

South-Eastern European Priorities for the European Administrative Space Under the Dilemma “Enlargement or Deepening” for the EU Structural Future

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Abstract

The good or bad luck that can be reserved by the current process of the European construction on the federalisation of the European policy and decision making systems depends directly on how the EU Constitutive Treaty (Lisbon Treaty) and the potential institutional and, in particular, policy development will be noted on the compatibility of these systems with the principles of the European Governance.

Any development should not be regarded as a deterministic consequence of the disposal of EU Member States, as major actors of the European Integration, withdrawing indirectly or directly in their competencies in decision-making processes, thus leaving space for further strengthening the role of intervention for the European institutions and the quality and quantity of the EU exclusive competences.

This relative change should reflect now the will of the European citizens, to capture also the EU's everyday life and, finally, to forge the new federalised culture for all the EU components: administration, legislature, political and judicial systems.

1. Introductory remarks

For nearly 60 years, the EU member states have continued to deepen and enrich their cooperation. In the course of the European integration, they pledged to promote economic and social progress in developing an area of freedom, security and justice and to affirm the role of the European Union on the international stage.

We often tend to oppose, into the public opinion, the idea of enlargement, which defines the accession of new Member States, to the deepening, synonymous with ever closer integration between members belonging to the Union.

Some fear, in fact, with increasing the number of the EU Member States that impede the further enlargement of the European construction, making it more like a large trading area, without identity or political will. (Sedelmeier 2005).

Internal transfers allow us to believe that "enlargement and deepening are the two wheels of the same carriage, those of the continuation of European integration" (Baun and Marek 2008).

2. Towards a deeper political European Union?

The more important mission of the EU at the political level is to promote balanced and sustainable economic activities and solidarity among Member States.

Unfortunately, in the logic of the solidarity, support policies are exclusively market support, economic development and social cohesion in Europe. Common policies developed in the fields of agriculture and fisheries, economic and social cohesion, energy and the environment but also for research, education, culture (Baun 2000).

The actual European political environment is a simple composition of political practices, without any effective institutional component. According to

Louis Dubouis¹, the European unification process and its policies remain in a state of stagnation. The Lisbon Treaty fails to generate the excitement that Europeans expect from the democratization and the homogenisation in Europe. So, the production of a common European policy continues to reflect the balance between Community and National will, but the primacy of the possibility for EU Member States to control explicitly the terms of this balance is clear. The European Union is involved in a growing number of areas according to the skills that Member States have delegated in the successive treaties and, consequently, in the Lisbon Treaty:

- Policies for which the Union has exclusive jurisdiction (competition rules necessary for the establishment of the internal market, common commercial policy, economic and monetary union, conservation of marine biological resources under the Common Fisheries Policy fishing);

- Sharing policy expertise (agriculture, social policy, some health issues, research, technology and space, economic, social and territorial cohesion, environment, consumer protection, development cooperation, transport and trans-European networks, energy policies, area of freedom, security and justice);

- Accompanying measures of national policies by which the Union shall complement the action on the margin of the Member States (industry and business, education and culture).

With the enlargement of the European Union to 27 Member States, the financing of political support will not be challenged, but it will open difficult negotiations.

The Lisbon Treaty provides for the extension of Union competence in sensitive areas associated with new risks:

- Public Health to address common issues relating to security of citizens

¹ Louis Dubouis, *Le Traité de Lisbonne : Traité espéré, Traité désespérant ?* in Estelle Brosset, Constance Chevallier- Govers, V. Edjaharian & C. Schneider, *Le Traité de Lisbonne : Reconfiguration ou déconstitutionnalisation de l'Union européenne*, Bruxelles, Bruylant, 2009, p. 349.

(SARS, bioterrorism);

- Energy, to promote access to public service, its continuity, security of supply, development of renewable energy and energy conservation;
- Emergency Preparedness, to assist Member States to disasters of natural or man;
- Sport, to develop its educational dimension.

3. The EU structural future

To give a specific answer to the dilemma "enlargement or deepening," we must choose a new institutional, political and administrative system capable of covering the EU structural future (Comte & Levrat 2006).

Firstly, there is, of course, the model of the unitary state that prevails today in the organisation of the EU system.

3.1. The unitary state is a state which, in its territory, consists of only a single legal and political organization holding all the attributes of sovereignty.

The concept of unitary state does not exclude the decentralization within the relay territorial divisions between citizens and central government. Some form of autonomy can be recognized. The State still retains the power unit if it legal to revoke the skills he transferred. It is federal if it makes a final transfer of skills, in this case considered as a transfer of sovereignty.

3.2. But, our position is that **Regionalism** as a political doctrine or social and administrative system is very attractive. It seeks to promote and defend the identity of specific regions and give them a political and economic autonomy (Keating Michael 2004). The regions then become an intermediate level between the central state and local institutions (Keating 2000).

The regional state is the intermediate form of a state between a unitary state and a federal state. It is characterized by the recognition of the regional

entities that enjoy a real political and institutional autonomy, including autonomous normative power. Unlike the federal government, the regional state remains faithful to the principles and unifying structures of the traditional state (Sweden 2006). Spain and Italy are unitary states, which, because of the autonomy given to regions, can be regarded as regional states (Börzel 2002). The objective of the regional state is to take into account certain regional characteristics (geographic, economic, cultural, ethnic, linguistic ...) in its institutional structure and to maintain its indivisibility (Wagstaff 1991).

As the central governments of the EU member states worldwide lose credibility, regionalism appears to be the coming dynamic, nowhere more than in Europe. At varying speeds and to varying degrees, the authority is drifting down from national capitals to provinces and cities. Regionalism, whether within or across national borders, is the current and future dynamic for the European construction (Panara 2010).

After the losing or ceding control of national economies by the national governments, the regionalism is considered as one of the processes that have been emerged in order to replace the constituencies of the EU member states their Executive Powers being turning to the market for help. The other alternative solution is globalization. Instead of working through national capitals, European regions are linking themselves directly to the global economy. These first reflections signify that the role of European governments is just as ambiguous. But in this transitional time, the economic security and administrative efficiency is far more pressing, and far more elusive (Keating 1995).

As the role of the central governments shrinks, the democratic societies are being fragmented and factionalized politically, administratively, culturally, and linguistically.

3.3. Federalism is the form of organization in which each member has a large autonomy and delegating certain powers to a central administrative

body. The federative components participate collectively and not individually in the decision-making system. Throughout, the course of the European integration, if the regionalism is the first decisive path, the federalism should be the definitive destination (Grigoriou 2007).

In the case of a State, the legislative, legal and administrative competences are shared between federal and local governments or states.

From a legal point of view, the confederation of states is a different case. It is based on an international treaty, while **a federation is based on a constitution and its own sovereignty**. Confederation leaves a little more freedom to its members, but can develop into a federation if the joint has earned a strong legitimacy. Switzerland has kept the name of a confederation, but is actually a federation.

3.4. The principle of subsidiarity is the principle that a liability must be made by the lowest level of a public authority competent to solve the problem. This principle is the better instrument than anything else on the road to federalism. It is very dynamic and it must be activated and implemented in the actual phase of the European integration (Grigoriou 2009).

It leads not to a higher level what can be done with the same efficiency at a lower level. The upper level is reached only when the problem exceeds the capabilities of lower level (substitution principle).

In European integration, the subsidiarity principle is a rule of division of powers between the Union and its Member States (Brault, Renaudineau & Sicard 2005). Outside the areas of expertise of its own, the European Union shall act only if its action is more efficient than driving at the state or region.

The principle of subsidiarity requires in the decentralised structures, functions and competences. It leads the state to delegate certain powers to local

authorities when considering that they are better able to assume, given their proximity to citizens.

3.5. Decentralization is a policy of transferring powers from the state to local governments or public institutions so that they have a legal authority and financial autonomy. The transfer of these powers, which nevertheless remain under the supervision of the state, allows it to discharge its headquarters and to assign responsibilities to the most appropriate level.

Decentralization aims to provide local communities with specific skills, distinct from those of the State, to elect their authorities by the population and thus ensure a better balance of power throughout the territory.

Unlike decentralization, de-concentrated services depend directly on the central government and are part of the same corporation as this one. **De-concentration** refers to a way of organizing the administration in which certain powers are delegated or transferred to the central administration to distributed services in the territory, known as decentralized services or external services. The objective is to improve the efficiency of the state decongestant headquarters and accelerating decision-making at local level (Gaudin 2002, Calame 2002)

At this level, we distinguish in general (Bukowski, Piattoni, Smyrl 2003):

1. Territorial decentralization:

It allows elected officials (Regional Council, General Council or City Council) to settle administrative cases. The non elected officials are responsible for verifying the legality of decisions taken by these authorities.

2. Functional or technical decentralization

It allows public special purposes, such as universities and hospitals, have some administrative autonomy, with their own decision-making bodies (eg Board) and an autonomous budget.

One of the main advantages of decentralization is to allow an adaptation of public policy closer to the population. However, it can lead to create new imbalances at the national level, because of different policy choices and resource unevenly distributed.

4. The dynamism of the participatory democracy

We will try to define, by political practices of the participatory democracy, the values of the democratic governance in the perspective of the establishment of the European administrative space, covering also the South- Eastern European part with its managerial specificities and the administrative practice habits.

4.1. The Treaty of Lisbon confirms three principles of democratic governance in Europe:

- **Democratic equality:** the European institutions must give equal attention to all citizens
- **Representative democracy:** a greater role for the European Parliament and greater involvement for national parliaments
- **Participatory democracy:** new forms of interaction between citizens and the European institutions, like the citizens' initiative.

There are already many ways in which European citizens can find out about and take part in the political process of the EU. The newest of these is the **citizens' initiative**, whereby one million citizens, from any number of

member countries, is able to ask the Commission to present a proposal in any of the EU's areas of responsibility.

4.2. According to the Lisbon Treaty, “not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the 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.” (Brosset, Chevallier- Govers, Edjaharian & Schneider 2009)

Besides this kind of citizens' participation Lisbon allows the participation of representative associations: “The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.”

Some “pro” arguments for participatory democracy are that it can give a say to all the stakeholders, enhance the citizens' interest in politics and democracy, push forward initiatives and issues neglected or not sufficiently covered by the elected representatives (Chaltiel 2010).

If we present some “Contra” arguments for the Participatory democracy, they are to open the decision-making system to power-grabbing by the unelected, to media distortions, to demagogic and populist persuasions. However, we must accept that all the EU partners practically do not know referenda or popular initiatives at national level.

4.3. Challenges and opportunities

Globalisation and the international financial capital; climate change; poverty and sharpening social inequalities (Schimmelfennig); pandemics, demographic shifts; new security threats by terrorism, insecure energy source

and failing states as well as the need for transatlantic cooperation and the assertion of our values - **these are the challenges facing Europe and world in the 21st century. Democracy, freedom and peace, diversity and tolerance, justice and solidarity rank among the most important values** (Orbie 2008).

Europeans look at their states and in particular at the EU to address these challenges which pose problems to our democracy, too. They experience that – very often – there is no rapid reaction able to meet the challenges and that governments delimit the competences of parliaments.

The “democratic malaise” constitutes real threats to the democratic process, it also represents opportunities for new forms of political representation and participation, and therefore for political legitimation (Longhin & Aja 2001).

Politics and parliamentarians should give adequate answers to the political and democratic malaise which Europe and its peoples are facing mainly due to

- (i) uncontrolled globalization,
- (ii) the widespread impression that “the right of everyone to take part in the management of public affairs” is far from being realized in particular on the international level,
- (iii) the alienation between the EU actors and broad sectors of the population,
- (iv) the increasing interdependence between the media and politics and the “mediatisation of politics”.

5. Concluding remarks

Participation of citizens is at the heart of the idea of democracy, and citizens committed to democratic values, mindful of their civic duties and who become involved in political activity are the lifeblood of any democratic system (Gouzy 2006).

In our view, democracy in all its forms – representative or participatory- including the mixed ones has to be strengthened and good governance, including the fight against corruption, accountability and efficiency of all institutions as well as transparency be enhanced.

The representative-plus-participatory type of democracy holding a medium-ranking position seems to be an adequate answer to the democratic malaise.

It is very important, because the Lisbon Treaty strengthens the role of the European Parliament and the national parliaments. It is aware of the fact that representative democracy should be complimented by elements of a participatory democracy. Citizens' participation obviously takes place within representative democracy; but then it seems to allow another type of participation, that of representative associations. Clarification is needed; in any case these associations must have democratic structures and practice transparency.

In spite of the progresses the Lisbon Treaty is not efficient and complete. It is missing some elements of a system of checks and balances. Lisbon Treaty expands the opportunities for citizen participation; however, only the provisions for the European Citizens' Initiative are not satisfactory. It is imperative that a successful initiative requires deliberations and well founded decisions both by the Commission and the Parliament. For the time, it is necessary to gain experiences with the instrument of the Citizens' Initiative.

On the one hand, EU member states risk losing ground – deliberately; on the other, they are winning opportunities shaping policies, above all on an international level. The provisions on the subsidiarity and proportionality principles in the Lisbon Treaty and its pertinent Protocol need a thorough observance and an early functioning warning system which enables national parliaments to act in time.

(Neither the Parliament (peoples' chamber) nor the Council (chamber of ministers representing the member states) have the right to initiate laws. This

must be corrected – however, a really sufficient quorum should be reached. It is an anachronism deriding democratic principles that deliberations and votes on draft legislative acts in the Council are confidential; with the entering into force of the Lisbon Treaty, the Council has – as the European Parliament has been doing it since its creation – to meet in public when it deliberates and votes on a draft legislative act.

Generally spoken, the EU needs a better outreach policy and visibility. The citizens and the public must be regularly informed on the positions and votes taken by their MPs and government representatives (the internet makes it possible – the media should deliver this information at least on important topics).

The European region may sustain a distinct civil society and a range of social institutions. It can function as a dynamic economic unit, based either on a single type of production or an integrated production system (Le Galès & Lequesne 1998). But, more interesting is the perspective that defines the European Region as a Europeanized unit of government and administration (Bache 2008).

Our approach is interested on the Enlarged European Administrative Space through EU federalisation perspective. It favours the construction of a new EU administrative structure, with a stable and secure option about the dilemma “EU enlargement or deepening”. So, this dilemma and all the relevant competences and responsibilities remain unchanged as would the case “European Integration” is focused on the economic development, planning and programming rather than big policy initiatives or legislation (Hooghe & Marks 2001).

In the context of the emerging Europe after 2007 (O’ Brennan 2006), we observe a significant loosening of those original Community links operating purely centripetal dynamics, even no-formal common European administrative space.

Our interest is growing in the direction of governance that is far beyond the traditional bureaucratic form of government.

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