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# **Modelling the New Europe**

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**On-line Journal**

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## THE EUROPEAN COMMISSION IN THE ELECTRONIC ENVIRONMENT IN THE ELECTIONS YEAR 2014

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**Abstract:** *The electronic environment, including web sites and social media tools, has developed extremely efficient tools for promoting organizations and communicating organizational goals and activities. The paper focuses on a systematic analysis of the European Commission electronic communication facilities in the electronic environment within the elections year 2014, mainly on the web and social networks and we discuss the election's impact on the increased traffic and tools usability. A thorough evaluation of the web site's and Facebook account enables us to draw conclusions on the efficiency of these tools and on their increased impact towards users during the election's year 2014. We reveal the advantages of using electronic promotion and communication means, the advantages of the studied tools and their usage during the elections' period. We also underline specific recommendations for increasing e-media proficiency in the studied case.*

**Keywords:** European Commission, electronic communication tools, social media, web site analysis, web traffic analysis

### Introduction and Working Framework

Within the frameworks of the information, knowledge based and media society, the electronic environment has become the most efficient and used communication system. Web and Web 2.0 have developed as efficient electronic promotion and communication tools, based on the global accessibility of the electronic environment, which increases

message impact and highlights its relevance. Electronic information and communication tools have important advantages regarding global impact and accessibility, which bring increased information relevance and highlight the importance of electronic promotion.

Web sites have appeared in the Web 1.0 framework, creating the WWW system (Tanenbaum, 1997). They have evolved since, by means of information systems, towards increased interactivity and cooperation facilities, with social media facilities, like Facebook, Twitter, My space, etc., this framework being called Web 2.0 (Solomon and Shrumm, 2007).

Web site analysis, comprising functional content (Andreica, 2009) and technical analyses (Kaushik, 2007), is an important tool for evaluating web sites efficiency and the way in which they achieve their goals, as well as in order to design development strategies (Andreica, 2009).

European Union – EU – institutions and in particular the European Commission – EC – the “EU government”, play a major role within the EU. The EC, as well as other EU institutions, uses in a considerable extent electronic tools in order to communicate its policies and strategies, to promote its activity and achieve its goals. The electronic promotion and communication tools are highly efficient, have a global reach and convenient costs compared to their benefits.

We propose, within the present paper, an interdisciplinary study on the electronic image of the *European Commission* web site and social media presence in the election’s year 2014. We reveal during the study the impact that these tools have on their users during the studied period – October 2013 – December 2014. We address both functional and technical perspectives, as well as the user impact during the study period and draw conclusions regarding the efficiency of the analyzed systems, as well as their user impact.

### **Analyzing the Web Site of the European Commission**

The *European Commission* – EC, one of the most important European institution (Paun, 2004), represents the interests of the Union as a whole – the EU “government”.



We present, within this section, the analysis of the European Commission web site, during the period – October 2013 – December 2014 – including the preparation for and the election process unfolded in 2014, according to the guidelines that we define in (Andreica 2009, p. 76), regarding functional, content and technical analysis.

### **Functional and Content Analysis of the EC Web Site**

We address below the content and facilities provided within the studied web site, which are very important from an IT management perspective, since they have to fulfill to the institutional goals (Andreica 2009).

The web site of the European Commission – EC <http://ec.europa.eu/> opens with a language access page, containing dedicated links to its sections in all EU languages. We further describe the English section, [http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm), sections in all languages being similar.

The site is very well structured, contains search facilities and a large volume of information. EC site is actually a portal, with user login capabilities and a variety of available facilities, which are often fairly complex, accounts created within a section, for example, subscribing for certain EC interest topics or registering to EC events, the account being valid for all the facilities that are provided within EU portal, in respect with user categories.

The EU Research portal <http://ec.europa.eu/research/participants/portal/page/home>, for example, provides complex facilities for preparing and submitting EU research grant applications – see fig.9

**Visual identity:** The site uses a white, accessible background and navy blue banner with the EC's logo – see fig.1. Text is very readable, using dark blue and black for highlighted titles or sections. The site has been upgraded within the elections year, the current look being more visual and icon-access oriented – see fig. 1.

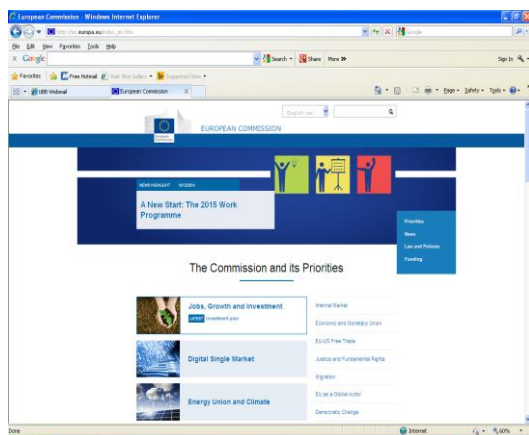


Figure1: EC web site main page – 2014

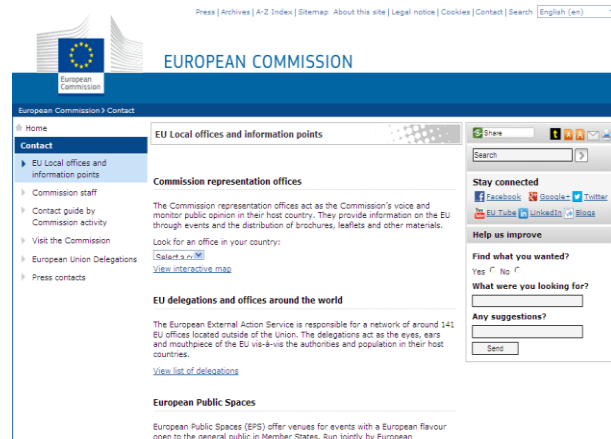


Figure 2: EC web site – Local offices & info

**Site structure:** The recent design of the EC main page contains visual sections (mini-“pages” on the main page) with direct links for accessing the main site sections: The Commission and its Priorities (with a detailed menu, setting as main priorities Jobs, Growth and Investment, Digital Single Market, Energy Union and Climate, also including and containing Internal Market, Economic and Monetary Union, EU-US Free Trade, Justice and Fundamental Rights, Migration, EU as a Global Actor and Democratic Change; the section also contains About the EC and Contact sub-sections), News, Laws and Policies, Funding and Public Contracts, Life, work and travel in the EU, Your rights and opportunities. A permanent hovering menu provides quick access to Priorities, News, Law and Policies and Funding sections.

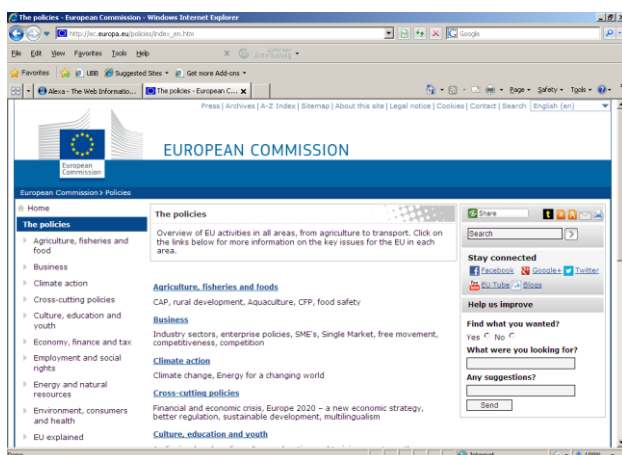


Figure 3: EC web site – Policies section

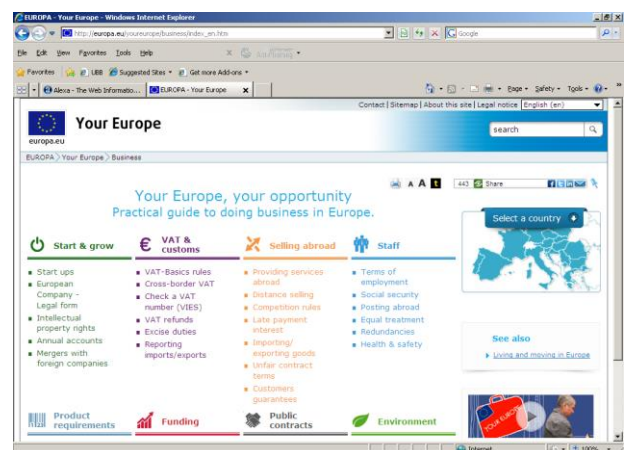


Figure 4: EC web site – Business section

Comparatively, in October 2013, the **quick links sections** used: Policies and legislation, Public contracts and funding, About the European Commission, Contact the European Commission, Life, work and travel in the EU – with additional sections. A vertical menu is available in each section, which guides the user within the whole site structure. The site structure is very complex and displays a large volume of information – see for example fig. 3– Policies section and 4 – Business section, site index – fig. 6 and site map – fig. 10. The About EC section contains more information about the EC – fig. 5.

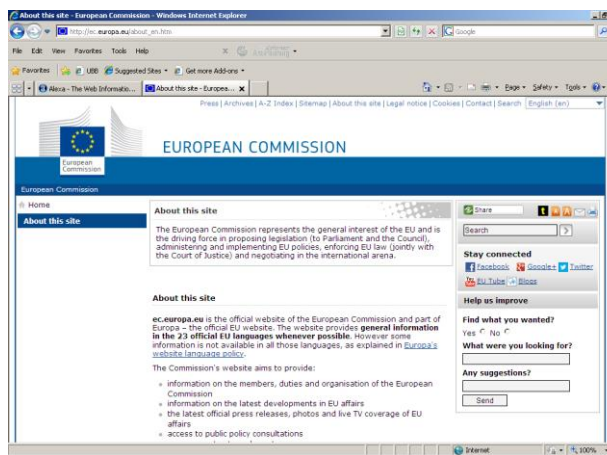


Figure 5: About EC page and the search engine

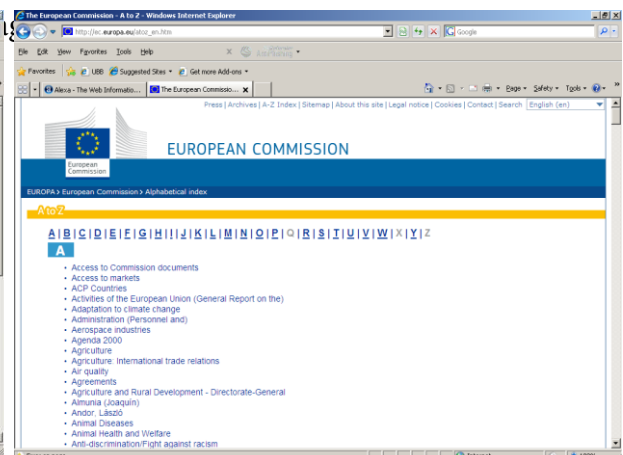


Figure 6: Alphabetical site index for the EC web site – site complexity is noticeable



Figure 7: Research &amp; funding section – upgraded in 2014

The secondary pages contain a supplemental vertical menu, with options corresponding to subsections of the quick links from the main page. The web site complexity is highlighted, and also supported, by the site

index – see fig. 6 and site map – fig.10, facilities which assist users in finding information within a large volume of displayed content.



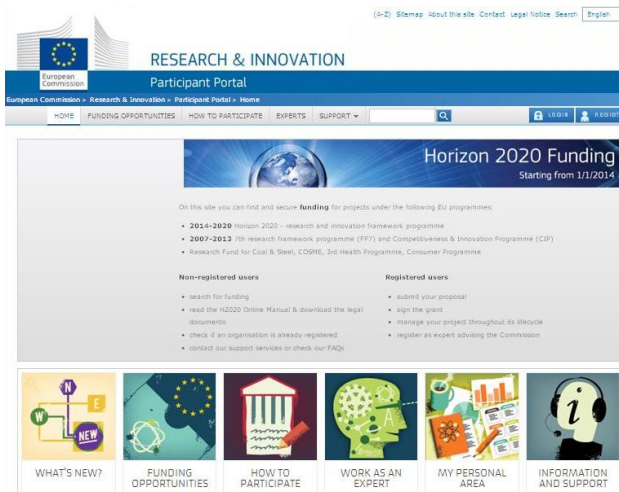


Figure 8: Entrance in the participant portal – upgraded in 2014

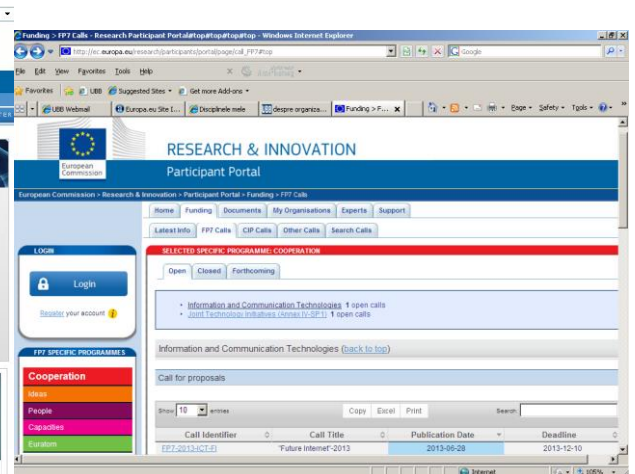


Figure 9: Research – EU portal

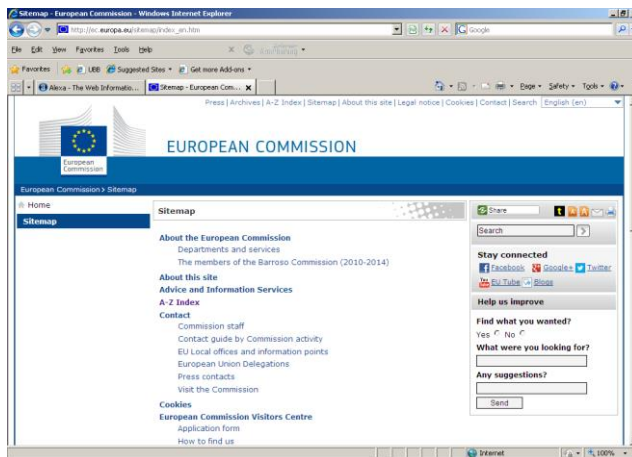


Figure 10: EC Site map and search engine – site complexity is noticeable

**Accessibility:** EC site content is accessible and there is no need to download special software for accessing the content. An alphabetical site index – fig. 6 and a site map are available for assisting information access – see fig.10. The site contains a special section dedicated to terms of use and protection of personal data [http://ec.europa.eu/geninfo/legal\\_notices\\_en.htm](http://ec.europa.eu/geninfo/legal_notices_en.htm)

**Information density:** Information is appropriately displayed on the EC main page and secondary pages. Information is logically structured and can be easily found within the site. A search engine – see fig. 5, which functions correctly, may be used to find information within the site. Texts and multimedia information are appropriately balanced and a Press section is also available. All links function correctly and the visual design is adequate in order to emphasize the information that is displayed.

**Information accuracy:** Information within EC web site is accurate, relevant and up-to-date.

**Interactivity:** EC web site contains multimedia objects, adequate to the content. As a reflection of its public EU institution, the site keeps a rigorous and sober image; obviously, no commercial ads are included.

**Integration with social media:** EC web site includes links to media accounts: Facebook, Twitter, LinkedIn, Google+, YouTube and Pinterest.

### **Technical analysis**

The technical analysis of a web site provides valuable e-marketing information regarding site proficiency, clients and client target groups, most popular sections (representing products / services) or sections that should be improved. Therefore, web sites should be systematically monitored by feed-back analysis using *traffic* and *log information analysis* as an e-marketing tool, in order to trace proficient and perfectible sections and facilities, visitor or client preferences, and consequently means of improving the web site (Andreica, 2009, p. 78).

### **Technical Analysis of the EC Web Site**

We perform, within this section, a technical analysis of the European Commission web site and of the domain it belongs to – europa.eu. Results are compared to similar analyses performed in October 2014 and October 2013 (Andreica, 2013).

### **Web Traffic Analysis**

We have analyzed the [europa.eu](http://europa.eu) domain using Alexa web traffic analyzer – [www.alexa.com](http://www.alexa.com). According to [alexa.com](http://alexa.com), in December 2014, [europa.eu](http://europa.eu) ranked 818 in the world and 457 in Germany (the country which has generated the highest site traffic) – see fig. 11b. A slight decreasing tendency was noticed compared to October 2014, after the new commission has been installed. In October 2014, [europa.eu](http://europa.eu) domain ranked 735 among web domains in the world – in a positive trend, compared to 784 in October 2013, and 284 in Germany (the country with the highest site traffic) also in a positive trend, compared to 321 in October 2013 – see fig. 11a. We note that these rankings display very good positions for [europa.eu](http://europa.eu) domain.

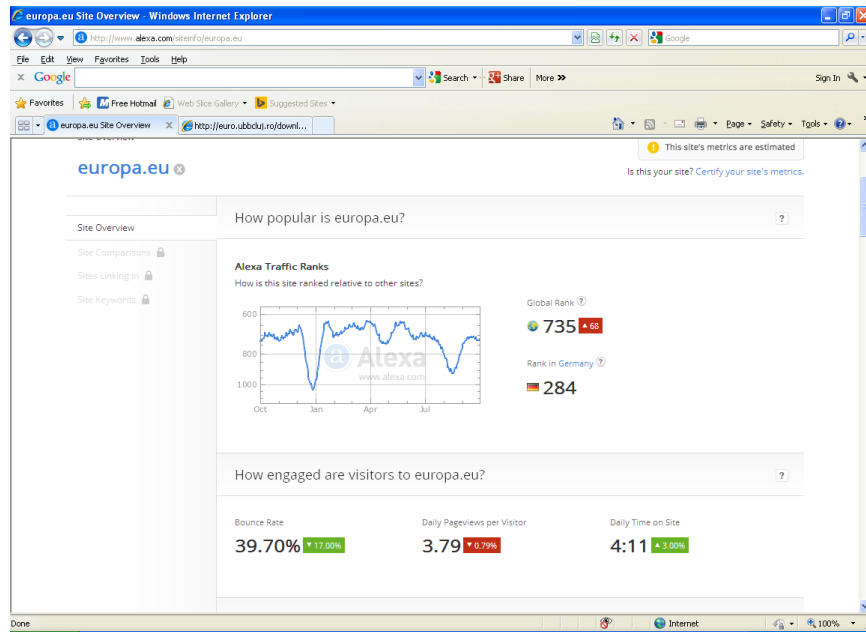


Figure 11a: Web traffic graph for europa.eu  
Source: [www.alexa.com](http://www.alexa.com) – accessed October 2014

#### Alexa Traffic Ranks

How is this site ranked relative to other sites?



Global Rank ?

818 (▲ 81)

Rank in Germany ?

457

How engaged are visitors to europa.eu?

Bounce Rate

43.70% (▲ 5.00%)

Daily Pageviews per Visitor

3.59 (▼ 6.02%)

Daily Time on Site

4:00 (▼ 5.00%)

Figure 11b: Web traffic graph for europa.eu  
Source: [www.alexa.com](http://www.alexa.com) – accessed December 2014

Most visitors accessing [europa.eu](http://europa.eu) domain come from [google.com](http://google.com), [google.es](http://google.es), [google.de](http://google.de), [google.co.uk](http://google.co.uk), [Facebook.com](http://Facebook.com), according to [alexa.com](http://alexa.com) – see fig. 12a and 12b: we note a slight decrease of Facebook in December 2014 compared to October 2014.

Germany, Italy, Spain, France and UK are the countries which generate, in December 2014, as well as in October 2014, the highest traffic for [europa.eu](http://europa.eu) domain. Germany is rated with 8.2% of the total [europa.eu](http://europa.eu) traffic in December 2014 (10.3% October 2014 and 10.4% in October 2013). Italy appears with 7.6% of the total site traffic in December 2014 (9.4% in October 2014 and entering the top 3 since last year). Spain is rated with 7.3% of the total site traffic in December 2014 (7.2 % in October 2014), UK – 5.3% in December 2014 (5.8% in October 2014, slightly rising from 5.5% in October 2013), while France, rated with 6.6% in October 2014, exited the top 5 in December 2014 – see fig. 13a and 13b.

Besides EU countries, where the audience of [europa.eu](http://europa.eu) domain depends both on the interest in EU policies and on the number of inhabitants and “internauts”, we note the interest of US and India, both with high number of inhabitants (the latter revealing remarkable economic and cooperation interest with the EU) for EU policies and development strategies.

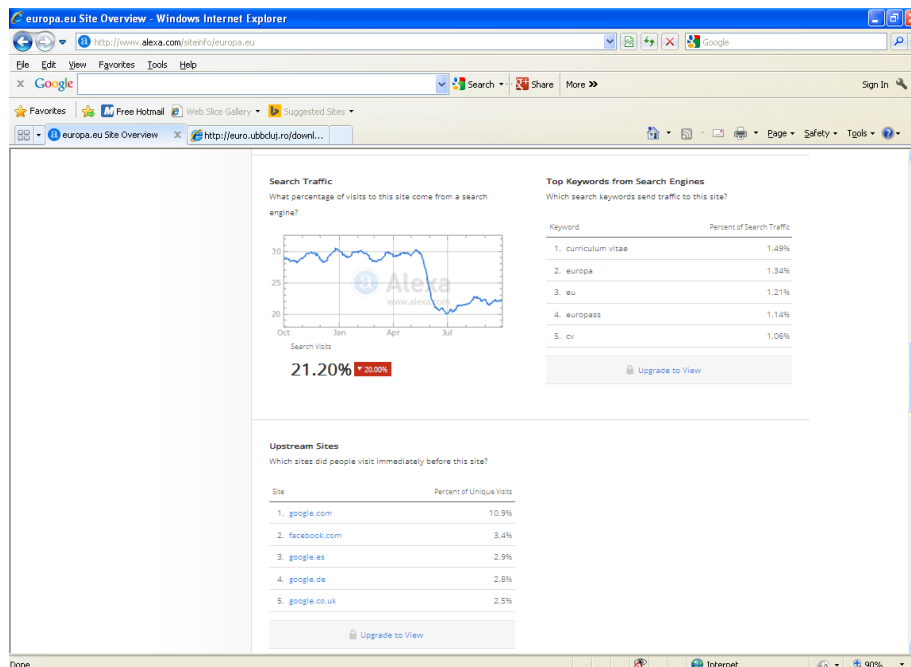


Figure 12a: Sites where europa.eu visitors come from and keywords that lead to site access; Source: [www.alexa.com](http://www.alexa.com) – accessed October 2014

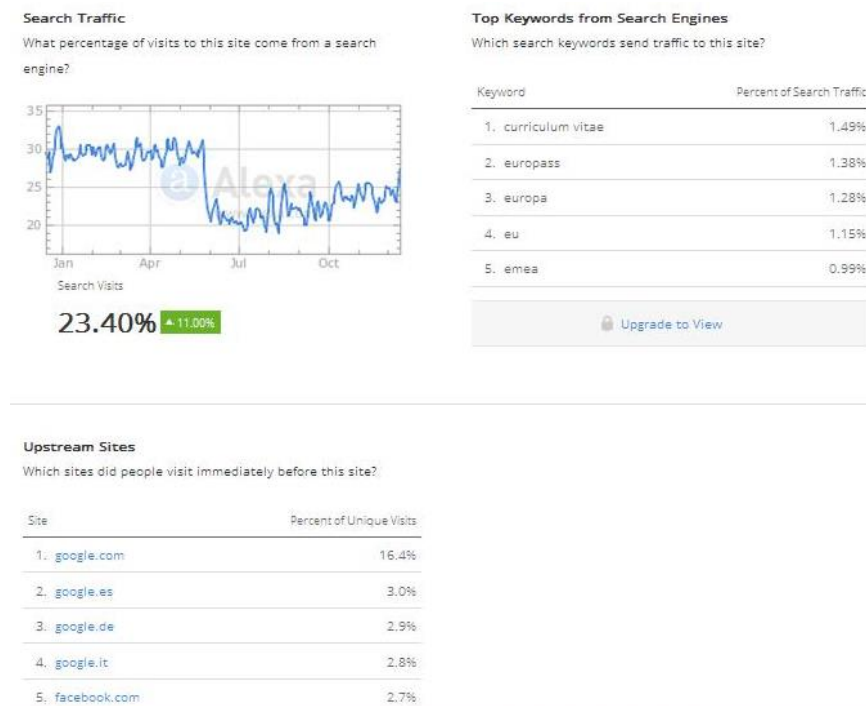


Figure 12b: Sites where europa.eu visitors come from and keywords that lead to site access; Source: [www.alexa.com](http://www.alexa.com) – accessed December 2014

The US re-entered top 5 in December 2014 – see fig. 13b with 5.8%, which shows an increasing interest for EU policy; the result can also be correlated with the US general elections in Autumn 2014. We can also notice slight smaller values in the top 5 accessing countries in December 2014 compared to October 2014, which shows that other EU countries, including newer member states, showed their interest for the common EU policy.

Figures 13a and 13b show the geographical audience of europa.eu domain, according to alexa.com, as described above (data collected in October 2014 – 13a and December 2014 – 13b).



**Audience Geography**

Where are this site's visitors located?

Visitors by Country



Country	Percent of Visitors	Rank in Country
Germany	10.3%	284
Italy	9.4%	188
Spain	7.2%	246
France	6.6%	432
United Kingdom	5.8%	384

Upgrade to View

Where do europa.eu's visitors come from?

?

Figure13a: Geographical audience of europa.eu  
Source: [www.alexa.com](http://www.alexa.com) – accessed October 2014

**Audience Geography**

Where are this site's visitors located?

Visitors by Country



Country	Percent of Visitors	Rank in Country
Germany	8.2%	457
Italy	7.6%	258
Spain	7.3%	269
United States	5.8%	4,095
United Kingdom	5.3%	548

Upgrade to View

Figure13b: Geographical audience of europa.eu  
Source: [www.alexa.com](http://www.alexa.com) – accessed December 2014

Among the studied web sites, according to data collected in October 2014, using [www.alexa.com](http://www.alexa.com), the most accessed is the site of the *European Commission* [ec.europa.eu](http://ec.europa.eu) – with an impressive **53.61% visitors** in December 2014 (**54.57%** in October 2014, rising from **53.13%** in October 2013) of the whole [europa.eu](http://europa.eu) domain (more than half of the total number of visitors!), further followed by europa.eu – 17.41% in December 2014 (18.39% in October 2014), [eur-lex.europa.eu](http://eur-lex.europa.eu) – 6.9% in December 2014 (6.89% in October 2014)

and the site of the *European Parliament* [europarl.europa.eu](http://europarl.europa.eu) – with 5.36% in December 2014 (slightly decreasing from 5.77% visitors in October 2014, and continuously decreasing from 7.47% visitors in October 2013) – see fig. 14a and 14b.

Where do visitors go on europa.eu? ?

Subdomain	Percent of Visitors
ec.europa.eu	54.57%
europa.eu	18.39%
eur-lex.europa.eu	6.89%
europarl.europa.eu	5.77%
ecb.europa.eu	4.97%

Figure 14a: Most visited subdomains of europa.eu

Source: [www.alexa.com](http://www.alexa.com) – Accessed October 2014

Where do visitors go on europa.eu? ?

Subdomain	Percent of Visitors
ec.europa.eu	53.61%
europa.eu	17.41%
eur-lex.europa.eu	6.90%
europarl.europa.eu	5.36%
ecb.europa.eu	4.30%

Figure 14b: Most visited subdomains of europa.eu

Source: [www.alexa.com](http://www.alexa.com) – Accessed December 2014

Alexa analyzer also states that the EC website loads very fast – 1.053s, 70% of the globally ranked sites being slower.

### Web Optimization Site Analysis of the EC Web Site

The web site optimization tool [www.weboptimization.com](http://www.weboptimization.com) provides useful results regarding site access speed and download times for various types of connections, characteristics of page objects and web optimization recommendations.

According to [www.websiteoptimization.com](http://www.websiteoptimization.com) accessed in December 2014, the site of the European Commission <http://ec.europa.eu> has a total size of ~205KB and a remarkable download time of 2.49 seconds – see fig. 15b . Comparative analyses, using the same tool, showed in October 2013 a total site size of ~268KB and a download time, on a GB connection, of 7.02 seconds – see fig.15a. Supplemental details (type, download time, dimension) are also given for page objects – see fig. 15a, 15b. We can observe that during

the elections year, the EC website was significantly optimized!



Figure 15a: Weboptimization EC site analysis – speed and download time

Among web site optimization conclusions and recommendations for <http://ec.europa.eu>, according to [websiteoptimization.com](http://websiteoptimization.com) (accessed December 2014), we note: good HTML site compliance; good number of objects and images per page, very good total size, images and multimedia size – fig. 16. Only the number and total size of external scripts are recommended to be improved – fig. 16. We may conclude that the web site optimization analysis results are also very good for the EC site. Compared to the

results obtained using the same analysis tool in October 2013, we can also conclude that the EC site was significantly optimized.

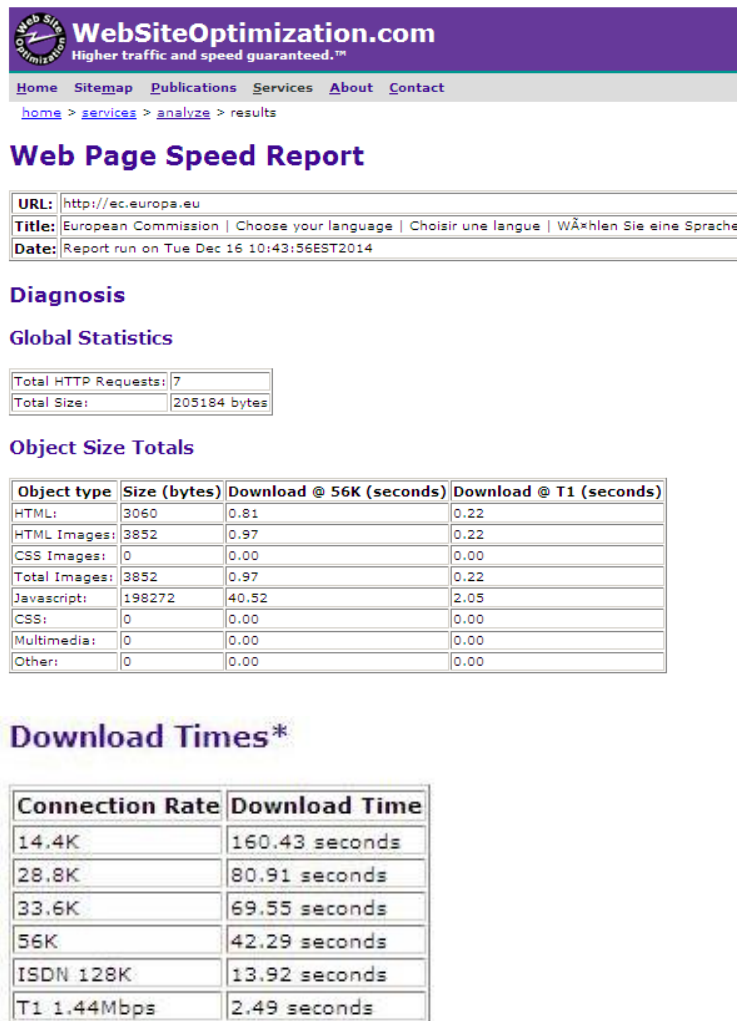


Figure15b: Weboptimization EC site analysis – speed and download times – accessed December 2014

### Analysis and Recommendations

- **TOTAL HTML** - Congratulations, the total number of HTML files on this page (including the main HTML file) is 1 which most browsers can multithread. Minimizing HTTP requests is key for web site optimization. Y
- **TOTAL OBJECTS** - Congratulations, the total objects on this page (including the HTML) is 7 which most browsers can multithread in a reasonable amount of time. Minimizing HTTP requests is key to minimizing object overhead (see Figure 11-3: [Relative distribution of latency components showing that object overhead dominates web page latency in Website Optimization Secrets](#) for more details on how object overhead dominates web page latency).
- **TOTAL IMAGES** - Congratulations, the total number of images on this page is 1. Most browsers can send multiple requests, which can speed display of multiple images.
- **TOTAL SIZE** - Warning! The total size of this page is 205184 bytes, which will load in 42.29 seconds on a 56Kbps modem. Consider reducing total page size to less than 100K to achieve sub 20 second response times on 56K connections. Pages over 100K exceed most attention thresholds at 56Kbps, even with feedback. Consider optimizing your site with [Website Optimization Secrets](#), [Speed Up Your Site](#) or [contacting us](#) about our optimization services.
- **TOTAL SCRIPT** - Caution. The total number of external script files on this page is 5, consider reducing this to one or two. Combine, refactor, and minify to [optimize your JavaScript](#) files. Ideally you should have one (or even embed scripts for high-traffic pages) on your pages. Consider [suturing JavaScript files together](#) at the server to minimize HTTP requests. Placing external JavaScript files at the bottom of your BODY, and CSS files in the HEAD enables progressive display in XHTML web pages.
- **HTML SIZE** - Congratulations, the total size of this HTML file is 3060 bytes, which less than 50K. Assuming that you specify the HEIGHT and WIDTH of your images, this size allows your HTML to display content in under 10 seconds, the average time users are willing to wait for a page to display without feedback.
- **IMAGES SIZE** - Congratulations, the total size of all your images is 3852 bytes, which is less than 50K. Even with a 50K HTML page this page should load in less than 20 seconds on a 56Kbps connection. Ideally each image should be less than 1160 bytes, to easily fit into one TCP-IP packet.
- **SCRIPT SIZE** - Warning! The total size of external your scripts is 198272 bytes, which is over 20K. Consider [optimizing your JavaScript](#) for size, combining them, and using [HTTP compression](#) where appropriate for any scripts placed in the HEAD of your documents. You can substitute [CSS menus](#) for JavaScript-based menus to minimize or even eliminate the use of JavaScript.
- **MULTIM SIZE** - Congratulations, the total size of all your external multimedia files is 0 bytes, which is less than 10K.

Figure16: EC site Weboptimization recommendations

Source: websiteoptimization.com accessed December 2014

### Color Contrast Analysis of the EC Web Site

The color contrast analyzer [www.accesskeys.org](http://www.accesskeys.org) verifies site readability, based on the color contrast between foreground and background colors, according to W3C – World Wide Web Consortium (W3C web, 2013) recommendations.

AccessColor Report

Check URL

Web Address \*

<http://ec.europa.eu>

Show

Only Errors ☐ Full report ☒

Show Source ☐

Check

Report summary

The W3C recommends a standard of 500 or greater for the color difference and a standard of 125 or greater for color brightness.

The AccessColor results show that for this page, **both** color difference and color brightness **meet the recommended standard**.

Report details

Line	HTML text	Foreground	Background	Color
28	European Commission			1. Brightness: <a href="#">n/a</a> 2. Difference: <a href="#">n/a</a>
29	Homepage			1. Brightness: <a href="#">n/a</a>

Figure 17a: Color contrast analysis for EC site – October 2014

Source: <http://www.accesskeys.org/tools/color-contrast.html>



AccessColor Report

**Check URL**

Web Address

Show ☐ Only Errors ☒ Full report ☐

Show Source ☐

Check

Report summary

The W3C recommends a standard of 500 or greater for the color difference and a standard of 125 or greater for color brightness.

Based on these considerations, the results for this page are:

1. **Both** color difference and color brightness **do not** meet the recommended standard for **0%** of the total text.
2. **Either** color difference **or** color brightness **does not** meet the recommended standard for **65.71%** of the total the text.

A **Warning** message is displayed next to the HTML source line.

Text on background with images is for **12.38%** of the total text.

Either color difference or color brightness fails

Figure 17b: Color contrast analysis for EC site – December 2014

Source: <http://www.accesskeys.org/tools/color-contrast.html>

According to [www.accesskeys.org](http://www.accesskeys.org) color contrast analyzer (accessed December 2014 and compared to October 2013), the site of the EC <http://ec.europa.eu> has no problems regarding both color difference and color brightness – see fig. 17b . Yet, some problems are noticed regarding either difference or color brightness – see fig. 17b . We can notice that readability site results were better in October 2013 – see figure 17a . A complete list of warnings messages is provided by the Access keys analyzer for all sections with readability problems or warnings. We can conclude that the site upgrade could have better taken into account readability issues. Yet, overall site readability is good.

## THE FACEBOOK ACCOUNT OF THE EUROPEAN COMMISSION

The European Commission Facebook page <https://www.Facebook.com/EuropeanCommission> promotes the EC's mission and

activities within the social media environment. We further analyze the English version of the above mentioned page.

### **EC Facebook Page Image**

The EC Facebook page displays a profile image with the EC logo and a banner promoting the newly installed European Commission – the Juncker team (page accessed in December 2014) – see fig 18. The banner image also promotes the corresponding Twitter account.

The photo album contains a wide range of photos that sustain the EC posts – see 3.2 – on various topics, emphasizing the activity of the new Juncker team.

### **EC Facebook Page Characteristics and Content**

In 22 December 2014, the EC Facebook page has had 415,028 likes (fewer than the European Parliament, with 1,618,025 likes at the same date). Information is regularly posted, usually 2-3 posts daily; posts are well balanced between text information, which expresses adequately and concisely EC activities, priority actions and events, using impactful images and photos.

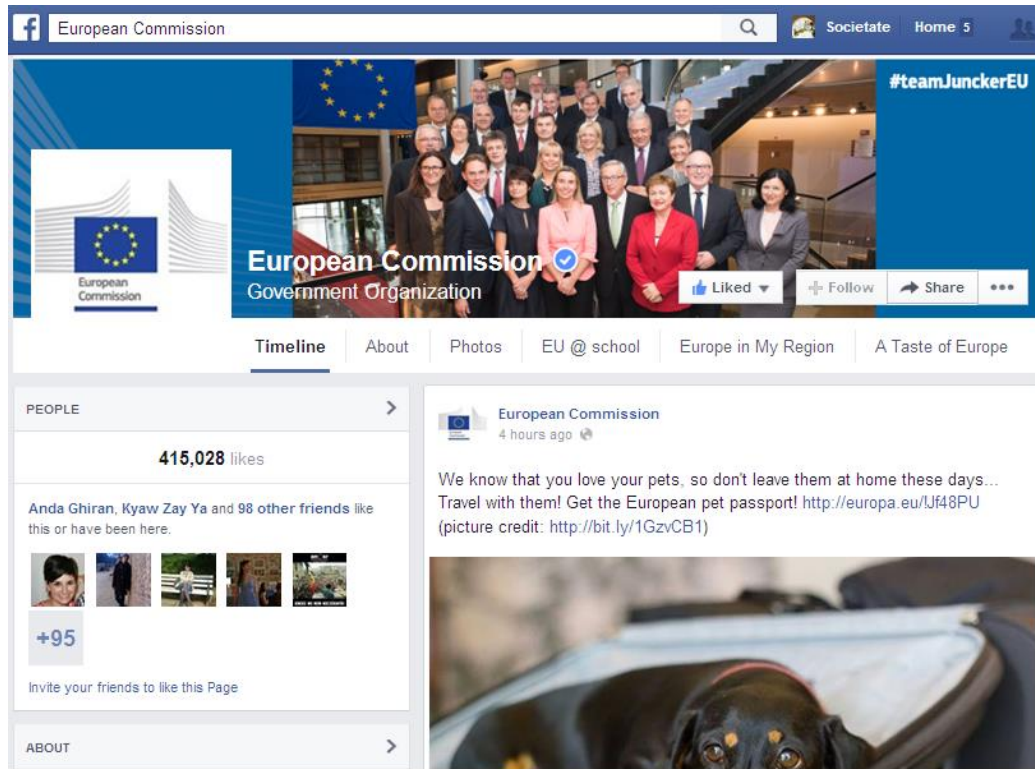


Figure 18: The EC Facebook page – December 2014

The page has a good post dynamic and user interaction: during the period 12-22 December, the page displaying 20 posts (with a mean of  $\sim 2$  posts per day), with a total of 6608 likes, 454 comments and 2369 shares. The mean values for the sample period are: 600.73 likes / day, 41.27 comments / day and 215.36 shares / day, which sustain a very high user interaction.

Some of the most relevant events collect really impressive interaction values: for example, one post containing the album referring to Juncker commission hearings in the EP, on December 17<sup>th</sup>, 2014, collected 1457 likes, 66 comments and 230 shares. Two posts from December 13-14, 2014, referring to Erasmus+ program, collected 1131 likes, 41 comments and 603 shares. We note that a few negative comments are also present, which shows the liberty of expression. We can observe a more dynamic interaction of the EC Facebook page, displaying considerably higher values than for the European Parliament Facebook page (except the number of comments, which are slightly higher for the EP) (Andreica, 2014).

We can conclude that the EC Facebook page is an efficient and very friendly electronic communication tool, which takes into account the social media advantages in order to interact with users and citizens.

## Conclusions

In the framework of knowledge based society, electronic communication and promotion tools are very important for reaching organizational goals. These tools have successfully been applied by EU institutions, including the European Commission.

Within the present paper, we analyse the web site and the Facebook account of the *European Commission* in the election's year 2014. We address both functional and technical perspectives and draw conclusions regarding their efficiency. We underline the importance of "electronic communication" and promotion and we discuss the way in which the political events of the year 2014 impact on the studied electronic tools.

The analysed web site appropriately comply its target and goals, to represent and promote the European Commission and its activities, its visual identity being a good reflection of the institution. The site has a very complex structure and contains important facilities, newsletters and portals, a relevant one being the research portal. The site was upgraded and optimized during the elections year 2014, displaying better efficiency indicators than in October 2013.

The *European Commission site ranks first in the EU domain, 53.61% visitors* in December 2014! After the 2014 upgrade and optimization process, the EC site download speed reached an extremely good value: 2.49 seconds, the site dimension decreasing a bit since October 2013. Compliance check with W3C colour contrast requirements generates only minor readability observations (the only feature that displayed better values in October 2013).

Highest traffic and site interaction are related to the most important political events and, of course, with the installation of the new European Commission – the "Juncker team". Observing the countries that generate the highest site traffic, we can also make

certain correlations with external policy tendencies and external political events, like the general elections in the United States.

The European Commission site includes links to social media accounts. The EC Facebook page has a smaller number of followers than the EP page, but displays a more dynamic user interaction, with higher values in number of likes and shares. Important events, like Juncker commission hearings in the European Parliament or Erasmus+ program have an important feed-back, collecting a huge user feed-back, with over 1000 likes. The EC Facebook page is proficiently used in order to communicate EC activities and proves to be an efficient and very friendly electronic communication tool, taking advantage of social media benefits in interacting with users and citizens.

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## **THE NEW COMMISSION'S STANCE ON ENLARGEMENT AND MOLDOVA'S EUROPEAN AMBITIONS**

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**Abstract:** *European integration is the national strategic goal of the Republic of Moldova. At the same time, in Brussels we have a new Commission that has put enlargement on hold for the next five years. In this context, the article will examine the relations between the European Union and the Republic of Moldova, with a focus on the membership perspective of the country, amid the diverging narratives coming from Brussels and Chişinău. In this regard, we have started the analysis with an overview of the EU – Moldova relations over the past 20 years; secondly, we have looked into the impact of EU foreign policy instruments on Moldova's membership aspirations. Thirdly, it has been important to also explore the Moldovan – Romanian relations, since Romania is Moldova's stronger supporter on its European path.*

**Keywords:** European integration, EU – Moldova relations, Association Agreement, membership perspective.

### **Argument**

The enlargement policy is a constant topic on the European Union's agenda. So are the two questions that steer the debate: should Europe concentrate on the "wider" element or on the "deeper" dimension of European integration? Will the European Union continue to accept new members? Or should it better focus on bridging the gap between the different levels of development in the existing EU countries?

This year it was the first time the European Elections had been held based on the

premise that each European party would put forward a candidate for the top job in the European Commission. And so it came that the candidate who was finally chosen to be Commission President, the candidate of the European People's Party, Jean Claude Juncker, ran on the promise that there would be no enlargement in the following five years. In this context, it is necessary to analyse how countries like Moldova, a former member of the communist bloc, now an associated country with the EU and aspiring candidate to the membership status, will develop their diplomatic relations with the European Union.

The main question arising in these new circumstances is: how will Moldovan and European political leaders accommodate this two lines of discourse: on the one hand, we have the Commission President stating clearly that there will be no accession during his tenure and, on the other hand, Moldovan politicians promising to lead the country towards full membership by 2020?

In our quest to attempt to shed new light on the issues at hand, we will start by shortly presenting the evolution of Moldova - EU relations. Second, we will analyse the dimension of EU foreign policy that impacts Moldova, whilst focusing on the two narratives on Moldova's European integration: Brussels and Chişinău's discursive approaches. Third, we will look at the interaction between Moldova and its most enthusiastic supporter from within the EU – Romania.

The Republic of Moldova declared its independence on 27<sup>th</sup> of August 1991, Romania being the first State to recognize this. In 1994, Moldova and the EU signed the Partnership and Cooperation Agreement (PCA), which came into force in 1998. The PCA represented the legal basis of Moldova - EU relations until it was replaced by the newly signed Association Agreement, which includes the creation of a Deep and Comprehensive Free Trade Area (DCFTA). The AA comes to upgrade the aforementioned relationship to that of associated country. The question that remains to be analysed is the following: will the new status be followed by a genuine membership perspective?

At present, at the core of Moldova's foreign policy, created and promoted by the Ministry of Foreign Affairs and European Integration, stands the goal of European Integration, as the name of the ministry reveals. The Ministry is carrying out a broad range of activities aimed at ensuring favourable conditions to fully implement the national

interests of the Republic of Moldova externally: to integrate into the European Union, to strengthen the cooperation with international and regional organisations, to promote its economic interests, to ensure a favourable external environment and the international support necessary to implement the economic, social and political reforms in Moldova, to settle the conflict in Transnistria, to protect the interests of Moldovan citizens abroad and to build a positive image of the Republic of Moldova on the international arena.<sup>1</sup>

If the core of Moldova's national goal is European integration, then it is necessary to look at the other side's goals and, as we have mentioned, at first sight they seem to point in the other direction: the present EU enlargement policy is, bluntly put, no enlargement. But in order to see how this will impact Moldova's aspirations, there are two elements we will need to examine more closely: the evolution of the neighbourhood policy framework – the ENP/EaP – and whether encapsulating Moldova in this endeavour will erode the possibilities of it ever becoming a full member of the EU. Also, it is worth considering whether “no enlargement” means “no start of negotiations with new candidate countries”. The first element is relevant especially in the current geopolitical context and the planned revision of the policy before the next Summit in Riga. We will analyse the second element from a discursive perspective, by examining especially the wording used by the both sides when referring to their relations and the future of their cooperation.

This being said, the purpose of our study is to investigate the prospects of Moldova's European integration, in the context of the new EU attitude towards enlargement. Moreover, it is important to also present the diplomatic relations with Romania, based on both traditional and historical considerations and also on economic interests and regional policy. This analytical approach is of interest even more at this time, when the new European Commission began its mandate on 1<sup>st</sup> November 2014, and in the Republic of Moldova there were held parliamentary elections on 30<sup>th</sup> November 2014, which brought a narrow victory to the pro-European parties.

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<sup>1</sup> *Foreign Relations*, Republic of Moldova. Official Website, at: [<http://www.moldova.md/md/relatile/>], Last access: 3 November 2014.

**Background**

Amid the emergence of new states in the former Soviet space, in 1992, the European Commission proposed the signing of Partnership and Cooperation Agreements with these entities, with the aim of forming a positive climate in the new geo-political environment. Moldova, a newly-formed state, which declared its independence on 27<sup>th</sup> August 1991, became able to develop a relationship of cooperation with the European Community and, on 28<sup>th</sup> November 1994, it signed the Partnership and Cooperation Agreement (PCA) with the latter. The PCA came into force four years later, on 1<sup>st</sup> July 1998, over a 10-year term. The objectives of this agreement were aimed at providing a suitable framework for political dialogue between the parties, which would enable the development of political relations, the promotion of trade and investment, as well as the harmonious economic relations between the parties, so as to foster their sustainable economic development; basis for collaboration in the areas of legal, economic, social, financial and cultural aspects; support for Moldova's efforts to strengthen democracy, economic development and completion of its transition to a market economy.<sup>2</sup>

The relations of cooperation and partnership intensified after this moment, and the most important achievements in this respect will be presented below. It was not enough to sign treaties for maintaining the partnership between the Republic of Moldova and the EU, but it was necessary to develop measures within the national institutional framework in order to support the Government's European policy. Thus, in 2003, there were established committees and departments, such as the National Commission for European Integration, within the Moldovan Parliament, and later, the European Integration Department, inside the Ministry of Foreign Affairs, and also the National Commission for the Integration of Moldova into the European Union, chaired by the then President of the Republic of Moldova, Vladimir Voronin. In 2009, the National Commission became the Governmental Commission on European Integration and was chaired by the Prime-minister.

The political relations were enhanced through the development of the EU-Moldova Action Plan for the period 2005-2008, extended several times, whose implementation

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<sup>2</sup> *Partnership and Cooperation Agreement*, European Commission, 28 November 1994, Article 1, at: [[http://trade.ec.europa.eu/doclib/docs/2007/august/tradoc\\_135737.pdf](http://trade.ec.europa.eu/doclib/docs/2007/august/tradoc_135737.pdf)], p. 5, Last access: 5 November 2014.



contributed to the fulfilment of the provisions of the PCA and the newly-launched European Neighbourhood Policy. The Action Plan was adopted on 22<sup>th</sup> February 2005 and was a program of economic and political reforms that Moldovan authorities were committed to implementing. The provisions of this Agreement extended beyond the political sphere, including aspects of deepening economic and cultural relations, as well as security, having a 3-year framework of implementation. The Action Plan was set to build a solid foundation for economic integration, based on the adoption and implementation of economic and commercial reform, i.e. having the potential to enhance trade, investment and development. Moreover, it was designed to assist in the development and implementation of policies and measures aimed at promoting economic growth and social cohesion, reducing poverty and protecting the environment, thereby contributing to the long-term objective of sustainable development.<sup>3</sup>

This agreement was followed by the European Strategy of the Republic of Moldova for the period 2007-2013, adopted by the European Commission on 7<sup>th</sup> March 2007, which is based on the Partnership and Cooperation Agreement, the Action Plan and the European Neighbourhood Policy. After 2004, given the purpose of guaranteeing the security of its borders, the EU expressed an increased interest in strengthening democracy in its neighbouring countries. Thus, the European Neighbourhood Policy was conceived, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours and strengthening prosperity, stability and security for all. It is based on the values of democracy, the rule of law and respect for human rights.<sup>4</sup>

After becoming a full member of the Energy Community, Moldova signed the Additional Protocol to the Partnership and Cooperation Agreement, on 30<sup>th</sup> September 2010. The signing of this protocol brought new opportunities for Moldova's participation in EU programmes, and an example of this is the signing of the Memorandum of Understanding between the European Communities and the Republic of Moldova, upon the

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<sup>3</sup> *EU – Moldova Action Plan*, European External Action Service, at: [\[http://eeas.europa.eu/enp/pdf/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf\]](http://eeas.europa.eu/enp/pdf/pdf/action_plans/moldova_enp_ap_final_en.pdf), p. 1, Last access: 5 November 2014.

<sup>4</sup> *What is the European Neighbourhood Policy?*, European External Action Service, at: [\[http://eeas.europa.eu/enp/about-us/index\\_en.htm\]](http://eeas.europa.eu/enp/about-us/index_en.htm), Last access: 3 November 2014.

association to the Seventh Framework Programme of the European Community, for Research and Technological Development (FP 7), on 11<sup>th</sup> October 2011.

Over these two decades of cooperation between Moldova and the EU, in a large variety of fields, the young Eastern European state realized that modernisation and development could only be achieved through a significant transformation of its institutions, practices and laws, based on the European model. In return, the European Union supported Moldova in this process, financially, but also with human and technological resources, in order to democratize this state located at its eastern borders.

At the basis of cooperation for the period 2014-2016 lies a document entitled the Association Agenda, approved on 26<sup>th</sup> June 2014, at the 16<sup>th</sup> Meeting of the EU-Moldova Cooperation Council. The new document replaces the Moldova-EU Action Plan from 2005 and focuses on a limited number of priorities, helping to fulfil commitments made under the Association Agreement, once it has entered into force. The Association Agenda encompasses priorities which concern political dialogue and reform, external and security policy, cooperation in the field of justice, freedom and security, economic cooperation, trade and trade-related matters.<sup>5</sup>

The negotiations on the Association Agreement with the European Union started on 12<sup>th</sup> January 2010 and comprised 15 rounds. These steps were the bases for the development of the Association Agreement and ended after the initialling of document, on 29<sup>th</sup> November 2013, in the context of the third Eastern Partnership Summit in Vilnius. The purpose of this agreement is to guide the Republic of Moldova towards becoming a country with an integrated EU acquis and it ensures political association and economic integration with the European Union. This goal can be achieved by assuming the 395 directives and regulations within the agreement. The Association Agreement aims to contribute to the development of the political and social-economic development of the Republic of Moldova, as well as greater cooperation in a wide range of areas of common interest, including good governance, justice, freedom and security, commercial integration

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<sup>5</sup> *Association Agenda between the European Union and the Republic of Moldova*, Ministry of Foreign Affairs and European Integration of the Republic of Moldova, Brussels, 26 June 2014, at: [\[http://www.mfa.gov.md/img/docs/Association-Agenda-EN.pdf\]](http://www.mfa.gov.md/img/docs/Association-Agenda-EN.pdf), Last access: 3 November 2014.

and enhanced economic cooperation, employment policy and social work, financial management, public administration and civil service reform, the participation of the civil society, institutional development, poverty reduction and sustainable development.<sup>6</sup>

### **The new Commission on foreign policy and Moldova's aspirations**

As mentioned above, we will look at the EU's foreign policy from the viewpoint of those aspects that are relevant for the development of EU - Moldova relations. There are two widespread ideas about European foreign policy: one is that there is no such thing as a single European foreign policy<sup>7</sup>, which is why it is called the *Common Foreign and Security Policy*, and the other is that enlargement is the EU's most successful foreign policy to date<sup>8</sup>. Complementarily to this argument, Karen E. Smith, in *The Making of EU Foreign Policy*, stated that despite the lack of a coherent common position on matters of international affairs, "Since the late 1980s, however, the European Community/Union has conducted a common, consistent foreign policy towards Eastern Europe. The policy's principal aims have been to support the economic and political transformation in Eastern Europe and thus ensure security and stability in Europe"<sup>9</sup>. These opinions have implications on Moldova's European integration agenda. The "common" element in the CFSP is reflected in the attitudes towards Moldova's future among member states: we have countries that support enlargement to the east (Romania, Bulgaria, Hungary, Poland, the Baltic States) and countries that do not wish to repeat the Romanian-Bulgarian story and are acting cautiously towards the issue, although none of the latter openly declares that it is against a possible membership perspective for the tiny Eastern neighbour and they underline that Moldova has to implement the Agreement first. In her argument on the uniqueness of the EU's approach towards Eastern Europe, Karen E. Smith also states that

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<sup>6</sup> *Negocieri privind Acordul de Asociere UE – MD*, Moldova Europeană, at: [<http://infoeuropa.md/negocieri-privind-acordul-de-asociere-republica-moldova-uniunea-europeana/>], Last access: 7 November 2014.

<sup>7</sup> Jolyon HOWORTH, 'The EU as a Global Actor: Grand Strategy for a Global Grand Bargain?' in *Journal of Common Market Studies* 48(3), 2010, pp. 455-474, at: [[http://archives.cerium.ca/IMG/pdf/422\\_The\\_EU\\_as\\_a\\_global\\_actor\\_Howorth\\_2010\\_.pdf](http://archives.cerium.ca/IMG/pdf/422_The_EU_as_a_global_actor_Howorth_2010_.pdf)], Last access: 7 November 2014.

<sup>8</sup> Normally used by the Commission, there seems to be consensus among scholars as well on the issue of the effectiveness of enlargement as a foreign policy tool.

<sup>9</sup> Karen E. SMITH, *The Making of EU Foreign Policy. The case of Eastern Europe*, Palgrave Macmillan,

“The end result will be the incorporation of the former 'objects' of foreign policy into the EU as member states.”<sup>10</sup> How valid is this argument for Moldova, it remains to be seen as in the context of the signing of the AA, European leaders often state that the latter “is not the end goal”.<sup>11</sup>

Moldova, or better said Moldovan political and public opinion leaders, resonate more with the idea of enlargement as the most successful EU foreign policy. The power of attraction of Europe comes with the examples of unprecedented development and modernization of the countries from the former socialist block, the Baltic States being often used as a basis for comparison.

In the same way, we can identify two frequent tag lines for EU - Moldova relations in the framework of the Eastern Partnership: on the one hand, Europeans almost constantly refer to the relationship as one of “political association and economic integration” and the fact that the AA is not the final purpose of this relationship. On the other hand, the Moldovan authorities’ entire political discourse is built around the idea of European integration, with variations in terms of wording: European agenda, European path, European future etc.

How compatible are the two positions and where do these different approaches originate? As it has been previously stated, Moldova has not always had a “European vocation”<sup>12</sup>, in the sense of a clear political orientation towards closer relations with the West, in general, and the European Community, in particular; the reasons why that may have been the case are not the object of this paper. Nevertheless, since its emergence as an independent state, Moldova has somehow always been a part of the EU’s foreign policy, as a result of the changing geopolitical landscape, a pattern that can be observed later on in the EU’s approach towards third countries. After the collapse of the Soviet Union, in the

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London: 1999, p. 1.

<sup>10</sup> *Ibidem*.

<sup>11</sup> *Remarks by President Barroso following the meeting between the European Commission and the Government of the Republic of Moldova*, Brussels, 15 May 2014, at: [europa.eu/rapid/press-release\_SPEECH-14-383\_en.pdf], Last access: 5 December 2014.

<sup>12</sup> The phrasing is frequently used in the public discourse of different personalities (e. g. Herman van Rompuy’s press statement:[[http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ec/129864.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/129864.pdf)]) and refers to the natural geographical and historical links between the EU, taken as a whole, its Member States and the

frenzy of Fukuyama's idea that the liberal democracy had won the Cold War<sup>13</sup>, the Western states found that it was their mission to help build the new democracies. In this context, trade and association agreements were signed with the Central and Eastern European states, with the clear objective of integrating them into the Community. On the other hand, throughout the 90s, the EU concluded Partnership and Cooperation Agreements with ten former Soviet republics: Moldova and Ukraine from Eastern Europe, Georgia, Armenia and Azerbaijan from the South Caucasus, Kazakhstan, the Kyrgyz Republic, Uzbekistan and Tajikistan from Central Asia, and the Russian Federation. The purpose of these agreements was to establish a legal basis for cooperation with the new entities, in order to support and strengthen democracy, the rule of law and transition to the market economy.<sup>14</sup> The EU – Moldova PCA had no mention about prospects of integration, harmonization, or about a European future or vocation. Nevertheless, the Agreement is relevant for laying down the basis for political and economic cooperation with the EU<sup>15</sup>. Around the same time, in June 1995, the European Community was signing Association Agreements with the Baltic States, which were clearly stating that the end goal was full membership.<sup>16</sup>

In 2004, again, the geopolitical landscape changed – the Union expanded unprecedentedly towards the East. The new members naturally came with new neighbours and Brussels' response to this was the European Neighbourhood Policy – a policy framework designed with the purpose of avoiding the emergence of new dividing lines in Europe, thus creating an area of stability and prosperity. The Republic of Moldova was included in this framework, along with other 15 countries at the Eastern and Southern borders of the EU. Following the launch of the Policy Strategy Paper in May 2004, the

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Republic of Moldova.

<sup>13</sup> Francis FUKUYAMA, "The End of History?" in *The National Interest*, 1989, at: [\[http://ps321.community.uaf.edu/files/2012/10/Fukuyama-End-of-history-article.pdf\]](http://ps321.community.uaf.edu/files/2012/10/Fukuyama-End-of-history-article.pdf), Last access: 25 November 2014.

<sup>14</sup> Official website of the European Union, *Partnership and Cooperation Agreements (PCAs): Russia, Eastern Europe, the Southern Caucasus and Central Asia*, 2010, at: [\[http://europa.eu/legislation\\_summaries/external\\_relations/relations\\_with\\_third\\_countries/eastern\\_europe\\_and\\_central\\_asia/r17002\\_en.htm\]](http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17002_en.htm), Last access: 25 November 2014.

<sup>15</sup> Victor CHIRILĂ, "[Relațiile Republicii Moldova cu Uniunea Europeană](#)" in *Moldova și Integrarea Europeană*, Foreign Policy Association, 2001, p. 6, at [\[http://www.ape.md/\]](http://www.ape.md/), Last access: 26 November 2014.

<sup>16</sup> European Commission, Press releases database, at: [\[http://europa.eu/rapid/press-release\\_PRES-95-173\\_en.htm\]](http://europa.eu/rapid/press-release_PRES-95-173_en.htm), Last access: 6 December 2014.

Commission published Country Reports on the basis of which an ENP Action Plan was designed with the neighbouring country. The EU – Moldova Action Plan was adopted by the Cooperation Council in February 2005<sup>17</sup> for a period of three years, with the possibility of extension. Shortly after the signing of the Action Plan, all political parties in the Parliament of the Republic of Moldova adopted the *Declaration on the political partnership for the implementation of the objectives of European integration of the country*<sup>18</sup>, enacting European integration as the fundamental political objective of the State<sup>19</sup>. This is considered to be the first clear orientation of Moldovan authorities towards European integration. Nonetheless, the debate preceded this date: already at the end of the 90s, Moldovan diplomats had been intensely promoting the inclusion of RM in the Western Balkans Package of the Stabilization and Association Process, but the accession to the Stability Pact for South-Eastern Europe failed to bring the much desired accession perspective.<sup>20</sup>

When analysing the approaches to the European Neighbourhood Policy, it is interesting to identify concurrent discourses in Brussels and Chişinău: while the EU designs and promotes a policy that is considered to be an alternative to enlargement<sup>21</sup>, Moldovan authorities make European integration the national strategic goal. The ENP was designed on the model of enlargement tools, but without the actual participation in EU institutions. In the Commission Communication “Wider Europe”, the ground is set for the creation of a space of stability and prosperity around Europe, through gradual “economic integration, intensified political and cultural relations, enhanced cross-border cooperation and shared responsibility for conflict prevention between the EU and its neighbours.”<sup>22</sup> The

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<sup>17</sup> “The Partnership and Cooperation Agreement”, European External Action Service, at: [\[http://eeas.europa.eu/moldova/pdf/political\\_legal\\_foundations\\_en.pdf\]](http://eeas.europa.eu/moldova/pdf/political_legal_foundations_en.pdf), Last access: 26 November 2014.

<sup>18</sup> “Declarația Parlamentului Republicii Moldova cu privire la parteneriatul politic pentru realizarea obiectivelor de integrare europeană a țării”, Parliament of the Republic of Moldova, 24 March 2005, at: [\[http://old.parlament.md/news/25.03.2005/\]](http://old.parlament.md/news/25.03.2005/), Last access: 6 December 2014.

<sup>19</sup> “Relațiile Republicii Moldova cu Uniunea Europeană: de la cooperare la integrare”, Foreign Policy Association, November 2013, at: [\[http://www.apf.md/\]](http://www.apf.md/), Last access: 6 December 2014.

<sup>20</sup> Idem., p. 3.

<sup>21</sup> David CADIER, “Is the European Neighbourhood Policy a Substitute for enlargement?” in *The Crisis of EU Enlargement*, LSE Ideas Special Report, November 2013, at: [\[http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier\\_D.pdf\]](http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier_D.pdf), Last access: 6 December 2014, pp. 52 – 58.

<sup>22</sup> *Communication from the Commission to the Council and the European Parliament, Wider Europe –*



Communication clearly states that the ENP “would not, in the medium-term, include a perspective of membership or a role in the Union’s institutions. A response to the practical issues posed by proximity and neighbourhood should be seen as separate from the question of accession.”<sup>23</sup> However, the idea of enlargement is not completely rejected, as the Commission admits that for some states in the ENP the question “remains open”<sup>24</sup> and that Article 49 provides any European State with the possibility of applying. So, we could ascertain that the decision of Moldovan authorities to declare European integration as a national goal was and continues to be based on the power of Article 49 of the TEU and the idea that, since anyway it does not meet the criteria for membership yet, it must make the most out of the ENP’s offer and further on, of the EaP. Thus, when the time comes, EU Member States and institutions will not be able to reject its application.

The ENP was extensively criticised mainly for putting together, into a “one size fits all” policy, countries with very different backgrounds, history and aspirations. These differences were well expressed by the Polish Minister of Foreign Affairs, Radosław Sikorski, who divided the countries in the ENP into “neighbours of Europe” to the South and “European neighbours”<sup>25</sup> to the East, referring to Moldova, Georgia, Ukraine, Belarus, Azerbaijan and Armenia. At least three of these countries have uttered their European aspirations. The differences within the ENP, but also the Member States’ concurrent interests<sup>26</sup> in the neighbourhood, have prompted the formalization of two geographical dimensions: the French-backed Mediterranean Union to the South and the Polish and Swedish initiative on the Eastern Partnership, which includes three Eastern neighbours of the EU – Moldova, Ukraine and Belarus, and three South Caucasian countries: Georgia, Azerbaijan and Armenia.

The Eastern Partnership was launched in 2009 at the first EaP Summit in Prague

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*Neighbourhood: A New Framework For Relations with our Eastern and Southern Neighbours*, European Commission, COM(2003) 104, at: [[http://eeas.europa.eu/enp/pdf/pdf/com03\\_104\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/com03_104_en.pdf)], Last access: 8 December 2014, p. 9.

<sup>23</sup> Idem., p. 5.

<sup>24</sup> Ibidem.

<sup>25</sup> Speech by Radosław Sikorski, *A return to a wider Europe*, at: [[http://www.osw.waw.pl/sites/default/files/ministers\\_speech.pdf](http://www.osw.waw.pl/sites/default/files/ministers_speech.pdf)], Last access: 6 December 2014.

<sup>26</sup> Marcin ŁAPCZYŃSKI, *The European Union’s Eastern Partnership: Chances and Perspectives*, at: [[http://www.eapnationalplatform.ge/admin/editor/uploads/files/12\\_16/Lapczynski%202009\\_Chances%20and](http://www.eapnationalplatform.ge/admin/editor/uploads/files/12_16/Lapczynski%202009_Chances%20and)

and it represents a slight change in the narrative on enlargement and the future of cooperation between the EU and its partner states. The first argument for supporting this claim resides in the fact that the EaP was initiated by two supporters of further enlargement to the East, an initiative that was approved by the majority of MS in the Council. The second argument is the fact that it practically puts together states that are all eligible for membership on the basis of Article 49. Thirdly, in the Prague Declaration it is stated that the Partnership “will develop without prejudice to individual partner countries' aspirations for their future relationship with the European Union”<sup>27</sup>, meaning that partners will be able to pursue their interests at the bilateral level. Nevertheless, the EaP was also criticized, mainly for the same reasons as the ENP: the “one size fits all approach”, different levels of aspirations between partners, discrepancies in terms of implementation of reforms, different political systems, and lack of incentives<sup>28</sup>. Despite such criticism, we could state that for Moldova, the Partnership was a rather favourable platform for pushing ahead its interest, whilst gaining points especially from the comparison with other partners' performance, earning the title of “success story” or “front runner”<sup>29</sup> of the EaP. In the five years since the launch of the policy, which coincided with the pro-European Government that came to power in 2009 in Chişinău, the Republic of Moldova has advanced considerably towards its European integration goal. It has attained almost entirely the four objectives set in Prague in 2009: political association and economic integration, mobility, sector cooperation and energy security. The four objectives can be translated into: the signing of the Association Agreement, including the DCFTA; the first partner to obtain a visa-free regime, the first country to participate in the Horizon 2020 Programme, and the achievement of building a gas pipeline that connects Moldova to Romania, thus having its first alternative source of natural gas.

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%20Perspectives%20-%20143.pdf], Last access: 2 December 2014, p. 144.

<sup>27</sup> “Joint Declaration of the Prague Eastern Partnership Summit”, Council of the European Union, Prague, 7 May 2009, at: [[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/107589.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf)], Last access: 2 December 2014.

<sup>28</sup> Jos BOONSTRA and Natalia SHAPOVALOVA, *The EU's Eastern Partnership: One year backwards*, Working Paper, FRIDE, May 2010, at: [[http://fride.org/download/WP99\\_EP\\_ENG\\_may10.pdf](http://fride.org/download/WP99_EP_ENG_may10.pdf)], Last access: 2 December 2014.

<sup>29</sup> *Eastern Partnership Index 2013 for Eastern Partnership Countries*, European Partnership Index, at: [[http://www.eap-index.eu/sites/default/files/EaP\\_Index\\_2013\\_0.pdf](http://www.eap-index.eu/sites/default/files/EaP_Index_2013_0.pdf)], Last access: 2 December 2014.

Having tackled the major objectives of the partnership, but also taking into account the Ukrainian crisis, the Partnership is under a review process, which many and especially Moldova hopes will be adapted to the new realities and officially offer membership perspective to those states that seek it. The challenge will be to find the right phrasing that will allow countries with diverging aspirations (e. g. Moldova and Armenia) to continue cooperating in the framework of the policy.

### **The EU and Moldova: public discourse and its implications**

2014 was an electoral year for both the EU and the Republic of Moldova. So, it appears to be relevant to examine the public discourse that after the elections should shape policies, steer reform processes and provide guidelines for Governments. We have departed on the quest of analysing Moldova's European perspective by wondering how Moldovan and European political leaders will accommodate two apparently non-matching lines of discourse.

First of all, Jean-Claude Juncker, the new president of the European Commission, run his campaign on the promise that there will be no enlargement during the next five years. At the same time, in Chişinău, the parties that form the pro-European Government run on the idea of continuation of the European integration process, even more so, with the promise of applying for membership in Riga in 2015 and acceding to the EU in 2020. At first sight, the two narratives sound contradictory, but on closer examination we could read that Juncker's electoral programme does not speak about any impediments to starting accession negotiations. Hence, if Moldova does its homework, it could prepare for accession in 2020, one year after the Juncker Commission's tenure. Positive but cautious messages continue to come from Brussels in the same line with the narrative of the previous leaderships. Ex-President Barroso, as well as the Ex-Commissioner for Enlargement and Neighbourhood, Stefan Fule, used to constantly state that "the AA is not the end goal of our cooperation"<sup>30</sup>. The new Commissioner for Neighbourhood Policy &

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<sup>30</sup> Jose Manuel BARROSO, "Remarks by President Barroso following the meeting between the European Commission and the Government of the Republic of Moldova", Brussels, 15 May 2014, at: [\[http://europa.eu/rapid/press-release\\_SPEECH-14-383\\_en.pdf\]](http://europa.eu/rapid/press-release_SPEECH-14-383_en.pdf), Last access: 3 December 2014.

Enlargement Negotiations came to Chişinău on his first visit in this new position stating that “One day Moldova will be part of a united Europe. It must be step by step.”<sup>31</sup> Moldova, on the other hand, insists on the end goal, the official recognition of membership perspective being the first step in achieving this goal. Its perseverance derives from the fact that membership might be the only incentive powerful enough to drive reforms forward, which is actually why the EU calls the enlargement policy its most successful foreign policy tool.

The diplomatic relations between Romania and the Republic of Moldova started in 1991, upon the proclamation of independence of the Republic of Moldova, on 27<sup>th</sup> August 1991, Romania being the first state to recognize this act. These relations have exhibited a sinusoidal character, reaching a maximum of cooperation in the period of the pro-European Moldovan governments, formed after the early elections from July 2009.

By analysing the history of bilateral relations from a chronological perspective, we may state that the years 1991-1994 are known as the idealistic period; during those years there were signed agreements to establish diplomatic ties, a special visa regime was established for Moldovan and Romanian citizens to travel across the border with nothing more than their identity cards, and Romania donated books to libraries in Moldova. The entry of Moldova into the Commonwealth of Independent States determined Romania to publish a statement of protest in this regard. Thus, on 14<sup>th</sup> April 1994, the Chamber of Deputies proclaimed: “The vote of the Parliament in Chişinău regrettably reconfirms the criminal Pact and irresponsibly cancels the right of the Romanian nation to live in the integrity of its historical and spiritual space. By geographical location, culture, history and traditions, the natural place of our brothers across the Prut is, without a doubt, along with us, in the great family of European nations and not in the framework of a Euro-Asian structure.”<sup>32</sup>

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<sup>31</sup> “Johannes Hahn: În următorii cinci ani trebuie să întreprindem acţiunile necesare pentru ajustarea economiei Republicii Moldova la standardele UE”, Press Release, Presidency of the Republic of Moldova, 6 November 2014, at: [<http://www.presedinte.md/rom/presa/johannes-hahn-in-urmatorii-cinci-ani-trebuie-sa-intreprindem-actiunile-necesare-pentru-ajustarea-economiei-republicii-moldova-la-standardele-ue>], Last access: 3 December 2014.

<sup>32</sup> *Declaraţie din 14 aprilie 1994 privind aderarea Republicii Moldova la Comunitatea Statelor Independente*, Monitorul juridic, at: [<http://www.monitoruljuridic.ro/act/declaratie-din-14-aprilie-1994->

This moment is followed by more distant diplomatic relations, influenced by the agrarian-democratic Government until 1998, but also by the victory of the communists in the elections of 2001. The change of Government in Chişinău after the elections and popular protests in 2009 resulted in a return to good diplomatic relations between the two countries, which is highlighted by the signing of several bilateral agreements. Some of the most important are: the Common Declaration on the establishment of a strategic partnership between Romania and the Republic of Moldova for the European integration of the Republic of Moldova (27<sup>th</sup> April 2010), which is followed by an Action Plan for its implementation on 3<sup>th</sup> March 2012; The Agreement for Non-Refundable Financial Aid amounting to 100 million euro (27<sup>th</sup> April 2010) and the two Additional Protocols which extend areas of cooperation; the Common Declaration of bilateral cooperation on energy security (17<sup>th</sup> July 2012) and the Agreement on Local Border Traffic (November 2009). To these are added a large number of sectorial cooperation agreements in various areas such as finance, justice, trade, business environment, transport, social security, education, agriculture and environment.<sup>33</sup>

The signing of the Action Plan for the implementation of the Common Declaration on the establishment of a strategic partnership between Romania and the Republic of Moldova for the European integration of the Republic of Moldova led to the creation of the Intergovernmental Commission for European integration. The purpose of this Commission is to create a bilateral mechanism for cooperation, so as to support, through concrete projects and experience exchange, the European path of the Republic of Moldova. The first session of this Commission was held from 2<sup>nd</sup> to 3<sup>th</sup> July 2012. The representatives of the Governments of the two countries held discussions on finalizing the process of rendering the Agency for Food Safety of Moldova operational, so as to ensure a relationship of cooperation with similar institutions in the EU and the development of a functional market economy.

The second session of this Committee was held on 31<sup>th</sup> March 2014, in Chişinău.

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[pentru-aderarea-republicii-moldova-la-comunitatea-statelor-independente-emitent-camera-deputatilor-publicat-n-3763.html](#)], Last access: 27 November 2014.

<sup>33</sup>*Regional cooperation*, The Embassy of Romania to the Republic of Moldova, at: [<http://mae.ro/node/1421>], Last access: 20 November 2014.

During the meeting, the parties specifically discussed Moldova's European integration, focusing on the implementation of the Association Agreement. Representatives of the two Governments were divided into thematic workgroups focusing on the rule of law, internal affairs, agriculture, the veterinary field and food security, approximation and regulatory harmonization.<sup>34</sup>

Romania is the second trading partner of Moldova, after Russia. Thus, in 2013, the total volume of trade with the Republic of Moldova was about 1,383 billion dollars (7,8% more compared to 2012).<sup>35</sup> According to the National Bank of Moldova, the total stock of Romanian investments attracted in Moldova before 2013 amounted to approximately 174,43 million US dollars<sup>36</sup>, in areas such as trade, finance, manufacturing and real estate.

Another important aspect of the special diplomatic relations between the two countries is represented by the educational system. Romania annually allocates a number of 5,000 scholarships, through a European programme, for young Moldovans, applied since the academic year 2002-2003. According to this procedure, Moldovan candidates can directly apply for the universities or schools in Romania that they wish to study at, and in addition to the funding of studies, they also benefit from accommodation services, medical coverage and allowance for internal transport.

Furthermore, the Republic of Moldova is the priority country for the Official Development Assistance (ODA) of Romania, in accordance with the National Strategy on the National Policy for International Development Cooperation and the Action Plan for its implementation, adopted by Government Decision no. 703 of 31<sup>th</sup> May 2006.<sup>37</sup> The sectorial priorities of Romania within the ODA plan in Moldova are: good governance, strengthening democracy and the rule of law, agriculture and sustainable economic

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<sup>34</sup> *Vizita ministrului Titus Corlăţean în Republica Moldova*, Ministry of Foreign Affairs, Press Release, 30 March 2014, at: [<http://www.mae.ro/node/25678>], Last access: 23 November 2014.

<sup>35</sup> *Relaţia politică bilaterală*, Ministry of Foreign Affairs, at: [<http://www.mae.ro/bilateral-relations/1677#827>], Last access: 23 November 2014.

<sup>36</sup> *Relaţii comercial-economice*, The Embassy of Republic of Moldova Romania, at: [<http://www.romania.mfa.md/trade-economic-relations-rom-ro/>], Last access: 23 November 2014.

<sup>37</sup> *Cadrul strategic*, Official Development Assistance, at: [<http://www.aod.ro/cadrul-strategic.html>], Last access: 17 November 2014.



development, environmental protection, education and health.<sup>38</sup>

Amid Moldova's integration endeavour into the European structures, Romania plays the role of initiator, and this is determined by the diplomatic relationship between the two countries. The relation between Romania and Moldova has a special character, influenced by the strong historical and cultural traditions of the two states, but also by a number of practical considerations, such as the trade sector, cooperation on the energy security of Moldova, support for the European integration process and cooperation on regional initiatives for Central and South-Eastern Europe.

Romania's support for Moldova's European path has a pragmatic interest - that of ensuring stability and security in the area located at the Eastern border of the country, which has become a NATO and EU border. In this context, Romania advocates on the international stage for the inclusion of Moldova in the European countries' group, and not in that of the Asian partnership.

Moldova's European Agenda seeks to expand cooperation with the EU in order to advance its European integration process. Hence, diplomatic relations between the two entities pursue the development of the country in accordance with the European model, based on the principles of the rule of law and the market economy, through a gradual participation in EU programmes and policies, but also by aligning national rules and standards to those of the EU. A relevant aspect of the Europeanisation process is the relationship between authorities and civil society. This refers to the creation of a public policy process which is more transparent in the eyes citizens, more coherent and more predictable, through collaboration with the media.

The implementation of reforms in accordance with the Agenda for European Integration is coordinated by the Governmental Commission on European Integration, chaired by the Prime-Minister of the Republic of Moldova. The Governmental Commission's work is coordinated by its Secretariat, which is responsible for monitoring and ensuring the implementation of EU reforms. At the same time, the Ministry of Foreign Affairs and European Integration provides permanent political dialogue with EU

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<sup>38</sup> *Raportarea asistenței oficiale pentru dezvoltare*, The Embassy of Romania to the Republic of Moldova, at: [<http://mae.ro/node/1419>], Last access: 23 November 2014.

institutions and Member States.<sup>39</sup>

The achievement of the objectives set out by the EU-Moldova relations will determine the deepening of the European process and will lead the Moldovan state closer to membership. Following this path, the Republic of Moldova should become a more democratic state, with a standard of living similar to that of EU states, and the political and economic relations between the two entities will result in more interdependence, at least in the long term. At the same time, the European Parliament once again expressed its support for the European integration of Moldova, due to the full ratification of the Association Agreement by the end of the European Commission's mandate. In addition, one of the main objectives of the Moldovan Government is to gain the European Union's support for the resolution of the Transnistrian conflict. In a press release recently submitted by the European Parliament to the Republic of Moldova, the European institution deemed irresponsible the action of the Transnistrian region to address the Russian Federation concerning its recognition as an independent state. At the same time, the European Parliament called for an open and honest dialogue with Russia in order to develop a synergy that would be in the benefit of the Eastern partnership countries.<sup>40</sup>

In this article we set out to answer two main questions: how will the two narratives coming from Chişinău and Brussels result in Moldova's reaching its European integration objective and, secondly, will the newly acquired association status be followed by officially entering the select club of future members?

Based on the analysis of the two different narratives, we have been able to conclude that there is a strong reliance in the Moldovan society on the power of external factors in pushing reforms forward. At the same time, for Brussels and European capitals, Moldova is a two-sided coin: on the one hand, they cannot make the mistake of accepting an unprepared member and on the other hand, if Moldova succeeds in its modernization endeavour, then it will become another proof of the success of the EU's "transformative

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<sup>39</sup> *Relațiile Republicii Moldova cu UE*, The Embassy of Republic of Moldova to Romania, at: [<http://www.romania.mfa.md/relatiile-moldova-ue/>], Last access: 25 November 2014.

<sup>40</sup> *Parlamentul European recunoaște perspectiva Republicii Moldova de a deveni membru al UE*, The Embassy of Republic of Moldova to Romania, at: [<http://www.romania.mfa.md/noutati-eu/497229/>], Last access: 25 November 2014.

power". Thus, whether Moldova will obtain membership perspective in 2015 depends on how well the state will perform in implementing the reform agenda and also on the Moldovan diplomats' ability to promote their country's interests in the capitals, here of great importance being the power of the supporters - Romania, the Baltic States, Poland, Hungary - to influence the cautious member states. At same time, the first factor will be very much influenced by the "honeymoon" period of the new Government in Chişinău, which is expected to pass crucial laws in the first months. Moreover, given the narrow win in the elections, the three parties currently negotiating to form a pro-European Government have won a bill of confidence from citizens that they may not get a third time. This is also the reason that makes the 2020 scenario plausible: if by the end of the mandate, in 2019, the pro-European parties will not have started accession negotiations or at least received candidate status, in the 2019 parliamentary elections they will have no ballot to run on.

Therefore, the relationship of cooperation between Moldova and the European institutions has as its main goal the advancement of the European integration process. For Moldova, signing the Association Agreement involves commitments which follow the development of the European governance model, by respecting the rule of law and the market economy. On the other hand, for the EU, through the European Commission's voice, this is an ambitious project, whereby the EU offers the chance to an Eastern State to reform its institutions, fight against corruption and modernise its economy.

In conclusion, we should underline that Moldova's European integration policy pursues internal reforms in accordance with EU standards, while exploiting all the benefits deriving from its participation in EU designed policy frameworks, with the aim of developing and modernising the state.

Thus, European integration acts as a catalysing factor for difficult reforms, while also mainstreaming foreign policy towards a centre of power.

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## **EU'S GORDIAN KNOT? (ACTUALLY) REFORMING THE EUROPEAN COMMISSION: NEW IDEAS IN NEW TIMES**

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**Abstract:** *In the summer of 2014, a set of new ideas concerning the much expected reform of the European Commission was promoted by an influential think-tank from Brussels, "Friends of The European Commission". Given the shape the Commission took since November, it seems that that new President, Jean-Claude Juncker, was inspired by the proposal. Six vice-presidents were appointed in order to manage and prioritise policies and initiatives coming from the other 21 European commissioners. Questions arise, however, if the Commission should be restructured in this way, as there are other issues that influence the redesign. And they do not come risk-free.*

**Keywords:** European Commission, reform, New Europe, clusters.

Like never before, after 60 years, the European Union is confronted with economic, social, geopolitical and identity issues of the largest extent. Unlike precedent crises – the first major one of the EU occurred in 2005, with the rejection of the 'Constitutional Treaty' –, this particular moment needs efficient and precise answers, based on finely tuned analysis deserving the entire attention of the decision-making actors. Among others, those who have to come up with solutions are the European institutions themselves, especially the European Commission, the 'mastermind' of the integration process. In this respect, the question on everybody's lips is one and only: how to properly reform the Commission in such ways that it meets the demands of efficiency and legitimacy? Jean Claude Juncker's

pragmatic idea to ‘install’ this sort of superclass-commissioners might be a *modus vivendi* for the 5 years to come, accepted by the member States because of the political circumstances of 2013-2014 – but it will definitely pose problems of legitimacy when times will settle (Rhinard, 2014).

The never-ending flow of critics recommended, for years already, that the Commission should embrace a more political and global approach of the European affairs, instead of the well-known technicist and sectorial one, which proved to have turned against the EU’s Commission ability to play a key-role in relation to the member States and the public opinion. We would rather need a Commission whose own *unité dans la diversité* proves to be a truly united one, as the diversity is already assured by the action of the 28 Commissioners. As for the main project of reform, shall we remember that the most frequent one regards the **downsizing** of the Commission, in any possible manner that would preserve a balance between the transnational power of the European institution and the member States (Zuleeg, 2014; Giuliani, 2014). The rotating solution, suggested almost 10 years ago – and which we mention below –, failed to gather the needed support from member States.

As always, then and now, it was a matter of legitimacy. A profound, legitimate and efficient reform of the Commission would have to take into account secondary political aspects, and to be less oriented towards the idea that only cutting size matters in reform. Reforming the Commission is not there to please eurosceptics, nor the public opinion – reforming the Commission is to make Europe more efficient.

Among the many projects suggested in the last year – and leaving aside Valéry Giscard d’Estaing’s most interesting book “Europa” (2014) – what can certainly attract the interest and the hopes of the europhiles might be the **clusters** model proposed back in July by the “Friends of the European Commission”, a think-tank including former EU officials and some of the leading businessmen of Europe (FEC Proposal, 2014).

But the debate was not as heated as it was lengthy over years and with little effective results. The setbacks were numerous and eroded the conviction that, whatever happens, the EU will in due course adapt to circumstances and adapt its institutions. They did not. Too much confidence? Too much empirism? Eurofatigue settling in? Whatever the

answer, the eurocrisis of 2010 came down crushing upon institutions who did not develop, since the 1970s, immediate-response reactions and aptitudes. Even worse, the reactions and especially the answers given to the crisis, colliding with national interests – exacerbated in the meanwhile –, multiplied it instead of easing it. Europe stood at a double loss: of credibility and of integration.

As a conclusion of the last (almost) 5 years of expressing adverse opinions to the integration process, one can identify not only the ‘grudges’ targeting Brussels, but, within these, an entire set of issues that need to be taken into account.

## **1. What to take into account when designing the reform?**

Political aspects, first of all.

(a) the members of the Commission are not elected. Therefore, the political legitimacy of the Commission is reflected through three features: national representativity (1 Commissioner / member State); the close connection to the European Council; the close connection to the European Parliament, whose members have a decisive role in the appointment of the Commission.

(b) the necessity that the principle of “collegiality” is effectively applied, no matter the size of the College; subsequently, it is up to the president of the College of Commissioners – president of the European Commission – to deal with this aspect.

(c) the powers of the Parliament increased through various treaties since the 1990s. Paradoxically, relying on the European Council seemed more legitimate in times of crisis affecting the member States; in more ‘serene’ days, the Commission would have been the one more influent, if properly presided. Resulting question: will it actually be more influent if the size of the College is reduced?

Secondly, some functional changes – based on the political aspects – seemed to detach themselves from the general frame of the reform debate.

(a1) the legitimacy and the efficiency of the Commission are determined by the profile of its members, whose selection fully depends on the member States, under the

Parliament's control. Which means that a good Commission needs **good members** appointed by the member States. No subsequent critics allowed.

(b1) a more vertical structuring of the Commission would have to take into account the responsibility distribution between the members of the College, first of all, as well as a new status for the six vice-presidents, whose superiority has to be determined by their **political credence**, and not as a compensation for the technicality of their field, as their appointment indicated.

(c1) the president and the vice-presidents of the Commission should coordinate the activities of the rest of the College based on the **proximity of their fields**. This would lead to the constitution of clusters, even if their limits may end up being less defined than expected.

Thirdly, a legal consolidation of these functional changes. Which means:

(a2) if the cluster model is accepted as a working frame, the internal rules of the Commission should be revised in order to facilitate this system, i.e. by openly designating and defining the supplementary powers granted to a vice-president, and by explaining the adjacent and subsequent powers of such a position;

(b2) after having received the power to select the members of the College, the president should be able to appoint himself the commissioners. The member States should know that this change in the letter of the treaties would rather bring the right people into the right positions, and would offer the president more 'vertical' powers.

The aspects pertaining to the legitimacy and the efficiency of the Commission are variable in nature: **geopolitical, legal, technical** and also **human**, and can be discussed with more or less acceptance. (Bertoncini, Kreiling, Barroso, Delors and Vitorino, 2012.) In itself, in the eyes of an institutionalist or of a specialist in EU Law, the double legitimacy of the Commission corresponds to the **double nature of the Union**, which is a union of Europe's citizens from 28 nation States and a union of the States themselves into a federative entity (Burgess, 2002; Majone, 2009). But this very dual source brings forward diplomatic and civic concerns.

## 2. **Diplomacy and political community: reasonable interests?**

Diplomatic concerns arise because, given the power of the European Commission (especially the legislative monopole and the EU-law enforcement responsibility), every member State is adamant to be represented in the Commission – and that in a permanent manner.

When it comes to downsizing the Commission, a non-permanent representation of a member State was contemplated. The concept of non-permanence was brought up in the weeks preceding the Treaty of Nice who configured a “system of strictly equal rotation between the member states, reflecting the demographic and geographical range of all the member states”. It was also a stipulation of the “Constitutional Treaty”. Distressing for some EU members, and following the Irish rejection, the European Council decided to use the flexibility provided by the article 17§5 of the Treaty not to implement the reform, thus maintaining the principle one member state = one commissioner.

The proviso was therefore null in solving the problems of efficiency and was subsequently revised in order to reframe it. However, it proved again (if necessary) the importance of legitimacy issues, that were – and still are – invoked on at least two *other* counts:

- bigger member States (historical great Powers at their prime) feel that being equally represented in the Commission does not reflect the true influence and power of their countries, as it used to be prior to the Treaty of Nice (when densely populated Europeans countries, such as France, Germany, Britain and Italy had the right to two representatives);

- more recently, Eurozone members felt apprehensive with decisions taken by a Commission where 33% of the members belong to countries outside the Eurozone.

Civic issues were added to this diplomatic conundrum, as the Commission benefits from a substantial input from the European Parliament.

The representativeness of the Commission derives, especially since 2014, from its connection to the European Parliament elections: according to article 17§7 of the TEU, the Commissioners must be endorsed by the European Parliament; in addition, the College can

be censured by the European Parliament. What the Lisbon Treaty did was to introduce a more *formal* link between the *designation* of the president of the EU Commission every five years and the results of the European elections (for the same period of time), even if the president would still be duly appointed by the European Council. As we saw in May 2014, the major political parties of the EP used this entirely new specification of the Treaty of Lisbon to inspire a more direct connection between the vote of the citizens and the new presidency, thus trying to exert more influence upon the choice of the European Council. Mass-media analysts expected that a dispute occurs between the EP's political groups and the European Council – yet, pragmatism took over, and a 'deal' was finally closed in order to support the winning candidate in the May 2014 European elections: the EPP and Jean-Claude Juncker (Bertoncini, Chopin, 2014).

As for the rest of the members of the Commission, they are chosen by “the Council, in common agreement with the president elect”, while the College is “subject as a body to a vote of consent by the European Parliament” (TEU, 17§5). Ultimately, the European Parliament's input is the nomination and the election is very limited; yet, the hearings organised by the parliamentary committees can – and do – have an impact on the result of the appointment process, as proved in 2004, 2009 and 2014: either by rejecting the proposed commissioners when they are considered unfit or problematic, or by influencing the distribution of the portfolios, based on the personal profile of the commissioners and on their political affiliation – which are key elements for efficiency and legitimacy.

### **3. A more dynamic Commission. For once**

With 28 members, the College of the European Commission looks as if it is rather a “COREPER III” (Guigou, 2014): an area of intense negotiation, less (if not ‘un-’) able to adopt European initiatives based on what is considered to be EU's general interest. While nation States diminished the number of their ministries (20 for Germany, 17 for France, etc), with 28 members the Commission is already managing enough portfolios – others would say too many. Initiatives arise individually from each one of the commissioners

instead of seeing the Commission focus more effectively on the priorities and on the number of such initiatives.

Moreover, given the criticism related to the lack of vision of Barroso's second Commission, it has to be now that **the profile of the commissioners chosen by the Council is more adapted to the real needs of Europe**. There is a need for *real political actors*, if we want a dynamic and adaptable Europe.

It is in this way that Europe could acquire functional and substantial developments, mainly based on the political game. Because if the Commission's legitimacy and efficiency can continue to be a dual-based one, deriving from the European Council and the European Parliament, its functioning and impact should and could be improved by implementing three major changes:

- (1) in the profiles of the commissioners – which should be more political;
- (2) in a better-thought role of the vice-presidents; and
- (3) in the powers of the president of the Commission (FEC, 2014, pp. 3-4).

It is an unquestionable fact that the Eurozone is the core of the political union, and that the Schengen space perfectly overlaps this core; ever since the creation of the Economic and Monetary Union and of the “Schengen area”, the presidents of the European Commission belong to countries involved in these two major spheres of the European integration. In our opinion, it seems highly desirable to continue applying such a rule, given the present-day sensitive debates generated around Europe's currency and the delayed enlargement of the Schengen area. The same is valid for the position of “Ecofin” commissioner, who should continue to be filled by a political figure from a Eurozone country.

What can be modified and adjusted is a more discerning appointment of the commissioners: in other words, giving the right commissioners the right places, with a stress on their proactive profile and willingness to serve the European institutions, as well as to work with the Council and the European Parliament.

The president of the Commission should be combining three decisive elements in his persona: (a) a constructive partnership with the College; (b) making use of all the



powers of the Commission (especially the right of initiative, ignored in the last five years) and, last but not least, (c) promoting both a clear and overarching vision of the EU's future.

The commissioners themselves, when proposed by the member States, should be nominated – or ultimately chosen – on the basis of their proven or potential contribution to the European interest, and not for reasons of domestic politics or popularity. (In this, article 17§3 of the TEU is specific.) The candidate should also be a match in terms of concrete needs of the institution and its internal organisation.

At the immediate level of the Commission vice-presidents, their “general competence”, “European commitment” and “independence” (as required by the TEU art. 17§3), should “beyond doubt”. This would facilitate their coordinating role within the new design of the European Commission, if it were to see the “cluster” system put into practice. The president of the Commission could play an increased and reinforced political role vis-à-vis the College, not only as a member of the European Council, but also if nominated and chosen among the candidates who have political and electoral experience.

What should be preserved is the majority rule (as defined by the TFEU art. 249). The simple majority rule is truly a functional advantage for the Commission; the decisions can be taken much more easily than in the Council (qualified majority or unanimity) and even more easily than in the European Parliament (where a majority of its component members or a two-thirds majority are sometimes required).

#### **4. What would – and could – change?**



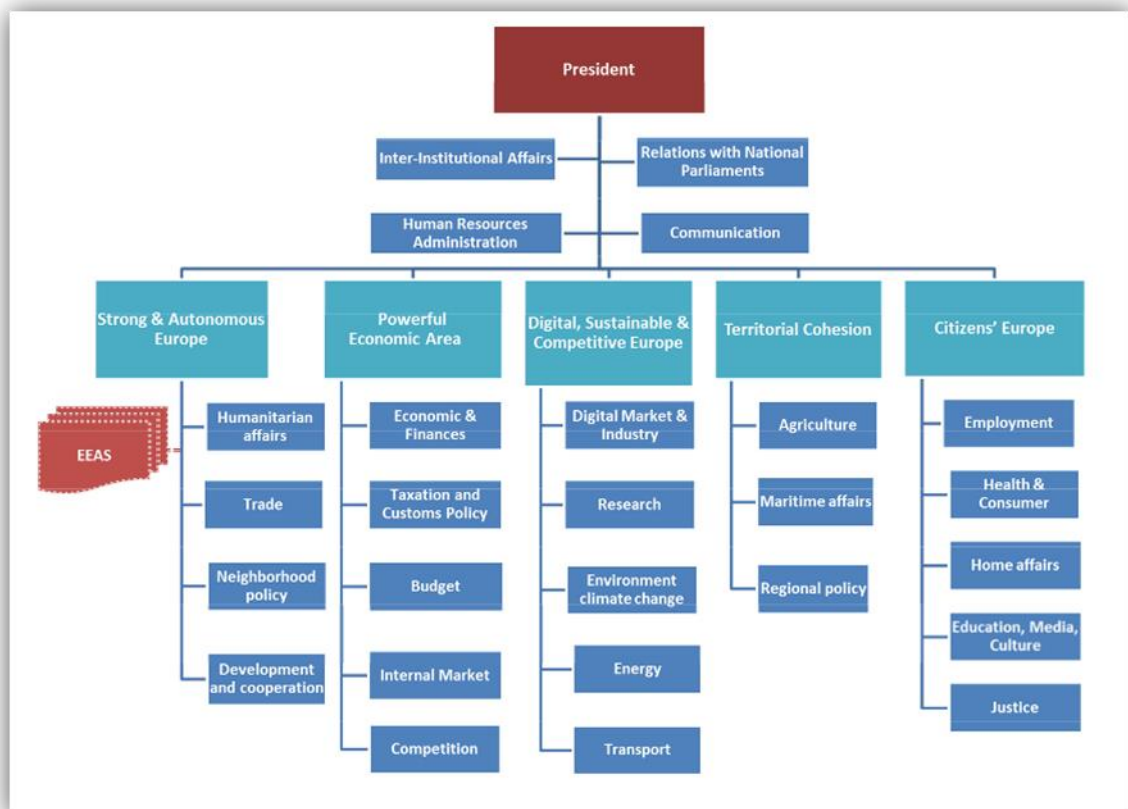
Structure of the European Commission under J.C. Juncker's presidency. Source:  
[http://ec.europa.eu/about/structure/index\\_en.htm](http://ec.europa.eu/about/structure/index_en.htm)

First, the College would be properly transformed and led by real vice-presidents. The Commission's internal hierarchy should not only rely on the president's power to structure and allocate responsibilities among its members, but also on a new use of the status of the six vice-presidents of the Commission (the first vice-president plus the five vice-presidents): on the basis of the article 248 of the TFEU, the president should choose these six vice-presidents according to their political authority, and, again, not to compensate the narrowness of their portfolio.

According to the Proposal, *“the Vice-Presidents should exert effective coordination among the Commissioners of the cluster. Such coordination could be made easier by procedural rights, such as setting the agenda, deciding whether to invite Commissioners from other clusters and discussing with the President the follow-up to cluster discussions. Each Vice-President should be responsible for a particular portfolio from his/her cluster with the exception of the High Representative / Vice-President who is also assisted by the EEAS [European External Action Service]. Each Vice-President should organize a weekly meeting with the Commissioners of the cluster. The President could attend at his/her discretion. The role of the Vice President within a cluster should not affect the concept of “lead DG”. A Vice-President could in some exceptional cases delegate his/her*

*responsibility to another Commissioner. In the case of the High Representative/Vice President, such delegation would only concern the Commission's portfolio so as to remain a purely internal procedure.” (FEC, p. 4)*

This heptagon of power (the president plus the six vice-presidents) should work in coordination with the other 21 commissioners, whose portfolio could be inter-connected to their seven respective spheres of competence, on the basis of a “cluster system”.



Possible organisation of the European Commission around clusters (source: “Friends of the European Commission” Proposal, p.2)

What we see is more than 5 clusters: the **presidential** one; the **EEAS** / European External Action Service (which can be a cluster in itself or can be joined either to the first, or to) **Strong and Autonomous Europe**; the **Powerful Economic Area**; the **Digital, Sustainable and Competitive Europe**; the **Territorial Cohesion**; and **Citizen's Europe**.

The format and attributions of some of the clusters can be guessed as quite obvious and consistent (i.e. the “presidential” one, gathering transversal political missions and the “External relations” cluster). Some other clusters would concern some European self-assumed missions (such the internal market, the cohesion, the networks, the European citizenship, etc.), while another category reflects functions which are often reunited on the same basis at the national level (i.e. “Ecofin” or “Social affairs” clusters).

Of course, the clusters to-be-created could naturally be put together on different bases: employment and social affairs could merge with the economic area, in ways that could help create a more integrated vision of economic and social development. A most necessary cluster dedicated to European-wide investment could be also built, gathering all the commissioners and those of the DGs responsible for the main European expenditures (with the notable exception of external and home affairs). Those of the commissioners who are not formally member of a cluster could be invited to attend its meetings on an ad-hoc basis. Such as in the multiannual financial framework, the clusters could be named in close connection the political objectives they have (Digital Market, Competitiveness, Cohesion, etc.).

As the Proposal suggests, *“each cluster should be responsible for coordinating and providing strategic guidance, with the result that cluster Commissioners, under a kind of “gentlemen’s agreement”, follow the agreed line. The collegiality principle should prevail in the cluster (same principle as in College). Clusters are making proposals which can become decisions only after their formal approval by the entire College of the Commission.”* (FEC, p. 4).

Other suggestions concern: the Directorates-General (which should be *“responsible for implementing the measures needed in order to attain the agreed political objective of their cluster”*), the Secretariat General (seen as *“responsible for the coordination/monitoring of the achievement of the political priorities”*, for facilitating *“the internal decision-making process in particular in case of disagreements between clusters”* and for its contribution *“to more transparency in the decision making of secondary legislations”*), the Relations with National Parliaments (placed under the competence of a Commissioner reporting directly to the President, who should also provide *“a regular*

*update on the achievement of the agreed political priorities to the 28 national parliaments*”, *“facilitate and effectively enable national Parliaments to carry out subsidiarity checks on draft EU legislative acts and possibly object to the draft”*) and the Financial Control and Evaluation of the Commission’s activities (supervised by a revised Impact Assessment Board which *“could be externalized to another body which does not belong to the European Commission or should at least be enlarged to non-Commission officials”* taking into account *“performance budgeting (...) one of the key challenges of the next Commission”*).

## 5. Conclusion

Can we conclude when it comes to an on-going debate? The Proposal is certainly one of the best ideas on market since July (Fleming, 2014), and most probably influenced Juncker’s move to “vice-presidentialise” the Commission. What was certain is that the Commission was, until this year, stretched to its limit in order to deal with increasing demands – political, economic and social –, while maintaining its prerogatives. What was a functional principle of collegiality among commissioners has been undermined in time because of the ever-increasing number of commissioners. Commissioners proved often to be working within some sort of ivory-towers, lacking institutional coordination and operational efficiency. Ideally, their number should be reduced, as foreseen by the Lisbon Treaty, but this does not seem politically feasible in the foreseeable future.

The creation of powerful vice-presidents was criticised (Rhinhard, 2014) for undermining, first, the principle of collegiality in the Commission, and, second, the very important demand *“for improved leadership and political direction in the College”*, which emerged after the resignation of the Santer Commission in 1999. (Back then it was a proof that the president had a poor grip over the College). Is this mistake to be repeated? New treaties gave the president more power, *“but a particularly skilled vice-president, through force of personality or coalition building, might build his own authority capable of challenging the president’s leadership”*. The outcome could be just policy coordination and a Commission lacking leadership...

Time would tell. But that is exactly Europe's problem: running out of time.

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## **THE EUROPEAN COMMISSION'S WORK PROGRAMME- PROGRAMMING INSTRUMENT OF THE EU ANNUAL LEGISLATIVE PROCESS**

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**Abstract:** *In the European decision-making process, the multitude of work instrument configures a consistent, pragmatic and effective result. The European Commission's work programme represents one of these instruments. Its annual configuration follows a procedure that indicates tight connections between the three European institutions. The Priorities of the Commission are announced through the Orientations of the European Council and later subjected to debate in the European Parliament within the known legislative process.*

**Keywords:** European Commission, Annual Work Programme of the European Commission, European Council, European Parliament

In the attempt to decipher the complicated but effective European decision-making process, the analysis of the „Annual Work Programme of the European Commission” (CWP) represents a necessary and essential stage. With reference to the CWP, we can observe that this is in reality an intention announcement regarding the legislation that the Commission has in mind for the year following the publishing, an announcement that supports nonetheless precise, chronological and especially programmatic endeavours.

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The year 2014, as a European electoral year, offers us the opportunity to analyse the CWP in its complexity. Stemming from the will of the European political elite to ensure an articulate link between the electoral process and the configuration of European institutions

after the elections in order to offer a greater legitimacy to the options of the European voters, an intention emphasised in the below-quoted documents, the entire developmental process that led to the emergence of the CWP for the year 2015 becomes even more logical.

To follow the chronology of the European year 2014, with the Parliamentary elections in May, which configured the composition of the institutional tripartite scheme, we begin our analytic endeavour with the June 26-27 European Council and its Conclusions, a moment that provided the first orientations of the future 5-year term of the European institutions through the „Strategic Agenda” assumed at that time. „In this context, the European Council agreed upon the strategic agenda including the key-priorities for the forthcoming five years. The Council invited the EU institutions and the member states to put into practice these priorities in their activity.”<sup>1</sup> In the European decision-making process, the moment June 26-27 represents a starting point for numerous strategic aspects, among which CWP as planning of the legislative initiatives meant to support the latter effort. „The European Council defined the strategic orientations of the legislative and operational planning for the forthcoming years within the space for freedom, security and justice (see chapter I below) and also approached a series of additional horizontal aspects.”<sup>2</sup> Hence, in annex 1 of the above-mentioned document, the European Council announces the 5 priorities of the new European legislature. „The European Council agreed upon the five global priorities that will orient the activity of the European Union in the next five years: stronger economies with more jobs; societies that were given the capacity to autonomise and protect; a safer energetic and climatic future, a trustworthy space of fundamental liberties, a common effective action on the world scene.”<sup>3</sup>

At the same period, the European Council also takes the decision regarding the future leader of the European Commission, whose term was about to commence. „The European Council agreed to nominate Jean-Claude Juncker in front of the Parliament as a presidential candidate for the European Commission.”<sup>4</sup> The follow-up of the document we make reference to grants Jean-Claude Juncker the strategic orientations taken in the document he assumed, under the title „Political orientations for the future European Commission”. This is also the suitable time for the new president of the Commission to confirm his wish to respect

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<sup>1</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/RO/ec/143489.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/RO/ec/143489.pdf), accessed 15.12.2014;

<sup>2</sup> Idem;

<sup>3</sup> Idem, Annex 1;

<sup>4</sup> Idem;

the connection between the result of the electoral process and the later institutional configurations. “Hence, for the first time, a direct link was established between the results of European Parliament elections and the nomination for the presidency of the European Commission. This is the result of previous requirements solicited by the European Parliament and repeated along several decades, with the potential to introduce an extra dosage that is deemed necessary as democratic legitimacy in the European decision-making process, in accordance to the norms and practices of parliamentary democracy. Likewise, it is a unique opportunity for a fresh start.”<sup>5</sup>

The link between the two documents is underlined by the new head of the European Commission in the document sent on November 12th 2014 to the presidents of the European Council and Parliament. “The Political Guidelines for the new Commission have set out an Agenda for Jobs, Growth, Fairness and Democratic Change for a new start for Europe. The agenda focuses on ten policy areas where we will work to deliver results during our mandate, taking into account the strategic agenda agreed by the European Council in June.”<sup>6</sup> Undertaken under the heading “Priority initiatives for 2015 and beyond” the 10 points correspond to and take over the key priorities of the Council, transforming them in orientations of the Commission. They later appear in the Briefing sent by the European Commission, under the title “**A new beginning for Europe: my agenda for workplaces, growth, equity and democratic changes. Political orientations for the future European Commission.**” In the announced order, they are:

1. A New Boost for Jobs, Growth and Investment
2. A Connected Digital Single Market
3. A Resilient Energy Union with a Forward-Looking Climate Change Policy
4. A Deeper and Fairer Internal Market with a Strengthened Industrial Base
5. A Deeper and Fairer Economic and Monetary Union
6. A Reasonable and Balanced Free Trade Agreement with the U.S.
7. An Area of Justice and Fundamental Rights Based on Mutual Trust
8. Towards a New Policy on Migration

<sup>5</sup> Jean-Claude Juncker - A new beginning for Europe: my agenda for workplaces, growth, equity and democratic changes. Political orientations for the future European Commission, [http://ec.europa.eu/priorities/docs/pg\\_en.pdf](http://ec.europa.eu/priorities/docs/pg_en.pdf), accessed 12.12.2014

<sup>6</sup> Jean-Claude Juncker , *CPW letter to EP and Council, Brussels*, 14 Nov. 2014

9. A Stronger Global Actor

10. A Union of Democratic Change

In an analytic evaluation of the CWP priorities for the year 2014 and in report to the year 2015, we will observe the orientation and preoccupation for the future development of the priorities for the latter year, more precisely of the general framework in which the EU evolves.” This is an agenda for change, born out of the need to get the EU growing again so that the European social model and a healthy environment can be sustained into the future.”<sup>7</sup>

**The Work Programme of the European Commission for 2014\***

The work programme of the European Commission for the year 2014<sup>8</sup> was under the influence of carrying out the European parliamentary elections in 2014, and therefore, one of the objectives of the work programme was to finalise the negotiations regarding legislative acts and adopting them before the cease of term of the former legislative in the European Parliament, 2009-2014. Likewise, the Commission planned the launch of a reduced number of new legislative initiatives, in the domains of agriculture and rural development, climate, energy and environment, workforce occupation, social affairs and inclusion, justice, internal market and protection of the EU financial interests.

The major priorities of the work programme for the year 2014 were economic growth and workforce occupation. Likewise, the European Commission established the following as 2014 priorities: consolidation of economic governance and completion of the banking union; stimulation of investments and fighting unemployment, especially at the level of youth unemployment; a unique functional market, unique integrated and interconnected telecommunications, energy and transport market; effective application of the Union’s guidelines and consolidation of cooperation in the field of justice and internal affairs, with the purpose of protecting the European citizens and their rights, as well as the priority that the EU becomes a more effective global factor.

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<sup>7</sup> [http://corporateeurope.org/sites/default/files/attachments/draft\\_cwp\\_2015.pdf](http://corporateeurope.org/sites/default/files/attachments/draft_cwp_2015.pdf), accessed 10.12.2014;

\*Considering that, when the current article is published, the CWP for 2015 is merely announced in the quoted documents, we made a short analysis of the 2014 CWP both in order to emphasize our objectives and to compare the two programmes.

<sup>8</sup> *Commission’s Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission’s work programme for 2014*, document available at [http://ec.europa.eu/atwork/pdf/cwp\\_2014\\_ro.pdf](http://ec.europa.eu/atwork/pdf/cwp_2014_ro.pdf), accessed 10.12.2014

Regarding the consolidation of the economic governance and the completion of the banking union, the European Commission established the following objectives: Regulation proposal regarding the unique resolution mechanism and the reduced fund of banking resolution- completion of negotiations and adoption; proposal of directives regarding the reshaping framework and the resolution of credit institutions- completion of negotiations and adoption; proposal of directives regarding the guarantee system for deposits - completion of negotiations and adoption; proposal of directives regarding the market of financial instruments-completion of negotiations and adoption; proposal of regulations regarding long-term European funds-completion of negotiation and adoption; proposal of directive regarding retail banking-completion of negotiations and adoption.<sup>9</sup>

The priority regarding the stimulation of investments and fight against unemployment, especially at the level of youth, will be accomplished through the following legislative proposals: decision proposal regarding the public services in workforce employment- completion of negotiations and adoption; proposal of directive regarding the employees' detachment - completion of negotiations and adoption; directive proposal regarding the measures of facilitating the exertion of rights granted to employees in the context of freedom of movement of employees- completion of negotiations and adoption.<sup>10</sup>

Regarding the unique functional market: proposal referring to the public acquisitions-completion of negotiations and adoption, directive proposal regarding administrative cooperation- completion of negotiations and adoption, regulation proposal regarding the ecological production-legislative initiative in the field of agriculture; industrial policies package-without legislative characteristic; revision of the *acquis* in the domain of copyright; revision of directive regarding the rights that shareholders have and regulation proposal regarding sole proprietorships<sup>11</sup>.

The necessary conditions for the unique market to become fully integrated and interconnected, in the domains of telecommunications, energy and transport are created by:

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<sup>9</sup> *Annexes to Commission's Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission's work programme for 2014*, document available at [http://ec.europa.eu/atwork/pdf/cwp\\_2014\\_annex\\_ro.pdf](http://ec.europa.eu/atwork/pdf/cwp_2014_annex_ro.pdf), accessed 10.12.2014

<sup>10</sup> *Idem 10, Annexes to Commission's Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission's work programme for 2014*

<sup>11</sup> *Idem 10, Annexes to Commission's Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission's work programme for 2014*

directive proposal regarding the security of information networks and data- completion of negotiations and adoption; regulation proposal regarding the payment service on the domestic market and the regulation proposal regarding interbanking commissions- completion of negotiations and adoption; regulation proposal regarding electronic identification and electronic signatures- completion of negotiations and adoption; railway package- completion of negotiations and adoption<sup>12</sup>; Commission's Communication: Guidelines for public assistance for environment and energy 2014-2020- without legislative characteristic.

The effective application of the Union's guidelines and the consolidation of cooperation in the field of justice and domestic affairs will be completed through the : directive proposal regarding the fight against money laundering- completion of negotiations and adoption; package regarding the data protection- completion of negotiations and adoption; regulation proposal regarding the training of the European Prosecutor's Office- completion of negotiations and adoption<sup>13</sup>; Commission's communication: Accomplishment of an open and secure Europe- without legislative characteristic<sup>14</sup>; Commission's communication: EU agenda in the field of justice for 2020- Consolidation of trust, mobility and growth within the EU- without legislative characteristic.<sup>15</sup>

Eventually, the necessary steps that will help the European Union become a more effective global actor are: signing of Association Agreement with Ukraine, Moldavia and Georgia; Negotiations with the United States of America regarding the transatlantic partnership for trade and investments; launching of the action plan for the defense industry- without legislative characteristic.<sup>16</sup>

We make reference to two examples of initiatives the Commission announced in the work programme for 2014 and enforced in the institutional scheme of the current year. The

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<sup>12</sup> Idem 10, *Annexes to Commission's Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission's work programme for 2014*

<sup>13</sup> Idem 10, *Annexes to Commission's Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission's work programme for 2014*

<sup>14</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/an\\_open\\_and\\_secure\\_europe\\_-\\_making\\_it\\_happen\\_ro.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/an_open_and_secure_europe_-_making_it_happen_ro.pdf), accessed 10.12.2014

<sup>15</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2014:0144:FIN:RO:PDFm>, accessed 05.12.2014

<sup>16</sup> Idem 10, *Anexe la Comunicare a Comisiei către Parlamentul European, Consiliu, Comitetul Economic și Social și Comitetul Regiunilor: Programul de lucru al Comisiei pentru anul 2014*



first example refers to a complex file stemming from article 86 of the Lisbon Treaty-establishment of the European Public Prosecutor's Office in view of protecting the financial interests of the Union, provided in the JAI priorities, and the second refers to the initiative necessary for the consolidation of the Eastern Partnership, with the European Union's quality as trustworthy actor on the international scene foreseen by the External Agenda.

**a. Proposal regarding a training regulation of the European Public Prosecutor's office<sup>17</sup>** appears mentioned in the work programme of the Commission for the year 2013, being integrated in the Commission's priority to build a safety and security climate in the EU. The Commission made the promise to present the initiative in the year 2013.<sup>18</sup> After the presentation of the initiative, on July 17th 2013, this was examined by the National Parliaments, according to the Protocol no. 2 in the Treaty regarding the European Union. Given the fact that 13 national parliaments observed that the principle of subsidiarity was breached within the proposal, they issued motivated notices<sup>19</sup>, forcing the Commission to reevaluate the initiative and decide if it will be kept, modified or withdrawn.

Due to the extended process of analysis of the motivated notices, as well as the observations and concerns expressed by the rest of national parliaments, the proposal regarding the establishment of the Public Prosecutor's office also appears in the work programme for 2014, within the priority regarding the consolidation of cooperation in justice and domestic affairs.

Thus, in March 2014, the European Commission, after considering all the arguments presented by the Parliament, decides the maintenance of the initiatives in the shape proposed by the Commission.

In this period, the proposal was also analysed within the Commission of Civil Liberties, Justice and Domestic affairs of the European Parliament, the debate being finalised with the adoption of an interim report that contains political orientations under the form of

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<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0534:FIN:en:PDF>, accessed 10.12.2014

<sup>18</sup> *Annexes to Commission's Communication to the European Parliament, Council, Economic and Social Committee and Committee of the Regions: Commission's work programme for 2013*, document available at [http://ec.europa.eu/atwork/pdf/cwp2013\\_annex\\_en.pdf](http://ec.europa.eu/atwork/pdf/cwp2013_annex_en.pdf), accessed 10.12.2014

<sup>19</sup> The motivated notices can be read at <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20130534.do>, accessed 12.12.2014

amendments<sup>20</sup>, and later adopted as a legislative resolution, on March 12th 2014<sup>21</sup>. The resolution was then handed over to the EU Council regarding Justice and Domestic Affairs to be evaluated by the ministers of the member states. Both the Hellenic presidency of the Council and the Italian one committed to approach some aspects in the proposal that raise concerns to the member states. Within the Council there is a recasting process of some parties, and in spite of the debates, both at the level of working groups, and the level of the JAI Council, certain aspects remain unsolved<sup>22</sup>.

Considering the necessity to analyse the unsolved aspects, it is estimated that negotiations will be completed in 2015. Therefore, the objective established in the work programme for 2014, namely the ending of negotiations and the adoption of the regulation proposal regarding the establishment of European Public Prosecutor's office has not been reached.

- b. An example of success in reaching an objective not only of the European Union in itself, is the **Signing of association agreements with Ukraine<sup>23</sup>, Republic of Moldavia<sup>24</sup> and Georgia<sup>25</sup>**. The relevance of these agreements is indicated by the

<sup>20</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0141+0+DOC+XML+V0//EN>, accessed 12.12.2014

<sup>21</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0234+0+DOC+XML+V0//EN>, accessed 12.12.2014

<sup>22</sup> *Document for the JAI Council, December 4/5 2014, regarding the regulation proposal of the Council for establishing the European Prosecutor's office*, available <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015862%202014%20REV%201>, accessed 12.12.2014

<sup>23</sup> *Decision proposal of the Council regarding the signing of the Association agreement between EU and its member states, on the one hand, and Ukraine on the other hand*, document available at <http://www.ipex.eu/IPEXL-WEB/dossier/document.do?code=COM&year=2013&number=290&extension=null>, accessed 12.12.2014

<sup>24</sup> *Recommendation for a COUNCIL DECISION approving the conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part*, document available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014PC0146>, accessed 12.12.2014

<sup>25</sup> *Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy*

fact that, despite the pressures of an extremely influent external regional actor over these states located in the Eastern proximity of the Union, from the moment of adopting the Vilnius Declaration<sup>26</sup>, they have chosen the European perspective, with the implied values- prosperity, democracy, rule of law, compliance of human rights and additional reforms.

The association agreements were signed on June 27th 2014, in an extremely difficult regional context. Initially, the political dispositions of the Association Agreement between the European Union and Ukraine were signed, on March 21st 2014<sup>27</sup>, in view of supporting Ukraine and sanctioning the Russian Federation, as a result of the illegal annexation of Crimea. Later, the rest of dispositions, including the Deep and Comprehensive Free Trade Area (DCFTA) was signed on June 27th 2014, in Brussels.

The signing of the agreements was followed by their ratification by the parliaments of Ukraine, the Republic of Moldavia and Georgia, as well as by the beginning of the ratification procedure by the European Parliament. The European Parliament signed the emergence of the Ukrainian association agreement<sup>28</sup> simultaneously with its ratification by the Ukrainian Parliament on September 16th 2014. Likewise, the European Parliament approved the agreement with the Republic of Moldavia on November 13th 2014<sup>29</sup>, and the approval of the Georgian agreement will be made in plenary session in December 15-18 2014.

The association agreements came into operation temporarily, the entire application of provisions being made only after the integral ratification by the national parliaments of the state members, a process estimated to last 2 years. Currently, seven national parliaments ratified the association agreements, Romania included, the other member states being in different stages of the ratification process. The Romanian Parliament was the first parliament

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*Community and their Member States, of the one part, and Georgia, of the other part*, document available at <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A52014PC0148>, accessed 12.12.2014

<sup>26</sup> The Vilnius Declaration was adopted during the third Summit regarding the Eastern Partnership, and took place in Vilnius, in November 28/29 2013.

<sup>27</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/RO/ec/142396.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/RO/ec/142396.pdf), accessed 10.12.2014

<sup>28</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0014+0+DOC+XML+V0//EN>, accessed 12.12.2014

<sup>29</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0050+0+DOC+XML+V0//EN>, accessed 12.12.2014

to ratify the agreements, at the same time with the ratification of the Republic of Moldova by the Parliament on June 2nd 2014.

The moment in which this article was written allowed us to report and analyse two CWP, namely for the years 2014 and 2015. Stemming from the premise that 2014 brought changes in the European tripartite scheme, we tried to indicate the manner in which the European Commission contributes to the evolution of the European decision-making process. Through the established priorities, for 2014 and 2015, an ending and respectively a commencement year in the European legislative cycle, one may better emphasise the EU orientations by making reference to one of the instruments used at the European level, namely the CWP.

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## HOW FREE CAN EU BECOME?

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**Abstract:** *This article is concerned mostly about the institutional competitiveness of EU compared to the USA from the point of view of the quality of the business environment. On short term, EU economic environment can become as free as EU decisional bodies and politicians would want or allow it. EU official position appears to be ambiguous concerning the future of the business environment, despite acknowledging the necessity of improving it in order to stimulate entrepreneurship. Despite economic, political and regulatory integration, European business environment varies across among member states. This heterogeneity has advantages that would be jeopardized by a top-down and forced harmonization. The main advantage is institutional competition that could lead to voluntary generalization and further improvements of best practices, while a coerced uniformity would prevent future institutional experiments and benchmarking. Adoption of first, second or even third best practices at EU level would make European business environment more favorable than USA's. At national level, adopted policies depend ultimately upon median voter's understanding of their respective costs and benefits. Polls and electoral results suggest that the median voter is sometimes confused in making this evaluation. One concluding remark is that the only durable remedy to that persistent confusion is economic education.*

**Keywords:** Business environment, Institutional competition, European Union, USA

### Introduction

This article is concerned mostly about the institutional competitiveness of EU compared to the USA from the point of view of the quality of the business environment. The topic is relevant from a theoretical approach, since economists are defending the thesis that general prosperity depends mostly on productivity growth, which depends on incentives induced by the institutional framework in any human society. The topic is

relevant from a pragmatic point of view because most relevant political forces in EU are declaring to be interested in policies supposed to increase productivity (economic growth). The benchmark with the USA will become even more relevant if the TTIP will reduce remaining barriers to mobility of production factors. The title question has many answers. At least on short term, EU can become as free as EU decisional bodies and politicians would want or allow it. Therefore, EU official position is to be analyzed in order to understand what the “plans” for the EU are. (Section 1). Despite all the steps towards a more centralized and uniform EU, it is still pointless to analyze EU business environment without references to the specific situation of the member states. In many cases, the differences transcend political (left/right), geographical (East/West/North South), geopolitical (Old/New Europe) and remain national. For better and worst, there are significant differences between member states regarding the quality of their business environment and their will to improve it. They still have not only an institutional flexibility but also the capacity to influence EU decisions. Institutional flexibility at national level means institutional competition inside EU. Because this situation is here to stay, EU will probably become as free as each of the member states will allow it to be (Section 2). At national level, the process of representative democracy suggests that policies will depend ultimately upon median voter’s understanding of their costs and benefits. Polls and electoral results suggest that the median voter is sometimes confused in evaluating costs and benefits of a certain set of economic policies (Section 3). Some concluding remarks end the article (Section 4).

### **1. EU deciders: What are their “plans” for the EU?**

Among the differences between US Constitutions and EU Constitutional Treaty, it is worth mentioning the lack in the European document of an equivalent to the 9<sup>th</sup> and 10<sup>th</sup> Amendments of US Constitution. This observation is valid also at the national level. The subsidiarity principle – everything should be solved at the lowest administrative level possible – is the closest equivalent to 9<sup>th</sup> and 10<sup>th</sup> Amendments, but its effectiveness is reduced when the highest administrative level can decide what is possible or not to be



solved at lower level, when local administration cannot resist to top-down regulation and are financially dependent upon the upper administrative levels. Even in the USA, where the Constitution provides a limited list of federal government's competencies, the centralization process was unstoppable.

At the beginning of the XX<sup>th</sup> century, out of total US public spending, one third represented federal government spending and the remaining two thirds were states' expenses. At the end of the century, not only the ratio was reversed and the total spending increased dramatically in real terms and relative to GDP. Another source of centralization is regulation: an increasing part of it is initiated either by Congress or (even more worrying) by different federal administrations.

Therefore, despite the constitutional anti-centralization devices imagined by American founding fathers, the process transformed the federation in something more and more similar to a "national" state. The language itself accommodated to this situation: when referring to the USA, plural is replaced by singular. In other words, United States of America *were* a federation over a century ago, but today *is* rather a state.

This transformation, which took more than two centuries in America, could be much faster in Europe because not only there is no effective way to block (or reverse) centralization, but the ideal of an "ever closer union" is explicitly formulated and included in founding treaties.

EU has announced some strategic directions for the near future. *Europe 2020* has five targets and all of them concern, at least indirectly economic freedom and the quality of the business environment. In each one of these targets, political deciders can be tempted by an interventionist approach (higher taxation, subsidies and regulation) or an increase in economic freedom and responsibility. Therefore, details concerning the measures to achieve those targets are necessary in order to evaluate their potential impact on business environment.

**Target 1. Employment:** 75% of the 20-64 year-olds to be employed

Labor market is among the most regulated markets in EU. Increasing administrative and fiscal burden of hiring people is the opposite of what should be done in order to get closer to this target. The reference to the “European social model” must stop to be just an alibi to keep in place anti-economic and anti-social regulations, which hurt the very vulnerable populations they are supposed to protect. For example, increasing the cost of hiring low qualified workers (via increases in minimum wage) won’t increase their employability. Subsidizing jobs is not job creation, is diverting jobs from efficient sectors (taxed, for alimentering the budget) to inefficient sectors. Some countries, like Netherlands, identified a mix of measures that combine higher labor market flexibility with a satisfying level of social protection.

**Target 2. R&D:** 3% of the EU's GDP has to be invested in Research and Development.

The R&D funds can be public or private money. The corresponding knowledge and incentive frames are very different and so is their potential impact on economic freedom. In the first case, political deciders will pick “winners” via subsidies and regulations (privileges) for certain sectors, with corresponding budgetary costs. In the second case, private financing of R&D can be achieved mostly by venture capital. This can be encouraged with a less aggressive taxation of capital gains and profits, with the reduction of the administrative burden and the elimination of barriers to innovation.

**Target 3. Climate change and energy sustainability**

Greenhouse gas emissions are set to be 20% (or even 30%) lower than their 1990 level; 20% of energy must come from renewables and EU economy has to reach 20% increase in energy efficiency.

At EU level, deciders don’t question the AGW hypothesis. Therefore, the resulting policies will be interventionist (taxation, subsidies, regulation) and less favorable to general economic freedom. Some previous policies had undesirable consequences. For example, bio-fuels seem to have a lower than expected positive environmental impact but increased the cost of food; wind energy, besides being very costly and not reliable, has a negative environmental impact via the extraction of rare materials and the nuisances on the

fauna. However, once in place, a bad policy coagulates lobbies in favor of its persistence. This argument would recommend prudence before the adoption of any new policy, environmental or not.

**Target 4. Education:** The rates of early school leaving must be reduced below 10% and minimum 40% of 30-34-year-olds must complete third level education.

Education represents one of the key factors of social mobility, increasing productivity and income etc. However, setting this target could generate some distortions if it will be achieved by lowering educational standards. People will invest more in their education (human capital) if this will generate a higher net revenue, monetary or non-monetary. Therefore, the efficiency of this strategy depends heavily on the content delivered by the educational system and its connection with the labor market.

The fiscal aspects are also relevant. Even if there are no explicit monetary costs for the students (“free” education), there are opportunity costs associated with longer study years (un-earned revenues). Compared to a flat tax personal tax, progressive taxation is one factor that reduces incentives to invest in a carrier whose corresponding revenues are postponed or fluctuate over time.

**Target 5. Fighting poverty and social exclusion.** According to the official agenda, EU must have minimum 20 million fewer people in or at risk of poverty and social exclusion.

The importance of entrepreneurship for reaching the aforementioned targets is acknowledged by EU officials. They admit also that the economic and social role of small and medium enterprises can be better fulfilled in a regulatory environment with a lower administrative burden (“red-tape reduction” initiatives).

The Entrepreneurship 2020 Action Plan mentions three directions of action:

1. Entrepreneurial education and training;
2. Creation of an environment where entrepreneurs can flourish and grow;

3. Developing role models and reaching out to specific groups whose entrepreneurial potential is not being tapped to its fullest extent or who are not reached by traditional outreach for business support.

Among these, the second is the field where political deciders (at EU and national level) can have higher impact on short and medium term. However, despite many years and even decades of integration and common principles integrated in national legislations, the concept of European business environment is misleading if its heterogeneity is not taken in account.

## **2. How free is the economic and business environment in the 28 member states?**

The benchmarking of countries' institutional frames represents the explicit or implicit topic of many reports, like Global Competitiveness Report, World Competitiveness Yearbook, Economic Freedom of the World, Index of Economic Freedom, Corruption Perception Index etc.

Among them, World Bank's "Doing Business Report" is remarkably suited for the analysis of the business environment at the level of small and medium enterprises. Since 2004, World Bank ranks 189 jurisdictions according to the "ease of doing business" for the most common type of enterprise in each economy. The general ranking is the result of a more detailed evaluation of 10 (initially only 7) aspects of business environment: Starting a business, Protecting investors, Dealing with Construction Permits, Paying Taxes, Getting Electricity, Trading Across Borders, Registering Property, Enforcing Contracts, Getting Credit and Resolving Insolvency. The benchmark is facilitated for each country (jurisdiction) thanks to the indicator "Distance to the frontier", that is the lag behind the country which represents the best practice in each relevant aspect of the business environment.

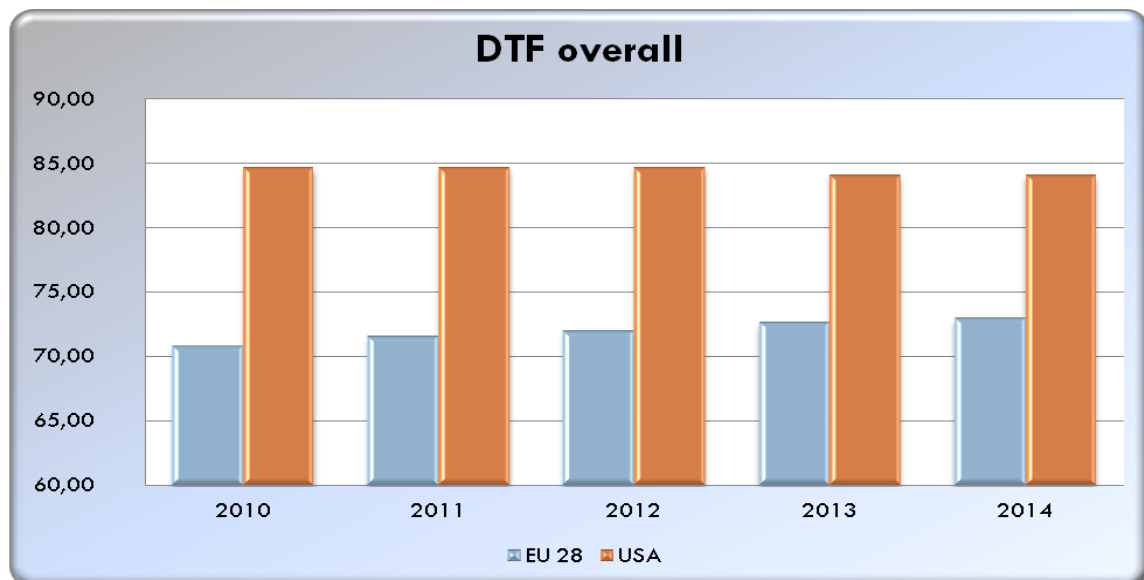
The analysis of World Bank's Doing Business Reports allows some remarks, which can be regrouped in two categories: comparisons between EU and USA (2.1.) and, respectively, comparisons between USA and EU best practices at national level (2.2.). If

these best practices are generalized across EU, this region would have a more favorable business environment than the USA (2.3.).

## 2.1. Doing business is more difficult in EU than in USA

EU 28 (un-weighted average) has a less favorable business environment than USA. Indeed, EU is much farther than the USA from the worldwide best practices (“Distance to the frontier”, overall ranking). The gap is diminishing in the last five years because of the relative improvement in EU and the relative deterioration in the USA. It is worth mentioning also that both regions are surprisingly far away from the best practices in the world.

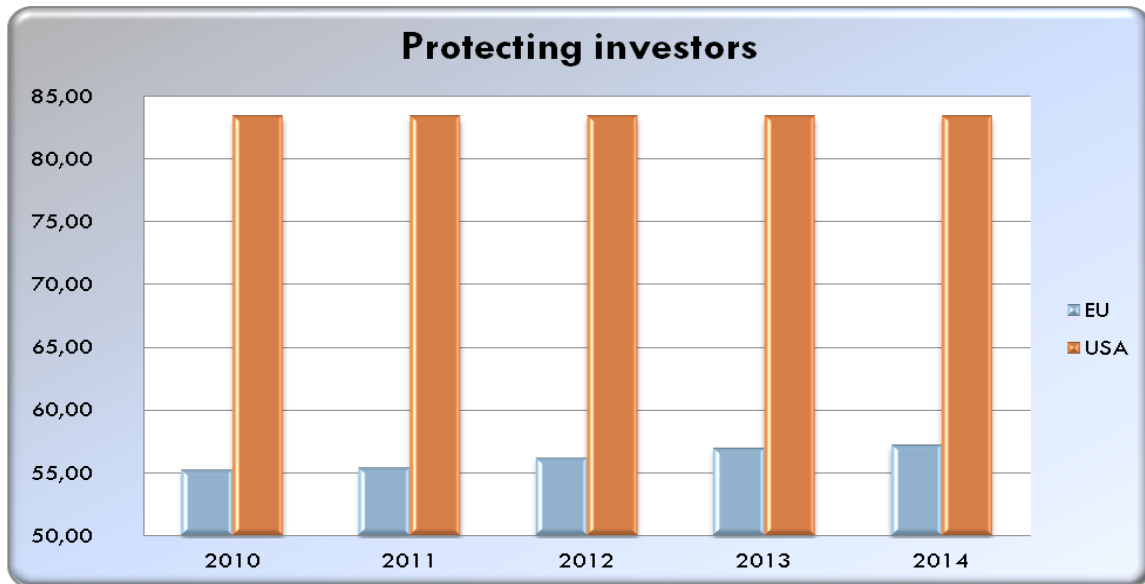
Figure 1: EU 28 and USA business environment: The “Distance to the frontier”



Source: World Bank and author's calculations

A more detailed analysis of the components of the index “distance to the frontier” shows that, in any of its ten subcomponents, USA is closer than EU to the worldwide best practices. The highest gap between these regions are registered in “Protecting investors”, “Getting credit” and “Resolving insolvency”, as illustrated by Figures 2, 3 and 4.

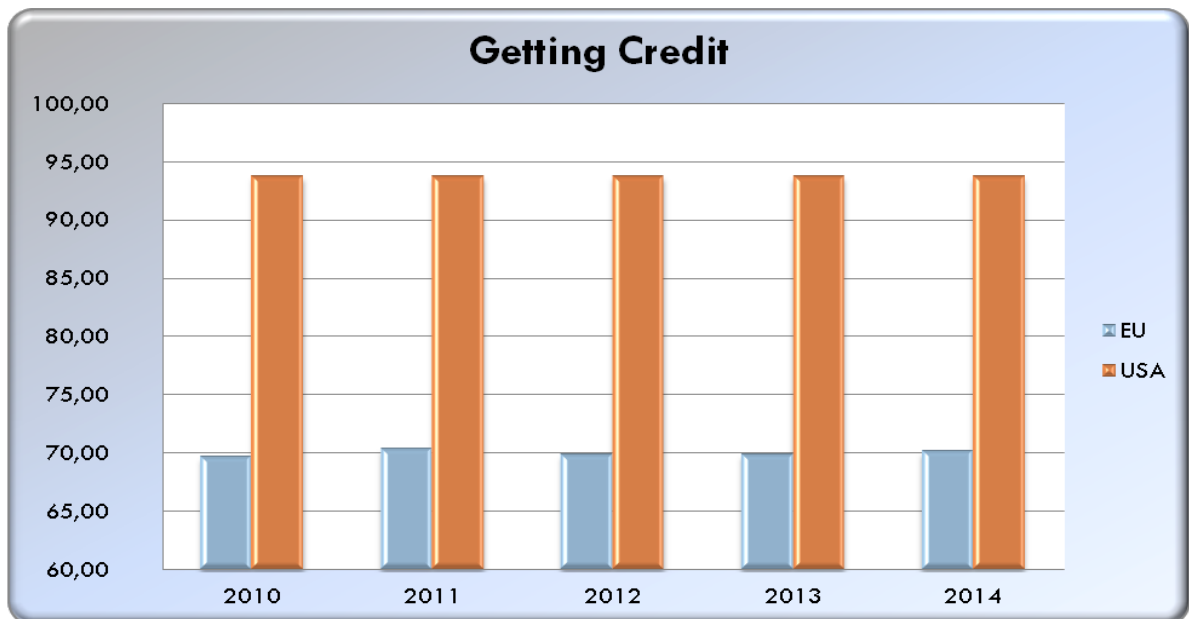
Figure 2: EU - USA gap: Protecting Investors, “Distance to the frontier”.



Source: World Bank and author's calculations

Despite some small improvements compared to worldwide best practices, on average, EU offers a very low protection of investors, compared to USA. What is even more surprising is that the level of investors' protection is slightly over half of the highest worldwide protection.

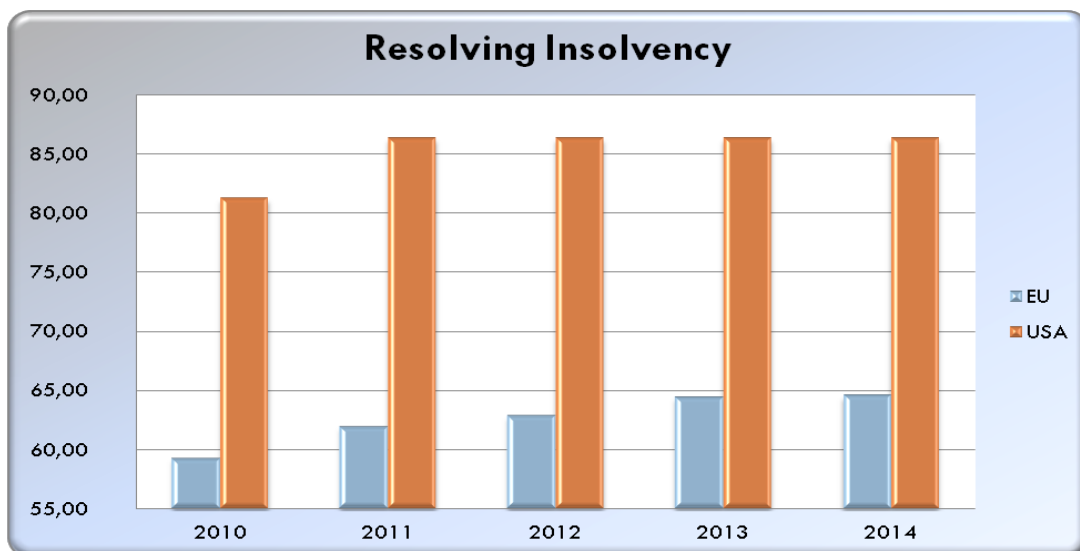
Figure 3. EU - USA gap: Getting credit



Source: World Bank and author's calculations

Along with equity, loans are the other source of business financing. Its relevance is even more important for micro and small enterprises, especially in their first years, when bankruptcy is a daily threat.

Figure 4. EU - USA gap: Resolving insolvency



Source: World Bank and author's calculations



Economists are aware that the existence of high exit costs represents a powerful ex-ante disincentive to engage in entrepreneurial activities. EU poor performance in this aspect of business environment – compared to USA and worldwide best practices – should be a matter of concern for political deciders, especially for those who express their intention to stimulate entrepreneurship and job creation.

## **2.2. EU is a heterogeneous area**

The second group of remarks concerns the heterogeneous character of EU business environment, with surprisingly high differences between member states in their capacity to provide a favorable business environment. When compared to USA according to the general index “Ease of doing business”, the best ranked EU countries are close but behind USA.

For example, according to the last available report (World Bank, 2014) the best ranked EU country – Denmark – is on fifth place, right after USA (fourth). United Kingdom (10<sup>th</sup>), Finland (12<sup>th</sup>) and Ireland (15<sup>th</sup>) are not far away. However, other European countries have a much poorer performance in providing a favorable business environment. The lowest ranked are Malta (103<sup>rd</sup>), Croatia (89<sup>th</sup>), Czech Republic (75<sup>th</sup>), Romania (73<sup>rd</sup>) and Greece (72<sup>nd</sup>).

If the comparisons take in account member states performances in every one of the ten components of the “Ease of doing business” index, they show much higher differences between EU countries, but also significant potential of improvements in EU and even the possibility to outperform USA.

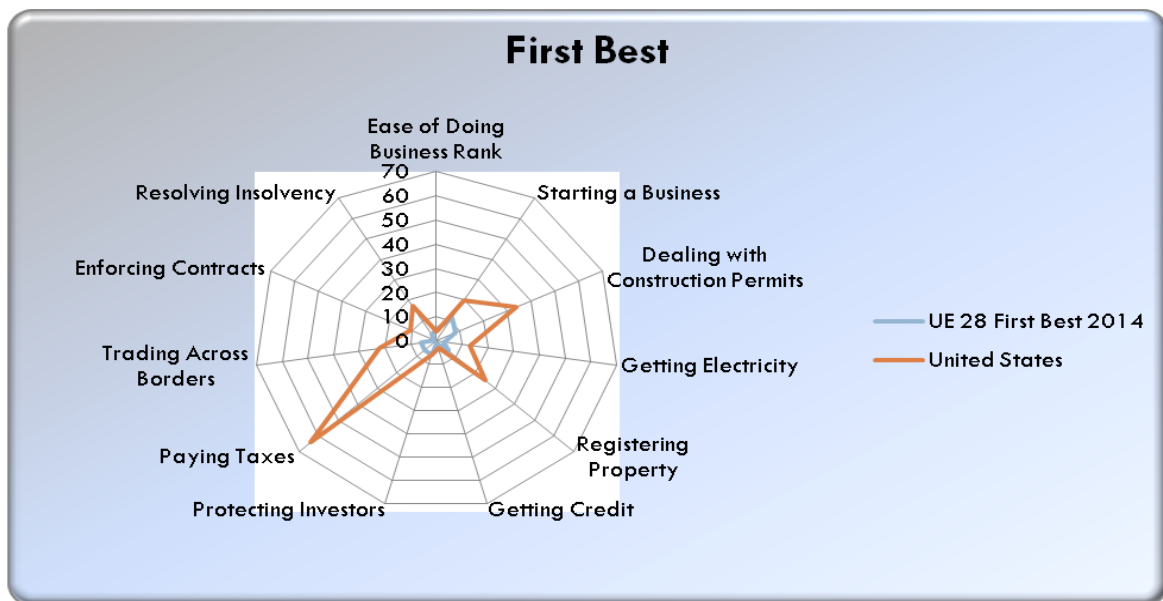
Indeed, the worst ranked EU countries in each component of the “Ease of doing business” index have a poor performance relative to the 189 jurisdictions analyzed. They are below average or even very close to the bottom in “Starting a business” (Malta, 161<sup>st</sup>), “Dealing with construction permits (Malta, 163<sup>rd</sup>), “Getting electricity” (Romania, 174<sup>th</sup>), “Registering property” (Belgium, 180<sup>th</sup>), “Getting credit” (Malta, 180<sup>th</sup>), “Protecting investors” (Croatia, 157<sup>th</sup>), “Paying taxes” (Italy, 138<sup>th</sup>), “Trading across borders” (Slovak Republic, 108<sup>th</sup>), “Enforcing contracts” (Malta, 122<sup>nd</sup>), “Resolving insolvency” (Romania, 99<sup>th</sup>).

However, the first, second and, in some cases, even the third best ranked EU countries in each component of the “Ease of doing business” index are in better position than the USA.

### 2.3. What if...?

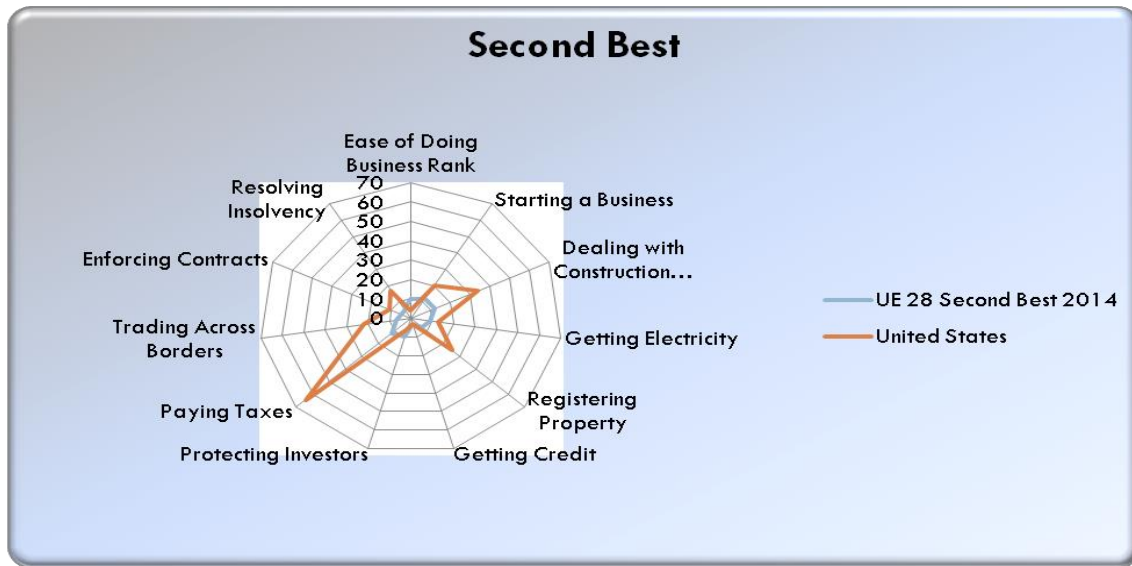
Figures 4, 5 and 6 illustrate the first, second and third ranked EU country compared to USA.

Figure 4. First best EU country and USA in “Doing business index” and its components



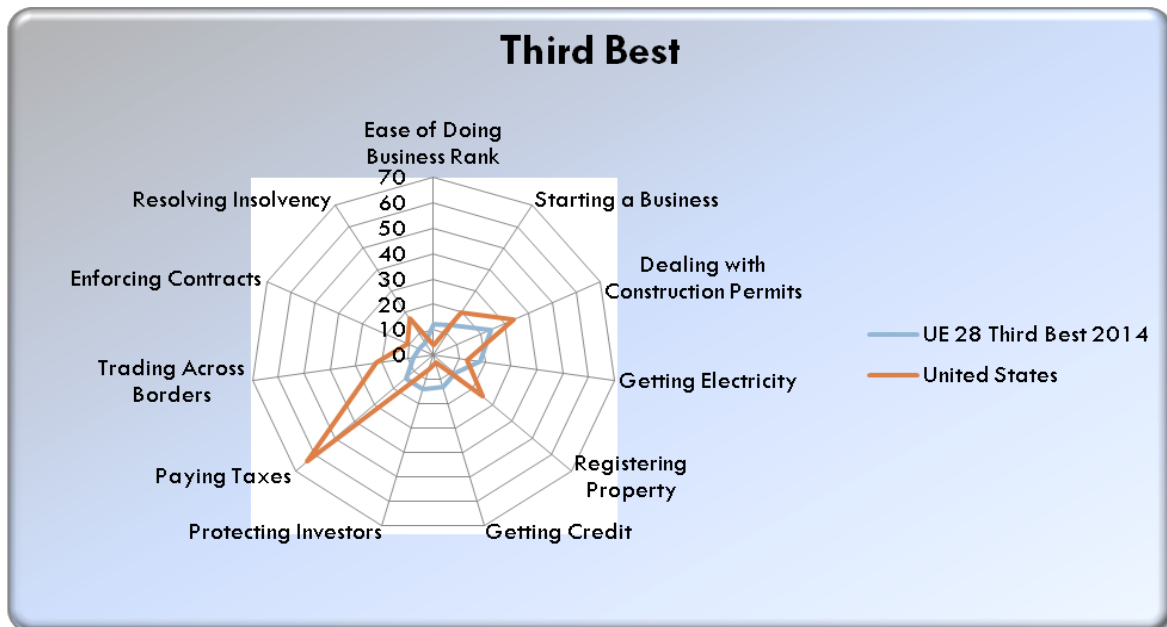
Source: World Bank and author's calculations

Figure 5. Second best EU country and USA in “Doing business index” and its components



Source: World Bank and author's calculations

Figure 6. Third best EU country and USA in “Doing business index” and its components



Source: World Bank and author's calculations

Table 1. What if...? USA and best ranked EU countries in “Doing business” components

Component (USA rank)	First best	Second best	Third best
Starting a Business (20)	Lithuania 11	Ireland 12	Netherlands 14
Construction Permits (34)	Denmark 8	Germany 12	Sweden 24
Getting Electricity (13)	Germany 3	Sweden 9	Denmark 18
Registering Property (25)	Lithuania 6	Denmark 7	Slovak R 11
Getting Credit (3)	UK 1	Latvia 7	RO, IE 13
Protecting Investors (6)	Ireland 6	UK 10	Slovenia 14
Paying Taxes (64)	Ireland 6	Denmark 12	UK 14
Trading Across Borders (22)	Sweden 6	Estonia 7	Denmark 8
Enforcing Contracts (11)	Luxembourg 1	Germany 5	Austria 6
Resolving Insolvency (17)	Finland 3	Netherlands 5	Belgium 6

The spread between EU countries and, therefore, the potential improvements appear to be even higher when the analysis takes in account the subcomponents of the aforementioned ten aspects of “Doing business”. Table 2 summarize some of the most striking differences between best and worst EU practices and benchmarks them to USA situation, according the last available data (World Bank, 2014).

Table 2. Selected “Doing business” subcomponents, best and worst EU practices

Doing Business subcomponent (USA)	Best EU	Worst EU
Starting a business: Procedures (6)	Slovenia 2	Malta 11
Starting a business: Days (5)	Portugal 2.5	Malta 39.5
Dealing with construction permits: Procedures	Sweden 7	Czech R 33
Dealing with construction permits: Days (91)	Finland 66	Cyprus 677

<b>Getting electricity: Procedures (4)</b>	Sweden 3	Romania 7
<b>Getting electricity: Days (60)</b>	Germany 7	Czech R 279
<b>Registering property: Procedures (4)</b>	PT, SE 1	Greece 11
<b>Registering property: Days (12)</b>	Portugal 1	Slovenia 109.5
<b>Paying taxes: Payments/year (11)</b>	Sweden 4	Romania 41
<b>Paying taxes: Hours/year (175)</b>	Luxembourg 55	Bulgaria 454
<b>Trading across borders: Nr documents (3)</b>	FR, IE 2	SK, HR 7
<b>Time to export: Days (6)</b>	Estonia 6	HR, BG, IT 20
<b>Enforcing contracts: Days (370)</b>	Lithuania 300	Greece 1300
<b>Enforcing contracts: Cost,% of claim (18.4)</b>	Luxembourg 9.7	UK 39.9
<b>Enforcing contracts: Procedures (32)</b>	Ireland 21	Greece 43
<b>Resolving insolvency: Years (1.5)</b>	Ireland 0.4	Slovak R 4
<b>Resolving insolvency: Cost, % of estate</b>	NL, FI, DK, BE SI 4	Italy 22

Source: World Bank, 2013.

Table 2 shows that the heterogeneity of EU business environment transcend usual classifications of European countries: old vs. new member states, continental Europe vs. British islands, West vs. East, North vs. South, Protestant vs. Catholic vs. Orthodox, German/Latin/Slavic, inside or outside the Euro-zone, Anglo-Saxon vs. German vs. Scandinavian economic systems etc. Indeed, all these classifications have a limited relevance when are analyzed the subcomponents of the DBI. In any category, there are countries that represent best (or close to the best) practices but also countries that represent worst (or close to the worst) practices.

In other words, table 2 shows that providing a good business environment can be achieved in any of the European social and economic models: there is no “national particularity” that can excuse artificial barriers kept in place by national authorities.

Maltese authorities cannot find a reasonable justification for the fact that it is five or ten times more difficult to start a business in their country than in Slovenia or Portugal.

Dealing with constructing permit has inevitable national particularities, but they cannot justify an administrative burden five to ten times higher in Czech Republic and Cyprus compared to Sweden and Finland. “German efficiency” alone cannot explain why it is almost 40 times faster to get electricity in Germany than in Czech Republic. The stereotypes concerning Mediterranean productivity are to be revised in the case of registering property: what takes one day in Portugal needs twelve days in USA and over one hundred days in Slovenia. Flat-tax countries like Bulgaria and Romania perform very poorly in “Paying taxes” because of the administrative fiscal burden, which is ten times higher than in Luxemburg and, respectively, in social-democratic Sweden. Enforcing contracts is four times more costly in UK than in Luxemburg (and twice as costly as in USA).

Facing this diversity, it is tempting to increase the efficiency of the business environment with a top-down approach, “harmonizing” and generalizing best practices via EU regulation. On short term, this could bring some advantages because it will probably be easier to overturn national lobbies interested in maintaining the status-quo. These are mainly national bureaucracies interested in keeping their jobs, budgets and power, and businesses protected by artificial barriers against the competition of new entrants.

However, on long run, this “harmonization” process will generate uniformity at a continental scale and will concentrate political and lobbies power at the EU level. The consequences will be a lower institutional competition in Europe (and in the world), a general slowdown in the institutional innovation process and even a potential increase in administrative barriers once the lobbies will be reorganized at EU level.

EU could take the highest advantage of its institutional diversity rather by avoiding forced harmonization and by facilitating the adoption of successful practices at member states’ level. This would mean institutional competition at its best.

If there are so many examples of EU countries that outperform USA at least in one component of “Doing business index”, policy makers but also citizens-electors could ask a legitimate question: why not have a business environment as friendly as the first, second or the third best ranked EU country?

In our systems of representative democracy, the final answer to that question will be given by the median voter.

### 3. Voters, politics and economics

Politicians have the incentive to promise and to promote policies that *they expect* to maximize their chances to be elected and re-elected. Public Choice economists explained politicians' preference for policies that have positive effects that are visible, on short term and on a (self-) identifiable group. They tend to underestimate or ignore respective policies' costs (even when they are superior to benefits), provided that they are hidden, they appear on long term and they are borne by many.

In a similar way, voters tend to prefer political programs that *they expect* to maximize their benefits (including but not limited to material aspects).

This approach is consistent with empirical observations: impoverishing policies are democratically voted; inefficient policies are harder to terminate than to implement in the first place; privileges for organized minority interests are enforced with little opposition from the hard-to-organize majority; good intentions can generate unintended consequences worse than the evils they were supposed to cure.

Therefore, the content of political platforms depend upon the way that candidates and electors understand the past (economic history), the present (current economic and social situation), how they imagine the future and they ways to improve it (goals and steps to achieve them in accordance to each ones' values and potential). The level of economic education has an impact on all of these. As a consequence, political platforms and economic policies are influenced by the level of economic education.

Indeed, economics can be seen not only as the science of human action but also as the science of unintended consequences. Any estimation of a policy's potential impact is founded at least implicitly upon an economic theory. For example, our better understanding of inflation's disruptive effects explain the transition from monetary policies completely subordinated to governments' strategies (in the fifties, sixties and seventies) towards more independent central banks (since the eighties and the nineties), concerned in



priority or exclusively with prices' stability. This process needed not only the intellectual contribution of economists that challenged what was at then the "orthodoxy" (monetary activism and the Phillips Curve) but also voters' desire for more stable money and some politicians eager to fulfill their desire. Economic education of the general public can prevent the enforcement of undesirable policies.

Another example, more controversial concern the minimum wage, its level compared to median and average wages, and its impact on unemployment rate's level. A literature review of recent publications on this topic, contests public statements regarding "the lack of evidence" or "the lack of consensus among economists" concerning the basic economics idea that an increase of minimum wage worsens employment perspectives of low qualified workers. For example, after critically analyzing over one hundred recent papers, Neumark and Wascher (2006) conclude that *"First, we see very few – if any – studies that provide convincing evidence of positive employment effects of minimum wages, especially from those studies that focus on the broader groups (rather than a narrow industry) for which the competitive model predicts disemployment effects. Second, the studies that focus on the least-skilled groups provide relatively overwhelming evidence of stronger disemployment effects for these groups."* A more recent paper deals specifically with some studies that concluded that minimum wages have not increased US unemployment. After taking in account methodological limitations of reviewed literature, the authors conclude that *"the evidence still shows that minimum wages pose a tradeoff of higher wages for some against job losses for others, and that policymakers need to bear this tradeoff in mind when making decisions about increasing the minimum wage."* (Neumark, Salas and Wascher, 2013, p. 1.).

Despite this, minimum wages are or will be increased in many countries, either by government decision (USA, at the federal level and in many EU countries) or by referendum (some US states, like Alaska, Arkansas, Nebraska, South Dakota). A rare exception is worth mentioning: over three quarters of Swiss voters rejected a similar proposal submitted to referendum in May 2014.

Concerning overall state's intervention in economic and social life, Europeans seem to favor a reduction of its role in their lives. According to the Special Eurobarometer

415 (European Union, 2014), two thirds of European citizens agree that “the state intervenes too much in our lives”. An absolute majority of them agree with this affirmation in all but 4 member states (Estonia, Lithuania, Finland and Sweden). A majority of them don’t trust their political parties (almost four fifths), their national governments (almost three quarters) and parliaments (over two thirds), the EU (three fifths) and regional or local authorities (half).

However, this is not always reflected in election results: interventionist parties (from the Left to the Right, extremists or not) are still dominating the political scene. The lack of trust in states, governments and politicians is not represented in a coherent libertarian political movement.<sup>70</sup> The countries where population agrees the most that “state intervenes too much in our lives” are Greece, Slovenia, Cyprus and Portugal – a list rather surprising – countries that have their political spectrum dominated by interventionist parties. The Greek situation is remarkable because of the simultaneous and significant increase of extreme left and extreme right, with political programs openly statist, nationalist/xenophobic and anti-individualistic.

Table 3. Public opinion about state intervention in EU (top 3 in each category of answers)

To what extent do you agree or disagree with each of the following statement?

“The State intervenes too much in our lives”

Totally agree		Total ‘Agree’		Totally disagree		Total ‘Disagree’	
55%	SI	92%	EL	15%	EE, SE	53%	FI, SE
54%	EL	89%	SI	14%	BG	51%	EE
47%	CY	86%	CY, PT	12%	RO	44%	LV, LU

<sup>70</sup> Elements of classical liberal or libertarian doctrines can be found in some new and relatively successful political movements, but there are mixed with policies at the antipodes of individual freedom. For example, UKIP opposes centralization of political power in Brussels and government intervention in many fields but it is also against individual and contractual freedom if this means more immigration. Nationalism (not to mention xenophobia, racism etc.) are not compatible with classical-liberalism or libertarianism.

Source: European Commission, 2014, p. T65.

It is unlikely that in times of turmoil, uncertainty and social distrust the citizens will ask for policies oriented towards more individual responsibility. Therefore, responsible politicians are even more necessary when increases the temptation to privilege short term illusory gains at the expense of long term strategies.

#### **4. Concluding remarks**

During the first decades of its existence, European Union (and its precursors) represented a mix of policies that in some fields increased economic freedom and in some cases reduced it. Overall, European Union contributed to increase freedom in general and to improve the quality of the business environment at a higher rate than regulations and taxation. Nothing guarantees that this will still be the case in the future. Pursuing the harmonization and centralization agenda could jeopardize one of the reasons of Europe success in history: its institutional diversity. This resulted in institutional innovation (improvements), via a continuous process of institutional competition in a decentralized world. Institutional harmonization can be imposed, in a top-down and centralized process, which seems very tempting especially in troubled times. Alternatively, harmonization can result from institutional competition, in a decentralized process of adoption of best practices. European authorities can have a positive contribution in this process facilitating institutional innovation, benchmarking and transposition. The relative slowness of this process is likely to be compensated by its adaptability to existing European differences and to unpredictable future changes at worldwide level.

The choice between these two alternative approaches will depend directly upon EU and national authorities, but the final decision will be that of the European median voter. He will have to make his choice in a confusing political offer, where reasonable and demagogic politicians will compete for his vote.

From an economic point of view, demagoguery can be defined as a communication strategy or a policy that privileges measures with obvious benefits on short term and easily (self) identifiable groups while ignoring the long term and not obvious costs supported by persons hard to identify. Economic science and economic education contribute to a better

understanding, identification and estimation of policies ignored costs. In this way, economic education represents an imperfect anti-demagogy vaccine, but the only one available yet to politicians and voters.

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**ENVIRONMENTAL AWARENESS ON THE RISE!  
TIME FOR A NEW BEGINNING TO ENHANCE THE ROLE OF THE EUROPEAN  
COMMISSION IN GREENING INITIATIVES**

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**Abstract:** *The key concern of the present paper revolves around the idea that in many aspects effective environmental policy integration has proved to be very difficult to be applied in practice and it has largely remained at a rhetorical level. The authors develop this theme, placing at the core of the analysis the most visible and supranational institution, the executive-bureaucratic arm of the EU: the European Commission, whose role in protecting environmental values is seen also in terms of its new agenda, this time without a portfolio dedicated exclusively to the environment. Authors' main contribution lies in the fact that, unlike other studies that focus primarily on a sterile analysis of the European Commission's functions, they shed light on this EU institution's right of initiative through the Principle of Environmental Integration (PEI). The paper emphasizes that one of the factors that prevents the Commission to make use more often of PEI is rooted in the ambiguous legal nature of PEI. In this respect, useful clarifications were made.*

**Keywords:** environment, legislation, European Commission, PEI.

## 1. Introduction. Rationale for the study

During the last 15-20 years we have been witnessing a real and reach journalism industry on issues related to EU “cuisine”. Many Europeans are puzzled and uncertain about how the EU functions and what difference it makes to their lives (McCormick and Olsen, 2013, p. 3), therefore, there is no universal agreement about what EU is ought to be, and never has been (Peterson and Shackleton, 2012, p.17). Over time, successes and failures, conspiracies have all shaped this unique system in the world. Undeniably, the EU is today one of the most dynamic supranational political systems, revealing a legal and a political design, which the authors portray as a head with two faces, white and black: a fascinating one, because it has managed to bring consensus on many controversial issues, it has succeeded to unite more than divide, to find solutions to many unknowns, to temper egos and to be heard as a unique voice in the world; and a tortuous and crisp face, difficult to understand mainly because of bureaucracy dominance, lack of transparency, political games which quite often do not take into account the collective welfare. But, what is a head without body? We go further and imagine the body structure as consisting of the mechanisms for sharing competencies between the EU institutions and Member States. As a part of this body, the environmental policy is on the realm of shared competences. Further, the paper places at the very core of the analysis the Principle of Environmental Integration (PEI), considering it the engine, the heart of greening Commission’s legislative initiatives.

Why European Commission’s right of legislative initiative? First of all because, before having a normative act, there must exist a proposal, and here comes into action the Commission's role of using PEI. The law fulfills a fundamental role both in shaping and in requiring a special type of conduct within the guidelines of sustainable development. At the same time, the will to translate the PEI into concrete enforceable norms is as important as the legislative proposal (Petrescu-Mag, Drăgan and Petrescu-Mag, 2013, p. 298). In this context of law-making process, we must be realistic and accept that no single actor, public or private, outside or inside EU, has sufficient potential for action or sufficient power to solve problems, nor has all the information or knowledge required to solve complex and diversified problems. Therefore, actors have to rely on each other (Kooiman and van Vliet, 1993, p. 60.; Héritier,



2002, p.185). Even if Commission's role as initiator of EU policies and legislation is unique<sup>71</sup>, in reality, Commission has less power than it might think, because the final decision on new laws and policies rest with the European Parliament and the Council. Therefore, authors have started from the premise that the law becomes the tool that empowers people to redefine their relationship with nature and with each other (Elworthy and Holder 1997, p. 3). Unfortunately, the continuous existence of PEI most of the time as a "soft law" or guiding principle renders its effectiveness to be like teeth that cannot bite (Efeakpor, 2013). Continuing the discourse, we have brought to the forefront the PEI, mainly because, despite its enactment, the idea of environmental policy integration has largely remained at a rhetorical level (Eckerberg and Nilsson, 2013, p.2), and we wanted to find why. Last, but not least, we are seeing PEI in light of the fact that it is explicitly concerned with integration of the environmental concerns into decision-making process. Additionally, authors' scientific expertise on the environment impacted on the decision to focus on this subject.

In conclusion, the novelty of this analysis lies in the fact that, unlike other studies that focus primarily on a sterile analysis of the European Commission's functions, we shed light on this EU institution's right of initiative through the PEI.

## **2. European Commission's new agenda through the eyes of ecological modernization or a better application of PEI**

### **2.1. Rising awareness on environmental issues**

The EU is, among other things, a legal system established to deal with a series of contemporary problems and to realize a set of goals, most of the cases, together with MS (Chalmers, Davies, and Monti, 2010, p.3). One of the most pressing and popular problems covers environmental issues. There is a strong consensus on the importance of environmental protection in the European Union. A 2014 survey shows that 95% of 28.000 interviewed citizens consider that protecting the environment is important to them personally and only 5%

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<sup>71</sup> Article 17, paragraph 2 of TFEU states that: "Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Treaties so provide"

do not regard it as important (European Commission, 2014). A quarter of respondents (25%) think that introducing stricter environmental legislation would be the best solution to deal with environmental problems (European Commission, 2014). From the same perspective of integration of environmental issues into other EU policies, at local level, a study (NW Region, Romania) revealed that more than half of the organic food consumers (66%) expected organic producers to assume Corporate Social Responsibilities for environment protection (Petrescu, Dragan and Coada, 2014, p. 39). Another study (local, Cluj-Napoca, Romania) on consumers' perceptions on water showed that: from the point of view of waste water impact on their health, for 74%-84% of the users of the water and waste water facilities it was important that the wastewaters were treated and returned clean into the environment and from the point of view of waste water impact on environment, for 82%-92% of the users of the water and waste water facilities it was important that the wastewaters were treated and returned clean into the environment (Petrescu, 2011). Many of these concerns and needs related to environmental protection have been already encapsulated in political strategies or legislation. Water pollution, air quality, extinct species of flora and fauna, waste management are reflected in various international declarations, multilateral treaties, EU directives and national laws, all of which focusing on ways to protect and preserve the environment for present and future use (Petrescu-Mag, Drăgan, and Petrescu-Mag, 2013, p. 298). Currently, Title XX of Treaty on the Functioning of the EU (art. 191) proclaims that the Union policy on the environment shall contribute to pursuit of the following objectives: preserving, protecting and improving the quality of the environment, protecting human health, prudent and rational utilization of natural resources, promoting measures at international level to deal with regional or worldwide environmental problems, and, in particular, combating climate change. These goals should be taken into consideration when shaping and developing EU policy directions. Nevertheless, in many aspects effective environmental policy integration has proved to be very difficult in practice and it remains largely an elusive aspiration. We still believe that the most valuable tool available to the Commission when it comes to introducing environmental issues in its legislative proposals is represented by the Principle of Environmental Integration (PEI), the subject of our analysis in the next section.

## 2.2. Time for a new beginning. A good or a bad one?

The EU's institutions have always, from earliest origins, operated in a highly contested environment. As; it is well known, the European Union is based on an institutional system unique in the world. Member States have transferred certain attributes of sovereignty to independent institutions that represent the interests of the EU as a whole, the SM and citizens (Petrescu-Mag, 2013). According to Article 13 of TFUE, the Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions.

The most visible and supranational institution<sup>72</sup>, the European Commission, occupies the central position in EU, being the executive-bureaucratic arm of the EU. In an era of anti-bureaucratic sentiment, Commission is often viewed as the arch bureaucracy-remote<sup>73</sup>, non-responsive, over-mighty, interfering, interventionist. It is depicted as antiquated and resistant to change, combining the worst characteristics of the continental European bureaucracy (Kassim et al., 2013). Like most of EU institution, European Commission performs more than one function. It is responsible for generating new policies and, with a monopoly over the right to bring forward proposals in most area of EU legislation, overseeing their implementation (Peterson and Shackleton, 2012, p.16), managing the EU budget, representing the EU in international negotiations and promoting the interests of the EU as a whole (McCormick and Olsen, 2013, p.29). Practically, our essay represents a pro EU plea, and the Commission is an inherent part of this construction. Let's give to Caesar what belongs to Caesar! Above all the criticism, often grounded, Commission had and still has an important and creative role in the process of integration. It encourage MS to harmonize their law body and standards in the interests of bringing down barriers to trade, it has been at the heart of some of defining European policy initiatives, being extremely productive (McCormick and Olsen, 2013, p.29). So, let accept the bivalent nature of EU and look at it from the front!

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<sup>72</sup> See also Rousseau, R. (2014), "The Democratic Deficit and Legitimacy Problems of the European Union: Elements of the Debate". *Journal of Modelling the New Europe*, 12, p.13.

<sup>73</sup> For details see Du Gay, P. (2000). *In praise of bureaucracy: Weber-organization-ethics*. London: Sage Publications; Balint, T., Bauer, M. W. and Knill, C. (2008), "Bureaucratic change in the European administrative space: the case of the European Commission". *West European Politics*, 31 (4), pp. 677-700.

But, it is the time for a new beginning, for a new Commission! Jean-Claude Juncker's decision to group commissioners into teams serving under a vice-president aroused both positive comments and criticisms especially among environmentalists. Energy, climate and environment portfolios are grouped together serving under Alenka Bratušek, the vice-president for energy union. Energy and climate, which are now two separate portfolios, have been combined into one post, held by Miguel Arias Cañete. Environment and fisheries, previously two separate posts, have been merged into one, to be held by Karmenu Vella (from Malta). So, Juncker has merged four existing commissioner posts into two. Inevitably, a number of questions about reasoning of such a decision arises. It could be justified on the rationale of reducing administrative costs, having a better coordination of tasks and activities, facing the energy crisis. We just speculate, we believe it is still premature to make assessments of the value of such options, time will tell if it was a good decision or not. But, there is a certainty: the elimination of a dedicated environment portfolio. So, it is the time for a new beginning! A good or a bad one?

### **2.3. Ecological Modernization or a Better Use of PEI**

The integration of an environmental dimension into key policies areas like agriculture, energy, transport, business has become one of the central tenets of ecological modernization, being regarded as a prerequisite for sustainable development (Eckerberg and Nilsson, 2013, p. xvii). The renewed EU Sustainable Development Strategy (European Council, 2006) seeks better implementation of EU policies based on a clear regulation and on the principle that sustainable development must be integrated into policy-making at all levels. Accordingly, all EU institutions must ensure that major policy decisions are based on proposals that have undergone high quality impact assessments, estimating in a balanced way the social, environmental and economic aspects of sustainable development. With the help of the integration principle, the environmental considerations can enter nearly all fields of human activity. This tendency is sometimes called ecological modernization, which follows the idea that economic and social development are not allowed to be, and should not be, a cause of environmental damage (Hertin and Berkhout, 2001, p.39). Next to the principles of

intergenerational equity, sustainable use and inter-generational equity, the principle of environmental integration is considered to derive from the principle of sustainable development, a “distilled” form of it (Efeakpor, 2013) or as a key defining feature of sustainable development. J. Jans (1999) believes the requirement for integration of environmental considerations into the Treaty to be the most important provision concerning the environment. The principle’s consistency is represented, in Usui’s (2005) opinion, by the fact that the impact of almost all policies on the environment is taken into consideration at an early stage in the policy-making process. The 2003 United Nations Economic Commission for Europe offers one of the most complex definitions: “Environmental Policy Integration is a long-term process that requires changes in administrative practice and governmental culture, institutional adaptation and also specific tools (...). The integration of environmental aspects into other policy areas must contribute to policies that effectively lead us to higher environmental protection and greater sustainability” (UNECE and EEB, 2003). Persson (2004) defines EPI as “refers to the integration of environmental aspects and policy objectives into sector policies, such as energy and agricultural policy, and has also been referred to as sector integration”.

As to the European Union, Lafferty and Hovden (Lafferty and Hovden, 2003, p.5) argue that the first Environmental Action Plan (EAP) in 1973 “introduces a more holistic approach to environmental problems, where non-environmental policy areas need to consider environmental effects”. A similar approach was offered by the second EAP, but environmental integration was first brought to political attention within the EU under the third EAP in 1983. The PEI was originally laid down at EU level (European Community level) in the environmental clauses of the Single European Act (SEA) (1986), which states that environmental requirements shall be a component of the European Community’s other policies (Article 130r (2): “Environmental protection requirements shall be a component of the Community’s other policies”). Therefore, one could say that the SEA gave birth to the integration principle as we now know it (Jans, 2011). According to C. Hey (2005), the year 1987 is often viewed as a turning point in EU environmental policy, when the fourth EAP presented a more integrated approach to

environmental policy and paid more attention to sectoral environmental impacts. This objective was a priority for the fifth environmental action program and it was further strengthened by the Maastricht Treaty (1992), which states that environmental protection requirements must be integrated with the definition and the implementation of the other Community policies (Art. 130r(2)). Currently, TFEU, in Article 11 establishes PEI: “Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development”. However, the integration principle no longer has the special status of a “general principle of EC law”. The environmental integration principle, according to Title II of the TFEU, has become, together with some other integration principles, a provision “having general application”. It could be argued that the legal significance of such a downgrading is rather limited, if any. The consolidated Treaty contains a clear legal obligation – without room for interpretation – to integrate environmental requirements into all other policies (Koch and Lindenthal, 2011, p. 980). Thus, raising the subject of the legal nature of PEI, we believe that one of the reasons that prevent the Commission to make use more often of PEI is rooted in its ambiguous legal nature. In this respect, few brief clarifications are required. So, the question that arises is if and to what extent, in EU law, PEI and environmental principles in general can deploy legal effects. Some authors<sup>74</sup> deny the legal character of the principle mainly because of its vagueness, which leads to the conclusion that environmental principles have to be defined by democratic legislators. Others<sup>75</sup> plead for the legally binding character of it. However, according to Astrid Epiney (2006), if the different positions are analyzed, their differences are actually hardly perceptible. Thus, authors who deny the legal character of the principles admit that they constitute a “leitmotiv” for environmental policy and interpretation of secondary legislation. The function of a “leitmotiv” and “interpretation rule” implies a certain legal effect. On the other hand, authors who defend the legal character of the principles (also) stress their

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<sup>74</sup> Krämer, L. (2002), *Europäisches Umweltrecht in der Rechtsprechung des EuGH*. Wien: Verlag Oesterreich.

<sup>75</sup> Kahl, W. (2002), “Der Nachhaltigkeitsgrundsatz im System der Prinzipien des Umweltrechts”, in Bauer, H., Czybulka, D., Kahl, W., and Vosskuhle, A. (eds.), *Umwelt, Wirtschaft und Recht*. Tübingen: Mohr Siebeck.

vagueness and therefore the large discretion of Community institutions. We consider that, the legally binding character of environmental principles cannot be denied. Firstly, the introduction into the Treaty itself, which contains legally binding articles, pleads in favour of the legally binding character of environmental principles. PEI, as formulated in TFEU, Article 11, can be integrated in the category of “obligations of result” because of the imperative formulation “must be integrated”, indicating an obligation of result, containing a strong expression much more demanding than others like “shall be taken into account”, “shall be taken into consideration”. Secondly, the vagueness of some principles alone is not sufficient to deny their legal effect. In law theory, there are many “principles” that, in contrast to “rules”, do not allow or do not demand in each single case a precise solution or action to be undertaken (Epiney, 2006). Even the European Court of Justice (ECJ) recognized the legally binding character of at least some of the environmental principles of the former EC Treaty (Case C-284/95). An important number of international treaties/conventions and EU directives that served as the legal basis for the legal decisions of the ECJ (case C-279/12, C-463/11) included the principle of environmental integration in their provision references.

Concluding, because of the above mentioned ambiguity, in practice we have to do rather with soft law instruments that incorporates this principle. Obviously, as mentioned in the introduction to the paper, the final decision belongs to Parliament and the Council. However, awareness on the huge role PEI has in promoting the concerns of the environment and on its binding character represents the solution for enhancing European Commission’s role in greening legislative initiatives. This is an imperative especially because since 2014 we assist to the elimination of a dedicated environment portfolio, on the one hand, and, on the other hand, due to the new and stringent topics on the new Commissioner’s for Environment, Maritime Affairs and Fisheries agenda: reevaluation of the Birds and Habitats directives, implementing the new reform of the Common Fisheries Policy by putting the EU on the path of a sustainable fishing sector or the air strategy.



### 3. Conclusions

In an era of general scepticism about bureaucracy, bureaucrats, and European integration, the Commission is often considered to embody the most undesirable traits of all three (Kassim et al., 2013), but above all there is no doubt Commission remains an influential actor inside and beyond EU. In an extremely challenging time for the European Union, with the start of the new Commission in 2014, without a portfolio dedicated exclusively to environment, cooperation across portfolios may represent the unique solution for an integrated and well-ground environmental policy and legislation initiatives. Not too distant future will decide whether joint action at Environment, Maritime Affairs and Fisheries level represented the most viable solution for delivering the desired results. Undoubtedly, we do not hope to witness dilution of environmental values interests. And because environmental concerns are reflected through environmental policy and legislation, European Commission through its right of initiative must resort with more courage and conviction to PEI. The integration principle plays indeed a role in policy-making and adoption of legislation in all policy areas. As Agenda 21 stated, for effectively integration of environment in policies and practices, it is essential to develop and implement integrated, enforceable laws and regulations that are based upon sound social, ecological, economic and scientific principles. In the end, paraphrasing Victor Hugo that there is one thing stronger than any army in the world and that is an idea whose time has come, it seems more evident that the time for raising at maximum the concern for the environment has come, and it is essential that European Commission seizes the opportunity, while it is still not too late, to be heard and listened through its green proposals of legislative and policy initiative.

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## **A NEW BEGINNING FOR EUROPE THROUGH REDISCOVERING AND PRIORITISING THE EUROPEAN IDENTITY AND VALUES?<sup>76</sup>**

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*We will have to withstand the temptation of selfishness and offer Europe a new beginning, founded first of all on values and ideas, not on money and economy.<sup>77</sup>*

Manfred Weber, leader of EPP

**Abstract:** *In the present work, we propose an excursion in the issue of identity and social European values contemporaneousness regarding the European Commission schedule, but also the imminence of this approach for the future of Europe. We admit Europe initially came into existence not so much due to economic reasons, but to a mutual rediscovering of similar cultural values, ideas and consciousness. In the first part, we will refer to the context of globalisation and migration, highlighting more and more the issues of identity and relevance of values for the social reform and the necessity of a possible social, cultural and identity prevention. Afterwards, we will attempt to establish the cultural moment we find ourselves in, examining carefully if it is possible to offer the competent institutions the necessary data and instruments for actions in suit with reality.*

*The European Commission represents the general European interest, a unique institution in its supranational structure. An institution having as debate partners the representatives of all member states, standing not for the interests of origin states, but only the present and future interest of Europe. The Commission has all the prerogatives that are necessary to make legislative proposals so that the same general European interest would be as efficient as possible, and the European project would function at its*

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<sup>77</sup> <http://www.paginaeuropeana.ro/ce-spun-alesii-despre-discursul-papei-din-parlamentul-european/>, accessed on 26.11.2014.

*maximum capacity. It is important to remember during this study the fact that the institution having the important right to the initiative is the European Commission. For that matter, we consider necessary and urgent this approach in order to establish now who we are, what keeps us together and make us evaluate how determinant for the crisis within the European area the European values were and how essential they can be to the consolidation and development in order to find later on a consensus regarding the direction to be taken.*

*If in the next ten years we haven't managed to give a Soul to Europe, to give it spirituality and meaning, the game will be up* (President Delors, Speech to the churches. Brussels, Feb. 4<sup>th</sup> 1992).<sup>78</sup>

**Keywords:** European values, identity, culture, European Commission, crisis

## Introduction

When we talk about the cultural and identity-value dimension of the European area, we have to reaffirm hard the idea that everything came into existence due to an ontological and circumstantial unity, a unity that aimed both the comparison with the outer world and especially the defence against the outer world. Friedrich Heer considers that the specifics of the European history have become noticeable by the political, social, economic and especially cultural and religious similitudes (Heer, 1949, p. 15). Up to Luther's actions, Europe was *confused* with Catholicism (Marga, 2006, p. 35). Novalis highlights this truth in a more detailed way, portraying this identification more broadly as *Christianity or Europe* in the essay with the same title (Novalis, 1799, *Die Christenheit oder Europa*). The scissions caused by Protestantism or by the French Revolution later on have outlined more and more visibly what we know today as Europe.

The contemporaneousness of the subject and the necessity of certain strategic interventions regarding the modeling of European identity come from the orientation and perspective in which it has defined itself so far. Teodor Baconsky ascertains that so far – and despite the generous Christian-democrat perspectives shared by the founding fathers – the European Commission rests on a negative concept: it is less the result of a symbolic

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<sup>78</sup> [http://ec.europa.eu/dgs/policy\\_advisers/archives/activities/dialogue\\_religions\\_humanisms/sfe\\_en.htm](http://ec.europa.eu/dgs/policy_advisers/archives/activities/dialogue_religions_humanisms/sfe_en.htm), accessed 25.11.2014.

and identity state, as well as the political expression of the necessity to maintain peace (as non-belligerent state) (Baconsky, 2007, p. 12).

The cultural European superiority is given by the fact that, beside any political-administrative rationality, Europe has the capacity to form on its own, out of its individuality and freedom at the same time (Sandu, 2009, p. 25). Burke said that, for a European, no other European country can consider it exile, underlining thus the unity and freedom of the European spirit (Burke, 1912, p. 84) – but these things are not only unknown today, but they almost do not matter. Recently, the academician Basarab Nicolescu, the father of transdisciplinarity has observed in a conference an idea he would propose to the European Commission. A history, culture and civilisation textbook for each member state, a concise and relevant work with an identical number of pages for each country, so that any student could really know the area and the multitude of cultures he lives among. In the context of globalisation and certain number of Non-European immigrants, this idea could prove healthy for the European Commission which is *responsible* for the conservation and consolidation of the European culture. Below, we will highlight every aspect we consider relevant for the moment regarding this debate. Starting with the cultural activities of the Commission, building, Christian origins, constitution and identity, the European value historicity, the need for elites and models in the midst of relativism, to the contemporaneousness, the meaning and relevance of European values in the era of globalisation, coming closer in the end – of course after setting a diagnosis as objective as possible – to prognoses and thoughts that express the hope and necessity of a new agenda for the European institutions, based more on values with a view to consolidation and European integration.

### **The cultural dimension and actions of the European Commission**

The European Commission represents the general European interest, a unique institution by its supranational structure. An institution having for debate the representatives of all member states, who never stand for the interests of the origin states, but only for the present and future interests of Europe. The Commission has the prerogatives that are necessary to advance legislative proposals so that the same general



European interest would be as efficient as possible, and the European project would function at maximum capacity.<sup>79</sup>

Understanding the other people's background is important in order to authentically represent their general European interest. In a video material in which the European institutions are explained by their very presidents, Barroso underlined an extremely relevant aspect: *I have noticed in my experience that, in the European Commission, ideologies are indeed irrelevant.*<sup>80</sup> My party is Europe, Barroso says, highlighting thus the power of representativity and actions of the political apparatus.

In conformity with the electronic platform of the European Commission, the Commission has the use of 33 Directorate-General for administrative action for each area. Out of all these, there are 5 Directorates regarding culture, values and identity (Humanitarian Aid and Civil Protection ECHO, Joint Research Centre JRC, Research and Innovation RTD, Education and Culture EAC, Eurostat ESTAT, Human Resources and Security HR), in proof of the fact that European Union deeply understands this dimension.<sup>81</sup>

As for the Cultural Politics of the Commission, the most important visible cultural actions are: European Capitals of Culture; European Heritage Days; European Union Prize for Cultural Heritage; European Union Prize for Contemporary Architecture; European Heritage Label; European Border Breakers Awards; European Union Prize for Literature; European Union Prix MEDIA. *These actions are designed to reward achievement, highlight excellence, and raise awareness of Europe's culture and heritage.*<sup>82</sup> The European Commission considers that these actions are important because they ensure cultural diversity and dialogue, culture as a catalyst for creativity and innovation, culture as part of the EU's international relations.<sup>83</sup>

It is easily noticed that the Cultural Politics and cultural actions of the Commission do not focus on the identity-value evolution and dimension of this area, but they are

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<sup>79</sup> [http://ec.europa.eu/about/index\\_ro.htm](http://ec.europa.eu/about/index_ro.htm), accessed on 28.11.2014

<sup>80</sup> [https://www.youtube.com/watch?v=d0diZ48\\_q7U](https://www.youtube.com/watch?v=d0diZ48_q7U), accessed on 15.11.2014.

<sup>81</sup> [http://ec.europa.eu/about/ds\\_ro.htm](http://ec.europa.eu/about/ds_ro.htm), accessed on 28.11.2014.

<sup>82</sup> [http://ec.europa.eu/culture/tools/actions/index\\_en.htm](http://ec.europa.eu/culture/tools/actions/index_en.htm), accessed on 28.11.2014.

<sup>83</sup> Idem.

exclusively economic actions. It is not known who we are and what keeps us together beside the commercial advantages and free movement. Culture, artistic actions and everything happening by the aid of these schemes are exceptional for an appropriate context of Europe innovation and stability, but these aspects do not point so visibly to a rediscovering and acknowledging of interests and values, but to an exploit unanimously accepted of the social-political and especially economic interconnectivity.

Among Europeans, it takes a true understanding as bequeathed by the Fathers of Europe and not just common interests. We must keep this flame. I once said that *Europe needs a soul*. That could offend some believers but in the secular sense that I said. Europe still needs a soul.<sup>84</sup>

Globalisation, migrations and this context of a global society have created, beside advantages, a number of urgent challenges for which we do not possess remedies, we only have managerial strategies. The obsession of our society is the dilemma of self, of identity and of historical importance, turned into the modern society and culture leitmotif (Baumeister, 2011, p. 109) because, in the era of discoveries and explorations, we were interested too much in something else and in *someone else*, disregarding thus the very European cultural identity that once made us superior to any other culture. We have to admit that, to a great extent, the social crises and depressions within a community are often equivalent to the meaning crisis (Maslow's hierarchy of needs). For that matter, in his opinion, the context of a possible value and local cultural resurgence was involuntarily created and, due to this reason as well, resorting to history, fundamentals and reconciliation in conformity with history and reality.

If Jean Monnet were still alive, he would say Europe did not develop but in times of crises<sup>85</sup>. Historical data record clearly the fact that no crisis lacks opportunities, but it is because of this that it is important what we do with Europe. It is necessary and even urgent to identify the society diagnosis as complex as possible in order to measure what options can apply. The value crises are, in fact, the lack of value essentials. A set of values

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<sup>84</sup> Ibidem.

<sup>85</sup> <http://www.europarl.europa.eu/news/en/news-room/content/20101006STO85428/html/Jacques-Delors-Europe-needs-a-soul>, accessed on 26.11. 2014

unanimously accepted is absent. Values are an acute issue because modern society is not capable to articulate firmly conceptions about Good and Bad as traditional societies did (Baumeister, 2011, p. 113). I do not refer to traditionalism here or other form of cultural-religious propagandism, but in the present analysis admitting the importance of the moment is capital because, for now, unity and prosperity within the European Union is largely achieved economically and diplomatically.

### **The importance of values in the social construction**

When we talk about values, we have in view more dimensions and perspectives, but also the reality of the fact that values are transitory. An accurate identification of the social values or of the aspects of the society that are really important and undisputable offers us the articulate image of the social tendencies and behaviour and of a future ethos. Thenceforth, referring to the origins, values and identity is extremely important in order to be able to make a correct analysis.

Defining the value concept covers a large area of dimensions, out of which we will mention here only a few general directions of the *value* concept. One of the definitions widely accepted among sociologists says that *value represents a conception, explicit or implicit, distinctive for an individual or a group characteristic regarding what is desirable, which influences the selection of the available modalities, means and aims of action* (Kluckhohn, 1951, p. 395). Adjacent to the notion of value, the author also defines the notion of *value orientation* in terms of *organised and generalised conception*, influencing behaviour in relation to nature, to man's place in it, to the relationships of the human being with the others and also in relation to what is desirable and undesirable. Values are defined thus in correlation with action and the practical component, that is with the visible aspect. Value leads to criteria, which help us orient also to the limits between what is permitted or desirable socially.

Milton Rokeach defines value *as long-lasting faith, he thinks that a certain pathway or an objective of the existence is preferable socially or personally, compared to an opposed way or aim* (Rokeach, 1973, p.5). Values do not exist on their own, but are embedded in a *value system* representing a long-lasting structure of faiths regarding the

meanings of life and the ways considered desirable to achieve them. Changing values implies restructuring priorities within the individual value system. As such, values always imply a manner of action, they determine the direction an individual, a collectivity, a society. Values are latent realities and they cannot be observed on their own because they are part of the moral paradigm of the individual (behaviour, decisions, attitudes and even tendencies). We talk about value systems in order to understand the ethical tendencies in a certain community because, in a value system we can see reflected the individual's personality, even the personality of a community, or its structure, or its deconstruction in time (Rokeach, 1973, p. 11).

Culturally, the major value orientation nowadays is towards postmodernism, having in its centre the postmaterialism with a tendency to pay extra attention to self-expression and to the quality of life (Inglehart, 1997, p. 4). But the relation to culture can raise a few supplementary issues of approach because there are sociologists who equate culture with values, while the most influential researchers in the values studies consider that the central element of culture is given by the individual's values (Voicu, 2010, p. 260). The sociologist Durkheim affirms that values orient the activity of natural persons, offering them a set of ideal references, becoming, as a consequence, the bases, the fundamentals, the essentials of the social actions. All these elements regarding social behaviour, namely the values are important because only equating certain actions and socially ethical behaviour we could notice how embedding almost organically the values in time have built this European project. In the next section, we will refer to the Christian origins of Europe and to the connection between Christianity and the social values that once represented the basis of construction and action of this political project. But even more than that, we would like to see how much these values represent history, remains of history, contemporaneousness or resurgent tendencies.

### **About European Vales and Cultural Identity**

I consider it more than necessary to have a unanimously accepted document stating clearly the identity origins of European Union. An implicit step of this study about the contemporaneousness and relevance of the values is given also by the idea widely accepted

by sociologists and psychologists that values create identity. A sociological-historical radiography of the values can tell us not only who we are and where we head to, but even more than that it can eventually become an excellent tool of identity stability.

Now, Europe seems to be going through an identity crisis having multiple causes and effects. We deal with a more and more secularized society and the feeling of belonging to a system of values and principles is more and more diminished. Nowadays we talk about the absence of a belonging feeling among the citizens of Europe, and among the reasons for dissatisfaction we can mention the widely shared idea that Europe does not possess a soul – that is a common values system, a living tradition, a significant leading line (Baconsky, 2007, p. 14).

In spite of the fact that at the beginning of the European development Adenauer, Schuman or Gasperi have relied on the spiritual dimension and the role of religion in the development of European civilization. Schuman ascertained firmly that the democratic ideal essential for the future of Europe owes its origins to Christianity only (S. Gill, G D'Costa, eds., 1994, p.7). Moreover, Schuman considered that democracy will be Christian or it will not be at all (Schuman, 1964, p. 55-80). Even Germany's chancellor, Angela Merkel, recently appealed to the Christian identity of Europe. *What is important is that, by referring to God, each would understand where the roots of our cultures strengthen.* At the negotiations regarding the text of the Constitutional Treaty, France was the fiercest opponent to including a reference to the Christian origin of Europe. There are countries advising in favour of this definition or specification, but the debate on this subject of Constitution was blocked by negative referendums.<sup>86</sup>

We could say – together with Pierre Manent – that, out of politically-correct reasons, Europe refuses to admit its Christian root and that, meanwhile, refuses to raise – for example – the question of freedom to the Islamic world, in spite of the fact the modern Europe is the consequence of the discussions on the relation between the public religion

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<sup>86</sup> <http://www.9am.ro/stiri-revista-presei/2006-05-27/merkel-vrea-constitutie-crestina.html#ixzz3KrgpZn3n>, accessed on 02.12.2014

and political freedom (Manent, 2006, p. 821).<sup>87</sup> If we look honestly and agree on the fact that Europe was once the home of Christianity, I would bring in the idea that, to a certain extent, the Crises in Europe are synonymous to the church crisis (we will be able to notice these aspects below, when I appeal to the pope's discourse in the European Parliament).

The inhibitions, negations and resistance regarding the acceptance of a Christian heritage of Europe are attributed – to a certain extent – to the negative actions that the Church manifested during the Medieval Era in Europe and, as such, the whole Christianity would have proved inefficient in developing the European identity and unity, and its remnants must be forgotten. *The retroactive incrimination of Christianity and the philosophical pseudo-debate regarding the universal values as a necessary means for the development of societies have fueled the pedagogic masochism of a Europe that is incapable to distinguish between good and bad in its own past. Actually, knowing the truth – as a battle for memory – especially implies going beyond the religious alienation of the new generations towards the tradition and the Christian traditions* (Baconsky, 2007, p. 19).

The consequence of not knowing their own history and tradition is not a constructive one for the Europeans and the most affected is the new generation for whom the entire European civilisation becomes uncomprehended as long as they do not learn to decipher it. *This mental blindness... does not only sacrifice the Christian heritage, but all religious forms of creation to which the Western man, a fanatic of a senseless freedom, does not have access* (Baconsky, 2007, p. 19). For that matter, the Romanian essayist Patapievici pointed that: *the Christian mind is the most powerful tool invented by a civilization*.<sup>88</sup>

Following the connection between the Christianity and European identity, we can notice the certain social values were developed exclusively out of Christian reasons. For example, the human solidarity value, born out of a feeling of social responsibility and

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<sup>87</sup> Cf. Horia Roman Patapievici-[http://www.ideiindialog.ro/articol\\_794/noua\\_europa\\_si\\_vocea\\_care\\_lipseste\\_crestinismul.html](http://www.ideiindialog.ro/articol_794/noua_europa_si_vocea_care_lipseste_crestinismul.html), accessed on 05.12.2014.

<sup>88</sup> <http://www.clujulcultural.ro/patapievici-la-cluj-mintea-crestina-este-cel-mai-puternic-dispozitiv-inventat-de-o-civilizatie/>, accessed on 10.11.2014

maintaining alive in the context of benevolence reciprocity. This spring, being part of probation in Prague, I had the privilege of certain dialogues about the decline of values in the West and about the causes of a greater and greater secularization in Europe with the well-known professor Jan Sokol.<sup>89</sup> The Czech society is proclaimed the most secular society in the world and I wanted to understand how a society that changed its existential reference functions. The answer given by the former minister of Education in Czech Republic was striking: it is about the remains of the old value system because even if nowadays we declare ourselves agnostics or anything else, the western society functions strictly on the remnant value frame of Christianity.

Just as solidarity – as social value – is just a rendering of certain Christian concepts, we will observe without the necessity to offer further explanations or arguments that the other socially recognised values – less enthusiastically – have a Christian character and origin. Faith in something superior made it possible for us to act similarly in things within reach.

We will not keep a record or present minutely the accepted values following Eurobarometre, The Atlas of European Values or in the Chart of the European Institutions because the present work raises a value-identity problem connected with the agenda of the European Commission, and not a sociological exposition. The necessity of debating comes from the difficulty this political project is in. We cannot hide any longer or ignore the problems, rejoicing for a superficial integration (cold integration). Within certain subsequent analyses, I will show a map of values per regions, but also the connection between Christian history and the sociological value evolution, as well as the impact of social mentalities through the promotion of values. In order to underline the Christian origins, I will enumerate a few common European sociological values, just as they appear in the writings of the most representative analysts of Europeanism. A few of these values are democracy, solidarity, work and competition, durable development, non-discrimination

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<sup>89</sup> <http://www.jansokol.cz/2014/01/biography/>

and tolerance.<sup>90</sup> Beyond the historical-sociological importance of values, their contemporaneousness must also be reaffirmed, because otherwise there will always be a reference to a cultural accessory and a reality which does not exist and cannot have a social power.

Another argument of the urgency to approach this issue comes from the raised and fluctuating percentages of the Euroscepticism and Euro-indifference especially in the already well developed countries, having competitive economies. Although Euroscepticism at the borders of the Union means something else – that is a capitalizing the work force and a financial speculum – this concept has to be analysed more and more because no project characterised by scepticism and indifference can last. Values are the temporary conductors of the presumed future. We cannot live only on hedonistic slogans like *Carpe diem*, we have to retrieve the value of responsibility and of social reinvention in order to confront all the challenges that seem more and more complex.

For that matter, we have to notice a few key points in pope's discourse, especially for the fact that his sanctity's invitation in this *sanctuary* of democracy and political European representativity is an important message to the European officials. They have invited the very leader of the majority church in Europa, church that was once one with the European culture. The pope was invited to address to Europe, thus sending the message he is aware of the more and more delicate problems of nowadays. The appeal to the authority and credibility of Vatican has to stimulate us to a careful reflection because direct help was asked to the church. Pope Francisc, the first non-European pope comes from a continent where Catholicism has somewhat failed. Almost a half of the Catholic Church in the South America has migrated to the neo-pentecostal-charismatic movements. But, when the greatest leader of the Christianity comes mentioning clear issues in the representative institution of Europe, it means he knows something.<sup>91</sup> The hopeful appeal and invitation meant that these social problems were nothing but a great chance for a more consistent

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<sup>90</sup> Nicolae Păun, *About European Values In A Global World*, Global Jean Monnet Conference, The European Union and the World Sustainable Development, Bruxelles, 2007, p.6, [http://ec.europa.eu/education/jean-monnet/doc/forum07/paun\\_en.pdf](http://ec.europa.eu/education/jean-monnet/doc/forum07/paun_en.pdf), accessed on 18.11.2014

<sup>91</sup> [http://en.radiovaticana.va/news/2014/11/25/pope\\_francis\\_address\\_to\\_european\\_parliament/1112318](http://en.radiovaticana.va/news/2014/11/25/pope_francis_address_to_european_parliament/1112318), accessed 27.11.2014



unity. He underlined the importance of relating to man, not to a citizen, to human dignity – to their bond with the transcendent, to peace and to freedom. He stimulated people towards the birth of a culture of human rights where personal rights could intermingle with the common good, pointing out that, if we do not find this kind of harmony, we will have only conflicts. He spoke through images and rhetorical power, raising a question to Europe about the olden vitality, but he also asked about immigrants and life protection. The officials admitted that pope's appeal was an urgent appeal for waking. We need a new paradigm and a new soul for Europe to regain its forgotten awesomeness.

The German philosopher and sociologist Habermas views Europeanity as a historical structure based on a constitutional agreement, constitutional procedures, common economic interests, cultural values, interpretations of the past, development of the means of communicating knowledge and ideas and, thus, creating a public space. In this train of thought, Habermas promotes the idea of Europe as a specific community characterised by the solidarity determined by common values, by the concern for social, economic and political integration and by the common aim to defend the state welfare. Others, like the authorities of the Catholic Church, are extremely fierce, insisting on the necessity to keep the Christian identity of Europe, to mention the Christian origin of our continent in the Constitution and to include in Europe only those countries whose population is in majority Christian, leaving out new candidate states as Turkey. They base their position not only on the Catholic Church leaders, but also on a long cultural conception, somehow mystical, on Europe.<sup>92</sup>

The French essayist George Bernanos wrote after the World War II an extraordinary sentence. Overwhelmed by what he saw in the war regarding humanity and the way in which, after the war, peace was instrumented, in the same derangement and absurdity, he said: Christianity originated Europe. Christianity is now dead. Europe will shatter. What can be clearer than that?<sup>93</sup>

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<sup>92</sup> [http://www.observatorcultural.ro/Denis-de-Rougemont-si-conceptia-sa-asupra-Europei\\*articleID\\_14638-articles\\_details.html](http://www.observatorcultural.ro/Denis-de-Rougemont-si-conceptia-sa-asupra-Europei*articleID_14638-articles_details.html)

<sup>93</sup> <http://inlinedreapta.net/monitorul-neoficial/bernanos-%E2%80%9Dcrestinatatea-a-facut-europa-crestinatatea-a-murit-europa-va-crapa-ce-poate-fi-mai-simplu%E2%80%9D/>, accessed on 06.12.2014

Christian Europe lives latently and we do not lack anything else but the courage to bring it to light in a way that, avoiding the mistakes of the past, does not condemn it to forgetfulness, ideological manipulation and resentment (Baconski, 2007, p. 20). Europe is viewed as a matrix of this global religion, a geometrical position of the Christian interpretations regarding the direction of the universal history (Baconsky, 2007, p. 31).

## **Conclusions**

The moments after coming out of the crisis requires a time of introspection and reflection on values, paradigms, objectives and, of course, political actions. If this is achieved correctly, we will realize the crisis can transform into an opportunity (Păun, 2007, p. 91). Our century has enormous challenges and, even if the living standard was never higher than today, the increase of life complexity brings surprising challenges and high instability.

In the context of globalisation and social fragmentation, this analysis is necessary if the identity of Europe is given by values, has relativized or fragmented, and Europe lives the tragedy to have citizens who do not feel the present values and culture still represent them. It is very possible that the old values and Christian identity would not matter any longer and we would have to deal with another set of values. But this has to be identified and established because this is the only way we can talk about the stability of this project. Redefining and keeping contact is vital in order to administer what is necessary for functioning.

Thus, for a powerful Europe, an authentic integration of the member states into the European space, it is necessary to consolidate the European values in the context of globalisation and formulating a paradigm of the European integration where the cultural-value dimension would be taken into account. The distinction and admitting its own limits became essential. The European agenda has to demonstrate that identity multiculturalism must be a good point, not a social vulnerability. The situation given implies almost compulsory a value repositioning in the context of migration, of more and more diverse challenges, but especially those of globalisation. It is very important to have real value

systems, social-cultural aiming points and European leaders for a profound cohesion of the European project.

In the context of the different events that marked the history of Europe, defining the European identity becomes a difficult task. *In its only two centuries of (a)gnostic insurgence, the revolutionary, illuminist, progressionist-social, technological, ideologised, excessively secularised Europe, it still remains an amnesic void where the atheist humanism depersonalises individuals and withers the spice of public work... In other words, Europe will continue to exist only if the battle for its collective memory is won* (Baconsky, 2007, p. 17).

In order to form its identity again and outline its unitary soul, it is essential that it would accept the heritage it already has. *If Europeans claim a distinct identity, if they still take pride in a specific difference and the ambition to matter in the new geopolitical engagements, they will have to remember their origins and reintegrate the Christian value within their fundamental canon. Christianity goes beyond the European borders – both as emission and as style. There is Christianity outside Europe. But can there be Europe outside Christianity?* (Baconsky, 2007, p. 17)

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## HOW TO COPE WITH THE AMBIVALENCE OF EUROPEAN INTEGRATION?

### A CULTURAL-HISTORICAL ACCOUNT OF THE NEW EUROPEAN COMMISSION'S AGENDA

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**Abstract:** *In this article, I put forward the thesis that the new Juncker Commission's main task in the years from 2014 to 2019 has to be to establish a "modus vivendi" in dealing with aspects of ambiguity and ambivalence inherent in European integration after 1945. I start by analyzing the discourse of ambivalence that accompanied the May 2014 European elections and the decision process that made Jean-Claude Juncker become the new Commission's president. In the following, I rethink Swiss sociologist Kurt Lüscher's metaphor of "Homo ambivalens" and Luuk van Middelaar's concept of "three European spheres" to come to terms with the role of the new Commission led by Juncker. Its main task can be seen in, as the new Commission president puts it in his own words, "building bridges" in Europe after crisis. This means nothing else than establishing a "modus vivendi" in dealing with the paradoxes of the European Union.*

**Keywords:** Cultural history of European integration, identity, theory, ambivalence, ambiguities

Between May 22nd and 25th of 2015 the demos of the European Union (I am aware of the great problems when speaking or writing of a "European demos") elected once again the now 751 Members of the European Parliament. Since 1979 the parliament has been the directly elected parliamentary institution of the European integration network (cf. Schmale, 2000). Still, there is a very critical discourse claiming a lack of democratic qualities to be found in the construction of the "New Europe". By the European elections of 2014, this seemed to be addressed in a very basic way: for the first time the elections seemed to be more democratically oriented since the European Council has taken into

account the results of the elections when deciding who was to become the new Commission's president. In the words of the Lisbon Treaty, the EP "elects" the new Commission's president. Still, research and public discourse are aware of the fact that there is a very ambiguous and ambivalent, sometimes even paradoxical discourse concerning the ways in which the political and institutional structures of the EU deal with the concepts of Europeanness (cf. Schmale, 2008). In this article, I try to sketch some basic aspects of how cultural history can shed a new light on the discourse of Europeanness and the construction of a European identity which lay at the very heart of the EU's political discourse. My main assumption is that coping with ambivalence is the main cultural and political task the new Commission led by Jean-Claude Juncker will have to address in the years from 2014 to 2019.

Ambivalence and ambiguity are research concepts stemming from post-modernist and post-structuralist discourse (cf. Butler, 1990; Nancy, 1993; Englert, 2009; Marchart, 2010; Bojadžijev, 2009; Munoz, 2009; Sarasin, 2005). Since the 1960s most of all French post-modernist thinkers and theoreticians were getting aware of the basic feature of identity constructions and discourse formations that they do not follow an order of homogeneity and linearity; in fact, usually discourses of identity construction and cultural politics tend to be ways of contingent coping with ambivalence and ambiguities (cf. *ibid.*). Sometimes discourses can even be able to stabilize paradoxical aspects of the discursive production of meaning for longer periods. Like this, the idea and concept of an "authentic" or "homogenous" European culture is not in line with these important strands of theoretical thinking. From this perspective, politics that seek to establish a cultural discourse without contradictions, intending to build a homogenous kind of European culture, are to be seen as dangerous political concepts. They tend to build a rigid order of political cultures, strictly including who is to belong to Europe and who is to be excluded from the future European cultural community. From my point of view, the post-modernist account of dealing with the concept of ambivalence which is inherent in the epistemology of the "New Cultural History" since 1989 (cf. Hunt/Biersack, 1989) can be a good way of critically looking at political strategies followed by the new European Commission, highlighting or criticising "authentic" and "exclusivist" ways of constructing Europeanness. I start my line of

thinking by taking into account the “official” discourse surrounding the European elections of May 2014 and the take-over of the European Commission led by Juncker of November 2014.

### **1. Ambivalence in the discourse of Europeanness surrounding the new European Commission in 2014**

In November of 2014 the new Juncker Commission got to work. This event of “getting-to- work” was the historical successor of a very intense and broad political and media discourse that accompanied the May elections and the decision processes leading to the inauguration of the new Juncker Commission. In a very basic way, the “official” discourse led by the EP and other institutions and political persona of the EU constructed an ambiguous image of Europeanness. This discourse reflected the tensions and even contradictions inherent in the construction of European identities. The main question remains how to cope with ambivalence in a politically satisfying way. How can the basic ambivalence of the concept of Europeanness be put into political action and organization by the new Juncker Commission? I will address these questions by starting with the image of the 2014 elections that is narrated by the EP on its own webpage. Like this, this narrative and image of the elections (that integrates a certain ambiguous image of Europeanness) can be seen as a re-actualized way of putting the contradictions of the EU’s cultures into politically organized speech:

*(...) As the European Union seeks to pull through the economic crisis and EU leaders reflect on what direction to take in future, these are the most important European elections to date.*

*They not only allow voters to pass judgment on EU leaders' efforts to tackle the eurozone crisis and to express their views on plans for closer economic and political integration; they are also the first elections since the Lisbon Treaty of 2009 gave the European Parliament a number of important new powers.*

*One major new development introduced by the Treaty is that, when the EU member states nominate the next president of the European Commission to succeed José Manuel*



*Barroso in autumn 2014, they will - for the first time - have to take account of the European election results. The new Parliament must endorse this candidate: it 'elects' the Commission president, in the words of the Treaty. This means voters now have a clear say in who takes over at the helm of EU government.*

*Of the 13 European political parties, five have nominated a candidate to succeed the current Commission President. The EPP has nominated Jean-Claude Juncker, former Luxembourg prime minister and former Eurogroup president, the PES candidate is Martin Schulz, current president of the European Parliament, the Liberals and Democrats have opted for Guy Verhofstadt, former Belgian prime minister and current Liberal group leader in the EP, the Greens have nominated a duo of current MEPs, French José Bové and German Ska Keller, while the European Left have put forward Alexis Tsipras, leader of the Greek SYRIZA party.*

*The new political majority that emerges from the elections will also shape European legislation over the next five years in areas from the single market to civil liberties. The Parliament - the only directly elected EU institution - is now a linchpin of the European decision-making system and has an equal say with national governments on nearly all EU laws. (Homepage of the May 2014 elections of the EP. Available from: <http://www.elections2014.eu/en/press-kit/content/20131112PKH24411/html/Overview-of-Parliament-and-the-2014-elections> [Accessed 2/12/2014]. [emphasis in original]).*

Most of all this discourse engaged by the EP seems to be technical and political speech highlighting the novelty and originality of the new way designating the Commission following the Barroso II équipe. From my point of view, this is not the key feature of this discourse. From a cultural-historical, discourse-oriented perspective, the main feature of this narrative is to be found in the critical junction and match that is constructed between the novelty of the May 2014 elections and the future of Europe. In line with the “official” discourse, the EP “is now a linchpin of the European decision-making system and has an equal say with national governments on nearly all EU laws.” This is a crucial statement. It draws an image of Europe’s future (to be found in the

structure of the EU) that links the roles of the Commission, the EP and the European *demos*.

Therefore, this “official” discourse can be seen as a very contested and even contradictory discursive sphere where different images of Europeanness (i.e. the vision of Europe put forward by Juncker himself, the images of Europeanness proposed by MEPs, and, finally, the feelings and thoughts on Europeanness of European citizens themselves) intertwine and try to get their audience’s awareness and attention. From my point of view, the “official” EP discourse in 2014 is nothing else than a highly reflexive (cf. Schmale, 2008) but also ambiguous discourse trying to make sense of various ways of constructing European identities. In short, when looking at the EP’s 2014 discourse it is *not* clear at all who belongs to Europe and who does not. The EP itself and the institution of the Juncker Commission, too, can be seen as institutionalized ways of trying to organize the politics of ambivalence. They have to be found in the balance between several different discursive poles “floating around” in the EU’s cultures. Like this, this discourse is a first cultural-historical way of managing ambivalence in the year of 2014.

At this point, I proceed to another discursive realm of the new 2014 political situation of Europe. In November of 2014 the new Juncker Commission got to work. As stressed in the above quote, the new Commission’s was designated and “elected” in a more “democratic” way than ever before. The dominating parties of the EP had decided on their candidates for the post of the Commission’s president, and, finally, Juncker, a “Euro veteran”, got most of the votes (if the May 2014 elections are seen as a certain ambiguously democratic way of “electing” the Commission, too). Juncker led a very broad and intense discourse, constructing his image of the EU’s future organized by “his” Commission. In his campaigning discourse there were several slogans to construct this image. Finally – after he got the vote – he encouraged European citizens to take part in his vision of the EU’s future and continued his utopian, yet pragmatic discourse. In autumn of 2014 the main *topos* was to be found in his vision of “setting Europe in motion”. Part of his speech given at the Strasbourg EP on 22<sup>nd</sup> October of 2014, the following quote demonstrates and manifests the inherent ambivalence to be found in Juncker’s utopian narrative and image for his role as the Commission’s president:

*(...) When I presented my new team on 10 September, I wanted to show that I wish to deliver quickly and effectively. That is why my Commission will not only look different but will also work differently. Not as the sum of its parts, but as a team. Not through silo mentalities, clusters and portfolio frontiers, but as a collegiate, political body. I want a political, executive Commission at the service of the common good and of Europe's citizens.*

*(...) Citizens are losing faith, extremists on the left and right are nipping at our heels, our competitors are taking liberties. It is time we breathed a new lease of life into the European project.*

*Huge challenges await us. It is up to us to shape these challenges. If we want a role to play in the future we have to play it now. It is up to us to ensure that the handwriting of the European Social Model is clearly visible in everything we do. Because Europe is the protective shield for all of us who can call this magnificent continent their home.*

*I stand here in front of you, in this House that is the beacon of European democracy, and call upon you to set Europe in motion again.* (Homepage of the EU. Available from: [http://europa.eu/rapid/press-release\\_SPEECH-14-705\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-14-705_en.htm) [Accessed 2/12/2014]. [emphasis in original]).

Now, this discourse led by Juncker in face of the MEPs seems to be very emotional, utopian, and fictional. It draws an image of the EU's future to be shaped by "his" Commission that should link a European government ("his" Commission) and the people of Europe who are at the same time the addressed ones and the demos of the European democracy alike. The slogan of "setting Europe in motion again" is the crucial and key discursive strategy envisioning this future. The future Juncker Commission wants to inseparably link the European government and the fate of the European demos and the European democracy alike. This discursive figure is logically ambivalent in its basic structure of argumentation: Juncker and "his" Commission address the European demos and thank them for giving them the opportunity of "governing" Europe in the same political narrative.

There is a highly contested and ambivalent image of Europeanness in the deeper layers of Juncker's discourse: his political arguments and speech are nothing else than an organized way of institutionalizing a balance between the still narrow democratic scope of the EU's political system and the "quest" for strengthening the EU's democratic qualities. Therefore, the new Commission's president Juncker is nothing else than a cultural player whose main task is to be found in seeking innovative ways of stabilizing a *modus vivendi* coping with the ambivalence that lies at the very heart of European integration. This ambivalence is the tension between an "exclusivist" and a "reflexive" image and narrative of European integration's cultural history. This narrative and image hints at our common European future. How can a reflexive and scientifically responsive narrative of European integration's cultural history add to the political way of coping with this highly ambiguous state of Europe's future?

## **2. "Neither business as usual nor time for a new beginning" – the new Commission's role as a political player coping with ambivalence as seen from a cultural historian's perspective**

So, what are the concepts of ambivalence and ambiguity all about? Recently, there has been a broad and dense discourse on these topics (cf. Butler, 1990; Nancy, 1993; Englert, 2009; Marchart, 2010; Bojadžijev, 2009; Munoz, 2009; Sarasin, 2005). Most of all, re-thinking the key questions of French post-modernist strands of theoretical debates has led to new and intriguing results of research (cf. *ibid.*). Like this, theoretical thought on ambivalence and ambiguity has gained a lot of momentum; this is a discursive process of research and history which cannot be fully considered yet. We have to wait for what is still to come. In the German speaking discursive area on ambivalence, a very good starting point can be found in Swiss sociologist Kurt Lüscher's image of a "Homo ambivalens" which can be seen as nothing less than a heuristic theoretical metaphor of making sense of our post-modern recent epoch:

*(...) Es soll erstens wie erwähnt darauf verweisen, dass Menschen Ambivalenzen erfahren, erkennen oder verdrängen können und auf unterschiedliche Weise damit*

*umzugehen vermögen. Doch im Unterschied zu anderen Menschenbildern, die auf das Wesen des Menschen oder auf einzelne Züge fixiert sind, beinhaltet die Leitidee des „homo ambivalens“ zweitens auch die Möglichkeit und die Notwendigkeit der dynamischen, kritischen Reflexion seiner selbst, eingeschlossen seine Ambivalenz gegenüber Ambivalenzerfahrungen und ihrer Thematisierung. Mit diesem zweiten Aspekt wird eine Spezifik dieses Menschenbilds postuliert, die es von anderen Menschenbildern unterscheidet.*

*Man kann darin eine Last sehen. Ist dies der Fall, werden Ambivalenzen im alltäglichen Handeln ebenso wie in der Theorie problematisiert und sogar verdrängt. Man kann darin aber auch die Chancen einer dynamischen Offenheit erkennen. So gesehen geht es – paradox ausgedrückt – um eine rationale Alternative zur alleinigen Vorherrschaft der Idee der Rationalität. Sie nährt sich pragmatisch wiederum von der Akzeptanz kontingenter Elemente im menschlichen Leben, seiner Schicksalhaftigkeit und dem Verwundern über das Auftauchen von unerwartet Neuem.*

*(...) Dieses Menschenbild ist also auf eine dynamische Pragmatik angelegt, auf die Beobachtung des alltäglichen und außeralltäglichen Lebens und des Denkens in seiner Verknüpfung mit der Konstitution, Entfaltung und Entwicklung des Selbst sowie den fördernden und belastenden Bedingungen menschlicher Handlungsbefähigung. Es beinhaltet prinzipiell ein Potenzial an Offenheit und Freiheit. Es bietet sich somit an, die Tragweite dieses Menschenbilds bei der Analyse des Lebens unter den Bedingungen postmoderner Globalisierung zu bedenken. (Lüscher, 2010, p. 9 [emphasis in original]).*

From a post-modernist, cultural-historical point of view, Lüscher's metaphor and theory of the "Homo ambivalens" is nothing less than a key strategy to make sense of today's world and cultures. Seeing today's world of globalization and Europeanization as a world of growing networks in all present cultural realms (i.e. political spheres, economic spheres, social spheres, or religious spheres), we have to ask ourselves how we can find cultural identities that are up to date; we have to think of ways of constructing European cultural identities matching the key features of our today's post-modern world. These key features can be found in an openness towards cultural relativity, discourse and exchange, in

mutual respect and solidarity when thinking of boundaries of identity construction, and, last but not least, in coping with the structural ambivalence inherent to our current historical present age. This structural and basic ambivalence can be found for instance in the following ambiguous realms of cultural tensions: sex vs. gender, essentialism vs. constructivism, essentialist thought vs. hybrid and post-colonial thought, centre vs. periphery, nationalist thought vs. Europeanist thought, economy vs. culture... this list of contradictions could be enhanced at will.

I think these aspects encourage us to think of new ways of coping with today's European realities of cultural identities and discourses. We have to find new modes of living and coping with contradictions and paradoxes that are structurally woven into the deeper layers of European integration. Most of all, like this, we could overcome the dichotomies that still are very present in discourses on European integration – these dichotomies can be found in contradictions like centre vs. periphery, identity vs. reflexivity, politics vs. culture, left vs. right, neo-liberal economy vs. welfare state... If we see these contradictions not as dogmatic paradoxes, but as spheres of negotiation and discursive and inter-cultural exchange, we could take a huge step forward; therefore, the metaphor of “Homo ambivalens” proposed by Lüscher is a key metaphor to construct European identities. Basically, the crucial question is: are the metaphors and concepts of “Homo ambivalens” and “Homo europaeus” (Bluche, Lipphardt and Patel, n.d.) coincident images of our current historical era? And most of all: how could a reflexive and responsive cultural view of the new Commission's future plans add to cope with these structural ambiguities?

To address these important questions it is necessary to reconsider European integration as a political and cultural sphere of discourses after World War II. Up till now, often European integration has been seen strictly in line with the dichotomy of the narrative of integration vs. disintegration. This view of European integration remains modernist and cannot make sense of the discourse led by the new Juncker Commission. So, we have to think of a new ontological position to make sense of the cultural European identities that are constructed in this discursive system. We have to think of a new ontological *modus vivendi* that represents the desire and ability of post-modern European

citizens to cope with ambivalence. From my perspective, a good ontological concept can be found in Luuk van Middelaar's 2013 book "The Passage to Europe" (van Middelaar, 2013). The main feature of this book by Dutch politician, philosopher, and historian van Middelaar, is the narrative scope fleshed out in the book's prologue. Van Middelaar introduces an ontological concept of "three spheres" that draws the structural configuration and image of his narrative:

*The search for a new paradigm might begin with a distinction between the spheres in which European states have organised their dealings. There are three of them and they encompass each other like concentric globes. Each sphere has its principles of dynamism and order, each its own rules and etiquette, ranging from top to bottom on the scale of violence – from war and treats of armed force to the veto and qualified majority voting. Each is distinguished by its self-image, by the specific psychology of its players, and by its public.*

*The outermost sphere derives its rather blurred delineation from geography and history. It embraces what has come to be called "wider Europe": all sovereign states on the continent, known for many years as the Concert of Europe. Dynamism here is derived from the pursuit of self-interest by the states, order mainly from a balance of power and from territorial borders.*

*Then there is the innermost sphere, created by a founding treaty signed in 1951. Calling itself a Community, it covers a legally demarcated but ever-expanding economic realm within the participating states. Dynamism here originates from an idea of the future: the "European project". Order and a firm footing are provided by a pact signed by the states: the founding treaty.*

*The third is the intermediate sphere. It arose between the other two unexpectedly, and with immediate effect, the moment the Community was founded. This in-between world went unnoticed for years and cannot be fully captured in legal terms. Perhaps for that reason, it has not been given a name. Yet it is crucial. This is the sphere of Europe's member states. As in the outer sphere, dynamism arises from the pursuit by each country of its own national interest, but also – and this is surprise – from a growing awareness of*



*common interests. Its most powerful ordering principle is membership, but both the law and the balance of power are important as well. This sphere is intermediate in character, sometimes overlapping with the outermost sphere, sometimes with the innermost. It is intermediate in its functions as well: to bind, to establish relationships, to absorb events, to make transitions.* (van Middelaar, 2013, p. 12).

Van Middelaar's concept of three spheres ought to be seen in critical terms, too. It is, in some ways, reductionist. Shaping the whole history of European integration after 1945 by narrating three "concentric globes", means, of course, reductionism and simplification as well. Now, I think, we can observe this critically but should yet be aware of the great heuristic value of the narrative of the three spheres. The crucial aspect is to be found in the narrative of the intermediate sphere. As van Middelaar puts it in his own words, "it is intermediate in its functions as well: to bind, to establish relationships, to absorb events, to make transitions." To put it in common and popular terms: this intermediate sphere is the discursive realm where ambivalence and ambiguities of the European project are negotiated. It is the place of discourse, exchange, and mediation where European politicians and European citizens come together and balance the tensions that are inherent in European integration after 1945. "It is intermediate in its functions as well: to bind, to establish relationships, to absorb events, to make transitions". Therefore, the intermediate sphere is the cultural-historical realm we have to look for when trying to establish a *modus vivendi* in coping with the European project's inherent ambiguities.

Following van Middelaar's narrative of the intermediate sphere, the main actor and player of this discursive realm is the European Council (van Middelaar, 2013, pp. 18-31). As written above, this can be seen as a reductionism in narration. The intermediate sphere may be gotten established in institutional shape as the European Council and its structural forms, but, too, this is a question of broader forms of discourses of citizenship and the ways European citizens think and feel when being confronted with the European project since the 1950s. But, concluding, I think, the concept of the intermediate sphere and its narrative, nevertheless, is a crucial analytical and metaphorical way of making sense of today's EU. Seeing the intermediate sphere as the place and the "table" (cf. *ibid.*) where



Europeans, represented by its member states' leaders, come together, forming an established and institutionalised way of discursive negotiation of ambivalence, we can put the new Juncker Commission in its cultural-historical place. The intermediate sphere as constructed in narration by van Middelaar, seems to be the main place to deal with ambiguities in the long run. Here the leaders of the EU's member states come together and negotiate ambivalence in a discourse having its own rules, rituals, and forms of making publicities (cf. *ibid.*). This is the crucial intermediate process that keeps dynamism in coping with ambivalence in the process of European integration in the post-war world. "It is intermediate in its functions as well: to bind, to establish relationships, to absorb events, to make transitions", as van Middelaar puts it. This is nothing else than an institutionalized discourse of coping and dealing with ambiguities.

Now, what is the place of the European Commission, especially the new Juncker Commission, in the future years in this specific European cultural-historical constellation? By using van Middelaar's concept of three "concentric globes", we can put the new Juncker Commission in its historical place. It belongs to the innermost sphere. It is created by the founding treaty of the 1950s and finds its limits of creating European identities by the legal narrative put forward by the founding treaty. Being part of the innermost sphere, the new Juncker Commission has its main function to be found in representing the genuine interests of the European project. Selling itself to Europe and the world as the "European government" "elected" by the EP, it is the most solid body of the institutionalized Europe. It is one of the key players when dealing with the ambivalence inherent in European integration's cultural history.

So, what is the role and agency of the new Juncker Commission, seen from a cultural historian's perspective, when thinking of Europe as a discursive area in which we all have to seek a good way to deal with tensions of ambivalence? I think, the role of the new Juncker Commission is neither business as usual nor time for a new beginning; its role of agency and dynamism in the history of European agency can be seen as "governing Europe in-between". Neither does the European Commission have the capabilities to govern Europe strictly following its very own aims and intentions nor is it totally depending from the dynamics of what is called the outermost sphere and intermediate

sphere by van Middelaar. Like this, the main task of the équipe lead by Juncker is not to “control” or “govern” European history in a strict sense but to find ways of a *modus vivendi* in cooperation with the other institutions of the EU, the leaders and citizens of The member States as well. The new Juncker Commission’s “quest” has to be (as it has been before for all other Commission teams, too) to deal with the tensions of the European project. As Juncker’s programme puts it:

*Over the past years, Europe suffered the worst financial and economic crisis since World War II. Unprecedented measures had to be taken by the EU institutions and national governments to stabilise Member States’ economies, consolidate public finances and prevent the results of decades of European integration from being undone.*

*The worst was avoided. The internal market and the integrity of the Euro zone were preserved. Slowly but surely, economic growth and confidence are now returning to Europe.*

*However, the crisis has taken its toll. More than 6 million people lost their job during the crisis. Youth unemployment has reached record highs. Several of our Member States are still far away from sustainable growth and adequate levels of investment. In many countries, trust in the European project is at a historic low.*

(...)

*As candidate for President of the European Commission, I see it as my key task to rebuild bridges in Europe after the crisis. To restore European citizens’ confidence. To focus our policies on the key challenges ahead for our economies and for our societies. And to strengthen democratic legitimacy on the basis of the Community method.*

(...)

*My agenda will focus **on ten policy areas**. My emphasis will be on concrete results in these ten areas. Beyond that, I will leave other policy areas to the Member States where they are more legitimate and better equipped to give effective policy responses at national, regional or local level, in line with the principles of subsidiarity and proportionality. **I***

*want a European Union that is bigger and more ambitious on big things, and smaller and more modest on small things.* (Homepage of the European Union. Available from: [http://ec.europa.eu/about/juncker-commission/docs/pg\\_en.pdf](http://ec.europa.eu/about/juncker-commission/docs/pg_en.pdf). [Accessed 3/12/2014] [emphasis in original]).

Taking into account van Middelaars narrative of the three European spheres and Lüscher's metaphor of the "Homo ambivalens", we can better make sense of the new Commissions role in the recent and future history of European integration. As Juncker himself puts it, "I see it as my key task to rebuild bridges in Europe after the crisis." This is neither an empty discursive commonplace nor a distinct political programme; it is, in fact, Commission President Juncker's way of telling us, fellow European politicians, and European citizens as well: "I want to see my Commission's main task in balancing the intermediate tensions of European integration after the recent phenomenon of crisis in our European cultural community". This is how we can see the political agenda led by Juncker and "his" team in the time to come. Neither is it a "brand new start" nor is it "business as usual"; it is coping with ambivalence of the European integration network in our post-modern cultural condition. It is "governing Europe in-between".

Concluding my thoughts, I want to address the question, how a reflexive and responsive cultural history of European integration can add to this discursive programme put forward by Juncker and his équipe. From my point of view as a cultural historian of European integration, the main aim of research can be found in critically re-thinking the political speech by the new Commission. The discourse brought forward by this group of politicians is the way they deal with the realities of ambivalence in the political network of European integration. By analyzing this discourse, we could find the main metaphors, narratives, and images these politicians use to pursuit the goals of their political agenda. Being informed by van Middelaar and Lüscher, the main task of research can be seen in critically re-thinking the new Juncker Commission's political speech.

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