

"Alexandru Ioan Cuza" University, Iasi
Department of Philosophy and Social-Political Sciences

SUMMARY of PhD THESIS

PhD Supervisor: Prof Dr George Poede

PhD Student: Taulant Balla

IASI, 2015

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THE REFORM OF DECISION-MAKING SYSTEM IN THE EUROPEAN UNION

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SUMMARY OF THESIS

Knowing the institutions and decision-making mechanisms of the European Union has become a necessity for every European citizen. In this paper we have started from the basic idea that the Lisbon Treaty is an important and recent way to reform decision-making system in the European Union, but the system still requires reforms. If the European Union wants to become the most competitive economy in the world, it needs to have the most efficient existing legislative process in the world. In the last five decades, the process of European integration has been a driving force for trade, innovation and growth, providing tangible benefits to all Europeans. New challenges lie ahead and new targets need to be set if the EU wants to remain competitive in a globalized world. Specifically, if the EU aims to become the most competitive economy in the world, it must have a legislative process more efficient, effective and responsible institutions and accountable powered by a world-class public administration.

In this paper we addressed the most pressing challenges facing the EU decision-making process, now and in the near future. It is presented a series of specific recommendations aimed at key decision-making institutions. National parliaments are also included in the picture as an integral component of the multi-level structure of the European Union.

The choice of the theme of study

The choice of the theme study was based on the implications of current reality on the need to reform decision-making system in the EU: how the Lisbon Treaty leads to achieving this objective and our proposals to create a decision-making system of a future Union able to face internal and international challenges. The EU decision system has suffered substantial changes and adjustments over time. The EU is in constant search of modelling its institutional design and decision-making process to adapt to the new realities of European space.

Multiplication of the number of national actors, but also their heterogeneity, increasing the number and importance of the EU policies in the national area of Member States, the existence of varying levels of economic development within the Union, globalization, external factors determined by the reconfiguration of the world and the need for constant positioning of the EU on the international stage and not least developments in research and improving theoretical models of governance favoured a continuing trend toward reform and transformation. Understanding the evolution of decision-making process, its current operational mechanism and the implications of the latest changes to the Lisbon Treaty contributes to a better framing the

behaviour of state actors, by clearly defining the environment and parameters in which it manifests itself.

The EU enlargement has drawn each time the need for a reorganization of the decision-making process so that it can continue to operate under normal parameters due to the increasing number of Member States.

The European Union, currently with 28 member states, needs to speak to the world with a unique voice and to meet the huge challenges of XXI century, including the economic crisis, climate change, energy security and sustainable development, as well as internal challenges and namely: decreasing efficiency and transparency of the EU institutions and deepening democratic deficit.

The reform is a necessity for the further development and application process of the EU European model in its three dimensions: political, economic and social.

This paper addresses a topic of European interest both in academics and political institutional or among ordinary European citizens. This subject has been numerously debated at European level, being even considered a controversial issue and it is therefore important to understand the complex political, institutional and decision-making reforms occasioned by the Lisbon Treaty.

The signing of the Lisbon Treaty was a notable step in the attempt to create a more democratic and more transparent Europe, which is why we consider important to foray into the evolution of decision-making process of the European Union, to the extent that the use of co-decision procedure in the development European policy gives the European Parliament an enhanced role and the status of the "big winner" of constitutional negotiations.

Treaty of Lisbon introduces in the transformation process of the European Union structural reforms necessary for the continued building of a political Europe. The main hypothesis of the whole work is that the Lisbon Treaty is a 'back to the future ', the Constitution being an appropriate response to the challenges of the Union. The Lisbon Treaty put the foundations of the future Union, a Union that can remain a successful organization, as before, even in conditions where it will face further with the same structural problems as always, i.e., with policy shortcomings of the current European political system.

The postulates of the Lisbon Treaty are the engine reforming EU institutions. Under the new provisions, stipulating to strengthen the democratic legitimacy of the European Union, we are facing a reform of the decision-making process through the expansion of qualified majority voting in the areas of freedom, security and justice.

The paper expresses a synthetic vision on EU decision-making mechanisms. Assuming that the European Union is a "political construct exceeding exclusivity cooperation" through the joint exercise of national sovereignty in all sectors of socio-politico-economic development, this

paper addresses the broad issue of EU decision-making in political science perspective, while using, where appropriate, specific instruments of legal or economic sciences.

In the first part, the paper aims to present the new way of running the European Union after the entry into force of the Treaty of Lisbon. Further, I realised a short but thorough analysis of the Lisbon Treaty, intended to make an analysis from the perspective of political science, based on the text of the Treaty in order to explain and highlight the progress of the Union to the situation before the implementation of the Treaty, its fields of application and content, and the impact it will have in the immediate future on the European political system.

Also in this paper we analysed the European Union post-Lisbon Treaty, its place and role in this new European context. Specifically, we identify the news that brings the Treaty and how to react institutions, policies, and citizens to these changes.

This paper was carried out based on papers in international relations and political science at European level, reports and official documents of the EU and international institutions (IMF, WB), treaties or agreements relevant to the topic being addressed.

Objectives and assumptions

The reasoning behind this approach has required, on the one hand, a conceptual definition of the key elements for further analysis with a focus on “decision-making system in the EU”, “legitimacy”, “democratic deficit”, “reform” or the concept of “economic governance” and, on the other hand, the formulation and testing of hypotheses that led to the design of this thesis.

The overall objective is to identify ways and opportunities to reform the decision-making process within the European Union, politically and economically. Therefore, we propose a dual purpose in this paper:

- On the one hand, to explain how the implementation of the provisions of the Lisbon Treaty will affect the specific nature of the political process of the European Union;
- On the other hand, we tried to come up with our proposals as principles for better functioning of the Union in the 21st century.

The structure of the thesis

The thesis aims to treat the issue of decision-making in the European Union through an analytical approach of institutions and competences, based on an analysis of the chronological evolution of the institutional structure of the European Union.

Structure of the paper was determined by the theme and objectives envisaged in its elaboration and the place it occupies the topic in current discussions at European level. The thesis

content has been structured into five chapters divided into subchapters. Each chapter ends with conclusions.

CHAPTER 1

ANALYSIS OF DECISION MAKING PROCESS IN THE EUROPEAN UNION – ANALYTICAL APPROACH: INSTITUTIONS AND POWERS

In the *first chapter*, we consider necessary a contextual presentation of the decision-making process in the European Union and an introduction into the EU institutional structure as well as a short presentation of the decision-making institutions of the Union. We referred also to the way of taking decisions (at European and national level) paying primary attention to the basic concept of the chapter, namely the "decision-making" process. Also in the first chapter, we have examined the modifications introduced by the Lisbon Treaty. We analysed the institutional and political consequences of multiple news: as the legal personality of the EU and the EC disappearance, the legal validity of the Charter of Fundamental Rights of the EU and EU accession to the ECHR; the reform of method and the reform of the institutions; the emergence of new institutions as the European Council, the EEAS; the place and role of EU in the world, the role and place of European citizens in the EU; the place and role of national parliaments in EU decision-making process, the catalogue of competences, subsidiarity to regions and local communities.

The EU has a democratic deficit, being a structure in which executive and legislative powers are being exercised from the same institution (the Council). And if the Single European, the Maastricht Treaty or the Treaty of Amsterdam increased the powers of the European Parliament, this institution still has the characteristics of a democratic parliament, a legislative power and the ability of exercise democratic control at EU level.

European Parliament, European Commission and Court of Justice remained on the periphery of key developments becoming secondary actors, while the main dynamic resulted in intense interactions between national decision makers, both with new agencies such as the European Central Bank or Europol, as with new consultative forums, in particular for achieving the Lisbon Strategy.

The European Union finds itself in a crucial moment in its history. After half a century of peace and prosperity, when the single market is a reality, the European Union faces three major challenges:

Europe can't become a major power on the world stage, able to provide welfare, sustainable economic development, security and cohesion without its institutions to have credibility, legitimacy and solid legal and constitutional foundations.

Relations between the EU institutions and between them and the national governments find themselves in a constantly changing, as the balance of power adjusts and changes. From a combination of internal conveniences and external pressures appears a new level of government, which earns more strength as the Member States give cautiously of their local and national sovereignty to the European community.

CHAPTER 2

INTERNATIONAL COOPERATION AND INSTITUTIONS OF EUROPEAN UNION

The *second chapter* refers to the international cooperation and links this concept to EU institutions, internal policies and legitimacy in the European Union. In this chapter we wanted to highlight how and when international cooperation redistributes resources of internal power between Member States and respective societies.

Most contemporary theories about international cooperation treat states as unitary actors, and therefore all attention is focused on functional benefits of cooperation or on problems of collective actions that states have to face in achieving common objectives. Less attention is paid to the impact of negotiations between Member States on domestic policies and on the consequences of community cooperation.

In the *third chapter* of the thesis we addressed problems of legitimacy and democratic deficit in EU decision-making system, in particular in the light of the changes introduced by the Treaty of Lisbon on these issues.

In analysing the decision-making system in the EU, the democratic deficit is an extremely discussed topic. The European Union has a unique organization and structure, which is not found in any other multi-national organization. There isn't actually another international organization or an intergovernmental structure to take advantage of such a transfer of national sovereignty to a supranational structure.

Referring to the history of Europe, the European Union's founders were convinced that only a continuous process of transferring national sovereignty to the institutions of the European Communities (now the EU) can ensure the survival of the European Communities. But from the beginning the success of the transfer of sovereignty raised questions about the democratic legitimacy of the decision-making process in the European Union.

All reforms in this chapter lead to the conclusion that the European Union after the Lisbon Treaty is still a legal and political hybrid system, with two main features: domination of Member States and of democratic deficit.

Powerful intergovernmental elements of the EU Lisbon system can be found in eight events. First, primacy of Community law is still rooted only in the jurisprudence of European Court of Justice that makes the dispute between European and national constitutional courts to be refreshed / updated. Secondly, decisions on foreign policy and security policy have a non-legislative nature. Discussions on the nature and obligations of Member States under those policies are not therefore terminated. Thirdly, unanimity is still the basic principle in taking/adopting decisions in the CFSP. The role of the new High Representative is, in this case probably strongly diminished. Fourth, there are still many tools of blocking the qualified majority voting in the Council. Some new methods appear with "improvements" to the top. This makes the entire process more-transparent and strengthens the most powerful states. Fifth, each Member State is still represented in each main institution. The only exception is the Commission after 2014, but Member States, officially the European Council, are allowed to decide otherwise and to maintain the current system. Sixth, the principles of conferral and presumption of competences of Member States are strengthened while there is still no clear definition of shared/ collective competences. Tensions between the EU and national level are expected. Seventh, the auto-assignment is more difficult than in Nice' system. European Parliament's consent is required and special exceptions for Common Security and Defence Policy are provided. Eighth, European Council' President has only symbolic powers. Clarifying responsibility and identification of problems is still the task for years to come.

CHAPTER 4

THE REFORM OF EUROPEAN ECONOMIC GOVERNANCE

In the fourth chapter we deal with the reform of European economic governance, based on an analysis of this concept, followed by an argument of the need for economic governance in an Economic and Monetary Union, especially in terms of sovereign debt crisis in the Eurozone, highlighting the shortcomings of economic governance and speeding its reform.

EU and the Member States must be prepared to effectively carry out a country's debt restructuring and the governance crisis instruments would have to overcome the most crises situations.

However, the envisaged instruments of crisis governance leave some issues unresolved. We were wondering what the EU would do when a country needs EU assistance repeatedly and remains unable to return to long-term sustainability. In this case, various radical solutions are required. Eurozone may then choose either to make a substantial upgrade to its economic union, or to be more selective in its membership. This involves several conditions for joining the euro

area or even eliminating some of its current members. None of these options is desired by the Member States. However, a malfunction of the euro area could, in the long term, be at least as harmful both to weaker members and for the most powerful ones.

Finally, the EU and its Member States must remember that ultimately what matters most is the support and trust of EU citizens. Public opinion within the Eurozone, both in stronger and weaker countries, must be convinced of the benefits of the single currency and common destiny implied. Where appropriate, a thriving monetary union is at hand. If not, future crises are inevitable.

CHAPTER 5

INSTITUTIONAL REFORM PROPOSALS

The fifth chapter includes proposals to reform EU decision-making system. My suggestions on the reform are:

1. More efficient EU institutions. Internal decision-making process can be improved in all EU institutions. This involves: a more efficient use of resources throughout the political cycle, better coordination between internal structures (e.g. Commission Directorates-General (DGs), Parliamentary Committees and Council configurations), a more effective role of advisory bodies and a better allocation of tasks and powers between the institutions.
2. More accountable EU institutions. Better regulatory tools have already helped to strengthen the Commission's responsibility vis-à-vis stakeholders. We offer several ways to get institutions more accountable and a political decision-making process as spread, based on evidence. This involves, among other things, balancing effectiveness of the political process with its representativeness and legitimacy, improving dialogue with stakeholders and the reallocation of powers in terms of better regulation.
3. Simplifying inter-institutional relations. Co-decision process can be made more effective through a clear delimitation of roles and responsibilities within the institutions involved. Expanding the role of Commission in performing the impact assessments throughout the political process and the early involvement of Parliament in identifying strategic initiatives in the annual political circuit are examples of ideas that respond to these needs.
4. A greater participation of stakeholders (interested parties). We can imagine a political process in which all stakeholders are aware of what is done (and why)

and what not done (and why). Consultation on the impact assessment projects, feedback from national parliaments and consultation with regional and local authorities will ensure a more balanced and more effectively participation of all stakeholders in EU policy making. Alone, these tools are not enough: they must be coupled with a communication campaign / specific information and well-designed / intended to ensure that instruments are indeed used by all stakeholders involved.

5. Less burdensome legislation. Completing the internal market mainly requires removal / lifting unnecessary barriers in cross-border trade. Removing pressure / administrative burdens is only one piece in a puzzle more complex: legislation harmonized in a number of areas can help boost the potential for the provision of pan-European goods and services, the ultimate benefit of Europeans citizens and consumers. This involves a better use of regulation, including forms of self- and co-regulation, where appropriate.
6. A multi-level and "holistic" perspective of policy cycle. The learning and adapting a policy process could be improved in Brussels and in the Member States. We propose measures to ensure that efforts made in the early stages of policy lead to subsequent monitoring (ex post) and performance evaluation of policies, and this feedback can be used to improve further (gradual) EU policies.

These ideas are at the heart of our proposals for better functioning of the Union in the 21st century. Since its establishment, the European Union has always been a very controversial project, with Euro-sceptics and Euro-enthusiasts who often caused opinions to each other.

If the European Union wants to become the most competitive economy in the world, it is necessary to have the most efficient legislative process in the world, powered by efficient and accountable institutions. At the same time, Member States need to understand that better regulation is a shared responsibility, and that it should "think European" before following the national interest.

THANKS:

I would like to thank in particular to Mr Prof Dr George Poede, scientific coordinator and my mentor for this thesis, for his support over the years in making this work.

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