

# European Union Politics

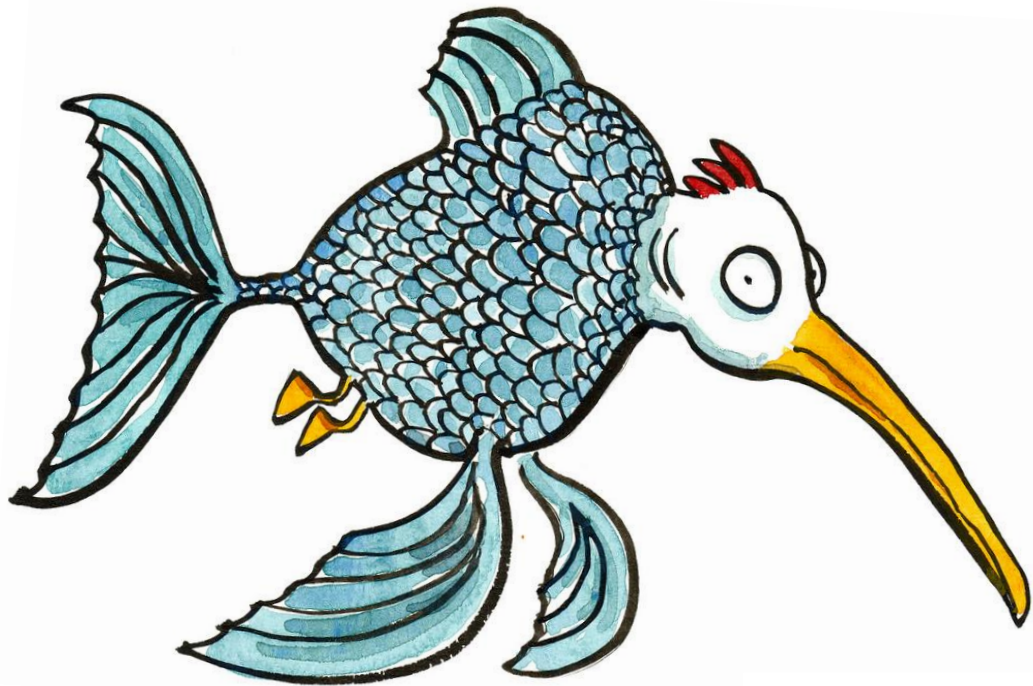
SESSION 10: **DEMOCRATIC LEGITIMACY AND CITIZENS**

# A PROCESS: from “permissive consensus” to “democratic deficit”

- ▶ European Communities = a **technocratic institution** solving the problems of heavy industry control and customs union creation
- ▶ **European Union:**
  - 1963 – *Van Gent en Loos* → **direct effect** of EC law
  - 1964 – *Costa vs ENEL* → **supremacy** of EC law
  - 1979 – **direct elections** to European Parliament
  - EC/EU became **explicitly political** in the 1990s: CFSP, JHA...  
**EU citizenship** in Maastricht treaty also
  - 1999/2002 – introduction of the € Euro
  - 2000 – *Charter of Fundamental Rights of the EU*
  - 2004 – *Treaty establishing a Constitution for Europe* (not adopted)
  - 2007/9 – Lisbon Treaty – ordinary legislative procedure, citizen’s initiative, national parliamentary oversight



# What is the European Union, again?

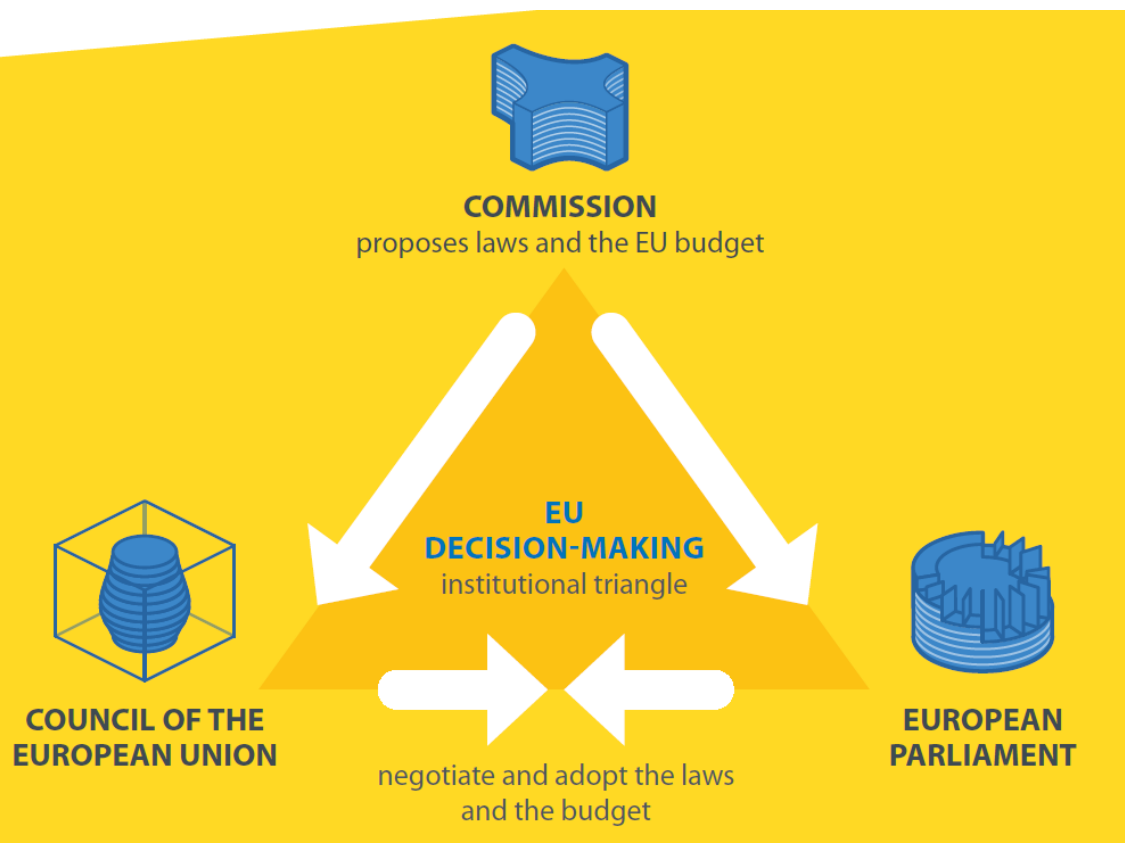


**...a sui generis entity**

- ▶ International organization
- ▶ International trading regime
- ▶ System of multi-level governance
- ▶ Supranational "polity"
- ▶ A state "in-the-making"
- ▶ Embryonic federation
- ▶ Post-national union
- ▶ Neo-medieval polity (Zielonka)
- ▶ Unidentified Political Object (Delors)

# Decision-Making in the European Union

## Exclusive and shared competence



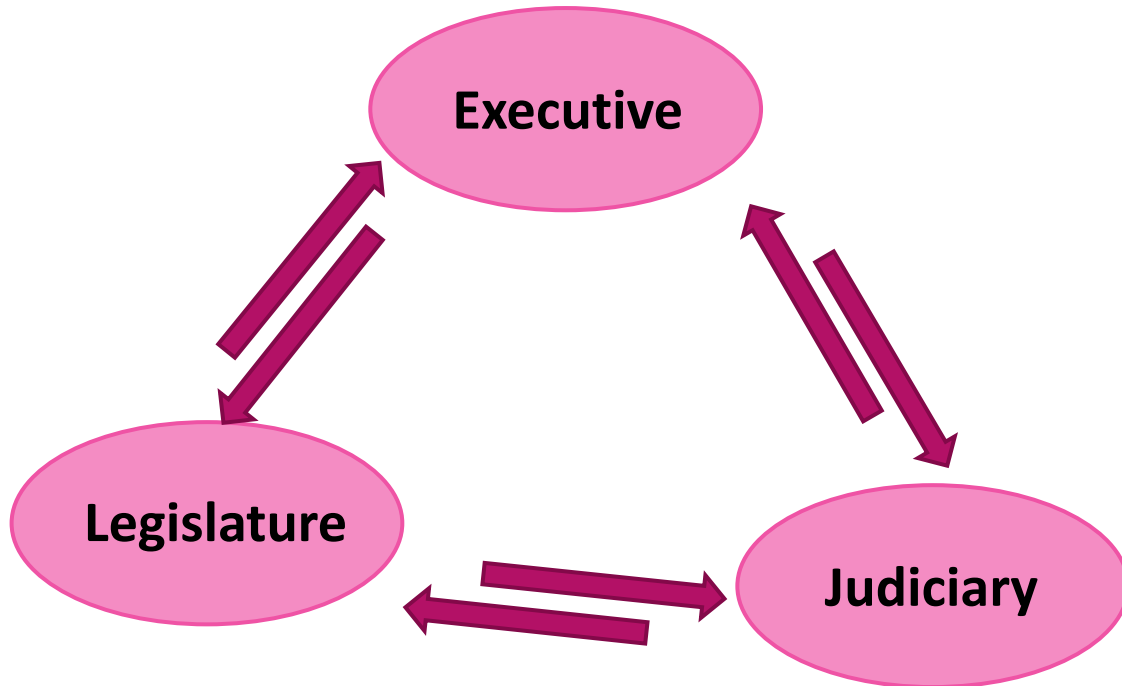
### SIMPLIFIED:

1. Input / goal set by **European Council**
2. **European Commission** proposes a legal draft
3. **European Parliament** (citizens) and the **Council** (states) read/amend and adopt
4. **Member states** implement
5. **Commission** oversees implementation
6. In case of problem --> **European Court of Justice**

# Separation of powers in democracies

## Institutional checks and balances

- ▶ Where would you place the EU institutions?



European Council

European Commission

Council of the EU

European Court of Justice

European Parliament

# “Neither fish nor fowl”

## Neither a state/federation nor an international organization!

▶ *Aren't we comparing EU policy-making to an unattainable ideal?*

### ▶ **LEGISLATIVE INITIATIVE:**

- Not solely in the hands of legislature, even on national levels!!!
- Executive orders of the President (USA, Russia); ministries drafting laws and parties/coalitions pushing them through parliament with majorities

### ▶ **EXECUTIVE FUNCTIONS:**

- Normative ideal of “only” the government ruling in line with their programme
- Practice: *quid pro quo* deals, lobbying, outsourcing through public procurement...

# “Neither fish nor fowl”

## Neither a state/federation nor an international organization

▶ Do state-democratic models of representative **democracy** even apply to EU?

- “Representative **democracy**” – no demos = no European people = weak European identity, **no democratic contest for EU offices** or for the direction of EU agenda?
- “Participatory democracy” – more elite participation, low general participation?
- “Deliberative democracy” – discourse, deliberation among the elites?

### REPRESENT WHOM?

- Lack of a European **demos**, European identity, European public sphere but **European citizenship**
- **Member states** which pool their sovereignty

... is the EU **democratic**? Is its governance **legitimate**?



# Representing...

## ...the MEMBER STATES

- ▶ MS are the “**masters of the treaties**” ...negotiated in IGCs (intergovernmental conferences)
- **Treaties** = primary law = the **framework** delimiting common EU institutions, European-level **policies**, framework in which EU **politics** unfolds
- ▶ PRINCIPLES OF:
  - Conferral
  - Subsidiarity
  - Proportionality

Power though **European Council, Council of the EU**

...some MS keep delegitimizing the EU to score points at home...





# Lisbon treaty: policy competences

## Exclusive EU competence

- Customs union
- Competition rules in the internal market
- Monetary policy (Eurozone)
- Conservation of marine biological resources under common fisheries policy
- Common commercial policy (international trade on behalf of the MS)

## Shared competences between EU and MS

- **Internal market**
- **Social policy**, for the aspects defined in this Treaty
- Economic, social and territorial cohesion
- Agriculture, fisheries, including the conservation of marine biological resources
- Environment
- Consumer protection
- Transport and trans-European networks
- **Energy**
- Area of freedom, security and justice
- Common safety concerns in public health matters, for the aspects defined in this Treaty

## Supporting, coordinating EU competences

- Research
- Technology and space
- Development cooperation
- Humanitarian aid
- Protection and improvement of human health
- Industry
- Culture
- Tourism
- Education, vocational training, youth and sport
- Civil protection;
- Administrative cooperation

Ratio of supranational (federal)/intergovernmental (between nations) varies from policy area to policy area!!!

Not a simple federal/national division of powers!!!

# Representing... ...the PEOPLE

- ▶ Are **people** really constitutive of the European political order?
- ▶ **European Parliament** direct elections (since 1979)
- ▶ European citizenship (Maastricht 1993)
- ▶ *Charter of Fundamental Rights* (2000; Lisbon)

## WHO ARE THE EUROPEAN PEOPLE?

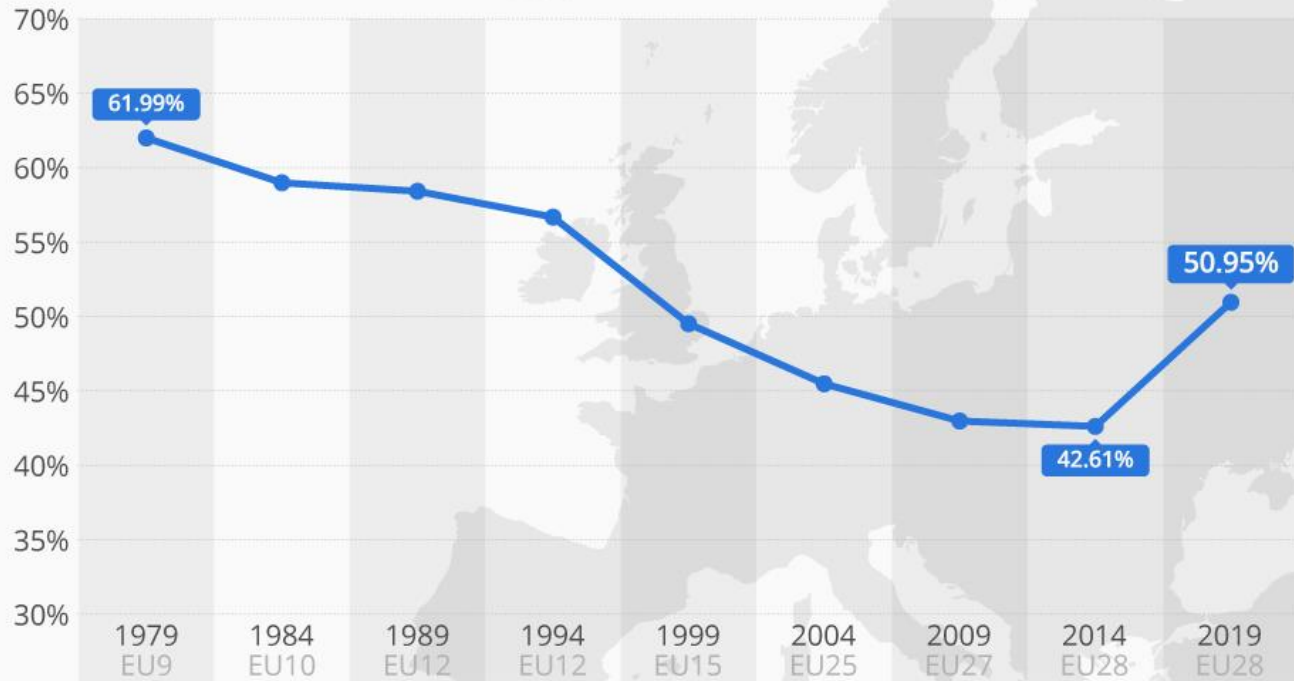
- One European people or many European peoples?
- Is there a European identity?
- Is there a **cultural** and **political community** that could be the **bearer of rights** and duties and be constitutive of the European Union?



# European Parliament elections

## European Election Turnout Reaches 20-Year High

Voter turnout in the European Parliament Elections from 1979 to 2019\*



@StatistaCharts

\* 2019 turnout is provisional. As of 8:30am CET on 27 May, 2019.

Source: European Parliament

statista

- ▶ Every 5 years
- ▶ EP elections **do not** lead to appointment of European Commission!
- ▶ “**Second-order elections**” ...typically a mid-term review for incumbent national govt.
- ▶ Vote for **national** candidates running for national parties which belong to broader European party groups



# STAROSTOVÉ a TOP 09 Spojenci pro Evropu



Stanislav  
Polčák

Jiří  
Pospíšil



EUROVOLBY 2019  
24.-25. KVĚTNA  
★★★★★

STAROSTOVÉ  
A NEZÁVISLÍ

TOP 09

S PODPOROU  
ZELENÝCH  
A LIBERÁLNĚ  
EKOLOGICKÉ STRANY

Zadavatel: Starostové (STAN) s regionálními partnery a TOP 09 / Zpracovatel: TOP 09

# Jsme srdcem Evropy

## Chceme být slyšet



EUROVOLBY2019



ODS



Zadavatel: ODS / Zpracovatel: ODS

# ČESKO OCHRÁNÍME

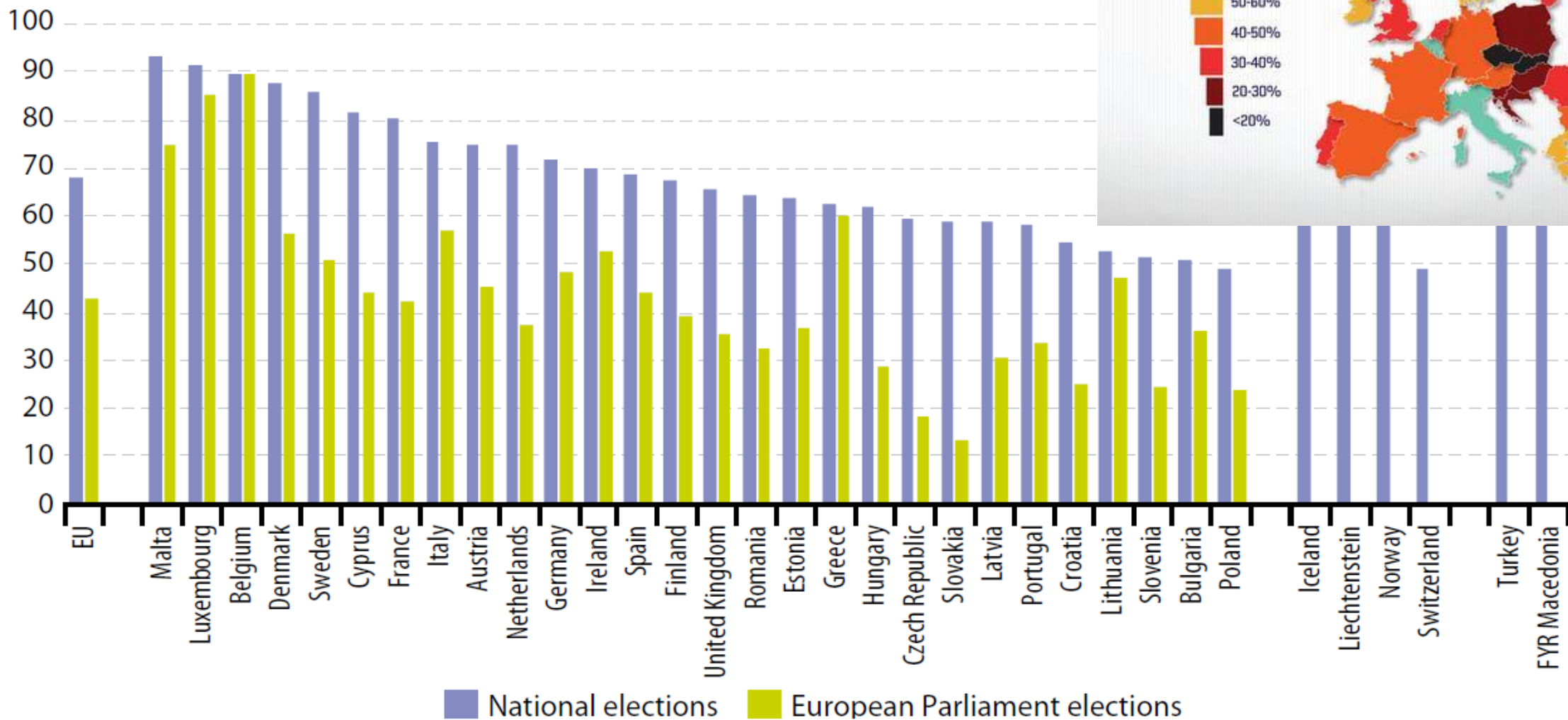
## Tvrdě a nekompromisně

ANO BUDE LÍP

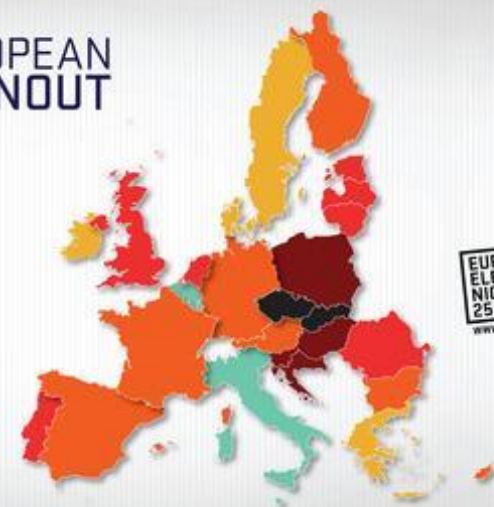


Zadavatel: ANO 2011, zpracovatel: PRODUCTION TEAM, s.r.o.

# Turnout 2014



## 2014 EUROPEAN TURNOUT



EUROPEAN ELECTIONS NIGHT  
25 MAY 2014  
WWW.ELECTIONS2014.EU  
#EPC2014

ACT. REACT. IMPACT.

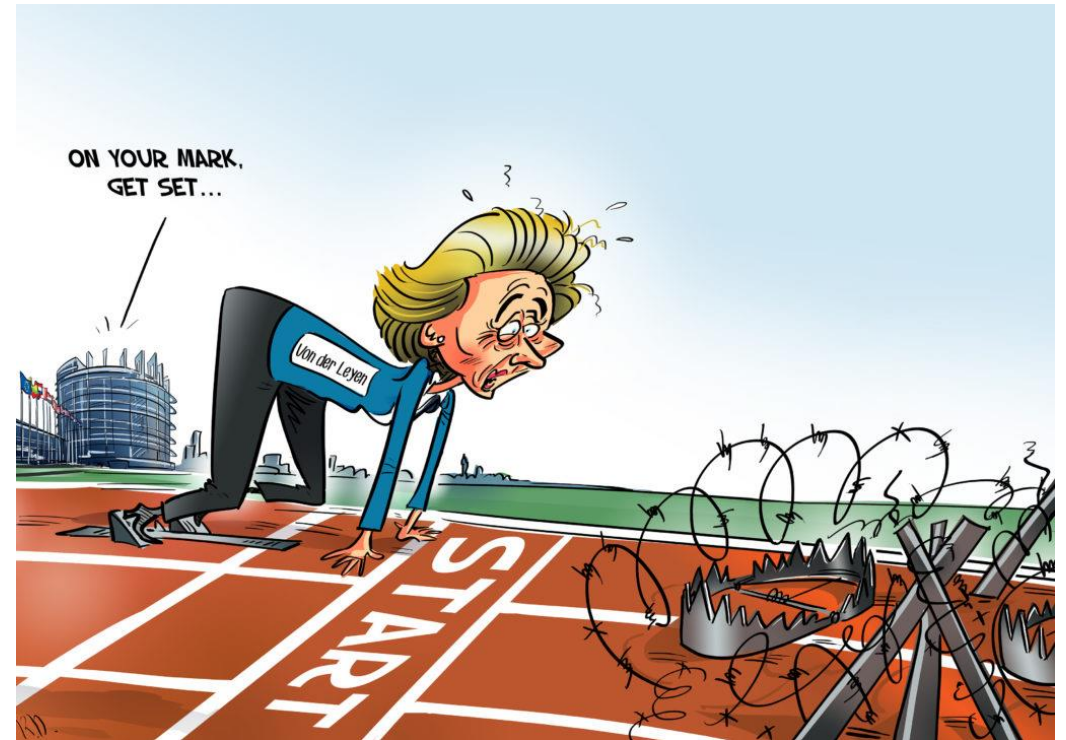
(1) The EU-28 figure for national elections is a Eurostat estimate. Data for national elections refer to the latest year in which national parliamentary elections were held. For all countries, this year lies between 2010 and 2014. Data for EU parliamentary elections are from 2014.

# European Parliament / European Commission

- ▶ *Spitzenkandidat* (leader of a European people's party) idea didn't fare so well in 2014 – Juncker still became President of the Commission in 2014 but MS complained

## OVERSIGHT:

- EP plenary grills the Commissioner designates  
[Maroš Šefčovič \(whole\)](#), [playlist](#)
- **Approval and dismissal** of the Commission as a whole



# European Parliament / Council of the EU

- ▶ With every new treaty change, the European Parliament's legislative scope broadens (new policy areas)
- Ordinary legislative procedure
- Approval of EU budget



# The Lisbon Treaty: Strengthening of democracy?

- ▶ “Reformed” Constitutional treaty of the early 2000
- ▶ Explicit list of EU values Art. 2 + [Art. 9-12](#) **provisions on democratic principles**
- ▶ Co-decision legislative procedure now called the **ordinary legislative procedure** applies now to around 80% of EU secondary legislation
- ▶ Included the **Charter of Fundamental Rights**, now legally binding
- ▶ Added scrutiny by **National Parliaments** (of subsidiarity)
- ▶ **Citizen’s Initiative** – a million signatures within a year across 7 countries to initiate legislation





# EU as a system of GOVERNANCE

## Who participates in the legislative process?

- ▶ No simple EU/national division of labour (differs across policy areas);
  - many policies are a mixture of supranational and intergovernmental processes
- ▶ **Lobbying** during Commission's initial legislation drafting (also in EP)
- ▶ Experts, working groups (remnants of technocratic governance of initial French design)
- ▶ Economic and Social Committee, Committee of the Regions...
- ▶ **Transnational networks** of employers, manufacturers, consumers, interest groups...
- ▶ Open method of coordination in education, employment, social affairs

# How to “check on power” ...in absence of European media?

- ▶ No Europe-wide TV channel
- ▶ News on EU is “filtered” through national media
  - *The Economist, Financial Times, Der Spiegel...*

How to KNOW what’s going on in the EU then?

- ▶ Small EU online news: [EUobserver](#), [EurActive](#)
- ▶ European version of [Politico.eu](#) since 2015



...still: EU news followed by a small elite, not enough for broad public sphere

How about national “bias” to EU news? Is the EU too complex to communicate?

# Public support

## Eurobarometer



### European integration issues:

- Low salience issues – don't care
- High salience issues (economy, jobs, security) – care a lot
- ▶ Time spent in EU: old and new MS (socialization)
- ▶ Output: when times are good – trust is high, when crisis hits – national preference
- ▶ EU budget net contributors vs net receivers; trade export/import countries
- ▶ National vs European/global control of economy!

**THE EU IS WORKING VERY WELL FOR US-**  
CAREER POLITICIANS, UNELECTED BUREAUCRATS, AMERICAN & EU BANKERS, BIG BUSINESS...

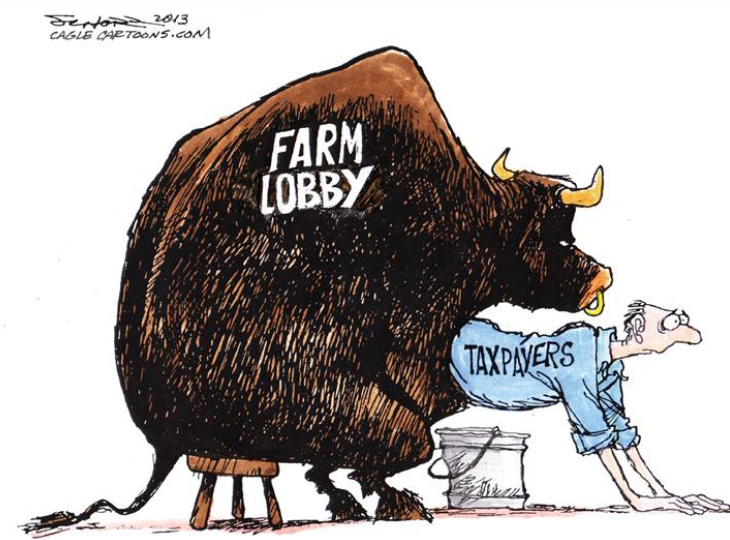


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**BUT IT'S NOT WORKING FOR US...THE PEOPLE!**



# Individual support (social groups)



- ▶ Elite/common people
- ▶ Businesses, private sector/non-business public sector
- ▶ Jobs with “human capital” / low skilled “less competitive jobs” (education)
- ▶ “interest groups” funded by EU / not funded (CAP, cohesion)
- ▶ Inglehart: declining class patterns / increased (post-)materialist values – rights, environment (age groups)
- ▶ Religion; nationalism; “exposure” to immigration
- ▶ Level of information about the EU (KNOWLEDGE; influence by third parties)
- ▶ Political party affiliation (taking over party positions on EU)

# Transparency

- ▶ EU legislation draws **more input** (experts, lobbyists for better or worse)
- ▶ Commission consultation open for citizens too, example: digital single market public consultations
- ▶ Commission gives more info to European Parliament WGs, more Q&A in EP
- ▶ EP plenary sessions are streamed live
- ▶ Council of EU bits are public now; link to streams and archive

Launched 19<sup>th</sup> April 2021 digital platform of the **Conference on the Future of Europe!** Closed 2022 ...is the EU open for a treaty reform?!?

# Eurozone CRISIS ...

## ...impact on EU democratic legitimacy

- ▶ Less parliamentarism --> **more intergovernmentalism**
- ▶ Solutions OUTSIDE the Lisbon treaty more or less loosely related to EU *acquis*: Fiscal Compact, ESM, Banking Union
- ▶ **European Semester** – coordination process with Commission setting scope of action for national parliaments to approve national budgets...

### CRISIS:

- Time pressure
- Austerity
- Involvement of IMF



# Migration CRISIS...

## ...impact on EU democratic legitimacy

- ▶ Member states reached for national solutions (build fences, close borders in Schengen)
- ▶ German unilateral “open door” policy
- ▶ Ignorance of adopted directives on redistribution of refugees

### CRISIS:

- Time pressure
- Lack of solidarity
- ▶ Later on strengthening of FRONTEX operations





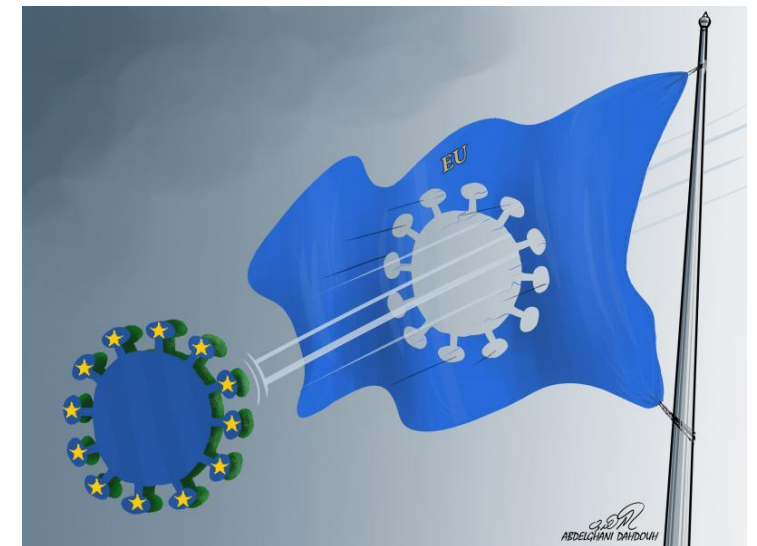
# Covid-19 CRISIS...

## ...impact on EU democratic legitimacy

- ▶ Initial breakdown of Schengen, unilateral border checks
- ▶ Eventually, common order of vaccines (EU Commission mandated)
- ▶ Eventually solidary help with patients, some additional vaccine redistribution
- ▶ Proposed **digital green certificate** ([covid passport](#))

### CRISIS:

- Time pressure
- Solidarity (eventually)



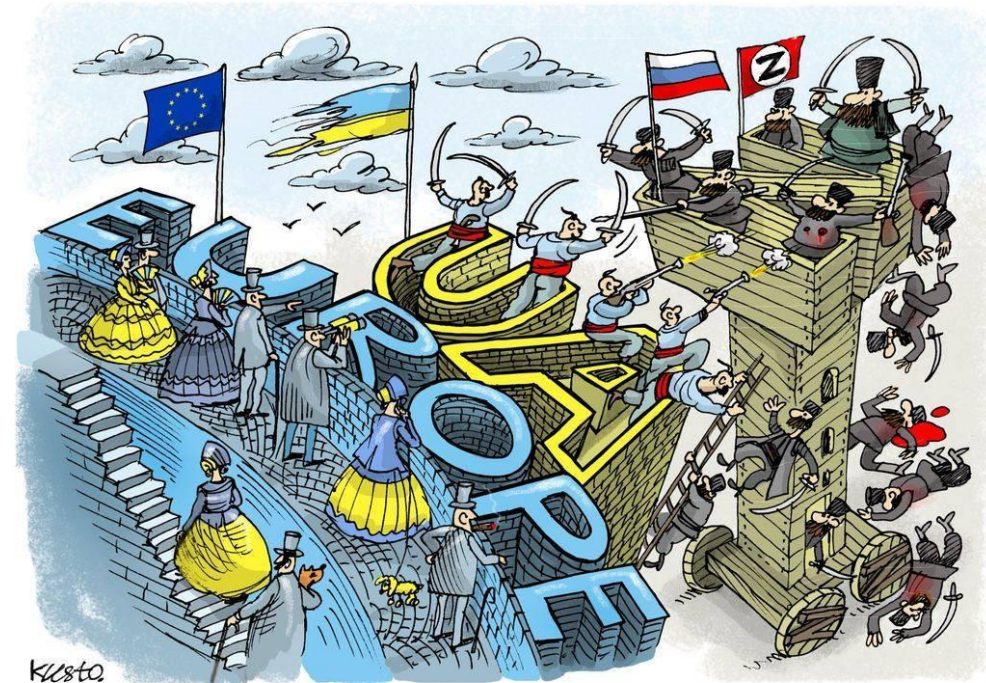
# Russian War against Ukraine

## ...impact on EU democratic legitimacy

- ▶ EU's initial failure to react to 2014 Russian breaches of international law
- ▶ Sanctions packages
- ▶ Financial and (national) military aid to Ukraine
- ▶ EU democratic identity vs. imperialist Russia?
- ▶ Ukraine's EU candidacy since 2022

### CRISIS:

- Shock
- EU solidarity? Hungary? Slovakia?
- Is the EU willing to spend enough to help Ukraine?



# Solutions?

- ▶ More Europe? Why? ...and how?
- ▶ Less Europe? Why? ...and how?

**Solidarity** among Europeans? Who are Europeans?

**Identity**, elite/popular, transnational/national?

More **politicization**? More contestation?

