of the European Charter of Fundamental Rights, which bind the institutions, bodies and offices and agencies of the EU and bind the Member States when they implement EU law.

European Commission:

The Commission, in accordance with its mandate of maintaining an open, transparent and regular dialogue with representative associations and civil society, is required to carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent (art. 11.3 TEU).

Council

To improve public debate, and to keep the public better informed about the progress or merits of a particular legislative draft, the TEU states, for the first time, that the Council has to meet in public when it deliberates and votes on a draft legislative act (art. 16.8 TEU). This article should also be seen in the light of all the previous improvements and efforts that the Council made to increase its transparency and openness in Regulation 1049/2001 regarding public access to EP, Council and Commission documents, and in the light of the Council's Rules of Procedure, adopted on 1 December 2009.

Nevertheless, the most important reform with respect to the Council concerns the new method (to take effect on 1 November 2014) for calculating Qualified Majority Voting (QMV) when the Council 'votes' (although decisions in practice are often taken without counting votes) according to that decision rule. QMV is governed by article 16 TEU and article 238 TFEU (and article 235.1 TFEU for the European Council). The new system makes the allocation of votes more proportional to the population of the Member States, reflecting an image of the Council as being a union of both states and citizens. When the Council votes by QMV, each Member State is given an appropriate number of votes according to its population. This may be seen as improving the democratic representativeness of votes and of decision-making.

The system is a departure from the weighted votes currently attributed to each Member States, as it will be based on a "double majority" with two thresholds: at least 55% of the members of the Council, comprising at least fifteen of them and collectively representing at least 65% of the population of the Union. A 'blocking minority' must include at least four Member States which represent more than 35% of the population of the participating Member States. The minimum number of four is meant to avoid obstruction by three large Member States acting alone, which together may account for more than 35% of the Union's population. Where the Council does not act on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, a qualified majority under the (future) double majority system is defined as at least 72% of the participating Member States, comprising at least 65% of the population of these States.

European Council

Article 18.1 TEU integrates the European Council within the EU institutional structures and recognises the democratic accountability of its members in article 10.2: “Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.”

Committee of the Regions (CoR):

The Committee of the Regions (CoR) is an advisory body that assists the Council and the Commission, and is composed of representatives of regional and local bodies. This Committee, which gives voice in EU policy development and EU legislation to the different regions and their citizens, has been strengthened to some degree by the Lisbon Treaty. The CoR now has the right to bring actions before the ECJ for the annulment of EU legislative acts where the subsidiarity principle has been infringed, provided that the matter concerns an act predicated on consultation of the CoR (art. 8 of Protocol no. 2). The CoR may also bring actions for annulment to protect its prerogatives (art. 263 TFEU).

National Parliaments:

As a response to national parliaments’ demands for more democratic legitimacy for the EU, the Lisbon Treaty has conferred a number of new rights and powers to the national parliaments in order to make the EU institutions more democratically accountable. These rights can be grouped as: (1) ‘information rights’, i.e., the right to receive information directly from the EU institutions (and not only from their governments), (2) the right to object to EU acts on grounds of subsidiarity (art. 5 and Protocol 2), and (3) participation rights. These powers are acknowledged in article 12 TEU and developed in the Protocol no. 1 on the role of national parliaments in the EU and Protocol no. 2 on the application of the principles of subsidiarity and proportionality. The new powers of the national parliaments are summarised below.

- 1) **Direct information from EU institutions:** National parliaments receive information directly from the EU institutions as regards not only EU legislative acts (art. 12.a TEU) but also EU legislative programmes, consultative documents from the Commission on legislative matters, Council minutes of its deliberations on legislative acts and the annual report of the Court of Auditors (Protocol no. 1, on the role of National Parliaments in the European Union).
- 2) **Subsidiarity control:** After receiving information concerning draft legislation, national parliaments have the opportunity to review compliance of Commission proposals with the principle of subsidiarity, that is, in areas which do not fall within the exclusive competence of the EU, insofar as the objectives of the proposed action cannot be sufficiently achieved at the level of the Member States or regional or local level (art. 5.3 TEU). The national chambers have 8 weeks to send a reasoned opinion to the EU institutions explaining why the draft legislation does not comply with the principle of subsidiarity. The Lisbon Treaty included two cooperative mechanisms to achieve better control of subsidiarity:

- a) “Yellow card” mechanism: This system is activated if such a reasoned opinion is submitted which represents one-third of the total number of votes allocated to national parliaments² (or a quarter of the votes in the field of Freedom, Security and Justice). In that case, the Commission must review its proposal, and it must give reasons explaining its decision to keep, change or withdraw the proposal (art. 7(2) of Protocol no.2).
 - b) “Red card” mechanism: is only applicable to co-decision proposals and is activated when a simple majority of national parliaments complain (27 votes out of 54). The procedure is identical to the yellow card procedure, with the addition that, if the Commission wants to maintain the proposal it should send a justified opinion to the European Parliament and the Council, which will carry out a final subsidiarity review. The proposal is not given further consideration if either the Council (by a majority of 55% of the members) or a majority in the European Parliament consider that the proposal is incompatible with the principle of subsidiarity (art. 7(3) of Protocol no.2).
 - c) Action for annulment by the European Court of Justice (ECJ): The Treaty establishes the jurisdiction of the ECJ to review the legality of EU legislative acts on grounds of infringement of the principle of subsidiarity by an EU legislative act, and enables national parliaments to initiate this process. Once the EU institutions adopt legislation, national parliaments (if so allowed by national law) can ask for an *ex post* review by the ECJ. Such actions may be brought by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament, or a chamber thereof (art. 8 of Protocol no.2).
- 3) Scrutiny of acts in the area of Freedom, Security and Justice (FSJ): In this specific field, national parliaments, together with the EP, should be informed of the content, development and results of the evaluation system of the implementation of FSJ policies by Member States (art. 70 TFEU). Furthermore, they are authorised to scrutinize the activities of Europol (art. 88.2 TFEU) and of Eurojust (art. 85.1 TFEU). For this purpose, the European Parliament and national parliaments are to be kept informed in accordance with a system laid down in a separate a regulation. Regarding family law with cross-border implications, where the Council can adopt acts by unanimity, the Council itself, on a proposal from the Commission and after consulting the EP, may adopt a decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure. The adoption of this so-called “*passerelle* clause” by the Council changes the procedure for adopting legislation from a special legislative procedure to the ordinary legislative procedure. However, the Lisbon Treaty also introduced a mechanism of control in relation to the *passerelle* clause by providing that the proposal must be notified to the national parliaments, which then have the right to object (art. 81.3 TFEU).
 - 4) Role of national parliaments in the simplified revision procedures of the Treaties: The Treaty involves national parliaments in both simplified revision procedures, one of them introducing “general *passerelles*” to move from unanimity voting to qualified majority voting in the Council for all policy areas except defence.
 - 1) Art. 48.6 TEU: National parliaments have the same role that they had in the ordinary revision procedure under the art. 48.2 TEU prior to the Lisbon reforms, i.e., they ratify

² Eighteen votes out of a total of fifty-four votes. Each parliament is allocated two votes, which yields a total of fifty-four votes in an EU of 27 Member States.

changes to the Treaties in accordance with the constitutional requirements of their respective Member States.

- 2) Art. 48.7 TEU: As in the case of family law legislation (see above), national parliaments have the right to participate in the use of the general *passerelle* for the revision of the Treaties. The European Council may decide by unanimity, with the consent of the EP, to switch the voting rule from unanimity to a qualified majority in a given policy area, or to switch from a special legislative procedure to the ordinary procedure. In such cases, the European Council must notify its intention to the national parliaments. If no parliament vetoes the initiative within six months, the decision can be adopted. Hence, the Lisbon Treaty has This veto point is intended to prevent abuses by the heads of State or Government, who otherwise might potentially have used article 48.7 to promote Treaty reforms while avoiding domestic ratification processes. In some cases, such as in Germany, this veto power has been complemented by some additional control powers at the national level.
- 5) Other issues: Among other rights, the national parliaments have been given the right to be notified of applications for accession to the Union (art. 49 TEU), the right to take part in inter-parliamentary cooperation between national parliaments and the EP (Protocol no.1), and the right to be informed by the Commission on proposals based on the flexibility clause (art. 352.2 TFEU).

Over time, national parliaments have been concerned that part of their legislative powers were progressively reallocated to their governments, especially since the latter essentially control the decisions of the Council. Some Member States have therefore started to regulate this situation at the national level in order to promote better control by the parliaments of European legislation and policies adopted by their respective national governments and by the EU institutions.

To monitor the control of EU legislation and acts, national parliaments have increased their powers by establishing new procedures of control, especially in parliamentary countries such the UK and the Nordic countries. All Member States have put in place European Affairs Committees in their parliaments in order to reinforce democratic control over EU matters and to ensure democratic accountability in the EU decision-making process. The specific arrangements adopted for detailed scrutiny by committees in the national Parliaments can be consulted at <http://www.cosac.eu/en/info/>.

New legislation has also been adopted to adapt their parliamentary scrutiny procedures to the Lisbon Treaty provisions, and to improve control of EU acts and control of government positions on EU issues. The process of ratifying the Lisbon Treaty provided an opportunity to negotiate and enact more powers for the national parliaments. Some of these powers were obtained with the cooperation of other national institutions or Constitutional Courts (such as the German Federal Constitutional Court), which have recognised the need to empower national parliaments *vis-à-vis* the EU institutions. Indeed, the German Parliament required the Government to obtain its authorisation before it would agree to the use of the simplified treaty revision procedure laid down in article 48.7 TEU. Other countries also reframed their legislation to accommodate the new role assigned to national parliaments under the Lisbon Treaty. These countries included Austria, Estonia, France, Ireland, Spain and Sweden, among others. The specific reforms can be found at <http://www.cosac.eu/en/info/scrutiny/countryspecific/>.

Since 1989, all national parliamentary Committees on EU Affairs, represented in the **Conference of Parliamentary Committees for Union Affairs (COSAC)**, have progressively strengthened their

collective involvement in the EU lawmaking. In the Lisbon Treaty, this inter-parliamentary cooperation is acknowledged for its importance in promoting the involvement of Member State Parliaments. According to Article 10 of Protocol 1 on the Role of National Parliaments in the European Union of the Treaty of Lisbon, COSAC “may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. The Conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organize inter-parliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the Conference shall not bind national Parliaments and shall not prejudice their positions.” These provisions lead to the involvement of national parliaments, organised under COSAC, in the scrutiny of the EU’s action in the area of the Common Foreign and Security Policy (CFSP), including European Security and Defence Policy (ESDP).

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