

CIVIL SOCIETY AND EUROPEAN ADMINISTRATION SYSTEM

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Introductory thoughts

Now it is widely accepted that the European Union (EU) constitutes a system of governance, analysts need actively to explore precisely how it may affect the continuing struggle better to coordinate national and European administrations.

The advent of the White Paper on European Governance in the EU legal and political environment has definitely added a new legitimate procedure to the complex process of the European integration. This refers to the direct dialogue between the European institutions and the structures of civil society. According to the European Commission, civil society should play an important structural role in the development of the EU policies. European Institutions and Member States should enhance their political will in order to improve consultation with the stakeholders on EU policies. To this end, the European Parliament plays a key part, given its role as representative actor of the society (Schout & Jordan: 2005, 201-220).

The European Commission interpreted governance to mean less central control and more network-led steering. Its interpretation of such networks is that they are self-organizing. Drawing upon an empirical study of environmental policy integration (EPI) in the EU, this paper shows that this vision may not adequately fit the multi-actor, multi-level coordination challenges associated with some EU problems.

The Lisbon Treaty strengthens the democratic equality among the participants in the European integration process by introducing as well as the meaning of the European Citizens' Initiative. Article 11 on participatory democracy provides that, with the initiative of at least one million EU citizens, from a significant number of Member States, the Commission may be invited to submit appropriate proposals on matters were citizens considered that a legal act from the Union was necessary.

Through the latest revision in Lisbon, the European Union Treaty makes a new constitutional framework respectable, particularly through the establishment of multileveled governance. This institutional development suggests, on the one hand, a more practical involvement in the decision making bodies, such as the Committee of the Regions that used to have a consultative role, and on the other hand, a more practical respect for the principle, which contribute substantially to the decentralization at a community level. Initially this multileveled governance reflects the necessity of running the partnership as a focal point of the community (intergovernmental) method and the starting process of European integration. In addition, however, it contributes to the cultivation of a common public sentiment in the community governance framework, which can be expressed either through European solidarity or European citizenship, since the direct link between these processes is social and economic development.

The Committee of the Regions (CoR) *White Paper of Multilevel Governance* was launched in 2009 and proposes to bring to the public discussions about how multilevel governance could support the implementation of the provisions of the Lisbon Treaty. The full deployment of Multi-level Governance requires the development of the European space along multiple dimensions: the European Public Space, the European Political Space, the European Administrative Space.

The conception of Multi- Level Governance employed in the White Paper 'to mean coordinated action by the European Union, the Member States, and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies' presupposes the build up of an European Administrative Space.

By development of the European Administrative Space we refer to three distinct but interconnected dimensions:

- the establishment of organisational designs and routines that facilitate and provide incentives to the systematic *coordination and cooperation* among public administrations at all levels in the EU polity;
- the development of processes of *administrative fusion*, whereby decisions stem more and more from multi-level interaction of administrative systems between the European institutions and national and local administrations (Jarle, 2009:237);

- the development of processes of *convergence*, whereby administrative systems at all levels of government throughout Europe, though retaining distinctive features, develop some common traits that characterise them as 'European' administrations. The development of this process signifies coordination and cooperation among public administrations at all levels in the EU policies in the same way that the Lisbon Treaty is promoted; the development of processes of administrative fusion, whereby decisions stem more and more from multi-level interaction of administrative systems between the European institutions and national and local administrations; the development of processes of convergence, whereby administrative systems at all levels of government throughout Europe, though retaining distinctive features, develop some common traits that characterize them as „European“ administrations (Olsen : 2006, 506-531)..

The above considerations allow *the case of European citizenship to be a central issue in the creation of a common European future*. Citizenship is considered, not randomly, as a crucial tool for the constitution of a *common political consciousness* and also of a European identity that is founded on the community of rights and values, between different perceptions and interpretations of the strategies and modalities that the political actors invoke. (Fritz Scharpf: 1999, 16επ.). Consequently, the uptake of this option indicates the true scope of a joint intention towards a bi-national based community, which does not correspond in any way to the recognition of a *community population, state or even nation*.

First Chapter: Determination of the citizen's role and the importance of the European Administration System

1. The concept about the civil society concept according to the EU

The concept of civil society is open to many different interpretations derived from the various academic areas of concern. This exaggeration often adds to the intense mood of the so-called factors of production of community action, which are recorded as members of civil society. (Weisbein: 2007, 51-52). This interest, which is expressed through the inclusion of certain actors in civil society, can sometimes be translated in terms of hope for a democratic revival of the European system but also

in terms of danger as a risk and sometimes challenge of the classical state organization that we have seen in Europe. (Salmon: 2007).

Civil society produces a new form of political professionalism that is required to manage ethical issues and also important in order to use a new type of political action, such as the networks and the (non-governmental) organization. (Χτούρης: 2004). The above problematic leads us to the necessity for universalisation of the structure of society in either a global institutional scale or a regional institutional whole (ex. European Union- European formation of civil society, Georgakakis: 2007,178).

The democratic dynamism that should govern a continuous and strong relationship, between an integrated European civil society and the EU institutional decision-making process, depends on the accurate and complete application of the *five principles of good governance*, which became part of the European integration procedure after 2001. These are *the principles of transparency, participation, accountability, effectiveness and coherence*.

Primarily, applying these principles creates the obligation to the European institutions to be very careful on their decisions while dealing with matters of transparency and wide publicity. The decision-making process must always be made at an appropriate level and at the right time in order to produce the desired results. Everyone, without exceptions, is obligated to participate responsibly in the decision-making process. Under these circumstances, citizens are invited to participate directly in the elaboration and implementation of the EU policies while a continuing effort is required to ensure consistency, which legitimizes the existence and general function of the Union.

The sovereignty of individual states is diluted in the European space by collective decision-making and by supranational institutions. In addition, European states are losing their grip on the mediation of domestic interest representation in international relations. This argument is made along two tracks. First, by the analysis of the conditions, under which, central state executives may lose their grip on power. Next, we divide up the policy process into stages and specify which institutional rules may induce various actors to deepen EU policy-making (Marks, Hooghe & Blank: 1996, 341-378).

Integrating the human factor (civil society) in the above problematic (neo-institutional approach), as a dynamic component of Europeanization, derives its importance from the prediction of restrictions on the extent and content of the role the institutions have to play. (Schneider & Aspinwall: 2001, 177). Finally, any influence that comes from the European institutions towards the civil society is exercised mainly through the processes of practical training and socialization. It seems that the reasonable and complex choices, in order to strengthen the relations between these two poles, are not very applicable. More and more new organizational dynamics are advanced and they manage to exceed, at least for the time being, the limits of a pragmatic interpretation (constructivist approach). This concept translates into a strong interest in the change of interests and identities (especially those who show stability) of the various actors (Tsinisizelis, Chrisochoou, Ifantis, Stauridis, Xenakis; 2009, 37).

The European Union often surprises us with its new, functional and natural choices, such as the appearance of *states without the people* (Keith Middlemas: 1995) or *states without territory*. (Grigoriou: 2007, 345). As European integration progresses, such gaps convert into obstacles. Therefore, to overcome these obstacles, we need to strengthen the social dimension of a pure institutional field, at least for the time being, and to legitimize their participation in the procedures of all the involved actors (Smith: 2004, 4). This legalization corresponds in a procedural total that places a form of specialized communal governmental practice, practicing coercion, at least under the arrangement of tolerance. (Jacques Lagroye: 1985). For a system that manages and governs the EU such a legitimizing development crashes into the lack of European society.

2. Europeanization's procedures and methods.

The Europeanization begins in a European level and is completed in a national level. Therefore, if Europeanization becomes acceptable as a total of interactive processes, then, on the one hand, it does not have to set a priori the succession line of various fields. On the other hand, the opposite can occur, meaning that Europeanization can be the conclusion of a process but not exclusively as an economic completion of the states in the international space. That is to say, it can be also considered as the conclusion of the political completion of European space that insists to maintain

economic priorities in each attempt to socialize the goals and interests of the members.

In the European political (virtual) system, the exercise of legislative power does not hold the central position as held in any other real political system. Accordingly, the controlling operations of this system are adapted obligatory in their particularities. (Magnetite: 2000, 41επ.). Therefore, it is a fact that, the distribution of competences in the frame of the decision-making system has to coexist with a modern and effective controlling mechanism for any undertaken decision. The effectiveness, but mainly, the modern character of this controlling mechanism depends from the institutionally recognized –via the founding treaties - civil participation. The fate reserved by France and Netherlands, in the performance of a constitutional dimension in the organization and operation of a European institutional system, cannot be challenged, but it did fail to reverse the trend of the Union (meaning the Member States) towards completion. (Oberdorff: 2007, 5).

About this concept, Lucica Matei (2011 and Jelena Matancevic (2011) thump that it is articulated under the influence of an institutional reality that considers the choice of the federal component as given not only for the European prospect but also for its democratic dimension. Trying to combine supranational and intergovernmental elements, in the peculiar (sui generis) EU institutional structure, it permits the states to dominate a direct participation in this system, and therefore, to describe themselves as sole sources for the operation of democratic legitimacy.

Europeanization is often treated as a procedural system that transforms and whose nature depends on its obtained results. Under no circumstances, though we cannot claim that this process is seen as one way towards harmonization and convergence. (Featherstone & Radaelli: 2003, Héritier & al.: 2001). Europeanization is like a series of methods that characterize the decisive influence of the EU on member states, and especially on their public policies. Moreover, it seems to have a significant influence in the globalization process by accelerating the globalized procedures of the financial or commercial transactions (Oberdorff: 2007, 7). Therefore the important, but not final, outcome of this significant transformation are: *the mandatory and active participation of the actors, the incorporation of any other regional transformation, the radical change of values, organizational structures or action plans of the organizations and, finally, the entrenchment of public policies from the European decision-making centre.*

Second Chapter: The common interest of the European citizens in accordance with the Europeanization's process

1. The strategic importance of the Europeanization of the civil society. The basis of the groups of interest.

During the first phase of European integration, where the entire European project was associated almost exclusively with the political decision-making centres, a successful outcome of strategic planning was attributed by the followers of neo-functionalism (Stone Sweet, Sandholtz, Fligstein : 2001) on the ability of the system to be able to use , though not so often, the interest groups and especially those with a strong financial profile. During the 1990s, the economic identity of these interest groups was converted into socio-economic. Taking into consideration their intense wish for a central institutional mechanism in the Union the socio-economic groups would attract a positive interest from the European public opinion. These developments, however, ultimately failed to overcome the technical nature of the social participation in the processes of European integration (Lavdas, Mendrinou, Xantzianni: 2006, 632).

This overcome is connected with the clarification of the process of legitimacy of European politics and economic integration. These procedures have not been forecasted to justify their (democratic and indirect) legitimacy as a simple representation of the state mechanism, or the interest of the community, as a simple synthetic performance of various individual national interests (Benjamin Angel & Florence Chaltiel-Terral :2008). In addition, the direct election of the members of the Parliament does not automatically translate this legitimacy.

The mutation status of legitimizing the decisions, which makes the community system from indirect to direct, requires the complete identification of the European citizenship with the European democratic culture (H. Wallace: 1993, 293). The European citizen should not be characterized merely as a vehicle of the two key

institutions of direct democracy, *the right of popular initiative and the right of expression through a (non-binding) referendum*. Undoubtedly, both are regarded as the basis of *European participatory democracy*. (Jean-Paul Jacqué : 2009). However, in order to activate directly the European citizen into the democratic legitimizing processes of the decision-making system (public European space or political Europe) it is required, in addition, a more direct and generalized activation of the European citizenship, a complete and conscious promotion of the sensitive political and social reflexes *as a responsible citizen*. Article 11 of the EU Treaty, as formulated in the frame of the Lisbon Treaty, declares that, *in the given institutional period of the European Integration, the participatory democracy is rendered real, after it is recognized to the European citizen –individually and collectively- the right of active participation in the processes of dialogue in all, without exception, the fields of action of the Union*. (Henri Oberdorff : 2009).

The above thoughts are definitely useful as a first attempt to conceptualize Europeanization, which is a total of institutional processes, strategic and regulatory adaptations that were caused by the prospect of European Integration. The identification of this field must include also all those dynamics which function based on the recognition of the importance of the role of the institutions (Featherstone: 2003, 3) and also the importance of the rules, the practices and the contributors that want to create a united Europe.

The relationship between governance and Europeanization is also affected by the type of Europeanization, which is being chosen and is inter depended on the variety of the methods through which governance is being exercised. *Negotiation, hierarchy and co-ordination* operate as the elements that can be distinguished, but mostly can contribute defining a chosen type of governance. *Governance through negotiating* accepts the mission of the developing process of Europeanization. *Governance through a hierarchical system* includes both the positive and the negative side of European integration. At last, the *coordinated governance* emphasizes on the necessity of coordination and of a specific methodology that is being chosen for the above relationship to be efficient (Bulmer & Radaelli: 2004). However, regarding governance there is another three-parted distinction through *hierarchy, the involvement of new parts/ factors and acquiring an equity interest* (Kohler-Koch & Eising: 1999, 14επ.).

In order to come to an understanding on the complexity of the Europeanization process thus not acquires only a deeper look towards governance. It also depends significantly on the specialized content of the European rules and the legal standards. And this is because many of the decisions taken by the community system are considered to be the result of a process of de-construction, which imposes flexible but general provisions (legal standards) (Andersen: 2004). As a result, European legal provisions have usually a constructive mission since they define the procedural rules. This mission requires as necessary the general content of the rules. If the provisions were required to play a regulatory role, then their content should be clearly more specific (Mörth: 2003, 159ep.). This specification, allows us to understand the reason why national legal systems can act more freely when setting up their administrative acts. The convergence in a more formal (institutional) level is not necessarily consistent with the convergence of practices.

Referring to factors indicates multiple types of groups, which represent mostly financial interests, and less often environmental or other social groups. These groups, that are based almost exclusively in Brussels, are being upgraded notably within the frame of the neofunctionalist theory of European integration, gaining roles and responsibilities on European level, while raising significantly numbers after the birth of the E.U in Maastricht (Cram: 1997). Unlike the United States of America, these organized groups of interest in Europe are not necessarily “non profit”, however the turn their interest on the field of social economy. Interest groups gradually transfer its interest and political lobbying by European public policies in a democratic way to establish the working relationship between civil society and public actors

The European civil society appears to have many peculiarities, but it is legalized to play a significant role on the level of the participatory democracy, which, after the review of the EU Treaty in Lisbon (2009), is elevated to the cornerstone of the European integration process. The recognition of the important role of the civil society has undertaken and justifies the views supported by the neofunctionalist theories, emanates directly from the European institutions (European Commission) and leaves member states outside, while at the same time enhances the Union’s responsibilities.

The given diversity of multiple actors that hold a strategic position within the European context indicates the existence of more than one types of Europeanization.

A form of Europeanization that we accept but does not entirely convince us, since it does not take into account all the parameters of collective action, is the one who links the completion of each European project to the simple everyday structures of civil society (internalization, Balme & Chabanet : 2002, 21ep.). Another form is the one that tries to cope with anything new (legal action, financial instrument, consultation process) that is being proposed by the European institutions (outsourcing).

This situation is considered as an important opportunity in order to succeed a radical change towards a strong association between the social (but national) participants with any European action. Of course, there is the concept of *inter-nationalization* that relates to factors of inter-national composition, producers of rules on a European - but also national - scale, that are being used in inter-national strategies, but have not yet contributed to the total elimination of their national character (Sanchez-Salgado: 2007, 11ep.). Supranationalization is finally considered as a form of Europeanization. This form relates to the institutionalization of the factors on a European level.

2. The Europeanization of the civil society and the perspective of the European Integration. The civil society as actor of legalization of the European Administrative Space

The conceptual approach of Europeanization refers to the necessary search of some theoretical and analytical tools useful for studying the effects of the phenomenon of the European Community's Civil Society. Of course, Europeanization did not succeed in achieving acceptance neither on theoretical nor on empirical level. The concept of Europeanization is defined by various elements that do not allow it to contribute to the shaping of a common structural pattern on the European perspective. Moreover, this diversity of those determining elements is not accidental, since its conception is due to the fact that the process of the European construction tried, in this way, to provide with some convincing answers to the plurality of the problematic.

The study of the Europeanization processes (Cowles, Caporaso & Risse : 2001) is based on the peculiarities of the communal system of decision making as well as the particular characteristics that the European political system displays. In such a research, however, the importance of the international or national factors and, or dynamics that underlie the production of the policies or reforms, is enhanced (Rosa

Sanchez- Salgado: 2007). This is pointing out the reason for the search of compatibility in the analysis of Europeanization, between European and national practices. Moreover, the given adaptability of European policies should be clarified in various national policies, administrative and institutional structures that differ so much from one member state to another.

Europeanization operates under different standards, which are distinguished on the basis of the chosen shape of European integration. Such a distinction refers to three forms: a. the positive European integration based on the definition of new European rules, b. the negative European integration, which requires the transformation of power distribution and its sources in the wide European frame, and c. European integration - framework that concerns the values and possibilities of participatory democracy at a national level (Knill & Lehmkuhl: 1999). Eventually, in more practical terms, it is demonstrated an undeniable interdependence between Europeanization and European integration. Integration is a part of the Europeanization process. Therefore, the interesting part in this relationship is undoubtedly passed on how and what exactly expresses the collective action, the representation of interest, the management tools, the general European targets and the new patterns the governance cultivates.

It is well known that European policies are based on the separation of the fields. Thus, estimated as deliberate choices, on the one hand, the integration of EU policies into a coherent whole, and, on the other hand, their flexible implementation, which is based mainly on the consideration of its regional impact, and results in a more sustainable and balanced regional development within the EU. This is achieved through the strengthening of the cooperation between the local authorities and the Committee of Regions, as well as, through the institutional promotion of respect for the member states towards their ability to involve local actors in defining the community policies.

The procedures that were adopted to contribute to the European integration process seem to be limited to the idea of some elite socializing at a European level and also to ignore the need for social inclusion and active participation of the general public (European Civil Society, Jeffrey Checkel: 2001, 19). Of course, in the name of this broad European public, a united Europe should be ruled through common policies and institutional mechanisms. Therefore, the configuration of the decision making system and the exercise of governmental and managerial work in the field of the EU

does not seem to choose a strong connection within the main socialization factors, who acted decisively in the case of establishing the structures of nation states, i.e. family, school, social patterns and media (Andy Smith: 2004).

The Europeanization of non-state actors (for example their functional involvement in the processes of European integration) means integrating the management of diversity and complexity of the processes of the European political transformation. These thoughts lead us, of course, to a more difficult path of this polycentric shape, which is the determination, through objective (cultural aspects) and subjective criteria (collective, possibly also synthetic identity, and social cohesion), of the concept of *European people* (Weiler & al. : 1995). The definition of this concept is necessary if we want to see the case of setting up a European representative democracy, in which the majority view may elect a government. It is also necessary though, for the recognition of a European civil society (Gellner: 1996).

Independently from the useful tools this interpretation provides us, it is a fact that it leads us to a very sensitive part on the operation of the European governance system, its democratization. European population (*demos*) does not exist. European governance finds the way to express through techniques, but the deficit of popular sovereignty in the EU cannot allow its control as undemocratic construct. The European Treaties (from the first season of Rome, 1957) establish a community mechanism as the one and only ideal laboratory of pluralistic democracy, and the responsibility for such an operation is taken by the partnership of the nation states (Jacques Delors: 1990).

Therefore, the community democracy corresponds to an indirect legitimacy, namely by the member states. The single, by exception, immediate legalization matters in the case of European Parliament, the only institution that is directly elected by the EU citizens (citizens of the member states of the European Union). This important point justifies also the designation of European integration as a process that is continuous and strong for the European people.

This democratic deficit, which is often spread in the community decision-making system, automatically refers us to a particular problem, the Europeanization of the institutional base of a democratically expressed disagreement. In this case there are three different types that challenge this need: a. when the disagreement stems from the same nation but juxtapositions are caused however by Community decisions, b.

when the disagreement corresponds to differences that arise between social partners, but due to issues of European importance and c. when the dispute has a purely European nature and the resolution of the problem is undertaken by European institutions, such as the European Commission, the European Parliament or the European Court of Justice (Arnaud Mercier : 2003).

The above points lead us inevitably to the problem of ambiguity of the democratic character of the community. On one hand, we are facing a weak political legitimacy, as a result of the low expectations the European citizens have towards the European integration process. On the other hand, we must respect that the democratic character of the existing regularization of this system is widely recognized (Frédéric Esposito: 2007, 55).

CONCLUSION

In no case, the E.U governance does not deserve to be regarded as a product of depoliticization or copy of a neoliberal political model system, established by the European Union. Instead, it should be considered as a fundamental tool that allows a dynamic and revised revival of the classical Community method, based on the politicization of the Commission, one necessary institutional choice for the democratization of the decision-making system in the European Union.

However, regardless the institutional development of the role of the European Commission, the institutional enhancement of the European Parliament is also needed. And it is so, because the Parliament is the profound catalyst within the gulf of the EU for institutional changes in favor of reducing democratic deficit, maintaining inter-institutional balance within the E.U, and also maintaining the cohesion on the policies been made and the liability on the participation of all stakeholders involved.

Moreover, the analysis of the term “governance” as the art of ruling or as the moral expression of power seems to attract a larger group of people within the gulf of the European Parliament than in the level of national parliaments, which appears to be clearly in favor of a post-national perspective.

Establishing an open dialogue with the interest groups indicates the participation of any public or private organization, that represents or claims particular – and often

strong- financial interests, where in that case is expressed as the official representative of a particular social group (Hélène Michel : 2007, 236).

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