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EVALUATION OF THE STATE OF IMPLEMENTATION OF THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS: CASE STUDY OF THE SLOVAK REPUBLIC

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Abstract: *Today, Slovak Republic already has 20 years of experience in the management, implementation and control of European funds, which should be used in the next programming period 2021-2027, which represents cohesion policy post-2020. Preparedness and flexibility will be a prerequisite for a successful implementation of this programming period. In the context of expected changes and new rules, it is essential that the responsible national authorities are able to prepare not only the new Partnership Agreement and documents at strategic level in a timely manner, but also the operational programmes themselves, through which European Union policies will be implemented. In view of the above, the aim of the paper is to evaluate Slovakia´s state of preparedness for the next programming period 2021 – 2027 and propose recommendations to improve the management, implementation and control of the European Structural and Investment Funds. Research will mainly use a comparative analysis of selected financial indicators for the implementation of the completed programming period 2007-2013 and the ongoing 2014-2020 programming period. Theoretical knowledge and own practical experience in implementing and auditing European funds will also be used to achieve the objective.*

Keywords: European funds, management, implementation, programming period, financial indicator.

Introduction

The European Union is based on its individual regions, politically, economically and socially. The European Union's cohesion policy is therefore essential for the success of the Member States and of the Europe as a whole. EU transfers have improved welfare. Further welfare can be reached by reallocating funds across regions without increasing the budget (Blouri and Ehrlich, 2020).

Slovak Republic had already gained experience of implementing European funds before its accession to the European Union, when it used so-called pre-accession funds. Their purpose was

to increase Slovakia's readiness to join the Union. Pre-accession funds comprised the PHARE, ISPA and SAPARD programmes and their financial management was implemented by the National Fund. Since then, Slovakia has been implementing European funds continuously until now.

The 2007-2013 programming periodwas the first to be used by Slovakia throughout its duration. During this programming period, the European Union's cohesion policy focused on 3 main objectives, namely Convergence, Regional Competitiveness and Employment and European Territorial Cooperation. The first two were part of the National Strategic Reference Framework, which comprised a total of 11 operational programmes focusing on diverse areas of support, e.g. health, transport, computerisation of society, education and research and development (Mura and Vlacseková, 2018). Under the European Territorial Cooperation objective, cross-border cooperation programmes have been implemented with Austria, Hungary, Czechia or Poland. Neither the Rural Development Programme implemented under the European Agricultural Fund for Rural Development nor the Fisheries Operational Programme implemented under the European Maritime and Fisheries Fund can be omitted.

The current programming period 2014-2020 has a number of similar features with the previous period. Cohesion policy for this period represents 11 thematic objectives to boost growth, including support for research, development and innovation, increasing the competitiveness of small and medium-sized enterprises, supporting the transition to a low-carbon economy, supporting climate change adaptation, promoting sustainable transport, promoting labour mobility, combating poverty and improving the efficiency of public administration (European Commission, 2014). The original three objectives of the previous period have been replaced by two, "Investment for growth and jobs" and "European territorial cooperation" (Kubincová et al., 2018). At the same time, the number of programmes has been reduced. While a total of 11 programmes were implemented under the Convergence and Regional competitiveness and employment objectives in the 2007-2013 programming period, 7 programmes are implemented under the Investment for growth and jobs goal in the current period (Peráček, 2020). There have been no major changes under the territorial cooperation objective or under the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund (Dudic et al., 2020).

With regard to the use of the European Union's structural, investment and regional policy instruments, we consider it necessary to mention that, despite the obligation of each Member State

to contribute to the common budget, Slovakia still has the status of 'net beneficiary', i.e. the funds drawn from European funds exceed our membership contributions. In the current period, the Slovak Republic manages, implements and controls around EUR 15.34 billion. EUR from European Union budget resources. But it is only a question of how long we will still benefit from the Union's structural and investment policy. It is therefore essential that European funds be used as efficiently as possible.

Theoretical background

Since the very beginning, the European Union (EU) aimed at promoting a greater convergence of the economic growth between the member countries. This is why, during time, several investment policy tools have been developer (Diaconu and Maxim, 2019). ESIF are very important for less-developed regions since these funds should help in reducing disparities among regions (Beugelsdijk and Eijffinger, 2005). These interventions are usually motivated by the widespread concern that economic development generates unequal living conditions across regions (Blouri and Ehrlich, 2020).

The European Structural and Investment Funds (ESIF) make it possible to create the right momentum and boost investment (Zacek et al., 2021). They represent real EU support for the structured development of national economies according to the performance goals. Also the fact that elements of policy have consequences for a country's competitiveness should not be overlooked (Postula and Raczkowski, 2020).

However, the Union's structural and investment policy cannot be seen in black and white. Several political, economic, social and regional aspects need to be taken into account. Subsidies can lead to a welfare loss for the EU as a whole and that they definitely lead to welfare losses in the rest of the world, from which investments flow to the supported EU regions (Korzhenevych and Brocker, 2020). Some studies indicate that ESIF funding has not supported income growth in EU regions (Breidenbachet al., 2019).

The sustainability of public spending is really important for Slovakia and every EU Member State. It is gaining even greater momentum in the ongoing coronavirus pandemic (European Commission, 2020). The political situation and the relations between various layers of governance influence the allocation and implementation proces (Bouvet and Dall'Erba, 2010). The accessibility of EU funds is also conditioned by the administrative bureaucracy. The role of human

capital potential was thus confirmed in realizing the basic goals of the EU cohesion policy (Dubel and Pawłowska, 2020). Some studies demonstrated that in case the national institutional apparatus assigned to the European structural funds' management is bureaucratic, the chance for a deficient management is higher, and hence the sustainable economic growth is negatively affected (Antohi et al., 2020). Countries aimed at the effective and flexible implementation of EU funds are more successful than countries whose flexibility is limited by policy makers.

We can only understand the effects of spending on support for the EU when examining how transfers are spent (Dellmuth and Chalmers, 2018). EU funds mitigate Euroscepticism only where they are coupled with tangible improvements (Crescenzi et al., 2020). Researching the specialist literature, we came across constant concerns for allocation of EU funds, the absorption capacity of the beneficiaries or inefficient and inflexible management and implementation by national authorities. These are factors that would implicitly increase the chances of implementing cohesion policy.

Objective and methodology

The main objective of the paper is to evaluate Slovakia´s state of preparedness for the next programming period 2021 – 2027 and propose recommendations and measures to improve the management, implementation and control of the European Structural and Investment Funds. The sub-objectives of the paper are:

- evaluate the state and evolution of the contracting of commitments and absorption of funds as the financial indicators for the ongoing programming period 2014-2020 and compare it with the completed 2007-2013 programming period;
- propose recommendations and actions for the next programming period 2021-2027 focusing on the strategic level of the management and control system of the European Structural and Investment Funds.

The research was carried out in relation to the completed programming period 2007-2013 and the ongoing programming period 2014-2020. We did not reflect our examination of the first programming period for Slovakia, which we used after we joined the European Union with a shortened duration in 2004-2006. This decision was due not only to differences in duration or in management and control systems, but in particular to relatively little experience with the

implementation of European funds by the responsible national authorities, which could lead to a distortion of the conclusions of our research.

Based on the knowledge of the area of selected issues examined and our theoretical and practical knowledge so far in the field of implementation and auditing of international resources, we have identified the following research question: *'Is there an increase in the share of the contracting of commitments and the absorption of European funds under the 2014-2020 programming period compared to the 2007-2013 programming period?'* The data source for this comparative analysis was publicly available data from the responsible authorities for the period in which they carried out the tasks of the Central Coordination Body, i.e. the Ministry of Transport, Construction and Regional Development of the Slovak Republic (2007-2013), the Office of the Government of the Slovak Republic (2013-2016), the Office of the Deputy Prime Minister of the Slovak Republic for Investment and Informatisation (2017-2019) and the Ministry of Investments, Regional Development and Informatization of the Slovak Republic (2020).

Several scientific methods of knowledge have been used in the explorationand development of the paper. We apply the method of analysis primarily to examine the state of the implementation of the European Funds in the Slovak republic. The synthesis will allow us to combine partial information into a single unit. We apply the deduction method to clarify the system of management, implementation and control of EU funds. We use the comparative method to compare the state and development of the financial indicators, operational programmes and programming periods as well. In view of the fact that little attention is paid to the issues examined in the field of science and research, the practical experience of the author in carrying out government audits of international resources, as well as in the implementation of the European Structural and Investment Funds in the Slovak Republic, has been widely used.

Results and Discussion

Building on the objectives set and the research issue outlined in the previous part of the paper, our examination focused on the core performance indicators of the OPs. The degree of contracting of commitments and absorption of European Structural and Investment Funds are financial indicators to assess the state of implementation of the operational programme as well as the entire programming period.

With regard to the*"n+ 3" rule*, rapid and efficientabsorptionis essential for the successful

implementation of the operational programme. These indicators have also increased in the 2014-2020 programming period following the new competence of the Deputy Prime Minister's Office for Investment and Informatisation as the Central Coordinating Body consisting of the crisis management of the operational programme if the OP does not achieve the implementation of the binding plan by 31 December year "n" to at least 80 % (Central Coordination Body, 2017).

Evaluation of the state of implementation of the European Structural and Investment Funds

Currently, for the third programming period, the Slovak Republic manages, implements and controls the European Structural and Investment Funds for a total amount of approximately EUR 15.34 billion. The table below shows the breakdown by Fund of the total funds allocated to the Slovak Republic in the second completed and third ongoing programming periods.

Table 1: Comparison of the allocation of the European Structural and Investment Funds to the Slovak Republic in the 2007-2013 and 2014-2020 programming periods (EUR billion)

Fund	**Programming period**		**Difference**	
	2007-2013 (billion) EURO)	**2014-2020 (billion) EURO)**	**billion EURO**	**%**
European Regional Development Fund	6,100	7,350	+ 1,25	+ 20,49
Cohesion Fund	3,899	4,168	+ 0,269	+ 6,90
European Social Fund	1,484	2,045	+ 0,561	+ 37,80
*Youth Employment Initiative (*2014-2020 programming period only)*	-	0,207	+ 0,207	-
European Agricultural Fund for Rural Development	1,997	1,560	- 0,437	- 21,88
European Maritime and Fisheries Fund	0,013	0,013	0	0
TOTAL	**13,49**	**15,34**	**+ 1,85**	**+ 13,71**

Data source: *Central Coordinating Body,* own processing

In the 2014-2020 programming period, the total allocation increased by around EUR 1.85 billion compared to the previous programming period, which represents an increase of 13,71 %.

The most significant increase was recorded under the European Regional Development Fund and the European Social Fund, which is also complemented by the Youth Employment Initiative (YEI) in the current period.

Programming period 2007-2013

The timeframe for the eligibility of expenditure was set in such a way that expenditure incurred between 01 January 2007 and 31 December 2015 was considered eligible (Stancikova, 2016). The start of the programming period was accompanied by a slow pace of implementation of almost all operational programmes. Managing authorities had problems not only with low absorption but also with low contracting of their commitments. Based on our own experience in implementing and auditing international resources, we know that the area of public procurement has been identified as a source of problems in several OPs. Difficult and often lengthy public procurement procedures, incorrect application of public procurement principles, rules and procedures by contracting authorities, but also lack of control by managing authorities and intermediate bodies. All this caused not only time losses, but above all financial corrections imposed by national audit bodies as well as by the European Commission. Other problems affecting the implementation and absorption of funds varied and varied depending on the OP.

Also in view of the slow progress in contracting commitments and, in particular, the absorption of funds, as well as the other problems mentioned above, the Slovak Republic has not managed to draw on all the funds allocated. An analysis of the available data as of 31 March 2018, i.e. after the completion and settlement of the entire programming period, showed that the absorption of all operational programmes implemented by European funds was 96.87 % (Central Coordination Body, 2019).

The Transport Operational Programme (99,92 %) can be identified as the most successful in terms of the absorption rate of the allocation. The implementation of the Operational Programmes Competitiveness and Economic Growth, Bratislava Region or INTERACT II was also very good. Conversely, the operational programmes Fisheries (80.31 %) and Health (87.43 %) were the least successful in terms of absorption. With regard to the Operational Programme Health, we consider it necessary to add that its implementation has been relatively good until the implementation of the European Commission Mission No 2013//SK/REGIO/C4/1221/1 in April 2013. The Commission identified a number of serious breaches of public procurement principles,

rules and procedures, for which it granted corrections of 25 % and 100 % respectively of the expenditure of the procurements in question.

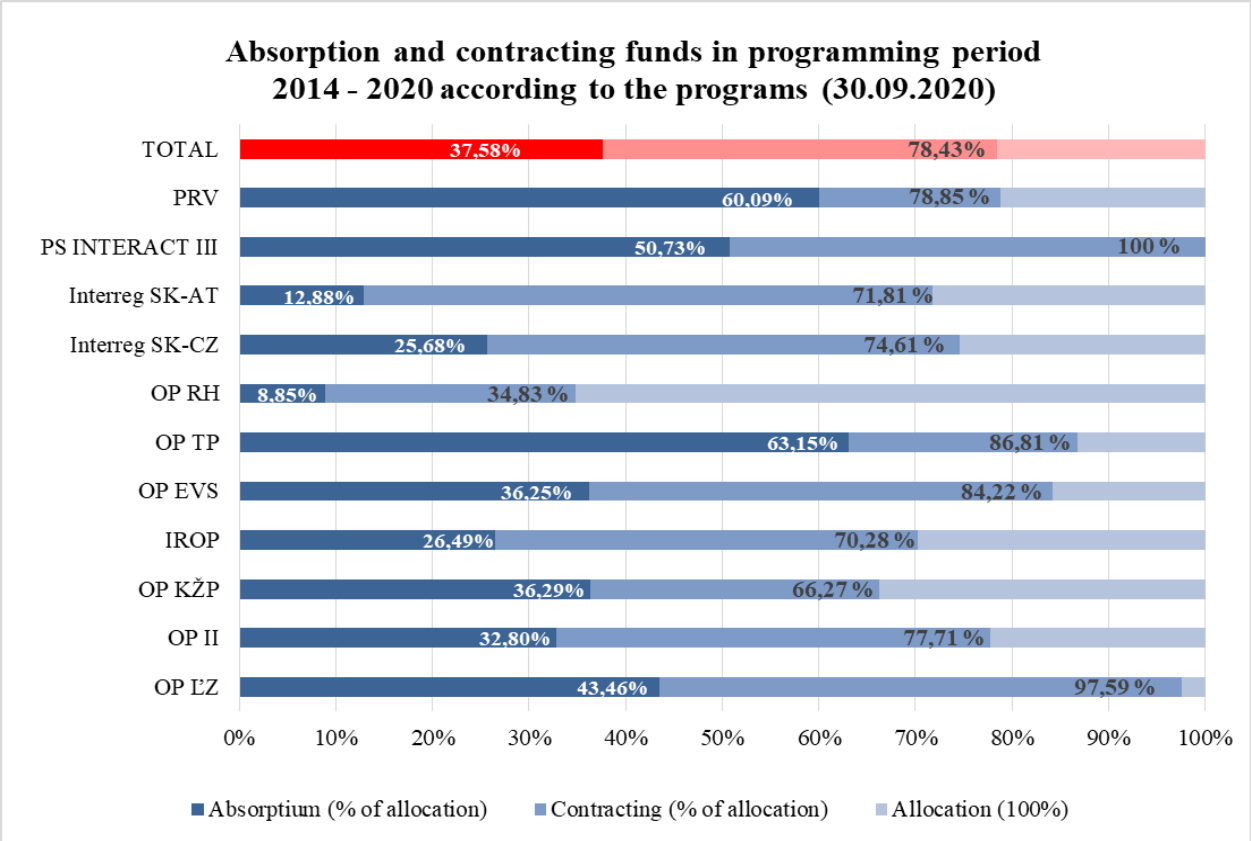
Programming period 2014-2020

In terms of time frame, expenditure incurred or incurred in the period from 01 January 2014 to 31 December 2023 is eligible. To this baseline expected pace and structure of implementation alternative policy scenarios with respect to the time allocation and regional allocation were defined (Radvansky, M. et al., 2016). Despite relatively rich past experience, the responsible national authorities have not learnt. As in the previous programming period, the start and progress of the 2014-2020 programming period was accompanied by a weak start-up curve and a slow pace of implementation.

As regards to the compliance with the "n+ 3" rule for the sake of completeness, we would point out a 'decommitment', i.e. a permanent loss of funds. It´s a new rule in current programming period. Decommitment has already occurred repeatedly under the Operational Programmes Research and Innovation or Fisheries (Horvathova and Cajkova, 2018). Slovakia lost a total of 108,42 million euro per EU resource in 2017 and 2018 alone under the Operational Programme Research and Innovation, the highest decommitment for all implemented programmes. Total allocation of this programme was more than 2,1 billion euro per EU resourse and the absorption rate was 12,07 % on 30 September 2019. As a follow-up, the Central Coordination Body proposed to merge the Operational Programme Research and Innovation with the Operational Programme Integrated Infrastructure, in order to improve the absorption of European research and innovation funds and create scope for eliminating their loss, without changing their intended use. Both the Slovak Government and the European Commission approved the proposal and the operational programmes were merged in December 2019.

We are currently in the second half of the programming period, but this is not matched by the implementation indicators. In order to better illustrate the results of the analysis, the following graphical representations are provided.

Figure 1: Contracting and Deployment status in relation to the total allocation under the operational programmes of the 2014-2020 programming period as at 30 September 2020[1]



Data source: Central Coordinating Body, own processing

As shown in Figure 1, not only the absorption rate of funds but also the rate of contracting of commitments is low. Overall, this was 78,43 % on 30 September 2020 (+15,64 % per year).

[1] Legend: PRV (Rural Development Programme), PS INTERACT III (Cooperation Programme INTERACT III), Interreg SK-AT (Cross-border Cooperation Programme Slovakia-Austria), Interreg SK-CZ (Cross-border Cooperation Programme Slovakia-Czech Republic), OP RH (Operational Programme Fisheries), OP TP (Operational Programme Technical Assistance), OP EVS (Operational Programme Effective Public Administration), IROP (Integrated Regional Operational Programme), OK KŽP (Operational Programme Quality of Environment), OP II (Operational Programme Integrated Infrastructure), OP ĽZ (Operational Programme Human Resources)

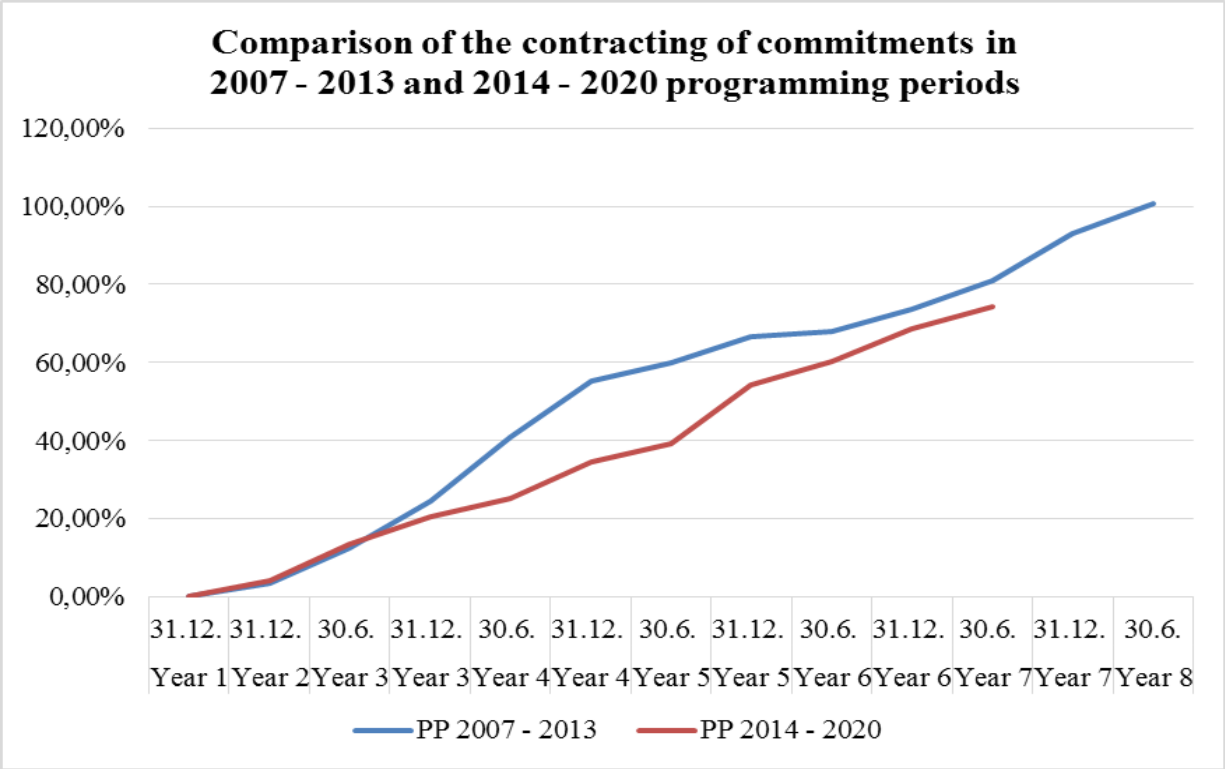
Only INTERACT III, which is the second smallest programme in terms of size of allocation, is fully contracted by INTERACT III. The Operational Programme 'Fisheries' was particularly at risk in terms of contracting. Contracting rate was 34,83 %, but the year-on-year growth (+15,84 %) was caused by a decommissioning of 1 million euro (8,8 % of allocation).

The overall implementation on 30 September 2020 was 37,58 % (+10,18 % per year), which can be assessed as insufficient and irresponsible by the national authorities. In this context, neither the "n+ *3"* rule and the threat of part of the financial commitments from the European Funds seem to be a sufficient incentive for the smooth and efficient implementation of European funds. The status of all OPs can be assessed as unfavourable, only 2 of them reached a 50 % absorption rate at 30 September 2020. The Rural Development Programme (60,09 %) and the Operational Programme Technical Assistance (63,15 %) have the most spent funds. By contrast, both cross-border cooperation programmes Interreg SK-AT (12,88 %) and Interreg SK-CZ (25,68 %) and the Fisheries Operational Programme (8,85 %) have the least absorbed funds from the total allocation. However, the Integrated Regional Operational Programme (26,49 %) can be identified as particularly at risk, especially in view of the multiplicatively higher overall allocation compared to the previously mentioned (smaller) operational programmes.

Comparative analysis of indicators on the state of implementation

Following the identified research question, we focused on whether there had been an improvement in the observed indicators for the 2014-2020 programming period compared to the previous programming period. We assumed that the learning curve would be better and the pace of contracting and absorption of funds would be faster. This assumption was mainly based on the experience of the national authorities with the implementation of international resources, but we also took into account the threat of losing part of the commitments if they were not used under the established "n+ 3" rule applied in the current programming period. In order to evaluate the research issue identified, we compared the contracting of commitments and the absorption of funds for the same section, namely the first 7 years of the programming period. For greater clarity, we have shown the results of the comparison graphically.

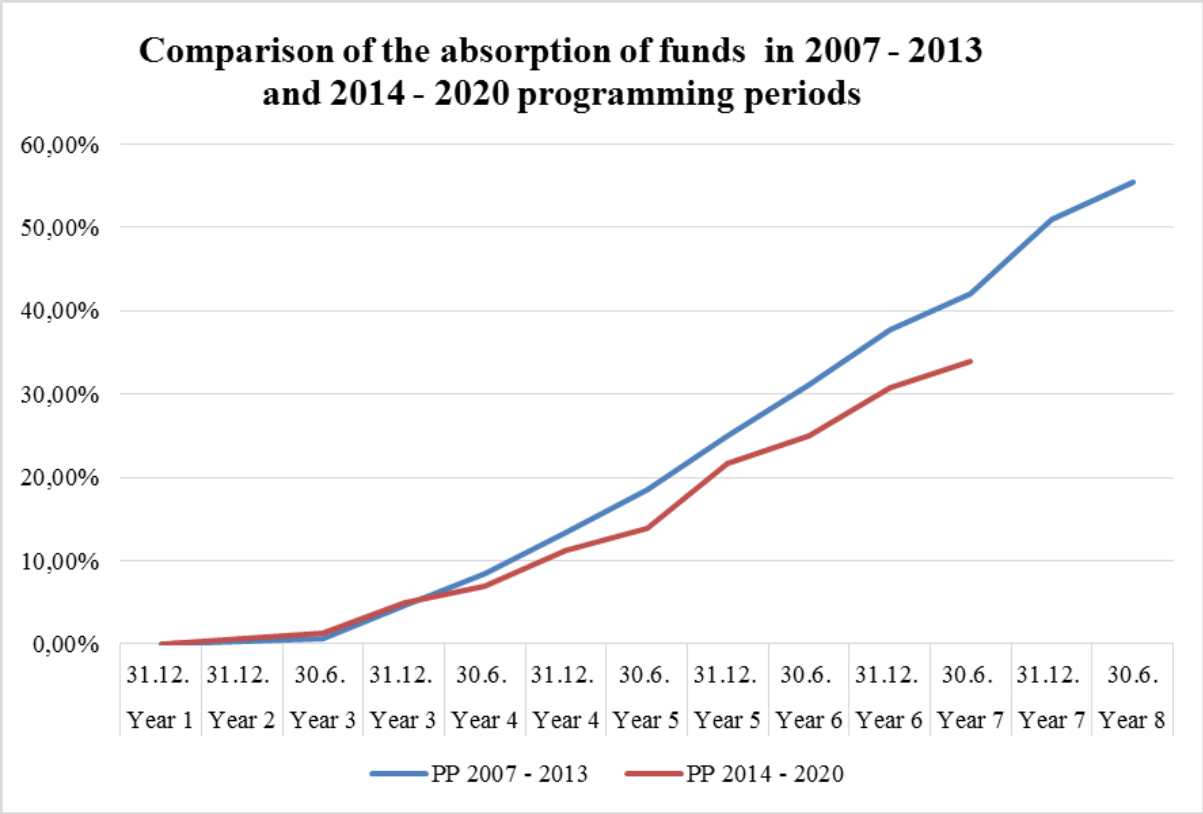
Figure 2: Evolution of the contracting of commitments for the 2007-2013 and 2014-2020 programming periods



Data source: Ministry of Transport, Construction and Regional Development of the Slovak Republic (data for the period 2007-2013), Government Office of the Slovak Republic (data for the period 2013-2016), Office of the Deputy Prime Minister of the Slovak Republic for investment and Informatization (data for the period 2017-2019,) Ministry of Investments, Regional Development and Informatization of the Slovak Republic (2020), own processing

As shown in Figure 2, the curve was weak in both programming periods and almost no funds were contracted in the first two years. In addition, we observed that in the third to fifth years of implementation of the current programming period, the pace of contracting was even slower than in the previous period. At the same time, the low rate of contracting of commitments entails high pressure on the submission of payment claims and spending under existing projects, which may in turn be accompanied by a higher error rate for the operational programme after government audits have been carried out.

Figure 3: Evolution of the absorption of funds for the 2007-2013 and 2014-2020 programming periods



Data source: Ministry of Transport, Construction and Regional Development of the Slovak Republic (data for the period 2007-2013), Government Office of the Slovak Republic (data for the period 2013-2016), Office of the Deputy Prime Minister of the Slovak Republic for investment and Informatization (data for the period 2017-2019), Ministry of Investments, Regional Development and Informatization of the Slovak Republic (2020), own processing

Like the pace of contracting of commitments, the absorption rate of funds was weak in both programming periods. At the end of the third year of the current programming period, i.e. 31 December 2016, the absorption rate was 5 %. Despite all the implemented measures mentioned in the previous parts of the paper, including the merger of the Operational Programme Research and Innovation with the Operational Programme Integrated Infrastructure, the absorption rate of funds is not even at the level of the previous programming period. As at 30 September 2020, only 37.58 % of the total fund allocation had been spent, and not only the remaining approximately EUR 10

billion would have to be spent in the coming years 2021-2023. But also to prepare and start implementing the new programming period 2021-2027.

Proposals for recommendations and measures for the 2021-2027 programming period

In 2019, it was particularly possible at European level to see intensive preparations for the 2021-2027 Multiannual Financial Framework. The Commission has proposed a long-term budget equivalent to 1.114 % of the gross national income of the EU27 (European Commission, 2019). In addition to increasing the focus on certain areas or changes in the distribution of funds between sectors, the European Commission is also proposing the application of the "n+ 2" rule, which would put even greater pressure on contracting commitments and absorption of funds than hitherto.

In view of the above, we consider that the effectiveness of measures aimed at improving the level of contracting of commitments and absorption of funds will be one of the main prerequisites for its overall success in the 2021-2027 programming period. In our view, it will not be easy to combine implementation and closure under the 2014-2020 programming period with the preparation and start of the implementation of the next programming period with the current state of administrative capacity in the field of European funds (the so-called 'Euro-officials'). Against this background, we propose to adopt a set of optimisation measures, both at strategic level and subsequently at programme level, which will improve contracting and absorption under the new operational programmes.

At strategic level, we consider particularly important measures aimed at:

- eliminating or minimising policy impacts on the management of the European Structural and Investment Funds;
- timely and rigorous preparation of the programming period;
- timely development of strategic documentation with the participation of other responsible national authorities and socio-economic partners;
- changes in the control system for public procurement/procurement.

As mentioned above, negotiations on the shape of the multiannual financial framework are still ongoing at European Union level, making it difficult to prepare the programming period at national level. In this context, the only solution is to eliminate political influences and leave

decision-making to expert authorities. Although this is a very unpopular measure, it is only in this way that the risks associated with political change can be avoided. A concrete solution could also be the creation of an institution specialised exclusively in the management and implementation of the European Structural and Investment Funds. Following the current change in the political environment, the creation of such a ministry can be expected in the coming period, but this will not eliminate political influences. We therefore recommend the establishment of a central government body, e.g. in the form of a National Agency. Similar centralisation can be found in other countries of the European Union, e.g. Slovenia, which implements all thematic areas and investment priorities of the Investment for growth and jobs goal under one programme.

We assess Slovakia's state of preparedness for the new programming period as insufficient. The central coordinating body had sufficient time to prepare specific documents and measures. To date, however, it has not presented a concrete vision on the management of operational programmes, except for efforts to reduce the number of operational programmes. We therefore consider the setting of uniform rules and the adoption of concrete measures to eliminate the risk of repetition of errors from previous periods as one of the important recommendations. As part of our analysis of the state of implementation of the 2007-2013 and 2014-2020 programming periods, we demonstrated in particular the slow contracting and absorption of funds linked to a weak learning curve. The central coordinating body must be prepared for the pressure imposed by the introduction of the "n+ 2" rule and, at the same time, be a partner for future managing authorities. Only a responsible approach to the preparation of the programming period can eliminate future risks associated with the implementation of operational programmes. The central coordinating body should benefit not only from historical experience at national level but also from experience in managing and implementing European funds in other Member States of the European Union.

In addition to the preparation of the Partnership Agreement for the next period, the Central Coordination Body should also focus more on the preparation of management documentation at strategic level, i.e. in particular the management system and related methodological instructions and templates. In view of the fact that, for the European Commission and its services, the partners are mainly the bodies defined in the regulations and the final responsibility for the management of the operational programme lies with the managing authority, we propose to consider the binding nature of the management system. We consider that the Central Coordination Body should provide assistance and support to managing authorities, in particular in the methodological field. The

specific specificities of operational programmes are only known to the managing authorities specifically responsible, which should be able to set up and adapt the management and control system to their own circumstances. The sufficiency of the set-up of the management and control system is subject to system audits. The competence to determine the set-up of the system under the terms of a specific operational programme should lie with the Central Coordination Body only in the case of crisis management, when it participates in the management of the operational programme.

In addition to the changes in the binding nature of the management documentation at strategic level, we would recommend that the Central Coordination Body already hold intensive working meetings with representatives of the current managing authorities, the certifying authority, the audit authority and other bodies, in order to reach consensus on the basic rules for the implementation of operational programmes. One of the cross-cutting areas is e.g. setting deadlines for action by managing authorities/intermediate bodies. We generally appreciate the efforts to reduce time limits and strengthen rights for beneficiaries, but should not serve as a "block" for the responsible authorities, but should reflect the objective needs of these authorities to carry out all the necessary actions with their available capacities. Therefore, there is a need to reach more consensus on how to shape them, especially when the management system is binding in the next programming period. Last but not least, the Central Coordination Body should support the European Commission's efforts to harmonise the rules within the European Structural and Investment Funds, not only in relation to the rules on eligibility of expenditure. Harmonisation of rules can greatly help simplify the system, not only for managing authorities but especially for beneficiaries.

Our previous research confirmed that public procurement is the most risky area of implementation of the European Structural and Investment Funds in terms of weaknesses and irregularities with financial impact, we consider it necessary to make changes in this area in the next programming period. Several authors still perceive public procurement as a problematic aspect of drawing structural funds, e.g. Kováčiková (2018). Lower savings in public procurements co-financed by EU funds are confirmed by studies by other authors, for example Dzupka et al. (2020). In the area of public procurement control, we propose to include the Public Procurement Office as the central government body in the field of public procurement in the management and control system of the European Structural and Investment Funds and other European resources,

with its full responsibility in the field. We believe that the involvement of the Public Procurement Office in the management and control system of the European Structural and Investment Funds, with its full responsibility, will mean not only a more professional implementation of controls for a given area of implementation, but in particular the elimination of the current dualism of performing controls by both the managing authority/intermediate body and the Public Procurement Office. This should improve the overall performance of public procurement, in particular in the field of first-level checks, transparency and its overall professionalisation. We also believe that this will lead to time savings and faster implementation of the project by the beneficiaries.

In order to eliminate possible risks related to low contracting and absorption of funds, we believe that measures need to be taken and applied consistently also at the level of approved operational programmes. At programme level, we recommend in particular:

- simplification of rules and procedures targeting applicants and beneficiaries, including greater use of simplified cost options;
- greater use of financial instruments;
- performing a performance-oriented staff and organisational audit.

Conclusion

Further to the objectives set, we focused our paper on the core performance indicators of the operational programmes implemented in Slovakia, namely the contracting of commitments and the absorption of funds. These indicators serve not only to assess the state of implementation of a particular operational programme, but also to assess the entire programming period. In the context of the "n+3" rule, which applies in the current programming period, coupled with the threat of decommitment or crisis management by the Central Coordination Body, swift and efficient contracting and absorption of funds is essential for the successful implementation of the operational programme.

The first programming period used by the Slovak Republic during its entire duration was the 2007-2013 programming period. In relation to the indicators monitored, this period was accompanied by a weak start-up curve and a slow pace of implementation across all operational programmes, to which, inter alia, public procurement issues have contributed significantly. Difficult and often lengthy public procurement procedures, incorrect application of principles,

rules and procedures by contracting authorities, but also lack of control by managing authorities and intermediate bodies. All this caused not only time losses, but above all financial corrections imposed by national audit bodies as well as by the European Commission. The Slovak Republic has therefore not managed to spend all allocated funds.

Building on the experience that the Slovak Republic had before the start of the 2014-2020 programming period, we assumed that the contracting and absorption rates of the funds, as well as their start-up curves, would be better. In relation to the research question identified as to whether there was an increase in the share of the contracting of commitments and the absorption of European funds under the 2014-2020 programming period compared to the 2007-2013 programming period, we found that the results for both indicators examined wereworsein the 2014-2020 programming period than in the previous period. At the same time, the lowrate of contracting of commitments entails high pressure on the submission of payment claims and spending under existing projects, which may in turn be accompanied by a higher error rate for the operational programme after government audits have been carried out. As at 30 September 2020, only 37.58 % of the total fund allocation had been spent, and not only the remaining approximately EUR 10 billion would have to be spent in the coming years 2021 - 2023. But also to prepare and start implementing the new programming period 2021-2027.

The added value of our research are several findings and recommendations. Based on the above findings, as well as on the changes proposed by the European Commission, including the application of the “n+ 2” rule, we believe that the effectiveness of measures aimed at improving the rate of contracting of commitments and absorption of funds will be one of the main prerequisites for its overall success in the 2021-2027 programming period. In our view, it will not be easy to combine the implementation and closure of the 2014-2020 programming period with the preparation and start of the implementation of the next programming period with the current state of administrative capacity in the field of European funds. Against this background, in the second part of our paper, we have proposed a core set of optimisation measures, both at strategic level and subsequently at programme level.

At strategic level, we proposed measures aimed at eliminating policy impacts on the management of the European Structural and Investment Funds, timely and rigorous preparation of the programming period and strategic documentation, or changes to the public procurement control system. At programme level, we also delivered a set of optimisation measures aimed at ensuring

the efficient management and control of European funds. In our view, priority should be given to measures to simplify rules and procedures, including greater use of simplified cost options or greater use of financial instruments. In addition to actions targeting applicants and beneficiaries, we also recommended that the National Audit Authority perform performance-oriented staff and organisational audits within all responsible authorities at programme level.

At present, it is not possible to say with certainty what changes the future programming period 2021-2027 will bring. The ability of national authorities to respond flexibly to these changes, both at strategic and programme level, will be all the more crucial. The Slovak Republic has experienced the implementation, control and audit of foreign aid programmes since 2000, which is sufficient time to use these results to improve the established processes and systems for the future.

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DIAGNOSIS THE EUROPEAN UNION'S LEGITIMACY CRISIS - DEMANDS FOR CHANGES

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Abstract: *The European Union has been in the midst of legitimacy crisis for several years. The author of the article diagnoses difficulties connected with the scientific analysis of this issue, indicating its causes, which arise from discrepancies in the definition bases, which constitute the initial assumptions for the research conducted so far. The article proposes new approaches, points out the current theoretical perspectives of the research and the resulting possibilities of overcoming the legitimacy crisis of the European Union. It also proposes to anticipate models for the legitimacy of the European Union on the basis of a synthesis of existing ones. The article diagnoses the causes for the difficulties, in search for an antidote for the European Union's legitimacy crisis.*

Keywords: legitimacy, crisis, European Union, demands.

Legitimacy, European Union, Crisis of Legitimacy. Theoretical Findings. Conceptualizations

In the literature on legitimacy, a range of terminological approaches to the term is presented. Considering its definition and interpretation, it should be noted that the research to date has applied parallels not only to the nation state but also to the international organization. Two perspectives of legitimacy were recognized as research directions - recognition and representation - which were variably important in individual scientific theories. The empirical-sociological school of thought focused on legitimacy in the perspective of recognition represented by M. Weber, D. Easton, M.S. Lipset, D. Beetham, J. Habermas, K. Deutsch, J. Steffek, W. Thaa, N. Woods (T. Kownacki, 2014, pp. 55 – 61) and the concepts of legitimacy derived from the theory of democracy considered the perspective of representation as the axis of consideration represented by J.J. Rousseau, J. Locke, R. Dahl, D. Held (T. Kownacki, op. cit. pp. 61-64). In the development of research concerning legitimacy, the various directions reinterpreted both approaches adapting them to the changing reality. "Treating" the issue as such seems to be the right approach - also for research on the legitimacy of the European Union.

The European Union, which is a fact commonly recognized by many researchers (S. Hix 2010, T. Kownacki 2014 K. Tomaszewski 2013, J. Ruszkowski 2010, K. Szczerski 2008, A Wierzchowska 2008, K.A. Wojtaszczyk 2005) is neither a state nor a classical international organization[1]. According to many researchers, it is a dynamic political system, which also has a number of specific features that distinguish it from classical political systems studied and defined in political science. The European Union should be seen as a unique, multi-level political system characterized by the coexistence and interaction of actors at regional, national and European levels (as well as various functional players, such as interest groups, etc.) N. Harrison's approach, which defines the political systems akin to the European Union as complex systems, seems to be correct. It consists of many actors interacting with each other, it is characterized by a decentralized decision-making process, it boasts features of openness, dynamics, dispersion, it obtains surprising results, and has many feedback loops (N. Harrison 2006, p. 7).

Thus, the existing concepts of legitimacy, either with regard to countries or international organizations, do not seem to be appropriate for examining EU legitimacy, also because of their static nature corresponding to well defined and recognized entities. To research the legitimacy of a dynamic structure such as the European Union, it is necessary - according to the author - to include it in both perspectives - representation and recognition treated in a complementary way.

It seems inappropriate to reject the achievements of classical theories and later thinkers dealing with the phenomenon of political systems' legitimacy simply because, as assumed in the publication, the European Union is a political system. In earlier concepts, both the recognition by the legitimizer and representation through voting were present, although not always called that way. For this study, the author proposes a definition, according to which "legitimacy is (...) a society's, or its significant circles, acceptance of the political system and its components" (L. Sobkowiak 1998, p. 154), while legitimization is a process of gaining recognition from EU citizens for representative actors involved in policymaking and implementation, leading to the legitimacy of the system.

The crisis of legitimacy is therefore understood as a disproportionate level of current acceptance (as shown, among other things, by public opinion surveys) concerning the activities of the European Union in relation to social expectations of the quality of its functioning, expressed

[1]The Treaty of Lisbon of 2007 formally describes the European Union as an international organization.

by the citizens of the Member States. These definitions, which broadly interpret legitimacy, legitimization and the crisis of legitimacy, allow for a broader analysis of the studies phenomenon, surpassing the perspectives of singular, theoretical approaches. Due to the limitations of the topic, the author chose three of them: federalism, intergovernmentalism and constructivism.

The research hypothesis of the current article reads as follows: the crisis of legitimacy of a system as unique as the European Union is a process difficult to diagnose and alter, as evidenced by: problems in the unambiguous, universal, scientific definition of both the subject (the European Union) and the object of research (legitimacy); the variety of theoretical approaches to legitimacy which determine the different ways of stopping the crisis; the need to draw various theoretical models allowing to define a corrective perspective for the analyzed issue.

The Causes of the European Union's Legitimacy Crisis from a Theoretical Perspective: Federalism, Intergovernmentalism and Constructivism

This publication's definition of the legitimacy crisis allowed for an analysis of its causes in the context of particular theoretical approaches. A multifaceted and complex interpretation of the causes of the European Union's legitimacy crises arises.

The **federal** approach is characterized by the conviction that legitimization from EU citizens will ensure its EU's legitimacy and that citizen participation in decision making will allow them to control the process of their implementation and its results. A new entity would legitimize the European Union - an emerging European nation, shaped by common ethnic and cultural elements, i.e. common European culture, history, founding myths, traditions and common political values. The emergence of this new nation would be facilitated by European culture, characterized by permanence and unchangeability, which would give the EU citizens a sense of belonging, identity and roots (E Taasin 1992, p. 188). The aim should therefore be to create a homogeneous people at a European level, which would serve as the vehicle for sovereignty and the most important place for practicing democracy (Ch. Mouffe 2013, p.186). The federalists therefore call for the creation of a political community in which decisions relating to the entire European Union are publicly debated, where the European Parliament would be a forum for resolving conflicts and reconciling political interests in the established superstate of the United States of Europe. Seeing the process of European integration as one which leads to the creation of a superstate, the federalists focus on the need to achieve firmly established European identity and the creation of

supranational institutions responsible before citizens, ensuring a high level of legitimization for the European Union. Therefore, they see crises of legitimacy in the privileged and contested position of the nation state. This is evident in the statements of e.g. R. Menasse, who claims that the problems faced by the European Union today stem from that the EU is a union of nation states whose policies are driven by their own interests - at the expense of the interests of their societies. According to him, the current crisis, which has present since 2008, has the characteristics of a political crisis caused by the reluctance of national governments to create forms of democratic governance, which are essential for the European project. He believes that under the guise of representation and defense of national interests they defend the interests of small groups of national elites, who are influential because of their financial and economic strength (R. Menasse, 2013). In other words, nation states do not listen to the voice of their citizens or consider it when implementing policies in the European Union, which leads to a lack of sufficient legitimacy for their actions. Another, but equally important, trend that seriously reduces the level of legitimacy of the EU political system, which is in line with the federalist approach, was identified by Y. Mounk. According to him, the issue lies in the need to share sovereignty with the societies of those countries that are moving away from common European values by supporting the growth of European populism. According to Mounk, this applies to two countries - Poland and Hungary, whose governments are on course towards authoritarianism. The lack of effective action on the part of the European Union to change this state of affairs and to defend the democratic European values contributes to the increasing bitterness and dissatisfaction with the functioning of the political system. Mounk stated, that "The EU needs to make sure that the citizens of free countries will never have to share their sovereignty with the subjects of repressive dictatorships This calls for a much tougher response (from the EU institutions - author's note) to the authoritarian drift in many of its member states. Countries that violate the basic values on which the EU was founded need to lose their subsidies and their voting rights. If they don't correct course, there has to be a workable mechanism for suspending their membership" to ensure that the legitimacy regarding both the recognition and representation of the democratic nature of European Union governments and institutions, including, in particular, the European Parliament, will be increased (Y. Mounk 2020).

The **intergovernmental** approach assumes that the process of European integration is the result of struggle between sovereign states, and that the driving force behind the convergence

towards integration is the preference of Member States rather than supranational institutions. Even if the current functioning of the European Union is implemented through supranational institutions, state actors initiate and control the integration process[2].

According to the supporters of the intergovernmental approach, legitimacy crises are usually the result of integration processes being shifted to supranational positions (P. Borkowski 2013, p. 377), as well as mistakenly searching for it at a supranational level, rather than through member states. It is indicated that a crisis of legitimacy may mean that a state is ineffective in controlling the integration process or that it is unable to construct its own preferences and advocate for them in intergovernmental negotiations. It can also be the result of:

- the enlargement of the European Union to include new Member States, which in itself makes compromises difficult,
- the axiological difference between the new Member States – the countries of Central and Eastern Europe, which makes it difficult to find common ground within the Community,
- changes in the international system – globalization and processes related to it, which make the idea of how nation states should operate blurred,
- the disappearance of the determinants that led to the start of the post-war integration of Western Europe, the result of which is a "dilution" of the Community's identity.
- the weaknesses of the Member States' political elite, who "export" national issues to the EU and incorrectly formulate the preferences of their countries, consciously shifting the responsibility to the Union, when the aforementioned problems hinder the resolution of national problems.
- lack of implementation of redistributive policies by the EU, thus being left as individual responsibilities of member states, which makes overall activity of the EU invisible to regular citizens,

The financial crisis, which began in 2008, has provided more examples to supporters of intergovernmentalism in recent years[3]. Not only have supranational institutions not solved the

[2]Bruno Dallago and Stephen Rosefielde presented interesting ideas on the conditions and the paradox of the UK leaving, and Greece staying in the European Union (B. Dallago, S. Rosefielde 2019, p. 99-106)

[3]It is telling that the same crisis is also used as an example for supporters of supranationalism in the European integration process.

problems of the Eurozone, they deepened them. Since the economic differences between Member States are significant and each of them is in a different macroeconomic situation, and the European Central Bank's uniform policy will not be beneficial to each country, inter-country decision-making would be a more effective mechanism for Union governance. At the same time, as P. Borkowski said, "as extraordinary measures had to be taken, it became apparent has the legitimacy and means to do so, as well as who - which institutions or bodies - is expected to formulate an answer to the challenge that was assessed as a threat to the entire integration process" (P. Borkowski, 2013, p. 350). In this critical situation, as P. Borkowski points out, it was nonetheless the Member States and not the EU institutions that were the focus of attention when looking for solutions to problems and formulating a strategic approach (see, aiding Greece).

The EU's legitimacy is in crisis as it was sought in the supranational political system and not through the Member States (so-called indirect legitimacy). For example, the legitimacy of saving or fiscal measures (or at least the absence of manifest opposition) is greater when they are implemented by democratically elected national politicians, rather than by countries forced by Brussels' Eurocrats[4]. If there is no democratic legitimacy in the European Union, the solution might lie in legitimacy resulting from the effectiveness of EU bodies (so-called utilitarian legitimacy). However, P. Borkowski expresses doubts as to whether citizens perceive this effectiveness and attribute it to EU bodies. (P. Borkowski 2013, p. 350). Z. Czachór, analyzing the arguments of the supporters of the intergovernmental approach, states: "heavy institutionalization, which includes more and more new areas of integration, leads not to freedom and a common European space, but to disfunctions in the EU, and then to a reduction or even regression of integration" (Z. Czachór 2013, p. 142).

In both federalist and intergovernmental approaches, it is clear that the European Union's legitimacy is treated in the same categories as the legitimacy of the nation state as the finality of European integration. The advocates of intergovernmentalism build their model on the conviction that the driving force behind integration are states and their national interests. This model similar

[4]As an example of the weak legitimacy of decisions taken by the EU institutions, the view of Dan (2014) might be presented, who referred to the idea of imposing penalties for non-compliance with financial discipline on Member States. The Council of the European Union is not fulfilling its role of fiscal supervision in this respect, and the application of European law imposing possible penalties on Member States in the form of withdrawal of voting rights in the European Union institutions could seriously hamper the democratic, indirect participation of citizens in the democratic process of European integration along with other long-term adverse effects. (Dan, 2014, p. 78)

to realism in international relations, which sees the European nation state as a strong, legitimated with political expression of universal sovereignty (P. Taylor 1996). Citizens give political legitimacy for two reasons: because they recognize and identify themselves with their nation state and because the state has democratically elected and functioning institutions. Thus, the responsibility for the legitimacy crisis lies with the democratic national institutions, which lose credibility and the sense of identification on the part of the EU member states citizens.

The Federalists look at the European Union as a superstate under construction and not as an organization of sovereign nation states. According to this model, legitimacy also depends on the creation of a universal European identity and on the central European institutions established at supranational level, responsible before the citizens of the European Union. The European identity, which is supposed to spread among the citizens of the European Union, consisting in a sense of common culture, awareness of history, political values, and identification with European institutions will, according to the federalists, strengthen the legitimacy of the system (H. Wallace 1993, p. 101). Similarly, according to K. Neureither, the development of institutions and their representativeness and accountability to citizens will have the same "legitimizing effect" (K. Neureither, 1994, p. 299 – 314). Supporters of both models, in their research adopting varied perspectives, diagnosed the crisis of legitimacy that emerged during the ratification of the Maastricht Treaty. They all saw a crisis of legitimacy in the institutions' lack of responsibility (European Commission) or feeble competences (European Parliament), which were supposed to weaken the legitimacy of European integration.

According to P.C. Schmitter, both the federal and intergovernmental approaches, although they highlight legitimacy from different perspectives, show it from the traditional positions of the state (P.C. Schmitter 1996, p. 132). They both treat the recognition of the European Union in terms of separate national and European identities, and representation only in terms of democratic central institutions. The intergovernmental approach to European integration builds identity with national institutions based on the shared history, culture and ethnicity of their citizens, which constituted, over the years, an intermediate form of legitimacy of the European Union. Political institutions are an expression of universal sovereignty derived from the consent of citizens, thus legitimizing the nation state which legitimizes the European Union. Such an approach indicates that its supporters refer to the original idea of the nation state, where institutions and shared identity are important.

Those in favor of the federal approach argue that the European Union is legitimized to the extent in which a common European identity is developed among the citizens, and citizens' identity is based on shared historical and cultural experiences and on the extent to which the European institutions represent their interests. The state is an essential model and no other form of EU organization is considered. Only the strengthening of the institutions representing citizens' interests and the spread of the European identity is the right way towards increasing the legitimacy of the European Union. The goal of this model is to create a superstate. The crisis of legitimacy in their view is therefore caused by distortions in its gradual construction and in creation of a European identity to replace national[5] identity.

Constructivist approach assumes that the progression or regression of the EU's legitimacy consists primarily of elements of discussion among the actors operating in its area (including its content and channels of communication). It recognizes, as the causes of the legitimacy crisis: the disturbances in the field of its regularity, scope and character, as well as in social perception. These are closely correlated with the identities of EU citizens as recipients of the crisis and participants that legitimize the EU. By analyzing the subject literature, one might conclude that there are currently several types of discourses that are sources of legitimacy for the European Union. At least six are distinguished:

1. the discourse of European bureaucracy;
2. the discourse of leaders at a European level;
3. the discourse of "utopian" Europeanism;
4. the discourse of the elites;
5. the discourse of national leaders on Europe;
6. the discourse of transnational political parties (J. Gaffney, 1999, pp. 304-306).

All of them have a number of flaws that cause legitimacy disturbances which cause the crises.

[5] It is worth noting that every identity requires basic values to refer to. Therefore, it is important to ask about the values on which European identity is to be based, so that it does not stand in opposition to the other, individual identities of an EU citizen. This could lead to a weakening of some at the expense of others as, which the federalists would like. After all, it cannot replace the values that are inherent to national identities, as this would probably lead to open conflicts and even wars within the multinational situation of the European Union. Therefore these values must be common and important enough for all Europeans to identify themselves with.

The first discourse, taking place within the framework of European bureaucracy, is characterized by a detachment from a personal approach and a kind of monotony, resulting from the lack of any wit or humor. Its flaws lie in its form and tone. One might say these are “genetic” defects. This discourse's tone is reflected in the content and language of legal acts of various importance, and these do not stir up much excitement (e.g. rhetorical figures), and thus do not encourage action, reflection, or lively discussions, which are the driving force behind the legitimacy provided by discourse. For the European Union, the voice of bureaucracy must remain in the administratively required canons. The European Union, due to the flaws of this discourse, is seen as an incomprehensible and technocratic "heartless manipulator", with immense power, without interest in citizens' matters, free of responsibility and with a tendency to “tie hands" of national "enlightened statesmen" who struggle with the heartless machine of European bureaucracy. As Y. Mounk argues, the problem also lies in the fact that citizens are not interested in the discourse at this level and barely pay attention to it. They also do not think the discourse is actually needed. Mounk states that, "If many voters do not they possess influence over what is happening in their national capitals, the sense of impotence is even greater in the context of Brussels" (Y. Mounk 2020), which leads to disillusionment with the EU and a gradual acceptance of the more understandable arguments from the national arenas, which are served to gain the applause and support of Eurosceptics.

The second discourse is being pursued by European leaders at the transnational level. It may be expressed in with the following statement: European leadership is not lacking, but there is a lack of leadership which interacts with and is closely associated with leadership at the national level. This discourse is flawed because the relationships between leaders, political institutions, and voters are primarily purely national in nature, and thus the discourse between leaders at supranational level takes on the same character. This is caused by national conditions which dictate the subject of discourse and force thinking about Europe through the prism of national interest. These conditions make this discourse only secondarily intergovernmental or supranational in nature.

The third type of discourse called "Utopian" Europeanism is characterized by an enthusiastic pro-European style. The flaws of this type of discourse result from the rhetoric, which draws on the tradition of the movement from the 1930s, frequent references to the vision of the world at that time and the lack of effective discussions with the voters.

The discourse of the elites – the fourth type – involves the leading media of most European countries, journalists and commentators, research centers, European universities, think tanks of most major political parties and intellectuals. The issue for the legitimacy of the European Union as well as its crisis in this type of discourse is the pursuit of a "cheap sensation" that lowers the quality of discourse on this level. The content of the proposed message also leaves a lot to be desired, especially the content of the information and its importance to the average EU citizen.

The fifth category of the discourse is an exception in the strongly pro-European rhetoric of its previous categories. Its actors are current or former statesmen. This discourse adopts the point of view of national interests and positions concerning the shape of the political integration process. Its nature is marked by a vision of Europe seen from the perspective of the common development of the European Union, a place occupied or to be occupied by a particular nation state represented by a leader.

The sixth type of discourse focuses on the level of transnational political parties – trans-European political parties (J. Gaffney, 1999, pp. 304 – 306). The discourse involves the Christian Democrats, socialists and social democrats, liberals, communists, ecologists, regionalists and the so-called Newropeans (J. Ruszkowski 2010, pp. 148-153). A shortcoming of this discourse lies in its level of complexity - it is too high, not only between the families of political parties, but also within them. This is a result of the differences in their priorities, and in the interpretation of national values that the parties favor and on which they base their programs. Thee contemporary problem, and at the same time a challenge faced by European transnational political parties within the discourse and preventing legitimacy crises, is the capacity to develop a uniform position, a specific type of discipline among their members, a language or even a meta-language that suits all participants in the discourse and a certain degree of customary conduct.

Prospects of overcoming the crisis of legitimacy of the European Union

According to the characteristics of the above-mentioned theoretical perspectives of legitimizing the political system of the European Union to overcome its crisis, it is not easy to identify one universal remedy[6].

[6]This is confirmed by Achim Hurrelmann, who claims that despite various discussions from different theoretical perspectives on the subject of legitimacy - the European Union - it has not yet been possible to find a consensus in this debate that would allow to draw clear conclusions accepted by researchers. (A. Hurrelmann, 2019),

In the case of federalists, the answer to the crisis of legitimacy is an attempt to conceptualize the European Union in terms of "bottom-up federalism", which is the opposite of the "top-down federalism" that has so far dominated the justifications for the future shape of the European Union of the supporters of this approach. Massimo Cacciari is the precursor for this idea. Federalism proposed by Cacciari would recognize the unique, indigenous identity of different regions and cities, not for their isolation or separation from each other, but for creating the conditions for organized autonomy, realized on the basis of mutual exchange taking place in different areas in-between. Cacciari advocates for a new type of federal union, whose components will not be limited to states but will also include regions that play an important role. Such a Union would be characterized by autonomy in the framework of integrated systems on a conflict-related basis, including both the dimension of solidarity and competition. The European Union would not just be a demoicracy, consisting merely of nation states, a federation in which multiple demos exist and “practice” democracy on many levels and in various ways. As Ch. Muffe states, "such a vision recognizes and articulates different forms of collective identities, not only national but also regional. The growing importance of cities and new forms of cooperation is also recognized." Cacciri's concept also provides a geographical reference for the organization of regional units at the transnational level of the European Union, indicating the possibility of their coexistence in places where forms of cultural or economic unity already exist, for instance, in the border areas of Italy and Austria, Italy and France and France and Spain. The bottom-up federation assumes the importance of nations, indicating that there are also other important forms of loyalty and spaces for the democratic participation of EU citizens. It proposes that they should be able to participate in the whole complex and diverse range of demoi, enabling them to exercise their democratic powers without having to renounce their national, regional and local identities (Y.le Bot, M. Semo, A. Spandolini, 2001, p. 25-34).

In the two theoretical approaches presented further, the common causes of legitimacy crises emerge, for which greater involvement of political leaders in plans and their implementation for further stages of integration seems appropriate. Additionally, clear visions of the future shape of the European Union emerge, the European Union expresses itself clearly and comprehensibly, and the risks and benefits of its adoption and subsequent implementation are announced. This will allow citizens to understand and legitimize the actions planned and implemented at the transnational level of the European Union.

The discourse of the European elites should be strengthened and should result from or complement that of the national level. Thanks to this dialogue, shaping of the European identity, which allows the EU political system to be considered “ours", will be the result of processes focusing on political actions, institutions and the EU legal system, all aiming towards pluralism of opinions, attitudes and behaviors. The final product of these should be the "space of common existence of the inhabitants of Europe", for which the institution of civil society is an opportunity (W. Wiktorska-Święcicka 2010, p. 160). If implemented correctly, EU citizens will be more likely than ever to demonstrate their legitimizing capabilities.

A necessary step and, at the same time, a challenge to strengthen the legitimacy of the EU political system is to change the (official) language of the discourse of the European bureaucracy into a more communicative and “to send" a message to EU citizens who currently do not understand or misunderstand it. This is a necessity dictated by the current crisis of the European Union, which has not only a financial but also a socio-communicative dimension. Opponents of the EU, including populists, utilize discourse which is easily digestible for EU citizens.

The crisis of legitimacy of the European Union is also an issue of nation states. In order to overcome the crisis, they should take steps to efficiently authorize their actions at the supranational level, not only by their representatives in the EU institutions, but also towards the citizens of these countries. An essential measure expected from their side is to clearly indicate the "added value" resulting from membership of the European Union not only for the countries but also for themselves. This utilitarian aspect of belonging to the EU is an important element which allows for the recognition of the value of the European Community, its benefits for citizens and its advantages. The diagnosis of the current crisis of legitimacy, which has been going on for more than a decade, suggests that to overcome it, the legitimacy of European national policies must increase. As advocates of intergovernmentalism stress, there can be no legitimacy of EU action if these policies are not legitimized at the national level. It is worth recalling that according to the intergovernmental theory, the Community is only a tool in the hands of the Member States.

As the above opinions show, the Union clearly needs a new vision. Restoration, in line with the intergovernmental approach, can come with a new proposition of measures to be taken, put forward by the Member States. This does not necessarily mean adopting a completely new identity, but perhaps a return to the vision ideas of the past, supplemented by new solutions.

Table 1: Causes and proposals on how to overcome the crisis of legitimacy of the European Union from the perspective of constructivism, intergovernmentalism and federalism

	Causes of the EU legitimacy crisis	**Ways of overcoming the crisis**
Constructivist approach	Disturbances or impairments in the discourses: 1. the discourse of European bureaucracy ; 2. the discourse of leaders at a European level; 3. the discourse of "utopian" Europeanism; 4. the discourse of the elites 5. the discourse of national leaders on Europe; 6. the discourse of transnational political parties	- Strengthened political leadership regarding planning and implementation for further stages of integration, creating a clear vision of the future shape of the European Union, clearly articulating it and communicating the risks and benefits of its adoption and implementation - Strengthened discourse of the elites at the supranational level resulting from and/or complementing national discourses; - changing the (official) language of the European bureaucracy's discourse and "reaching out" to EU citizens who currently understand little or misunderstand it.
Intergovernmental approach	State inefficiency in controlling the integration process has its roots in: - the inability, by the states, to create own preferences and to promote them in intergovernmental negotiations - the enlargement of the European Union to include new member states; - the axiological differences of the new Central and Eastern European countries; - changes in the international system - globalization and the processes associated with it; - the disappearance of the determinants that led to the start of post-war integration of Western Europe; - the weaknesses of the Member States' political elite, who "export" national issues to the EU and incorrectly formulate the preferences of their countries,	- Smooth authorization of state actions at supranational level; - clearly indicating the "added value" for countries and citizens resulting from membership in the European Union

	consciously shifting the responsibility to the Union, when the aforementioned problems hinder the resolution of national problems. - the lack of EU redistributive policies	
Federalist approach	- the reluctance of national governments to create forms of democratic governance - too few representative institutions involved in decision-making processes in the European Union - the disruptions in the creation of a European identity - the disruptions in the process of building a superstate - the United States of Europe	- "bottom-up federalism" - the creation of a European identity emerging from other identities of European Union citizens - the creation of new institutions to represent EU citizens and tools to make direct legitimacy a reality.

Source: Own elaboration

Prediction of European Union legitimacy models

From the theoretical analyses conducted, two model proposals for the legitimacy of the European Union emerge: representative and civic. One might present them in the following way:

The representative model would encompass strengthening indirect legitimacy. It should be organized through the creation of new institutions representing EU citizens located at different levels of the European Union, and by establishing new channels for representing their interests at European level, especially at the member state level. This would ensure that more interests of EU citizens are represented at the supranational level, and that the European identity of the institutions themselves is strengthened through the need to consider a wider range of their spectrum, which in turn would lead to a greater recognition and acceptance or disapproval of decisions by EU citizens, who would validate them by legitimizing the position taken by the institutional actors representing them, e.g. through elections at the national level. No well-established and universal European identity to replace national identity is required for this model. The existence of the former would possibly be the result of a multiplication of the remaining identities of European Union citizens. The local, regional and national interests represented by representative institutions at the supranational level in the process of confrontation and competition would emerge as solutions that are common or familiar. The decision-making mechanism would lead to the Europeanization of

participants and the creation of their European identity. The decisions made as a result of competition of regional and national interests would generate validation from the legitimizing body, as well as create its European identity. For a high level of EU legitimacy, it would be appropriate to have as many representative actors as possible, resulting in the "cloud" effect in decision-making. In addition, the treaties should be made explicitly constitutional in order to "polarize", between the Union and nation state, the decision-making process, which has been weakened by the growing autonomy of the judiciary (European Court of Justice) and the executive body (European Commission) in democratic processes at the European level. This would be very difficult to achieve, requiring the treaties to be limited to provisions on the objectives of the EU, the powers of its institutions and their procedures and competences. All other provisions would be removed and transposed into national law, which, after BREXIT, does not seem impossible, at least for now.

The civic model would involve the strengthening of direct legitimacy by citizens. It would be the citizens of the European Union who would play a greater role in the formulation and expression of interests. They would have a direct impact on the institutions responsible for implementation of these interests. This model would assume the need to "remodel" the existing institutional framework. In this model, the European Parliament should originate from direct elections based on a uniform electoral law in force in all member states. Members of the parliament should be chosen from a European list agreed upon by the representatives of national political parties. This would allow the Parliament to pursue the European interests of EU citizens and not, as is the case now, the differently understood interests of the societies of the member states. The European Commission should gradually resign from its role as the "European governor" - especially in those areas where it has fulfilled its role and where the European identity of EU citizens is clear and well established, such as gender equality or environmental policies. These areas should be considered by institutions managed by professionals chosen in the direct European elections (from a list of candidates-professionals, which could be presented, for example, by European interest groups) or appointed by the European Parliament (from similarly proposed lists of candidates). These candidates would then answer directly to the Parliament. The Council of Ministers of the European Union would remain as a counterbalance to the European Parliament, representing the national interest of each member state, and would be supported in its activities by their national parliaments and local and regional authorities. This model also assumes personal

representation of interests and personal recognition by European Union citizens. This type of legitimacy in the literature is referred to as direct legitimacy. Citizens have three types of instruments to legitimize the EU political system. These include referendums, elections and the citizens' initiatives. Legitimacy through these tools is expressed in direct, collective or individual involvement in European affairs at the transnational level and does not require intermediary representatives to express their interests. Recognition or disapproval of the system may be expressed by the presence of EU citizens (their participation) in procedures allowing for direct decision-making, guaranteeing their direct influence on the shape and implementation of European policies and the shape of the political system itself (T. Kownacki, 2014, pp. 145 - 155, M. Thiel, O. Petrescu, 2017, pp. 9-39).

Both models put emphasis on the representation of citizens' interests by the institutions and their recognition, which can be expressed through the nature of multiple identities of EU citizens created through effective political discourse at various levels. The problem encountered by researchers and politicians, which requires in-depth reflection, lies in the creation of a decision-making mechanism which would allow for effective and efficient decision-making, expressing the multi-level identity of the legitimizer - the citizens of the European Union on the one hand, and ensuring the simplicity of this mechanism, which is understandable to citizens on the other.

Conclusion

Given the above analyses and findings, it must be considered that the hypothesis formulated at the beginning of the article has been positively verified in all three aspects. The crisis of legitimacy of a political system as unique as the European Union is a process difficult to diagnose. Changing it is equally difficult due to the research dilemmas in the selection and recognition of an unambiguous, universal definition of both the subject of legitimacy (the European Union) and the subject of research (legitimacy). The European Union continues to be analyzed using tools specific to the analysis of countries or international organizations, while it is neither a country nor a traditional international organization. The search for a coherent concepts for considerations steers the researchers towards political systems, and thus predestines them to formulate definitions of legitimacy appropriate to its character. Theoretical approaches to research on legitimacy burdened by the "original sin" of the defining the European Union in research, result in different diagnoses of the crisis of legitimacy and, consequently, ways of overcoming it. The above conditions make

it difficult to indicate a universal, apt theoretical model that would make it possible to create a single antidote that would allow to implement the correct course of action, which would eliminate this crisis and a clear, and create an unquestionable corrective perspective.

This context leads to the conclusion that strategies to overcome the European Union's legitimacy crisis should be based on a synthesis of "prescriptions" given by scientists, with the ingredients of the "medicines" they contain being carefully selected in relation to current social expectations and the will and capabilities of the member states, operating in close cooperation with the institutions managing the political system of the European Union.

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REGULATORY CONCEPTS FOR INTERNET PLATFORMS

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Abstract: *Several internet platforms control the central interfaces of the internet and have acquired enormous economic and social importance. These internet platforms show tendencies towards monopoly and expansion. An analysis of various existing regulatory concepts clarifies limits with regard to the challenges in connection with internet platforms. This thesis deals with the phenomenon and problem areas of dominant internet platforms, examines whether these can be adequately countered by existing regulatory concepts and provides recommendations on how these could be better captured by the regulations. This thesis explores the question of how internet platforms are regulated today, i.e. which laws and private regulations currently apply. Correspondingly, specific regulatory concepts are examined in broad detail. The analysis starts with various self-regulation forms, followed by regulatory concepts under competition law, which are intended to ensure the functionality of competition. These are transformed into regulatory concepts for the protection of consumers and their data and finally into comprehensive state forms of regulation in connection with monopolies.*

Keywords: EU, Economic Background, Internet Platforms, Regulatory Concepts.

Introduction

This thesis examines from an economic (and legal) point of view how the strong market positions arise and can be maintained by internet platforms. These internet markets have emerged from a series of innovations and are characterized by rapid technological development. Therefore, to understand how these markets work and to balance the regulatory objectives, it is necessary to deal with innovation research. The positive and negative effects of these markets are analyzed and

it is determined in which areas there may be a need for regulation. A special focus is made on the problem areas of monopolization, dependency and the protection of users and their data. Various existing regulatory concepts that affect the problem areas outlined are tested for their applicability and possible need for adjustment. Taking into account the economic peculiarities as well as findings from innovation and research, recommendations are drawn up on how these problems can be dealt with in regulatory terms. The concepts presented represent current and potential regulatory responses to these challenges. In the following we will deal, among other, with the Microsoft/ Yahoo!, Apple, IBM as well as AT&T cases.

Objective and methodology

The main objective of the article is to comprehensively analyse various existing regulatory concepts and to clarify their limits with regard to challenges in connection with internet platforms. One of the research question is whether the current competition law is still up to data or whether it require modifications associated to digital challenges. Taking into account the economic peculiarities as well as findings from innovation and governance research, recommendations are drawn up on how these problems can be dealt with in regulatory terms. The data was collected from scientific literature, as well as respective case law through in-depth document analysis. We want to achieve our stated objectives, particularly through study of legislation, scientific literature, as well as respective case law. We try to use critical analysis to review the economic-legal and regulatory situation as well as abstractions. By applying a comparative method we also make different view from EU and US perspective. Comparative analysis was used as one of the methods of analysis, which made it possible to compare the look from both sides of Atlantic. The methods used allowed us to obtain reliable and valid conclusions and results.

Self-regulation

The operators of internet platforms use different forms of private self-regulation to solve problems and conflicts, such as codes of conduct (Yara, Brazheyev, Golovko, Bashkatova, 2021). Such codes of conduct enable transnational or even global regulation. Due to its complexity as well as its international character and the cross-border effects of the activities of internet platforms, the internet area is particularly suitable for forms of cooperative regulation or private self-regulation, precisely because there is a lack of state regulation or effective enforcement in many

areas. In the following, various examples of codes of conduct for complaints in the area of internet platforms are presented and their respective advantages and disadvantages are examined.

There are numerous codes of conduct on the internet. A code of conduct to which many internet companies like Google, Microsoft, Amazon or Facebook (Funta, 2018a) have committed is that of the Internet Society. The Internet Society pursues the goal of an "internet for everyone". The Code of Conduct of the Internet Society contains, among other things, various requirements that are of interest in the context of this paper. The members undertake to respect the rights of users to privacy of information. Furthermore, all users should be treated fairly and on the basis of the same conditions. In addition, the members have to respect intellectual property rights (Daňko, Žárská, 2019). Specifically with regard to the right of internet users to privacy, various codes of conduct have been developed in the USA by means of a multi-stakeholder process. It is a governance system which seeks to bring stakeholders together to participate in dialogue, decision making, and implementation of responses to commonly perceived problems. Self-regulation works most effectively when the responsibility lies with the actors with the greatest incentives to regulate, they have the most information to identify harmful behaviors, and are best able to address these abuses by enforcing self-regulatory norms. The Code of Conduct of the Internet Society evidently met with a high level of acceptance in the internet industry (Signoret, 2020). On the other hand, the effectiveness of this code of conduct is probably rather modest due to the lack of a supervisory and sanction system. Thus, it is questionable whether Google, for example, actually respects the right to privacy of its users or even promotes it according to its possibilities. In addition, the Code of Conduct naturally only applies to those companies that are members of the Internet Society and have committed to comply with it. Furthermore, the international anchoring of the Internet Society makes it possible to create rules with cross-border validity.

Right to protection of personality

Legal protection does not exist against every damage that is inflicted in mutual competition, but only against that which is caused by a violation of either the general legal order or an individual right (Králik, Králiková, 2007). E.g. Amazon delayed the delivery of the books for the publishers, on the other hand, Amazon stopped advertising of these books. This allegedly led to some dramatic drops in the sales of the relevant books. In this regard, it should be noted that Amazon generally

and publicly acts as a sales platform, both for private individuals and for companies that want to sell their services or goods via Amazon (Funta, 2018b).

The question now arises as to whether the provision of sales represents a service. In fact, it is now open to anyone with an internet connection via various internet platforms such as Amazon, eBay, etc. to sell goods or services. Whether this is enough to make sales over the internet one of the indispensable normal needs is questionable. On the other hand, there is hardly a company that does not (also) offer its goods and services via the internet and a general internet presence can probably be described as essential - but this does not necessarily have to take place via Amazon as a sales platform. Thus, if we consider the strong market position that Amazon has in the book market, especially in the area of online book retail, the question arises whether there are alternatives that actually represent a reasonable alternative to Amazon. Amazon has a dominant market share in online retail for both printed books and e-books (e.g. in the later case 66% based on Magnolia Media's research). Publishers want to sell their books in order to reach the most customers - if they lack access to the largest book trade platform, their personal economic freedom is restricted accordingly. Even if there are numerous other online sales platforms for books, these do not have such a market share like Amazon and are therefore far less attractive to publishers. In addition to Amazon as the world's largest online bookseller, publishers also have access to other online booksellers. In addition, direct sales, for example via a publisher's own website, are also conceivable. Distribution via Amazon is extremely important for publishers due to its market position, but there are reasonable alternatives. Profit maximization as a core business objective can hardly be denied objectivity, especially since Amazon seems to treat all contractual partners equally in this regard, i.e. no preferences or disadvantages are discernible. The pursuit of commercial interests represents a possible justification in the sense of "legitimate business reasons". Amazon's behavior is therefore not to be classified as arbitrary.

Competition law

As the guardians of competition, the competition authorities are obviously a point of contact for issues in connection with large internet platforms. In fact, the laissez-faire approach with regard to internet platforms means that, in the absence of specific regulation for problem solving, competition law and the relevant authorities have to be approached. It can also be observed that many of these proceedings (e.g. Apple IP/12/1367 or IBM IP/11/1539) are settled through an

agreement between the company concerned and the competition authority. An agreement can lead to a faster solution, i.e. improve competitive conditions faster than lengthy investigations which end in a unilateral decision, which can be an advantage in view of the frequently changing conditions in the internet sector. The question is repeatedly asked whether current competition law is still up to the digital challenges or whether a change in the legal basis or at least in practice is not necessary (Zingales, Lancieri, 2019).

Market definition

The aim of market definition is the determination and assessment of the competitive forces to which a company is exposed in a certain market (Mazák, Jánošíková, 2009). When determining the relevant market, the actual or potential alternative offer is decisive, which is available to the business partners of the company concerned with regard to its goods or services. Essentially, the first step is therefore about the alternative options for the opposite side of the market and, in a second step, about their counterweight. With this alternative offer, the actual and potential competitors (Miskolczi-Bodnár, Szuchy, 2017) as well as the opposite side of the market can be determined, which are decisive for the second step, the determination of the degree of power of a company in this market. The relevant market is to be determined in terms of product, geography and time. The relevant product market includes all goods or services which are viewed as substitutable by the other side of the market with regard to their properties and their intended use. Digitization has led to a general expansion of the relevant geographic market, so that a global market can often be assumed. The temporally relevant market refers to the availability of materially and spatially substitutable offers in a certain period of time.

Google Search and Amazon

The geographically relevant market is basically global, since the internet platforms offer goods and services worldwide, while the temporally relevant market plays no role due to its constant availability. When defining the relevant product market from Google as a search engine, for example, one is faced with the problem that Google, as a multi-sided internet platform fulfills different needs and therefore serves several markets (Šmejkal, 2016). Accordingly, several independent relevant sub-markets must be defined. In addition, the products and services - and with them the corresponding markets - are constantly evolving. The size of the relevant market for

online search services is highly controversial. Only the determination of the opposite side of the market, which has to be carried out before the market is defined, is extremely difficult. Google offers advertisers, at least at first glance, an alternative way of placing advertisements next to TV advertisements, magazine advertisements, but also advertisements on other internet platforms. In addition, internet users who use search services and website operators, which want to be indexed by search engines represent a part of the opposite side of the market. For example, travel portals, online retailers, social networks, newspaper portals and various apps offer vertical search services. With regard to the size of the market for online search, it is therefore crucial whether providers of vertical search services are also included in addition to providers of horizontal search services. Based on previous European case law, a narrow market definition can probably be assumed from the user's point of view, which only includes horizontal search services (COMP/M.5727). Too strong focus on Google's search engine service is a tricky one, as it would exclude the advertising aspect, which is particularly important for Google financially, and ignore the multi-sidedness of the market. With regard to advertising, the relevant market can therefore be defined as that for search engine advertising, that for online advertising or even that for advertising in general. It is difficult to define the market for advertising, and Google can hardly be accused of having an absolute monopoly on the cross-media advertising market and the online advertising market. The relevant product market could therefore on the one hand be very broad, in addition to advertising on online search services and social media. If the relevant product market (Stehlík, Hamuľák, Petr, 2017) is narrowed down and limited to advertising options via the internet, social networks such as Facebook in particular, but also the online portals of various newspapers as providers of online advertising space, must be taken into account (Funta, 2017).

When defining the market in the Amazon case, the question arises whether the physical retail trade or physical book trade should be included in the definition of the relevant product market in addition to online retailers (LaVecchia, Mitchell, 2016). When defining the market, the main focus is on the substitutability of the corresponding products and services, by means of which the competitors can be determined. If the potential competition in dynamic markets is underestimated, these markets are defined too narrowly, so that the existence of a dominant position in innovative markets may be assumed too quickly under certain circumstances. However, the dynamism or the restraining effect of potential competition must not be overestimated. This type of market power determination is also criticized in the EU and in the USA, where the market

definition is becoming less important and the cartel authorities have adopted a more dynamic perspective. Kaplow (2010) demands the abolition of the market definition process in the context of antitrust investigations. A crucial point in defining the relevant market is that it also determines the degree of market dominance.

Market dominance: Google Search

After defining the relevant market, the question of whether the company controls the relevant market in an absolute and/or relative manner is examined (Varga, 2006). It can be stated that Google operates on a multi-sided market and that its market power on the one hand does not necessarily mean that it also possess market power on other market sides, such as the market for advertising. Even a market share of over 90% in the online search market may possibly say little about the actual competitive situation, since the complexity of the online search market has to be taken into account. It is questionable whether Google is dominant in the market for online search services, in which Google has held the leading market position for over 10 years. Smaller search engines could also expand their capacities and serve new customers without any major delay and with relatively little financial outlay, compared to conventional production facilities. Personalized search services, lock-in effect, network effects of the largest provider of online as well as the connection with other Google services, however, speak for the existence of structural dependencies and thus a market dominance through relative market power. The high market share or the absolute market power of Google in the market for online search services is not very meaningful in itself, which is why the assessment of the competitive situation requires a comprehensive consideration (Crémer, de Montjoye, Schweitzer, 2019). In sum, there is evidence of the existence of a monopoly or at least a dominant market position for Google if the relevant market is limited to online search services. On the one hand, the Google search engine probably has absolute market power, since Google does not face any effective competition in this market. On the other hand, there are some arguments in favor of the existence of relative market power, because users of the search service and companies that want to be found via the search engine hardly have any alternatives and are accordingly dependent due to the monopolistic market structure. This also corresponds to the trend towards monopolizing this market, which can be explained and foreseen due to the economic peculiarities (Funta, 2020a).

When assessing the possible abuse of a certain behavior in terms of competition law (Stehlík, Hamuľák, Petr, 2016), the ambivalent consequences for innovation must also be taken into account in the context of the effects on competition (Krausová, 2018). A strong market position or even a monopoly position can set innovation incentives. However, due to a lack of interoperability, for example, this can have negative consequences for the level of innovation in the entire industry. But even strong competition can hinder innovation. Therefore, a precise weighing of the innovation-inhibiting and innovation-promoting effects of a potentially abusive behavior of a market-dominant company has to be made (Klimek, 2013). Competition law or the relevant authorities alone are not always able to adequately meet the challenges posed by internet platforms with strong market positions, for example with regard to user data. The involvement of other authorities and the affected market participants points the way towards multi-stakeholder or collaborative governance. But competition law itself has also produced flexible concepts which can be adapted to critical situations in the field of internet platforms in terms of competition policy. For example, denials of access or the preference for company-owned services could certainly be subsumconsued under the respective norms regarding abusive behavior by companies with a dominant market position (Svoboda, Munková, Kindl, 2012).

Data protection law

The operators of internet platforms such as Google, Amazon or Facebook emerged as pioneers in the field of big data. The term “Big Data” means not only huge amounts of structured and unstructured data brought together from different sources, but also the information technology procedures and processes that enable rapid analysis, processing and allow visualization of this continuously accumulating amount of data. The operators of internet platforms such as Google, Amazon or Facebook make use of the big data technologies available to them in order to use the huge amounts of data obtained through their services for commercial use. From the point of view of promoting innovation it should be noted that the technological development of big data is not yet complete and the associated innovation opportunities are also not exhausted. The application possibilities of big data are extremely diverse, since big data is used in diverse areas such as marketing, science, health care or public administration (Fedushko et al., 2021).

Big Data vs. Privacy?

The application of the principles of data protection law is usually given when data is processed in the context of big data, unless the data is purely factual data or anonymized personal data that cannot be assigned to a person (Mesarčík, 2020). The compatibility of the use of big data technologies by internet platforms with the principles of data protection has been questioned on various occasions. Internet platforms also collect personal data as part of their activities, including those that are particularly worthy of protection (Andraško, Horvat, Mesarčík, 2019). Personal profiles on social networks, but also the compilation and analysis of search queries, calendar entries, digital communications (Funta, 2020a) and other information available on the internet using big data technologies often provide a comprehensive insight into a person's personality (Funta, 2019). However, many people are not aware that the information from these different data sources can be linked and condensed into detailed personal profiles (Polčák, 2018). In addition, it is not even clear to many users whether and which of their data is being evaluated and for what purpose this is done. The collection of personal data without the explicit consent of the users should not be collected. Indeed, there is a certain risk of surveillance, manipulation and discrimination, since the personal data gives the processor appropriate power over the data subjects. It should also be noted that data that does not (yet) represent personal data at a certain point can be classified as personal data at a later point due to the technological developments. However, due to the possibility of revoking consent at any time, this difficulty can be countered by adequately informing the data subject about subsequent processing for other purposes. The voluntary nature of consent is also called into question by the existence of dependencies or monopoly positions (Furman, 2019). If a user does not consent to the data processing, services are often refused or only offered to a very limited extent, which significantly relativizes the voluntary nature of consent. Improved protection of the right to privacy (Svák, 2000) could not only be achieved by adapting the legal framework, but also through technical measures (e.g. using "Privacy by Design" and "Privacy by Default").

Essential Facility Doctrine (Law)

The essential facility doctrine was introduced in antitrust law in a 1912 ruling by the US Supreme Court. The essential facility doctrine is about cases in which a company uses its control over a bottleneck to eliminate actual or potential competitors, for example to monopolize a market.

For this reason, antitrust law requires companies that control an essential facility to grant others access to it on reasonable, non-discriminatory terms. The essential facility doctrine thus promotes competition in markets which, for structural reasons, tend to monopolize. Such a monopoly can be found in many internet markets. According to the US case law (MCI Communications Corp. v. AT&T Co.), four requirements must be met: (1) control of the essential facility by a monopolist; (2) a competitor's inability practically or reasonably to duplicate the essential facility; (3) the denial of the use of the facility to a competitor; and (4) the feasibility of providing the facility. The justification of the essential facility doctrine lies in the basic assumption of competition policy that consumer welfare is fundamentally promoted by intense competition. The aim of the essential facility doctrine is to promote consumer welfare and not to protect the economic interests of individual competitors. This applies not only to natural monopolies, but also to monopolies created by intellectual property rights, since there, too, functioning competition promotes innovation. Similarly, there are also cases where non-physical facilities, such as copyrighted databases or software, have been classified as essential facilities. However, the application of the essential facility doctrine to monopolies created by intellectual property rights is also criticized because it is precisely those that are particularly worthy of protection. The essential facility doctrine also found its way into the practice of the EU. In the beginning, the essential facility doctrine was applied to physical infrastructure facilities such as ports or tunnels; later, under exceptional circumstances, the scope was expanded to include monopolies created by intellectual property rights. The scope of application of the essential facility doctrine is consequently much broader in the EU than in the USA.

Google uses its search engine to control exclusive access to a facility that is essential for society and, for these reasons and in the absence of any other access regulation, should be subordinated to the resource facility doctrine. In order for the essential facility doctrine to be applied, there must first be a monopoly or a dominant market position in the relevant market. In this case, the relevant market is assumed to be that for horizontal online search engines. In this market, Google probably has a monopoly position, which is evident on the one hand in the high market shares, and on the other hand in the fact that Google is able to objectively display its services in the search results to represent superior services, precisely because the users would have no real alternatives. By adapting the search results, Google has a direct influence on - and control over - the searchability of websites and services. Their access to the search engine or "being found"

depends not only on the relevance for the users, but also on their financial possibilities, which tends to disadvantage smaller and newer companies. Google has been repeatedly accused of using this monopoly power to exclude or disadvantage competitors. If Google continues to use its supremacy in the horizontal search market to present its vertical search engines preferentially over others, it will harm both competition and consumers, as they may not see the search results that are most relevant to them. That is why Google's competitors are not able to gain a foothold in the market and compete effectively with Google. US law also presupposes that there is a specific intention to monopolize, which the Federal Trade Commission (FTC) could not prove in the case of Google's search engine.

Vertical search engines and website operators such as retailers or service providers need to appear in Google's search results in order to be found by users and, if necessary, to compete with Google. The search engine is also essential because it represents an essential access point to the internet, which is used by users for various purposes such as communication, education, work or entertainment. Search engines exert a decisive influence on culture, science, economy and politics and, as gatekeepers, control a bottleneck in the information infrastructure, which gives them power over enormous data flows. Another requirement by the appllication of the essential facility doctrine is the denial of access to competitors (in the US point of view) or to the opposite side of the market (in the EU point of view). Google effectively denies its competitors or the opposite side of the market access to the decisive top positions in the search results and thus to its huge user base. However, without knowledge of the search algorithm, it is difficult to prove whether the Google algorithm actually disadvantages its competitors or the opposite side of the market. The FTC came to the conclusion that giving preference to its own products or services in Google's search results did not constitute a violation of US antitrust law, but the FTC will continue to closely monitor the market situation due to Google's strong market position. Possible disadvantages of competitors are to be seen as result of changes that likely improve the quality of Google’s search results, which justifies Google's behavior.

The fourth and final condition for the applicability of the essential facility doctrine is the feasibility of granting access to the monopolist. Google could grant access to its competitors if the search algorithm treats Google's own services and third-party services equally and these appear in the same way in the search results. The exact design of a neutral search engine, which sorts the results only according to relevance, would cause difficulties due to the lack of objectivity of these

terms. Another variant would be to lower the prices for the search keywords in order to give other companies access to the search engine at fair prices (Petr, 2020). Antitrust law (including the essential facility doctrine) is improper for regulating internet platforms in view of the complexity, which rather requires new and specialized legislation.

Conclusions

A regulatory intervention in the area of internet platforms appears not only justified in view of the diverse problem areas and numerous public interests, but also practically necessary due to unsuccessful self-regulation attempts. The application examples and the peculiarities of internet platforms with regard to innovation and economy make it clear that the challenges associated cannot be met with conventional legal ways and that there is a call for a new regulatory regime. In order to determine the regulatory goals, however, in some cases opposing interests must be combined, but the primary goal should be to protect users and smaller companies from the existing market power imbalance.

The challenges in the area of internet platforms do not only affect a single subject or legal area (Daňko, Banková, 2020). The area-wide effects of the internet platforms and the significant differences between internet markets and conventional markets rather point the way towards comprehensive, sector-specific regulation. The economic peculiarities and the special innovation processes of internet platforms must be taken into account as well as their novel functions and the associated central position in economic and social life. In the area of internet governance, a number of principles and guidelines have emerged which must also be observed. The focus is on transparency, data sovereignty, non-discriminatory access and the prevention of misuse. These principles can be implemented by various means, which differ in their intensity. For example, effective informational self-determination is only possible if there is sufficient transparency about the collection and use of data. With regard to the regulation of dominant internet platforms, there has so far been a great reluctance on the part of state actors, which can be traced back to a belief in dynamic, self-regulating, functioning internet markets on the one hand, and to a certain excessive demands in view of the scope of technological, social and economic innovations in connection with internet platforms. This development can be explained by means of the economic peculiarities of the internet markets as network markets and the peculiarities of the innovation processes in such markets. The resulting monopoly situations have negative consequences for

everyone who uses internet platforms in any way, private users as well as companies and organizations. While the operation of the dominant Internet platforms encompasses more and more areas of life, their enormous importance is only slowly penetrating the awareness of wider circles in society, business and science (Andrukhiv et al., 2021). The largely invisible big data machinery moves, or at least it has the impression, largely under the radar of state regulators (Ondria, Šimoňák, 2011). So far, there is a lack of comprehensive answers to the diverse challenges that arise from dominant internet platforms (Schweitzer, Haucap, Kerber, Welker, 2018). The difficulty lies in the fact that these not only cross national borders, but also inter- and intra-disciplinary borders. Accordingly, only a comprehensive solution that bridges these limits can counteract the risk of a regulatory patchwork. Specifically, this should lead to an international governance process in which, in addition to state actors, various other interest groups, in particular the internet platforms themselves, user associations and representatives of science from the fields of economics, technology, innovation research and law are involved (Wen, Feng, 2018). From a legal point of view, a wide variety of areas are affected, which is why a comprehensive, sector-specific regulation should be given priority over selective changes in various laws at both international and national level. This is the only way to ensure that the various legal elements are coordinated with one another and that there is clarity and legal certainty for all those involved with regard to the central regulatory aspects of internet platforms.

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DISAMANTLING OF THE SPITZENKANDIDATEN MECHANISM AFTER THE 2019 EUROPEAN ELECTIONS - FAILURE OF EU DEMOCRACY OR POLITICAL PRAGMATISM?

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Abstract: *The introduction of a new method of electing the President of the European Commission in 2014, based on a specific interpretation of art. 17 of the TEU, has become a crucial event in the political life of the EU. In particular, the new method's potential to strengthen democracy and the parliamentary nature of EU governance has been recognized. However, in reality, slightly different results have been produced. The Spitzenkandidaten mechanism turned out to be a formula based on immature solutions and electoral behavior and did not result in a clear reinforcement of the democratic factors of European integration. Instead, it has proved to be one of the expressions of inter-institutional rivalry, in which the intergovernmental European Council did not allow its competence for the appointment of the Head of the Commission to be diminished. The Commission itself, led by Jean-Claude Junker, in an attempt to exploit its „democratic" origins in 2014, has become more of a political than a managerial-administrative body. In 2019, the Spitzenkandidaten mechanism was not re-implemented, despite forced attempts of the European Parliament to do so. It seems that pragmatism has prevailed, with a clear goal - to protect one's own prerogatives.*

Keywords: Spitzenkandidaten, European democracy, European Parliament, interinstitutional balance, European Commission.

Introduction

The assessment of the *Spitzenkandidaten* mechanism's application (or rather, lack of application) in 2019 invokes (not for the first time) the issue of interinstitutional cooperation and democracy in the European Union (EU). The functioning of the EU's democratic mechanisms has been repeatedly discussed and assessed by academics, politicians and publicists, and the conclusions of various research centers and experts have never allowed a coherent approach to be

established. It can be noted, however, that the resurgence of the current issue's exploration usually took place with the occurrence of a situation or event with a democratic explanatory potential. These were, often, elections to the European Parliament (EP), documents introducing institutional changes assessed concerning their democratic nature, or the activity of Member States regarding the observance of democracy in the EU. European Parliament elections held in May 2019 also served as a catalyst for further discussions on the observance and strengthening of the democratic rules of the European integration process and their importance in shaping interinstitutional relations.

The analysis in the submitted article concerns not so much the democratic nature of the EU's institutional solutions as the *Spitzenkandidaten* mechanism, which has become challenging in the process of implementing the democratic rules in the EU after the changes introduced by the Lisbon Treaty (LT).

The hypothetical assumption is that the *Spitzenkandidaten* mechanism, despite its potential to influence the EU political system, especially its democratization, has in fact proved to be an instrument used for pragmatic inter-institutional struggle for power.

In order to conduct the research, an institutional and legal method will be used, coupled with the Rational Choice Institutionalism theory, which makes it possible to clarify the role of the institutions and mechanisms of interinstitutional cooperation in the political space of the European Union.

Democratic Dilemmas of European integration.

Establishing any facts concerning the democratic state of the European integration process is one of the most confusing and difficult to interpret challenges for researchers. Even if one assumes that democracy itself is puzzlingly complex and makes it difficult to find its unambiguous, formerly clearly defined meaning, the conditions penetrating the integration mechanisms imply an increased inconsistency of interpretation and application (Sartori, 1998; Held, 1987; Held, 1993; Held, Koehler, 1998; Olsen, 1996; Wierzchowska, 2013).

The complexity of an inclusive political system constitutes the reality of the process of exercising power in the EU and means that traditional patterns of democratic rules of the game cannot be simply reflected here. We are therefore dealing with an intensification of the problem, which results not only from the lack of precision and complexity of the phenomenon of democracy

itself, but also from the incompatibility of the circumstances in which the EU operates in, with those which constitute the traditional environment for the implementation of democratic state processes[1].

For the founders of the European Economic Community (EEC), concern for the democracy of the institutional and axiological environment was not a priority. Pragmatism and the achievement of economic goals were the most important both for the political elite and for the societies. It is well known that Jean Monnet, who, in his diaries, stated that European integration could only start and develop only without democracy. One could say that there was no 'widespread appetite' for the common idea of Europeanness, and the economic freedoms provided by the common market did not build a sense of community, leaving Europeans rather indifferent to the activities undertaken by the political elite (Azmanova, 2017, p. 41). Moreover, strengthening democracy at the national level was, at that time, much more important than seeking it in a European angle. Securing the smooth functioning of democratic national mechanisms was to be guaranteed by integration processes, which did not determine the construction of a European democratic structure. Alan Milward called this historic process *The European rescue of the Nation - States* (Milward, 1992). This is well illustrated by the circumstances and motivations for the admission to the European Communities of countries such as Greece (1981), Spain and Portugal (1986). The idea that these countries' membership in the EEC will strengthen their transition from authoritarian regimes to democracy has been repeatedly stressed. The Community was supposed to create and support democratic aspirations in countries, not the other way around.

This approach was possible as long as integration concerned mainly the economy. The transition to a political union meant that the technocratic legitimacy and passive consent of the Europeans to the actions of European authorities is no longer sufficient. The direct elections to the European Parliament, introduced as early as 1979, have not changed the democratic reality in the Communities. They have become a symbol of the democratic nature of the European integration process and, at the same time, a spark of hope for the creation of a truly European public opinion,

[1] A lot of threads have already been developed about democratic rule and rules that should be met for their effective implementation, e.g: From a political science and democratization perspective, however, liberal democracies require horizontal accountability. Elected authorities must be checked and balanced by independent state institutions to prevent transgressions and right violations". (Ezzat, Fayed, 2020, p.108)

which is essential for the emergence of a democratic *demos*[2]. While they are still a symbol of European Integration, the latter spark of hope can be described as postulatory thinking, rather than realistically implemented project.

From the point of view of democratic governance, the EU suffers from many issues. For instance, one might notice the problems of democratic legitimacy, democratic accountability of decision-makers, the mentioned lack of political community or lack of real civic participation. As a result, the term „democratic deficit" was coined to reflect the state and manner of application of democratic mechanisms in the European[3]integration process. It is most often defined as a problem that has arisen as a result of the transfer of decision-making powers from the national to the European level, but without the creation of an efficient and effective control mechanism allowing for direct accountability of decision-makers by the recipients of decisions. This way, one of the most important patterns of democratic political life, consisting of accountability and the possibility to dismiss representatives and decision-makers who govern on behalf of the general[4]public – fails. In the EU, the decision-making process has been entrusted to the representatives of the national executive governments, who, in cooperation with the EP and advisory bodies create law which is directly applicable in all member states. However, the same decision-makers are not directly accountable for their actions at the European level, which creates a hole in the democratic accountability mechanism. From the perspective of a traditional democracy, the mechanism based on the tripartite system is violated, which can be considered as one of the gravest sins committed against a democratic political system.

[2]This issue can be interpreted in different ways, due to the ambiguity of the term "demos". For the purpose of explaining democracy in the EU, it can be assumed that building a demos is a process of "(...) involving citizens and their sub-national level organizations in the mechanisms which shape the functioning of the European Union and its member states – the latter directly resulting from participation in the European Union. See: (Nowak-Far Artur, 2012, p. 22.) It means creating a common political identity, which is expressed in activity at European level.

[3]As Konstanty A. Wojtaszczyk explains, the very notion of democratic deficit is controversial because of the tendency to identify the EU with the state structure: See: (Wojtaszczyk, 2012, p. 15).

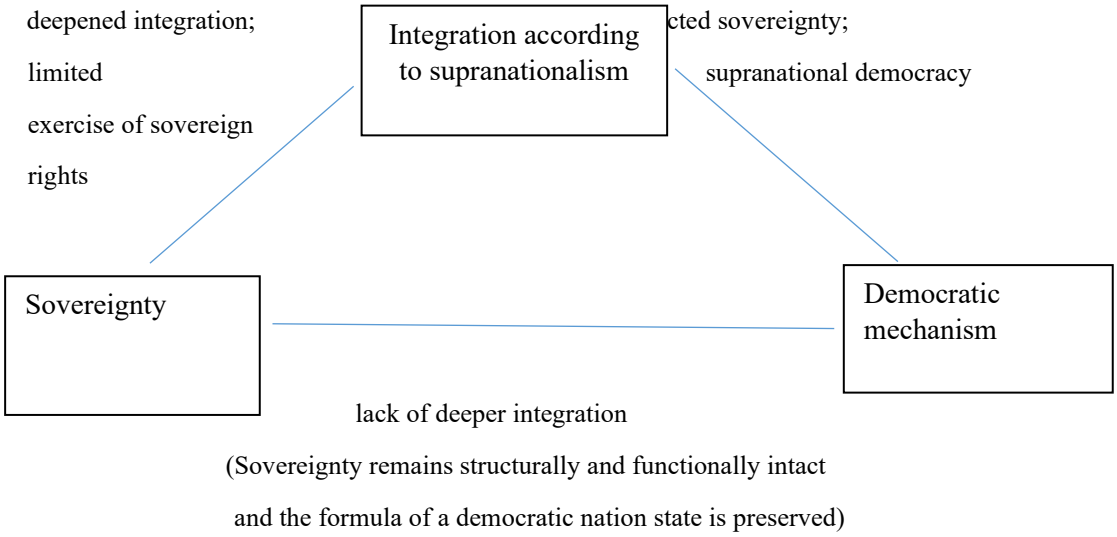
[4]The issue of accountability to the voters is mainly the concern of the Council's members. Heads of states and governments are officially accountable to their national parliaments and electorates. Even partial responsibility is limited, as any minister attacked for taking inappropriate action may use the necessity to act in accordance with the Union's decisions as a shield. The ministers of each country gather depending on the issue (The General Affairs Council consisting of the foreign affairs ministers of the fifteen countries or the Special Council, i.e. the Ministers of a specific branch). The Council is characterized by a lack of a permanent composition, a rotating chairmanship and secret sessions.

However, does democratic deficit fully allow to understand the nature of the EU's democracy? It seems that the problem of democracy in the EU from the perspective of its deficit already imposes a restriction resulting from the requirement to look for negative aspects, which are intrinsic to the term "deficit". There is no room for positive insights which would allow to view the EU in the light of positively functioning democratic solutions, worthy of a supranational political[5]structure. Therefore, is democracy in the integration process really an impossible state? Or should the approach be changed and the specificity of the EU's political system be taken as a starting point, so as to tailor the democratic suit to its needs? There is another possibility, which would make it necessary to accept that the EU will not meet the requirements of democracy, but which offers other advantages in terms of greater decision-making flexibility or national independence.

Trying to put the above considerations in order, one can look at democracy in the integration process in relation to its two essential attributes: sovereignty and supranationalism. Together with the principle of democratism, they form the vertices of a triangle which, analyzed according to Dani Rodrik's impossible trilemma, indicates that it is not possible to fulfil all three objectives, which in this case would be to preserve a strong, sovereign and democratic nation state built into an equally strong and resilient supranational structure developing towards supranational democracy. The question concerning the plausibility of democratization of the EU remains. The chances are low if we want to maintain the *status quo* related to the current position of the nation state in the integration structure (not to mention, the tendency to strengthen its role).

[5]The theoretical aspects of European democracy are addressed, among others, by Erik Oddovar and John E. Fossum, pointing out that in order to understand the nature of European democracy, due attention needs to be paid to the theory of democracy, including consideration of the need for a new approach to interpret new democratic trends in Europe: See: (Oddovar, Fossum, 2012, pp. 201-202.).

Figure 1



Source: own elaboration on the basis of: (Rodrik, 2005; Rodrik, 2011) and (Hardt, 2013 in: Grosse, 2013, p. 72).

When sovereignty is compared with the principles of supranationalism and the mechanisms of democracy, we are faced with the following options:

- achieving supranationalism with the abandonment of sovereignty and the creation of supranational democracy mechanisms;
- achieving supranationalism by redefining the concept of sovereignty (limiting the exercise of sovereign rights): it may result in expanded cooperation of a supranational nature with a simultaneous redefinition of the approach to the functioning of national democracy mechanisms;
- preserving sovereignty indivisibly (without limiting the exercise of sovereign rights), without striving for supranationalism, thus preserving national democratic mechanisms.

As in the case of the economic trilemma - the original Rodrik's impossible trilemma (Rodrik; 2005, 2011)[6], in essence, it becomes impossible to reconcile all aspirations: deep

[6]According to Rodrik's concept deep economic integration requires the elimination of all transaction costs faced by traders and financiers in their cross-border transactions. National states are the primary source of such transaction costs. They generate national risk, create regulatory discontinuities at the borders, prevent global regulation and supervision of financial intermediaries, and make the lender of last resort a distant dream. The malfunctioning of the global financial system is closely linked to these specific transaction costs. What can, therefore, be done? One option is to seek global federalism, in which the scope of (democratic) policy can be adjusted to that of global markets. In

supranational economic integration is possible only in two scenarios: with the (limited) preservation of sovereignty, but with the loss of democratic mechanisms; or with the preservation of democratic rules, but with the renunciation of sovereignty, thus creating a federal community[7]. It is also possible to abandon the supranational path and remain on the traditional path of intergovernmental cooperation, thus preserving the fully democratic and national character of the countries.

It therefore seems that the transfer of democratic models to the European integration process is strongly conditioned by the existence or lack of certain phenomena. This is not an obvious, uncontested procedure that can be carried out under any circumstances, especially using when activities used are restricted or isolated from the whole project. Democracy, no matter where it is developing, needs suitable conditions to grow, which cannot consist the political will of its elite participants alone. Or are we, as Hagen Schulz-Forberg and Bo Strath suggest, hypocritical about the debate on the democratic aspect of European integration? Are we not faced with yet another triangle, with criticism, crisis, and hypocrisy as its vertices? These vertices are simultaneously points of reference in EU analysis. (Schulz-Forberg, Strath, 2012, p. 3). As the aforementioned researchers emphasize, the idea of democratization through market is historically implausible, especially concerning the emergence of democracy in Europe. What determined

fact, however, this cannot achieved on a global scale, and even among like-minded countries, as the EU experience shows. Another option is to maintain the nation state and make it receptive only to the needs of the international economy. This would be a state that would pursue global economic integration at the expense of other national objectives. The nineteenth-century gold standard may serve as a historical example. The collapse of the Argentine convertibility plan of the 1990s is a contemporary illustration of its inherent incompatibility with democracy. Finally, we can lower our ambitions in terms of how much international economic integration we can (or should) achieve. Therefore, we are entering a limited version of globalization, which was the post-war Bretton Woods regime (with its capital control and limited trade liberalization). Unfortunately, it became a victim of its own success. We forgot about the compromise inherent in this system, which was the source of its success. Any reform of the international economic system must face the trilemma. If we desire more globalization, we must either give up democracy or give up certain national sovereignty. Pretending that we can have all three at once leaves us in an unstable no man's land. Based on: (Rodrik, 2011). Globalization in relation to economic phenomena brings the most visible but also often undesirable effects. As Mario Arturo Ruiz Estrada writes in the context of the 2007/2008 recession: We assume that the epicenter that is connected to all markets (country / region) is the GDP growth rate of the U.S .; at the same time, each market has a large number of windows refraction. Economic waves are generated first by plotting a single value (growth rate) in each window refraction and joining each single value located in each window refraction by straight lines from the epicenter to the last window refraction in each market (...); we call this concept “windows refraction links.(Estrada, 2014, p. 250)

[7] One of the democratic "gains" which implementation possibilities are becoming very limited in transnational conditions is civic participation. As J. Czapiński and T. Panek write: "People participate in democracy not only when they participate in organizations or do something jointly for others or for the benefit of their community, but also when they gather, discuss and decide on something together".(Czapiński, Panek, 2015, p.338).

European democratization were social conflicts and bottom-up processes leading to protests, to which there were then attempts to find solutions, not to establish market economies[8]. So how, following this line of reasoning, can one expect the almost automatic emergence of democracy in the EU when there have been no European speeches or unrests which would have wider than national effect? The problem of democracy in the EU therefore lies not only in the appropriate shaping of the institutional system. It also reaches deeper - to the origins of democratization processes.

Leaving the dilemmas of democracy itself behind and moving on to the next part of the study, one may wonder whether the introduction of a mechanism for identifying the main candidate for the presidency of the European Commission (EC) before the EP elections can change anything in the democratic landscape of the European integration process. Can the implementation of a democratically important solution in an unprepared environment, influence the formation of the democratic canon of an institutional system that does not have a definite direction?

Institutional and Legal Conditions of the *Spitzenkandidaten* mechanism

The procedure for the main candidates was first used in 2014 to elect the Commission's President Jean-Claude Juncker. However, it should be stressed that the procedure did not (and still does not) have a clear Treaty basis, apart from art. 17 sec 7 TEU, which states:

"Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure".

The application of the mechanism therefore stemmed from an agreement between the heads of state and governments of the European Council, the European Parliament and the European

[8]However, it is difficult not to see the link between social unrest in 19th century Europe and growing capitalism. However, according to the authors, what was the leading force was the desire to gain influence in the developing social, economic and political space.

political parties, concluded before the 2014 European elections[9]and not from the direct application of any provision of the Treaty.

The 2014 agreement could be considered as an expression of the EP's systematic and successful march towards strengthening its position in the institutional system of the Communities/European Union and parlamentarization of the EU political system. The history of these efforts is longer than the formal existence of the Union itself, but the European Parliament emerges as the clear victor of the last 20 years. Starting as an indirectly-elected consultative assembly, it could co-decide on the vast majority of EU legislation, its budget and the appointment of the European Commission.

The progressive process of parliamentarization of EU governance was therefore one of the main structural changes in the EU 's institutional system **(Schimmelfennig, 2014)**. In 2012, the European Parliament formulated a resolution[10]calling on European political parties to „nominate candidates for President of the Commission" and expressed the hope that these candidates will play a „leading role" in the parliamentary election[11]campaign. At that time, the EP suggested an interpretation of art. 17. It argued that changing the literal contents of the article from 'approve' to 'select' meant that a choice must be made from multiple candidates, instead of simply making the European Council's decision valid. The EP also expressed its expectation that „in this process, the candidate for President of the Commission presented by the European political party with the most seats in Parliament will be considered first". The proposed solution did not 'promise' the chairmanship of the winning party, but suggested that its candidate should be 'ready' to gather sufficient parliamentary support (Tilindyte 2019, p. 4).

[9]Considering the legally non-binding acts, one might mention the Declaration 11 on art. 17 sec. 6 and 7, annexed to the Treaties, which specifies that the European Parliament and the European Council are "jointly responsible" for the smooth running of the process leading to the election of the President of the Commission, and the relevant consultations "will focus on the background of the candidates". Furthermore, Declaration 6 on art. 15 sec. 5 and 6, art. 17 sec. 6, 7, and 18 of TEU mention the need to respect the "geographical and demographic diversity" of the EU and its Member States in this process.

[10]Resolution of 22 November 20102 in the 2014 EP elections 2012/2829(RSP)

[11]The EP resolution follows an earlier State of the Union Address on 12 September 2012 by the then President of the Commission, J.M. Barroso, stressing that the presentation by the European political groups of their candidates for President of the Commission would be "an important means to deepen the pan-European political debate": European Commission, 12 September 2012, 'State of the Union 2012 Address', http://europa.eu/rapid/pressrelease_SPEECH-12-596_en.htm; za: *The Spitzenkandidaten procedure. Genesis and nemesis of a constitutional convention?* https://njb.nl/Uploads/2015/9/LLM-Thesis---LLM-European-Law---Paul-W.-Post.pdf

These changes in the way of electing the head of the Commission can also be found in the successive Treaty reforms, starting with the changes introduced by the Treaty of Nice (2001). Until the Treaty's entry into force in 2003, the candidate for President was nominated by the member states' governments, and the EP merely approved the nomination. The procedure continued with the election of individual Commissioners until the whole body and its President were approved by common accord (then applicable, art. 214 sec. 2 TEC). The Treaty of Nice has introduced modifications to this procedure, mainly to clarify the meaning of "member states' governments".[12]. Since 2003, art. 214 sec. 2 TEC has included a provision which specifies that, as a first step, the candidate for President shall be nominated by the Council, acted by a qualified majority, comprising the heads of state or Governments, and such a decision requires the approval of the European Parliament. Also in the final stage, the President and the other members of the Commission were appointed by the Council, acting by a qualified majority. According to Jan Barcz, the election of the President and the other members of the Commission by the Council, acting by a qualified majority, significantly reduced the possibility of choosing a politically weak candidate, as was the case with Jaques Santer (Barcz, 2017, p. 223). The introduction of the majority voting element in the nomination procedure at the beginning and at the end of the process was undoubtedly a democratizing effect. Especially when compared to when the candidate was proposed by the governments of the member states, using *stricte* intergovernmental, behind-the-scenes procedures[13]. However, despite majority voting, in practice the search for consensus has remained the norm. As a result, the appointment process remained opaque and was repeatedly compared to "changing seats" between governments behind the scenes, often resulting in so-called „lowest common denominators", which can be understood as the choice of the least controversial candidate (Penalver García, Priestley; 2015, p. 12)[14].

[12]Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts;
http://oide.sejm.gov.pl/oide/images/files/dokumenty/traktaty/Traktat_z_Nicei_PL_1.pdf

[13]However, the strengthening of the EP's position was already apparent previously. In line with the rule that the EP is always one step ahead of the Treaty change, emboldened by its first direct elections (1979), the Parliament held a symbolic vote on the candidate for President of the Commission in 1981. Since, future presidents present their programme to Parliament. In 1994, parliamentary hearings for commisioner candidates were introduced (Westlake, 2016, p. 36; Penalver García, Priestley, 2015, p. 44.)

[14]See also: (Westlake, 2016; Baldoli et al., 2014).

The Lisbon Treaty consistently strengthens the democratic potential in the procedure for the election of the EC President, primarily by linking the nomination of the EC President to the outcome of the European Parliament elections and by entrusting the election of the President to the European Parliament (previously, the Parliament only approved the nomination of the Council, which met in the composition of heads of state or governments). This strengthens the position of the European Parliament in the institutional system of the Union, which is usually interpreted in terms of the power to democratize the EU political system (Barcz 2017, p. 224)[15].

Table 1

	Before Maastricht Treaty (1993)	Maastricht – Amsterdam (1999)	Amsterdam – Nice (2003)	Nice – Lisbon (2009)	After Lisbon Treaty
Election of the President of the European Commission	Decision taken unanimously by the governments of the member states	Decision taken unanimously by the governments of the member states, after consulting the EP	Decision taken unanimously by the governments of the member states, after EP's consent	Council decision taken by QMV, with the EP's consent	European Council decision taken by the QMV, taking into account the results of the EP elections; EP consent
Election of the European Commission	Decision taken unanimously by the governments of the member states	Decision taken unanimously by the governments of the member states, after consulting the EP	Decision taken unanimously by the governments of the member states, after EP's consent	Council decision taken by QMV, with the EP's consent	European Council decision taken by QMV; EP's consent

Source: based on: *The Spitzenkandidaten procedure. Genesis and nemesis of a constitutional convention?* https://njb.nl/Uploads/2015/9/LLM-Thesis---LLM-European-Law---Paul-W.-Post.pdf (accessed: 20 February 2020).

[15]Concerning the reform of the election of the President of the European Commission, see also: (Crombez, Hix, 2011, pp. 291-314).

If one were to consider the direction of the changes introduced with regard to the European Commission, including the election of its President, reading only the Treaty provisions in isolation from other practices, one could deduct that democracy has been decidedly and unquestionably strengthened. However, as the EU is a complex system of formal and informal interinstitutional links, any institutional solution should be seen from the perspective of the system as a whole and in relation to previously existing solutions. Individual endeavors, then, even if with a significant democratic potential, will not strengthen the real democratic power of the system.

The procedure can therefore be assessed both in terms of its impact on the whole institutional structure, including its potentially democratizing nature, and the perspective of one of the main institutions: The European Parliament, the European Council or the European Commission. Conclusions may vary considerably, depending on whether a broader or narrower evaluation perspective was adopted. As stated by Laura Tilindyte, the evolution of the formal procedures for appointing the President of the Commission must be seen in the broader context of the significant changes, which have fundamentally shaped the institutional landscape of the EU. In addition to the continuous strengthening of the European Parliament as a directly elected EU institution, one should also mention the extended 'Presidency' of the Commission, the emergence of the European Council as a fully-fledged institution which allow us to define the general political directions of the EU, the development of European political parties and, above all, the continuous efforts to increase the legitimacy of the Commission and the EU as a whole (Tilindyte, 2019, p. 3).

Implementation of the Lead Candidate Mechanism in 2014 – Conclusions and Implications

The new legal conditions put in place for the election of the European Commission in 2014 enabled the European elections to be held in the same year in a modified environment. In preparation for this, the major political factions appointed their candidates for the post of Commission's President at the turn of 2013/2014, including: Jean-Claude Juncker (European People's Party), Martin Schulz (Party of European Socialists), Guy Verhofstadt (Alliance of Liberals and Democrats), Ska Keller and José Bové (European Green Party) and Alexis Tsipras (European Left). The other parties have not indicated their candidates.

The analysis of the election campaigns of the three main *Spitzenkandidaten,* Juncker, Schulz, and Verhofstadt, shows that an effort was made to present them in TV debates and

distributed election materials. However, these efforts did not improve the poor electoral[16]result. Voters did not feel more motivated to vote, even though they were aware that this choice may indirectly affect the future appointment of the European Commission President. The experiment was therefore only partially successful. The mechanism itself was used, but the effects, that is increasing public interest in European affairs and giving the European Commission more legitimacy, did not occur. This may be all the more disappointing as the 2014 European election were announced as an event of particular importance. The election's slogan, „This time it's different", referred to the new possibilities resulting from the modifications introduced by the Lisbon[17]Treaty. The specific nature of the election stemmed from the particular political atmosphere at the time: with unsuccessful attempts to contain the refugee crisis, combined with the polarized European societies and political elites as a result of the eurozone crisis. In other words, it was expected that the election taking place in such circumstances would be different and would become a transformational event in EU policy (Christiansen, 2016, p. 993). The electoral effect manifested itself as an increase in the participation of Eurosceptic groups and, as a result, an unfavorable political arrangement for supporters of deeper integration[18]. Voter turnout was yet another negative effect, as it continued the declining trend in the participation of European citizens in EP elections[19].

The assumption was that the procedure for appointing the main candidate would be a testament to the search for otherness and novelty in the integration process, reviving its public

[16]Nine television debates were held between the *Spitzenkandidaten* in April and May 2014, in different configurations and from various member states. No debates were held or broadcasted in Poland.

[17]Many commentators argued that the elections were indeed different and just as the year 2013 was declared the European Year of Citizens, 2014 could go down in history as the European Year of Spitzenkandidaten; see: Mahony Honor., *The Spitzenkandidaten Coup*, „EUobserver" 4 January 2015, https://euobserver.com/review-2014/126456; accessed: 23.02.2020

[18]As Beata Kosowska-Gąstoł noticed: "The Euro-enthusiasts were the dominant force during the eighth term EP, the Eurosceptic MPs have become more important figures, compared to the previous term. While previously they had not exceeded 20% of the members of the European Parliament, after the 2014 elections, they already accounted for more than 28% of the body. This percentage includes soft and hard Eurosceptics." (Kosowska-Gąstoł, 2019, p. 129). Representatives of the extreme right, also considered Eurosceptics, whose attitude towards the European integration can be considered more than Eurosceptic (55 seats were filled by representatives of such groups as the French National Front, the Italian Northern League, the Freedom Party of Austria, the Dutch Party for Freedom, the Polish Congress of the New Right, the Greek Golden Dawn, Jobbik from Hungary, MPs from UKIP, the Danish People's Party, the True Finns, MPs from the Latvian Order and Justice (Kosowska-Gąstoł, 2019, p. 129, after: (Oliver, 2014, p. 1543).

[19]The turnout in the European Parliament election held on 22-25 May 2014 was 42.61% (43% in 2009).

space and showing how the mechanism of national parliamentary democracy is applied at the level of the EU political system.

The manifestations of the new system's impacts on the functioning of the EU's democratic mechanisms are multi-dimensional.

During the 2014 campaign, the importance of European issues has increased, allowing citizens to follow specific EU-related policies and discussions more closely. It is estimated that daily, a thousand press articles mentioned Jean-Claude Juncker and Martin Schulz (Garcia et al., 2015), while several thousand tweets mentioned the interviews and TV debates among the candidates, as well as their unprecedented tour across the EU. The efforts made did not improve the poor electoral[20]result. In a post-election survey conducted in fifteen member states, 13.5% of respondents indicated they were aware of the main candidates (Hobolt, 2014). Furthermore, 41% of the respondents expressed their awareness of the *Spitzenkandidat* process, that is, voting for parties in the European elections which gave indirect support to a specific candidate for President of the Commission. However, as a result, according to the Eurobarometer survey conducted after the 2014 election, only 5% of European citizens exercising their right to vote mentioned that they went to the ballot box to have „influence over the election of the President of the European Commission" (Eurobarometer, 2014).

To sum up the electoral issues**:** in the 2014 European election, for the first time, citizens were able to decide, indirectly, who will hold the most important executive position in the EU. When Jean Claude Juncker was elected President of the Commission by an overwhelming majority of 422 votes in the Strasbourg EP plenary session, his legitimacy was doubly confirmed (Westlake, 2016). On the one hand, President Juncker's legitimacy can be attributed to the nomination by the European Council. On the other hand, by representing the European political party that won the elections and obtained an absolute majority in the EP, he had a democratic mandate. Thus, the elements of the presidency and parliamentarianism were combined in the EU political system,

[20]In April and May 2014, nine television debates took place between the *Spitzenkandidaten*, in different configurations, broadcasted by TV stations from different member states. No such debates were held or broadcasted in Poland. The final debate of the candidates was broadcasted on 49 television channels across Europe, however, the viewership was not high (in most cases - less than half a million viewers). This, according to the commentator of the EUobserver portal, may have been a sign of a moderate interest in the debates (and the Spitzenkandidaten themselves) in European public opinion: Benjamin Fox, *The Spitzenkandidaten – this time was it different*, „EUobserver", 26 maja 2014, http://euobserver.com/news/124235 (accessed 28 February 2020).

(Dinan, 2016). The *Spitzenkandidat* process has begun to be seen as a significant factor in the development of European democracy. At the same time, this process was also seen as an initiative that could lead to the federalization of the EU.

Another effect, often noted by experts, has been the politicization of the Commission. The election of Jean-Claude Juncker on the basis of the Spitzenkandidaten mechanism has made the new President a highly politicized head of the European Commission, who intended to establish the European Commission as a more political, rather than managerial-administrative body[21]. Although this trend was not a new one, as it can be traced back to the ratification of the Maastricht Treaty and the Danish Maastricht Treaty referendum[22], the political nature of the Commission has certainly been strengthened by the new President, who reorganized the internal structure, by making it more hierarchical and by giving himself greater potential for political leadership through strong leadership (Nugent, Rhinard, 2019, pp. 203-204). The new President emphasized his position and presented himself as a confident, assertive leader with clear ideas and visions for the future of the EU. Finally, both as a candidate and later as an official, he clearly expressed his intention to serve as political president (Ingeborg, 2019, p. 3) [23].

Overall, in the ideological, organizational and administrative areas, the European Commission has become much more political in the 2014-2019 term (Nugent, Rhinard, 2019, p. 203). The politicizing of this institution manifested itself primarily through bureaucratic neutrality in the Commission's human resources management being replaced by political considerations. This raises a very important and unsettling question: is a candidate selected in a procedure akin to general elections, by emphasizing his legitimacy in a more decisive manner in pursuing his aspirations to strengthen his position does not, in effect, contribute to transforming the original,

[21]There is a lively discussion on the difference between the political and the technocratic. As Sophia Russack notices, after Claudio Radelli, this difference can be based on the assumption that what is political is connected with values, while what is technocratic is connected with expert activity. (Radaelli, 1999, after: Russack, 2019, p. 2)

[22]This is the first time that citizens have so clearly shown their opposition to the influence of the integration process, for which the technocratic elite of the European Commission was responsible (Russack, 2019, point 3). Also, seeking ways to strengthen the democratic legitimacy of the Commission by bringing it closer to the EP in its area of responsibility has made it more political.

[23]An example of this trend can be seen in appointment of Martin Selmayr, first as Chief of Staff (2014-2018) and then as Secretary General (2018-2019). The promotion of Selmayr from the position of Chief of Staff of President Jean-Claude Juncker to the highest official of the Commission has caused controversy and agitation among some MPs. Parliament adopted a resolution calling on him to resign. After a five-month inquiry, Emily O'Reilly, the European Ombudsman, said that the Commission had "twisted and perhaps even violated the law" by giving Selmayr a quick two-step promotion. However, the Commission rejected this criticism(Ingeborg, 2019, p. 3).

expected strengthening of democratic mechanisms into authoritarian action or at least an urge to strengthen individual ambitions at the expense of general public?

Junker himself underlined the politicization of his position in his first State of the Union speech at the EP plenary session in Strasbourg in 2014, stating that:

"Having campaigned as a lead candidate, as Spitzenkandidat, in the run up to the elections, ***I had the opportunity to be a more political President.*** This is why I said last September before this House that I wanted to lead a political Commission. **A very political Commission.** I said this not because I believe we can and should politicize everything. I said it because I believe the immense challenges Europe is currently facing – both internally and externally – leave us no choice but to address them from a very political perspective, in a very political manner and having the political consequences of our decisions very much in mind." (Juncker, Jean-Claude, 2014).

Concerning the changes in interinstitutional relations, the EP won with the European Council on an institutional level, setting an important precedent for the future elections of the President of the Commission (Hobolt, 2014)." As the European legislator imposed the *Spitzenkandidat* process, the European Council became of secondary importance (Kassim, 2016). It can be suggested that the *Spitzenkandidat* process has modified the institutional balance of the EU towards the model of a parliamentary system.

However, cooperation between EU institutions has been tightened since 2014. Regular meetings were held between President Juncker, First Vice-President Timmermans and EP President Martin Schulz; The President of the PPE Group, Manfred Weber, and former Chairman of the Socialists and Democrats (S&D), Gianni Pittella. This group was named „G5" (Christiansen, 2016, p. 1003). A coalition between the EPP and S&D was established, at the level of the executive and legislative bodies. The groups' representatives coordinated their work and reached common conclusions. According to Dinan, the *Spitzenkandidaten* process is a step towards establishing a more consensual cooperation between the Commission and the European Parliament, making it more sensitive to the interests of the EP (Dinan, 2016, p. 111). It is thus a key element in creating closer institutional ties.

The European Commission itself was interested in the new solution, seeing it in the context of strengthening its position in the democratic European order and as an opportunity to alleviate the constant allegations of being responsible for legitimizing technocracy. It was in the EU's interest to strengthen the relationship between the elections involving EU citizens and the process

of electing the President, especially if it had a weakening effect on the intergovernmental European Council (European Commission 2013). This view of the lead candidate system can be supported by the statement that the real influence of the *Spitzenkandidaten* can be seen not in the elections but in the institutional policy of the European Union. Its institutional actors - the Council, the Commission, the Court and the Parliament - are involved not only in disputes over policy - they also compete for the division of power and competences (Schimmelfennig, 2014).

Weighing the positive, negative, and neutral impacts of the mechanism applied in 2014, it can be said that it has not led to significant changes. However, from 2014 election point of view, one should consider not only the degree of efficiency and effectiveness, but also the potential of a promise for the future, in which the European Commission would have a stronger citizen support.

Implementation of the Spitzenkandidaten mechanism in 2019 - an inter-institutional political game

The 2014 experiment, even if it was not a breakthrough in the functioning of the mechanisms of parliamentary democracy in the EU, certainly strengthened the EP's motivation to repeat it in the next elections**.** Therefore, as the European elections in 2019 approached, the European Parliament, in its Decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission, stated that it was prepared to reject any candidate for President of the European Commission who was not elected as the lead candidate (*Spitzenkandidat*) of the European political party concerned before the 2019 European Parliament elections. The document repeatedly references the democratic rules of EU political life, including representative democracy enabling the participation of European citizens in the public life of the EU or the importance of parties at European level in shaping European political awareness.

Other arrangements of the agreement concerned the following principles of cooperation between the institutions:

- politicians who are members of the current Commission should be able to run in European Parliament elections and be nominated by the European parties as “lead candidates”;

- The President of the Commission is obliged inform the Parliament of the measures taken to ensure that Commissioners participating in EU electoral campaigns respect the principles of independence and integrity;

- The Commissioners running in elections will not be allowed to use the Commission's human and material resources for any electoral campaigning activities.

The document also highlights the success of the *Spitzenkandidaten* procedure of 2014.

However, the agreement concluded did not strengthen the future status of the lead candidate procedure. The solution has not been introduced in the Treaty. In addition, the European Council considered that it could not guarantee that its candidate would be one of those previously elected by the parties. Referring to the provisions of the Treaty, the leaders stated that the process of electing the President of the EC is not automatic and the presentation of the candidate falls under the autonomous competence of the European Council. The leaders ignored the EP's warning, which signaled that it would not accept a candidate for the head of the EC after the election, if the candidate was not nominated by one of the European parties.

Disregarding the discouraging statements of the European Council, as in 2014, just days before the 2019 election, the political groups of the EP indicated their main candidates: Manfred Weber (EPP), Frans Timmermans (PES), Ska Keller and Bas Eickhout (European Green Party), Jan Zahradil (European Conservatives and Reformists), Nico Cué and Violeta Tomić (European Left). The liberal (ALDE) group acted differently and did not present their candidate. Instead, Guy Verhofstadt appointed *the team of liberal leaders*. It was the result of the disappointment with the results of the practical application of the system in 2014.

A strong polarization of political positions was observed during the 2019 campaign. This was evident in numerous television debates between competing candidates, and in particular during the debate in the EP plenary hall in Brussels on May 15, 2019 (European Parliament, 2019a). In the debate, the Greens and the European left positioned themselves as a political alternative to the European mainstream. This contrasted with the position of Manfred Weber, the conservative candidate who tried to present himself as the guarantor of the EU's success. In turn, the socialist Frans Timmermans signaled an agreement with the Greens and liberals on various political issues, thus announcing possible alliances that could gain a political majority after the elections. Liberal candidate Margrethe Vestager presented her program as being in line with the two most likely contenders for the presidency of the Commission, namely Weber and Timmermans, thereby indirectly offering herself as a potential compromise candidate. The process of selecting candidates has also proved susceptible to undemocratic meanders. The European People's Party with the best chance of winning at the Helsinki congress in early November 2018

nominated Manfred Weber. His opponent was Alexander Stubb, former prime minister of Finland, to whom Weber offered open public debate on the program. But later, confident of support from Chancellor Merkel and most German MEPs, he rejected this suggestion. For the sake of appearances, a debate lasting just over half an hour was organized, which, however, did not change the decision already settled in the privacy of the office.

In the case of European Socialists and Democrats, the situation was resolved without conflicts - Maroš Šefčovič, the only opponent of the then chairman of the Commission Frans Timmermans, resigned and supported the Dutchman (Borkowski, 2019, pp. 202-203).

However, the elections to the European Parliament held in May 2019 did not soften the political mood and did not lead to the immediate adoption of a solution to the election of the new head of the Commission. The peculiar second part of the interinstitutional rivalry game has begun.

The final election result strengthened the strategy of the European Parliament, which, emboldened by the higher turnout, proceeded its activities according to the rules established in 2014 with regard to the Spitzenkandidaten mechanism. Thus, the EP continued the internal party and political rivalry to select a compromise candidate, similarly to the government formations. It suggested a political agenda for the Commission and stipulated that he would only accept as a candidate for President someone who “presented his/her agenda and personality ahead of the elections and engaged in a pan-European campaign ". (Parliament, 2019b).

The European Council, unlike the European Parliament, did not act as if the game was already taking place in a well-defined arena. Its strategy was unclear from the beginning. It tried to use time, activated resources and strategies that pushed the decision back to the natural arena, which does not take into account the Spitzenkandidaten mechanism, for the selection of the candidate for the President of the Commission. As a consequence, an intensified emphasis on party and political rivalry could also be observed inside the European Council. The disputes concerned the candidacy of Manfred Weber, who was accused of lack of government experience and charisma. In turn, some Central European countries rejected Timmermans as a compromise candidate due to his harsh criticism of the rule of law as a commissioner. French President Macron, on the other hand, made himself known as a "thrifty and flexible entrepreneur", turning his opposition to the Spitzenkandidaten process into success: he stressed Weber's unsuitability for the position and paved the way for a joint compromise in the Council. Its aim was to restore the Council's position from before 2014 (Euractiv, 2019).

Weber was a "tough" candidate for Macron to be accepted. He favored Victor Orban, did not speak French, was supported by a country with federal tendencies. His position was definitely weaker than Juncker's. This personal puzzle was complicated by the reluctance to support him by Timmermans, who, after the elections, was in the position of the candidate of the losing party and could no longer fight for the chairmanship of the Commission. Still he did not want to support Weber at the same time, as Schulz was willing to support his predecessor. Timmermans was finally supported by Angela Merkel following the agreement reached at the G20 meeting in Osaka on 28 and 29 June 2019. Weber was promised the position of President of the European Parliament (De Wilde, 2020, pp. 37-53). Unlike Weber, Timmermans had extensive national and European management experience and was fluent in French (as well as Dutch, German, English, Italian and Russian). This made him accepted by Macron and other skeptical national leaders, even though they did not support the Spitzenkandidaten mechanism (Högele 2019). Timmermans also had a "green light" from his native Dutch government and the Spanish government, which negotiated on behalf of the socialist group. Criticism however was Ireland, whose representative, Leo Varadkar, opposed Timmermans, arguing that he was not an EPP candidate, and therefore didn’t have a mandate for this party's voters.

The liberal candidate Margrethe Vestager also turned out to be problematic candidate. She was opposed by representatives of the EPP for similar reasons as Leo Varadkar. Merkel additionally opposed Vestager, claiming that she was not a "real Spitzenkandidat", introducing herself in this way only after the elections (previously she was one of the members of the liberal "Team Europe").

It is not difficult to read from this picture that reaching a compromise among the presented candidates was very difficult. The final inter-institutional consensus was achieved by the election of Ursula von der Leyen, who had previously not been considered Spitzenkandidaten at all. She became the first woman to take the position of President of the European Commission (which made it difficult for socialists and liberals in the European Parliament to oppose her candidacy). In addition, she had experience in management and spoke several languages, so her competences could not be denied (De Wilde, 2020, pp. 37-53). Her candidacy satisfied the conservative majority as well as calmed the fears of Central European countries towards Timmermans.

It is clear from the course of the entire campaign, as well as from the post-election scuffles, that the candidacy of Manfred Weber was to a large extent a bone of contention. The EPP's “party

choice" of Manfred Weber killed the Spitzenkandidaten process as two other candidates, socialist Frans Timmermans and liberal Margrethe Vestager, also had to be dropped despite actually enjoying wider support in the EU Council (Euroactive, 6/21/2019).

The way in which an agreement was reached has made it possible to emphasize the institutional superiority of the Council, interfering with both the right of the EP to elect its president and the right of the President of the Commission to designate positions in the Commission himself. In this way, not only the natural arena of the game, which was in force before 2014, was restored, but it was extended to the previously institutionalized spheres of (relatively) independent decision-making in the EP and the Commission. The Council also elected the permanent President of the Council and the High Representative without further coordination. The move limited the EP's room for maneuver in light of the delicate geographic, party-political and gender balance required in the personnel package covering key positions in the EU.

In the light of the presented facts, it is clearly visible that in 2019 the EP lost direct competition to the Council. President of the European Council Donald Tusk added that the Spitzenkandidaten process was never a "legal obligation" for EU leaders to follow, but that heads of state attempted to "respect" the votes of European citizens. The fact that EP did not fulfill its election promise, in which elections were presented themselves as an opportunity to exert a direct influence on the selection of the President of the Commission, should be read as a defeat of the EP. The claim that party-political rivalry and negotiations would produce the best-suited candidates was weakened by the Council's counterargument that the best-qualified person cannot be identified through party-political compromise. The Council made a kind of counter-revolution to what was introduced in 2014.

Conclusion: Why did the system fail?

The European Parliament election of 2019 did not confirm the efficiency and the democratizing impact of the lead candidate procedure. The German tabloid Build, which published the reaction to van der Leyen's candidacy, included very clear criticism of the mechanism: „Those who have always believed that the EU is a bloated, bureaucratic giant with unclear structures, ruled by a clique, have just had their beliefs reassured".

The heads of state who met at the European Council in June 2019 did not consider the findings of the political groups, which led the retiring Jean Claude Juncker to conclude that he was

apparently the first and last Spitzenkandidat and that the mechanism itself would not become a new tradition as predicted.

The behavior of the European Council shows clearly that the Spitzenkandidaten procedure was not considered as a viable solution and indicates a lack of interinstitutional solidarity. The democratizing influence, which was the main aim from the EP's point of view, was not seen in the same way by the European Council, which was not interested in empowering the EP at the expense of its own competences.

The mechanism proposed in 2014 has not gained institutional sustainability in the EU system. However, the Spitzenkandidaten story can be considered to be part of cycle of institutional conflict in the EU. Its implementation (if continued) will become a gateway to circumvent the Treaty restriction preventing the EP from formally proposing a candidate for the post of Head of the Commission. Shifting the burden of responsibility to the factions offers an opportunity to ensure the democratic legitimacy of the European citizen's vote to its candidate, thus creating normative pressure on European governments to nominate the elected candidate. Ultimately, if the normative power was not sufficient, the EP could threaten to block any alternative candidate proposed by the governments (Schimmelfennig, 2014).

The first question that arises in the context of assessing the system of lead candidates is whether we are faced with yet another theoretical, ill-conceived, self-limiting solution ? The *Spitzenkandidaten* process was based on the idea of automatism - a political group would designate a candidate to hold one of the most important positions in the EU, which will convince European citizens to vote for the group and will raise overall awareness among Europeans about the essence of the elections themselves. This would increase citizens' sense of agency and convince them that it is their voices that determine the appointment of the key position in the European Union's institutional system. At the same time, it would strengthen the “democratic legitimacy” of EU institutions, which is poorly perceived by citizens, and justify future electoral participation (Niklewicz, 2014, p. 3). But how can such an effect be expected, with a preliminary assumption that the success of the procedure is determined by high voter turnout? This leads to a paradoxical situation in which the result and conditionality are perceived in the same way.

Continuing this line of analysis, it can be assumed that the democratic influence of the *Spitzenkandidaten* mechanism will only occur if there is a high turnout and a truly European electoral campaign that raises issues of European origin instead of using it as a forum for national

ideological struggles. Perhaps the first step would be to create transnational electoral lists. Meanwhile, only 5% of voters admitted that their motivation to participate in the EP elections was connected with influencing the election of the head of the Commission[24]. Additionally, the unfinished campaign and the rush to prepare the procedure itself makes it possible to see the issue from the systemic perspective, and not from the point of view of individual failures. (Russack, 2018, p. 2).

The approach of the institutions involved in the election of the President was also important, and from the political point of view, they could lose or gain as a result of the new procedure. The state as of 2019 clearly shows that the European Council distances itself from the new way of electing the head of the Commission. The lack of support for the lead candidates and the choice of an unknown, previously not considered, candidate - Ursula van Dr Leyen - was a clear signal from the heads of state that they do not intend to submit to the system imposed in 2014, which diminishes the role of the body that gives political impetus to the integration process. Studies explaining the phenomenon of the mechanism introduced in 2014 often include the word "forced" (Russack; 2018, p. 1), to describe the European Council's approach to the fulfilment of the new rules of the game. One might argue that this is a continuation of the trend in interinstitutional relations which has led to the development of the principle of interinstitutional balance, which clearly shows the European Parliament's ongoing struggle with the intergovernmental institutions.

In May 2019, the system did not work as planned and turned out to be another project involving not citizens but political elites, which put a stop to the expected democratizing effect. So, has the fight that the European Parliament been waging for a long time to establish a parliamentary system been lost?

The solution was conceived as a path towards strengthening the transparency and legitimacy of elections, but it has resulted in an increased level of politicization of interinstitutional cooperation. One can therefore be disappointed that the mechanism, which by its very nature was intended to replace the back-door introduction of candidates for President of the Commission with a more transparent nomination mechanism, has in effect failed, and the interinstitutional dispute on this issue has been perceived by Eurosceptics as „another weakness of the EU".

[24]http://www.europarl.europa.eu/pdf/eurobarometre/2014/post/post_2014_survey_analitical_overview_en.pdf

It seems that what may accompany the attempts to conclude on the application of the *Spitzenkandidaten* mechanism is the question of whether this system could be saved and made an acceptable method for all? The solution is likely to lie in a more flexible approach which will take into account both the need to strengthen the parliamentary nature of the political game in the EU and the strong intergovernmental trends within the European Council. The whole agreement should be based on transparency, interinstitutional respect and the creation of a relationship that is leaves one satisfied, not disregarded.

Like Stergios Fotopoulos noticed, the Spitzenkandidat process had a strong impact on the political and institutional landscape of the EU, while increasing the visibility of the election of the Commission president for European citizens. Yet, in 2019 the process was discarded. This was a step backwards, in the direction of a less transparent and less inclusive decision-making process made behind closed doors, and the inter-institutional quarrel over the issue was perceived by some Eurosceptics as 'another EU weakness' (Fotopoulos, 2019, s. 200).

So, what are the recommendations? Above all, when seeking procedures for an inclusive system comparable to parliamentary rules, the fundamental principles on which political competition in the parliamentary system is based must be adhered to. In the context of European integration, this should imply strong support for the candidate of a political group in appointing the lead candidate. Meanwhile, Weber's candidacy was not strongly supported by the European MPs, and the election results were worse than in 2014 (182 seats for the EPP in 2019 compared to 221 in 2014). From the perspective of the European Council, it weakened its legitimacy and confirmed the wrong approach to the appointment of the head of the European Commission. The effective functioning of the mechanism would require real trust between the institutions, in particular the European Council and the European Parliament. That way, the procedure for selecting the head of the EC would become less similar to a tender. In effect, it would be an expression of effective cooperation between institutions representing two different interests in the process of European integration, and a symbol understanding that the real winners in the process should be the citizens and not any of the institutions.

Perhaps the solution would also be, as Cristian Ghinea suggests, to select several candidates from within the political group. Each one of them would then start their own campaign, which would reinforce the Europeanness of the elections. However, this would require a number of additional steps, such as the already suggested introduction of transnational EP electoral lists,

which would exist alongside national lists. It would also be necessary to sign a binding agreement between the EP and the European Council which would prevent the latter from withdrawing from the agreements (Ghinea, 2019)[25].

As Russack points out, efforts to improve the integration system are justified, but expectations need to be managed skillfully. The EU's capabilities are restricted. In reality, most reform ideas are linked to decisions made by national governments or national parties. Their role as a facilitator of change is essential to achieve a serious and long-lasting reach.

Considering the above observations in the context the implementation of the lead candidate system, one might argue that the above assumptions were not fulfilled. From the beginning, the mechanism was based on political pressure (from the Commission and the European Parliament) and not on the will of the Member States. How could one therefore expect to support this system and promote it among citizens if it was not supported by member state leaders themselves? (Russack; 2018, p.3).

Whatever the conclusions, we can certainly assume that the 2019 election showed a pragmatic approach to the *Spitzenkandidaten* mechanism. Protecting own prerogatives was victorious, and the impact of transnational cooperation was confirmed. The transnational institutions elude intergovernmental control, and state institutions aim to maintain their authority over the transnational ones.

Therefore, does the mechanism have a democratizing impact on the EU political system? Its more prominent pragmatic aspect, intertwined with the interinstitutional game of empowerment of the European institutions, seems to be more evident. When confronted with the pattern presented at the beginning, which consisted in the inability to simultaneously achieve the effect of democracy, deepened integration and preservation of sovereignty, it is evident that the drive to democratize the process of European integration gave in to state influence. One might see it as intergovernmental factors restoring European integration in a pragmatic way, instead of building an idealistic, parliamentary image, similar to that of a state.

[25]Another solution might be to assume that candidates should resign from holding multiple high ranked positions during the campaign. This would make their efforts credible and, at the same time, make the opportunities during the campaign equal for all.

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SPATIAL PATTERNS OF VOTING IN BUCHAREST AT THE EUROPEAN AND PRESIDENTIAL ELECTIONS OF 2019

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Abstract: *The electoral year of 2019 was an important milestone in the recent Romanian democratic past. The European election held in May generated a turnout higher than at the previous three EP elections and higher than recent national parliamentary elections. Following this election that brought a strong defeat for the rulling party, the National Liberal Party left the opposition and formed a new cabinet. At the presidential election held in November, Klaus Iohannis the candidate of the National Liberal Party won a second consecutive term. In the present paper, the results at these elections are spatially analysed in the capital city of Bucharest. The aim of the paper is to examine the spatiality and the spatio-temporal realignments in the electoral behaviors in Bucharest, in order to bring a contribution to the understanding of the two elections, their unfolding in Bucharest, the electoral base of the three main actors of Romanian politics in Bucharest and the study of electoral behaviors in a large urban context. The results found important spatial patterns within Bucharest electoral geography that largely reflect the contrasting socio-spatiality of the city and the position of parties within the political arena. The analysis also revealed spatio-temporal realignments in the electoral geographies at these elections which point to the necessity to account for the political, social and economic geographic context of the election in order to better understand the spatiality of voting behavior in a shifting electoral geographic landscape.*

Keywords: Romanian European election 2019, presidential election, electoral geography, Bucharest.

Introduction

In 2019, in Romania a change in power occured after two important elections were held that year. European elections were held on 26 of May generating a higher turnout than in previous European elections and a massive protest vote against the Social Democratic Party (PSD, Partidul Social Democrat) — the incumbent party since 2016. These results were highly important since previous studies on European elections in EU have shown that these elections generally produce lower turnout than national legislative elections due to the fact that voters see them as second-

order elections (Reif and Schmitt, 1980; Hix and Lord, 1997; Schmitt and Teperoglou, 2015). However, the Romanian elections confirmed the literature which states that European elections may generate levels of turnout according to their location within the national cycle of elections (Hix and Marsh, 2007). When European elections are closer to the end of the cycle, voters use these elections to evaluate and punish the ruling parties. The European elections in Romania were held the same year as the presidential run and a year before the national legislative elections. In October 2019, PSD was replaced as the rulling party by the National Liberal Party (PNL, Partidul Național Liberal) which won the European elections. At the presidential elections held in two rounds (10 and 24 November) Klaus Iohannis from PNL won its second consecutive term for another five years, after defeating Viorica Dăncilă, the leader of PSD and prime-minister between 2018–2019. In this paper, I analyse the electoral geographies at these elections in Romania's capital city — Bucharest. The European elections in Bucharest resulted in a landslide victory for a third actor, the alliance formed by the Save Romania Union (USR, Uniunea Salvați România) and the Party of Liberty Unity and Solidarity (PLUS, Partidul Libertății Unității și Solidarității). USR-PLUS alliance is highly urban-oriented. In Bucharest, PNL came third closely behind PSD. Iohannis won the presidential election in Bucharest (both rounds). The candidate of USR-PLUS, Dan Barna, came second while on the third place was Dăncilă.

The aim of the paper is to examine the spatiality and the spatio-temporal realignments in the electoral behaviors in Bucharest, in order to bring a contribution to the understanding of the two elections, their unfolding in Bucharest, the electoral base of the three main actors of Romanian politics in Bucharest and the study of electoral behaviors in a large urban context. The approach is underpinned by developments in the subfield of electoral geography, where a major topic of research is the spatiality of voting (Leib and Quinton, 2011). The paper extends the current literature on Romanian spatial voting patterns (Giugăl, Johnston and Constantinescu, 2011; Guțoiu 2018, 2019a). Although the electoral geography approach is largely quantitative and empiricist, within the literature there are some ussually suspect variables used to explain the spatial variation of voting — political actors, voters and the local context (Agnew, 1996; O'Loughlin, Flint and Anselin, 1994; Johnston and Pattie 2006). In this regard, the first section of the paper describes the political context of the two elections at both national and local scale, while the second describes the social and economic geography of Bucharest. Afterwards, the statistical tools employed for

spatial analysis of electoral data are described. The spatial analysis is divided into two sections, dealing with each election in turn.

Political context

During the 90s and the 2000s, at the forefront of Bucharest politics were the liberal and pro-western political parties that opposed PSD, the main succesor of the former communist party (Pop-Eleches, 1999, 2008). In the 90s, in Bucharest there were strong popular anti-communist feelings. Many civic mass protests developed against the succesor party which won all the national elections in 1990 and 1992. During the 1996-2000 period, the liberal parties governed but they were perceived as unskilled and were hit by economic voting and also lost their support in Bucharest. The early 2010s economic crisis brought more dissatisfaction towards the liberal parties because of their austerity measures. In this context, during the last two decades PSD won mayoral seats and majorities in councils at the municipal level and in Bucharest's six subdivisions (sectors). At the local and legislative elections of 2016, in Bucharest and nation wide, PSD which has an electoral base formed mostly of vulnerable social categories won a landslide victory in the context of a low mobilization in main urban areas. At the legislative elections of 2016, at the national level, PSD won 46% of votes, PNL 20% and USR only 9%. In Bucharest, PSD won fewer percentages, namely 38%, USR 25% and PNL 12%. The much higher percentage score by USR in the capital city is explained by the profile of USR which formed earlier that year as a regional party based in Bucharest. These three parties are the main actors also at the 2019 elections.

In February 2017, shortly after they started governing, PSD raised widespread popular discontent when the cabinet tried to decriminalize certain corruption deeds for which some of the party leaders could have gone to jail. Dissatisfaction was also enhanced by the way the government enacted the law through a decree during nightime. In Romania (Crețan and O'Brien, 2020), as well as in other parts of Central and Eastern Europe (Hanley and Sikk, 2014; Sikk, 2012), the anti-corruption became a central topic for the public opinion, so the sensitivity of the citizens to this topic generated frequent loss of popular support for the big political parties often accused of corruption. The popular anti-corruption and anti-government in Romania were highly strong during the early 2017, but they also continued into the 2018. At their peak, the protests gathered an impressive number of nearly 500,000 protesters nationwide.The usual protester was young and educated, and dissatisfied with the government policies that could have endangered Romania's

path as a democratic country within the European Union. These were grass-roots movements, as neither PNL or USR managed to raly the protesters.

From 2017 and up to the European elections, PSD dropped massively in the polls. This downfall favoured the parties in opposition, PNL and USR which tried to mobilize through an anti-corruption, anti-PSD and pro-European rhetoric. During the campaign for the European elections, PSD used an anti-European and sovereignist rhetoric that raised concerns among Romanians of a possible exit from the Union. The main actors at the European elections were PSD and its opposition, namely PNL and USR, the latter running in an alliance with the PLUS, a non-parliamentary party leaded by Dacian Cioloș, a former prime-minister known for its pro-EU stances.

The results and the turnout at the European elections are displayed for both Bucharest and national level in Table 1. I analyse the electoral geographies of the first three actors. In the table are displayed also the results for two other minor parties for a better understanding of the political context — the Popular Movement Party (PMP, Partidul Mișcarea Populară) supported by educated conservatives and former catch-all voters of Băsescu and Pro Romania supported mainly by those social vulnerable. At both scales, the results display a massive protest vote against PSD, which loses almost a half of its votes from 2016. In Bucharest the ranking was quite different from the national one. As USR-PLUS scored a landslide victory with 41%, in Bucharest both PSD and PNL are below their national average. Both USR-PLUS and PNL rallied voters against PSD.

Table 1. Results at the European election

	Bucharest	**National**	***Difference (Bucharest - National)***
USR-PLUS	40.62%	22.36%	*18.26%*
PSD	16.68%	22.50%	*-5.82%*
PNL	15.76%	27.00%	*-11.24%*
PMP	8.14%	5.76%	*2.38%*
Pro Romania	6.87%	6.44%	*0.44%*
turnout	51.46%	49.65%	*1.81%*

Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

The anti-PSD rhetoric continued also after the European elections. A few days after the elections, Liviu Dragnea, the leader of PSD, is arrested for corruption allegations but the party continues to stay in power up to October. The new party leader becomes Dăncilă, the first woman to serve as Prime-Minister since 1990, and PSD's candidate at the presidential elections. Her main contestant was the acting president, Klaus Iohannis from PNL. Iohannis, a German ethnic, won the 2014 elections by defeating PSD's candidate with a large support from the pro-European and reformist strata. In 2019, within the context of the deep popular dissatisfaction with PSD government, it became clear before the elections that Iohannis would win by a large margin. The other important candidate was Dan Barna the leader of USR.

Two rounds of election were held in November 2019 to elect a new president. The results at these rounds in Bucharest and national level are displayed in Table 2. For a better understanding of the context, the table also shows the results for two other candidates, meaning Mircea Diaconu from Pro Romania and Theodor Paleologu from PMP. At the presidential election, the turnout was similar to the one at the European elections, which was unusual for the relationship between the two elections. In both rounds, and at both scales, Iohannis ranked first. At the national level, on the second place was Viorica Dăncilă. A few days before the first round, PSD government colapsed, and a new cabinet was formed by PNL. In the second round, Iohannis won a landslide victory. The score of Dăncilă in the first round is similar with PSD's in European elections. Iohannis has a better score than PNL (at both rounds), while Barna has fewer votes than USR-PLUS (at both scales, but mainly in Bucharest with a 16% drop). Given that USR-PLUS was close to PSD at the European elections, before the presidential election the public opinion expected a second round fought between Iohannis and Barna, and so for the first time in post-communist Romanian politics a second round of presidential elections without the candidate from PSD. However, in the first round, Barna won fewer votes than USR-PLUS at the European elections. The explanation is that, typically, in the European Parliamentary elections, smaller parties tend to gather more votes than in first-order elections, at the expense of the major parties (Hix and Marsh, 2011). Also, Barna was viewed by USR-PLUS's electorate as a rather uncharismatic leader.

Table 2. Results at the Presidential election

		Bucharest	**National**	***Difference (Bucharest - National)***
1st round	Klaus Iohannis (PNL)	31.77%	37.82%	*-6.05%*
	Dan Barna (USR-PLUS)	24.83%	15.02%	*9.81%*
	Viorica Dăncilă (PSD)	17.90%	22.26%	*-4.36%*
	Mircea Diaconu (ALDE and ProRomania)	11.30%	8.85%	*2.45%*
	Theodor Paleologu (PMP)	8.07%	5.72%	*2.35%*
	turnout	50.80%	50.40%	*0.40%*
2nd round	Klaus Iohannis (PNL)	67.52%	66.09%	*1.43%*
	Viorica Dăncilă (PSD)	32.48%	33.91%	*-1.43%*
	turnout	53.14%	53.86%	*-0.71%*

Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

The European and presidential elections in Romania in 2019 were marked by the victory of PNL, the main opposition party, and the massive protest vote given to PSD, the rulling party, which suffered a major defeat in both elections. A third actor, USR-PLUS alliance appeared to be able to challenge the dominance of the two big parties of Romanian politics, but the good score obtained at the European Parliamentary elections was followed by Barna's failure to enter in the second-round at the presidential elections.

Bucharest and its social and economic geography

The social and economic geography of Bucharest, is the result of developments from three periods — pre World War II, state socialism (1948-1989) and post-socialist. During the socialist era, Bucharest went through big scale transformations under the massive industrialization and urbanization policies of the totalitarian state (Zarecor, 2018). Bucharest was the main unit in the state planned economy. At that time, Bucharest doubled its area and population, reaching almost two million inhabitants. Large collective estates are built throughout the city, the vast majority of these were erected outside the boundaries of the pre-1948 city (Maxim, 2009). In 2019, almost 80% of the houses in Bucharest were apartments built in the socialist era. However, the socialist

spatial transformations were not present throughout the entire city. In the central area, the pre-WW II urban fabric is still present, an exception is the southern and central-southern space which was redesigned with large boulevards and blocks by the autocratic leader Nicolae Ceausescu (Cavalcanti, 1997; Maxim, 2019). The totalitarian regime didn't succeed in creating a monolithic and standardized urban socio-spatial. When the state socialism fell, Bucharest had important socio-spatial segregations: between the socialist and historical central areas, between the socialist neighborhoods or at the lower level where the historical tissue was partially destroyed (Marcińczak and Hess, 2019; Marcińczak et al., 2014).

After the state socialism era, Bucharest gradually opened to the global circulation of capital. In this context Bucharest developed economically and demographic as the main growth pole of the country (Benedek and Cristea, 2014; Guțoiu 2019b). The free market starts creating strong social filtering between the large socialist housing estates which are not monolithic and tend to vary in quality and proximity to services. After the state led urban development during state socialism, in postsocialism and under the freemarket the Bucharest municipality avoids involvment in urban planning (with the exception of some large infrastructure projects) (Ion, 2014). The circulation of free capital during the last three decades created in Bucharest strong socio-spatial contrasts (Mionel and Neguț, 2011; Marcińczak et al., 2014; Rufat and Suditu, 2008). The richer groups are located in the low-density neighborhoods in the central city and the north. Many parts of the central historical city are increasingly becoming more gentrified. Outside the central city are the socialist estates. Their socio-spatiality is not uniformed. The vulnerable groups live in low-quality blocks with fewer public or private services in their proximity. In the socialist housing estates, richer groups or close to the median income live mainly in the following neighborhoods: Militari (West), Drumul Taberei (West), Berceni (South), Tineretului (Central-South) and Titan (East). The most poorer groups are clustered in the peripheric self-built homes or in the low-quality socialist apartments from the Rahova and Ferentari neighborhoods in South-West.

Statistical tools for spatial analysis of electoral data

In this section I describe the data, their processing and the statistical tools employed. The spatial analysis of the electoral patterns at these elections in Bucharest requires electoral data that is georeferenced. The electoral data are aggregated at the level of polling locations in Bucharest

(European elections N=271, presidential elections N=267). The polling locations are mapped in geographic space as points corresponding to their geographic physical location.

A first part of the spatial analysis consists of discussing some general descriptive statistics. Firstly, I use non-geographic descriptive statistics that do not account for the geographical location of the voting behavior. In this regard, I analyse the distribution of electoral scores through common descriptive statistics, such as the mean, range and standard deviation. These non-spatial descriptive statistics are used as points of reference for the following spatial analysis. Also, as a part of descriptive statistics, but including a geographical dimension, I shall use choropleth maps with the distribution of electoral scores in four classes.

The main spatial statistical tools I employ for exploring the electoral data are based on measuring the degree of spatial autocorrelation, by accounting for the correlation between close observations in the geographical space (Griffith, 1987). Spatial autocorrelation, also known as spatial dependence, is best described by Waldo Tobler's first law of geography: *everything is related to everything else, but near things are more related than distant things* (Tobler, 1970). Spatial autocorrelation shows the geographic clustering of electoral performances and in the present analysis it is measured at two geographic levels: global, for the whole city, and local, corresponding to local clusters of support consisting of a small number of polling location. Moran's I is the common instrument to measure global spatial autocorrelation and is expressed as:

$$I = \frac{\Sigma_i \Sigma_j w_{ij}(x_i - \bar{x})(x_j - \bar{x})}{\Sigma_i (x_i - \bar{x})^2} \quad ;$$

where x is the electoral score for candidate of interest, and w is a component in the row-standardized spatial weights matrix (W). The relations of proximity between observations are summarized within this spatial matrix on the basis of a binary situation, i.e. 1=connection and 0=disconnection. To compute the vicinity between observation I employ a queen contiguity-based definition. Moran's I takes values from -1 (perfect dispersion) to +1 (perfect clusterization). A z-score is used to asses the statistical significance. For a positive statistical significant spatial autocorrelation the z-score should be over 1.96. I compute both the Moran's I and z-score using the free software GeoDa designed for spatial analysis. Local spatial patterns are identified using

the Local Moran's I function in GeoDa, which is a Local Indicator of Spatial Association (LISA) (Anselin, 1995) and is expressed as:

$$I_i = \frac{z_i}{\sum z_i^2} \sum_j w_{ij} z_j \ ;$$

where z is computed as standard deviations from the mean. The inference is verified through a similar method of randomization as for Global Moran's I. However, since LISA is computed for each observation, the statistical significance test is computed for each observation and its neighbors. GeoDa computes the LISA, runs the significance test and identifies one of the following four types of spatial association regimes: 1) clusters of high values surrounded by high values; 2) clusters of low values surrounded by low values; 3) outliers of low values surrounded by high values and 4) outliers of high values surrounded by low values. The level of significance employed to identify the clusters is 0.05.

In this section the statistical tools employed for spatial analysis of electoral data were described. Four instruments are used: non-geographic descriptive statistics, quantile maps, Global Moran's I and LISA cluster maps. The rest of the paper proceeds with the spatial data analysis.

Spatial voting patterns in Bucharest

<u>European election</u>

The aim in this section is to analyse the spatial voting patterns in Bucharest at the 2019 European elections. Table 3 shows the non-geographic descriptive statistics that can be used as points of reference for the spatial analysis. In Bucharest, the election was won by USR-PLUS by a large margin. On the second and third place were the two big parties of Romanian politics: PSD, which was the rulling party at that time and was hit by a strong protest vote, and PNL which won by a few percentages the election at national level. USR-PLUS has the highest standard deviation (6.4) and the largest range of values. Scores vary between locations, but at a much lower level for PSD. The lowest deviation is for PNL, although its 10% range of values is considerable.

Table 3. Descriptive statistics in Bucharest at the European election

	Maximum	**Minimum**	**Mean**	**Standard Deviation**
USR-PLUS	72.72%	19.68%	40.62%	6.4
PSD	34.45%	4.17%	16.68%	3.3
PNL	22.41%	9.36%	15.76%	1.8

Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

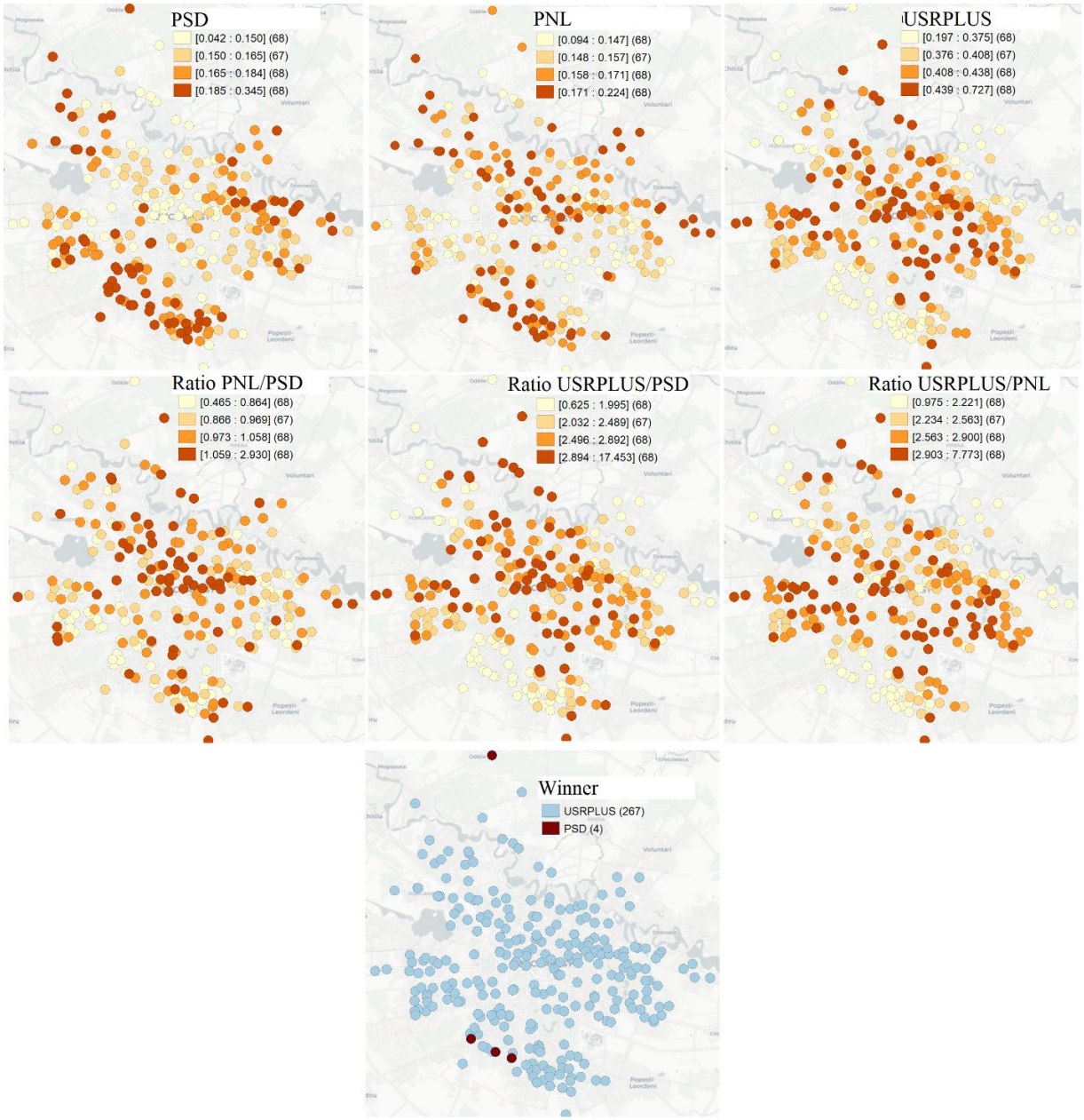
Further, I analyze the quantile maps in Figure 1 which consists of quantile scores maps for each of the three actors, one map with the winner in each location, and the maps with ratio values between scores. USR-PLUS wins across the entire city (267 of 271 locations), but with strong spatial variations. The quantile maps display the geographic distribution of electoral results. Spatial patterns of electoral support for USR-PLUS are well defined. Higher scores are located in the central gentrified area and on the north-south and west-east development axes. These latter spaces are filled with the large socialist housing estates of medium and higher quality. It is here that the majority of USR-PLUS electoral base lives, namely those young and educated, with a high part of them living in rent. Some of alliance's top 5% performances were recorded in the student campuses. Poorer performances were recorded in the vulnerable and marginalized socio-spatialities, located at the outskirts of the city.

USR-PLUS did poorer in the same places where PSD recorded its higher scores. These are the low-quality socialist estates and the low quality self-built homes with defficient accesibility to public services. These places are located at all the outskirts of the city, except in the northern and north-western richer parts. The electoral geography of PSD is in opposition with the geography of USR-PLUS, so the places where PSD did poor are the same places where USR-PLUS achieved landslide victories.

Although PNL won the election at the national level, in Bucharest PNL ranked only second or third in every locations. The disperssion and range of values are lower for PNL, but its quantile maps display geographic clustering of patterns of spatial support or lack of support. The electoral geography of PNL has similarities with both geographies of USR-PLUS and PSD. Locations with

higher scores of PNL in the first or second upper quantile are either spaces of strongholds for USR-PLUS in the gentrified central city or in the richer north or marginal poorer spaces favourable also towards PSD. Locations in PNL's lower quantiles are scattered throughout the city, however most of them are located in the average quality socialist estates where USR-PLUS recorded its best performances.

Figure 1. Quantile maps at the European election



Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

Although quantile maps show the geographic distribution of votes, these maps do not offer an exact measure of spatial polarization and do not localize the statistically significant clusters of support or lack of support. In this regard, I use Moran's I to measure the degree of spatial autocorrelation. Table 4 displays the values of Global Moran's I for candidates of interest. The values indicate a polarized geographic space with solid spatial patterns. There is a major clusterization for USR-PLUS, and average polarization for PSD and PNL. This indicates that each of the three actors had a well-defined spatial electoral base. Although the standard deviation is greater in the scores for PSD and PNL, the Moran's I displays similar global clusterings for the two parties. Further, for the analysis of local patterns I employ LISA.

Table 4. Moran's I values at the European election

	Moran's I	**z-score**
USR-PLUS	0.52	13.93
PSD	0.34	9.87
PNL	0.36	10.83

Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

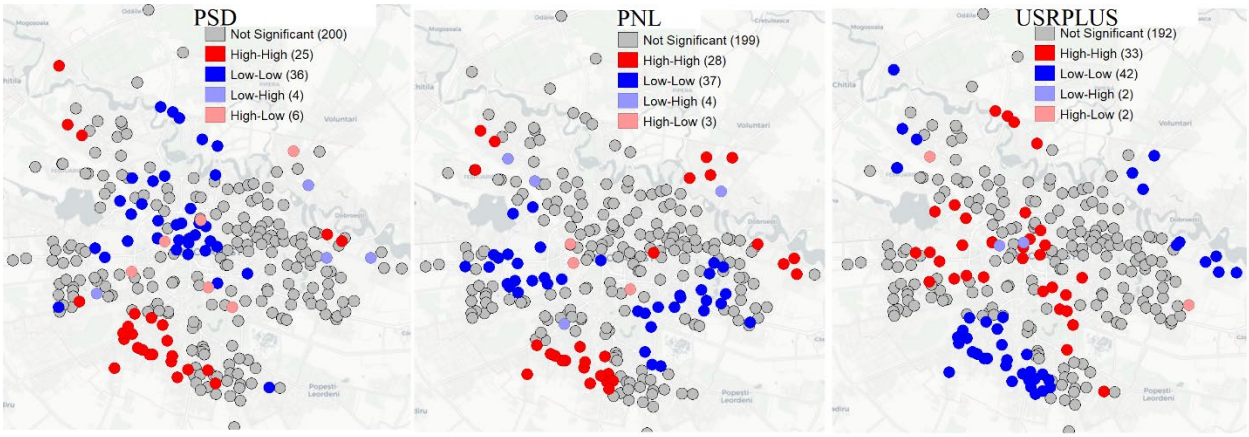
LISA maps for actors of interest are shown in Figure 2. These maps identify local clusters of support, lack of support or outliers. For all actors there are polarized electoral geographies, with well-articulated spatial patterns that reflect the socio-spatial contrasts of Bucharest. The most polarized map is for USR-PLUS. High-high clusters are located in the northern area with pre-WW II villas, suburbs and green spaces, in the gentrified central city, in the student campuses, and in the average quality socialist collective housings (the neighborhoods Militari and Crângași in the west, the Aviation in the north) or the high quality socialist housings in the central city. Clusters of low-low support are located at the socio-spatial peripheries of the city, mostly in the neighborhoods Rahova and Ferentari in the south-west. Other clusters of small support are located at the north-western periphery (neighborhoods Giulești and Chitila) and the eastern periphery (neighborhoods Andronache and Industriilor). USR-PLUS electoral geography is polarized and its electoral base is underpinned by the richer, younger and educated groups.

The electoral geography of PSD is in opposition with USR-PLUS map. The spaces where the alliance did better, PSD has clusters of low scores, while the hotspots for PSD are the places

of weak scores for USR-PLUS. Hot-spots of high values for PSD are located at the socio-spatial peripheries, most of them in the south-western neighborhoods of Rahova and Ferentari. Low-low clusters are scattered throughout the city, in the inner gentrified ring, student campuses, middle class suburbs in the south and north and in the upper class spaces from the north.

Both USR-PLUS and PNL based their electoral strategy on mobilizing the anti-PSD and anti-government voters. However, both these two actors, have electoral geographies with significant differences between them. PNL has in many places an electoral geography that is in opposition with USR-PLUS. Clusters of high support for PNL are located in peripheric areas where USR-PLUS scored its lowest performances and PSD its best ones. This means that PNL colonized the same places as PSD. Although PNL itself is positioned as a liberal and non-populist party, PNL captured many votes in poorer places that are not typical for such parties. This situation was due to the high protest vote and dissatisfaction towards PSD in these places. High-high clusters of PNL are more numerous at the periphery. In the central gentrified area, the map of PNL is mixed, with outliers, and hotspots of both low and high performances. For this reason, PNL map is not entirely in opposition with USR-PLUS. Clusters of low support are located in the collective housings with younger groups that voted for USR-PLUS.

Figure 2. LISA maps at the European election



Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

The alliance won the election in Bucharest by mobilizing throughout the entire city more than the other two parties did. The analysis in this section revealed how USR-PLUS constructed an electoral base in opposition against PSD. USR-PLUS was much stronger in places with younger and educated groups, while PSD had higher shares in places with poorer groups. PNL, the main opposition party which also took advantage of anti-PSD protest vote, had a distinct electoral geography than the alliance by colonizing spaces of PSD. In the following section I shall also compare the patterns at the presidential election with the one at the EP election in order to better grasp the spatio-temporal electoral realignments.

Presidential election

The two rounds of presidential election were held about six months after the EP ones. As we shall see, the time elapsed between the two generated some important realignments. The methodological structure of the analysis in this section is similar to the previous one — an initial discussion on descriptive non-geographic and geographic statistics and afterwards the analysis of global and local spatial patterns autocorrelation.

Descriptive statistics for both two rounds are shown in Table 5. In Bucharest, in the first round, Dăncilă (PSD) ranked second, whilst Barna (USR-PLUS) ranked third. Both Iohannis and Dăncilă did better than their parties, while Barna had a lower score than the alliance. The extreme values of Iohannis range of results is higher than PNL's, while the range is constant at 13%. This points to a proportional increase for Iohannis in comparison with PNL, within the context of Barna's lower results than USR-PLUS. The range in Barna's scores is indeed wide, but it is much narrow than that of USR-PLUS, even though Barna has the highest standard deviation among the three candidates. The range in Dăncilă's scores is relatively wide, but has the same values as for PSD. The high range (43%) and standard deviation (5.1.) in the results of the secound round both indicate a polarized electoral space.

Table 5. Descriptive statistics in Bucharest at the Presidential election

		Maximum	Minimum	Mean	Standard Deviation
1st round	Iohannis	37.86%	24.63%	31.77%	2.0
	Dăncilă	35.15%	4.19%	24.83%	3.6
	Barna	46.83%	11.75%	17.90%	4.8
2nd round	Iohannis	89.59%	47.44%	67.52%	5.1
	Dăncilă	52.56%	10.41%	32.48%	5.1

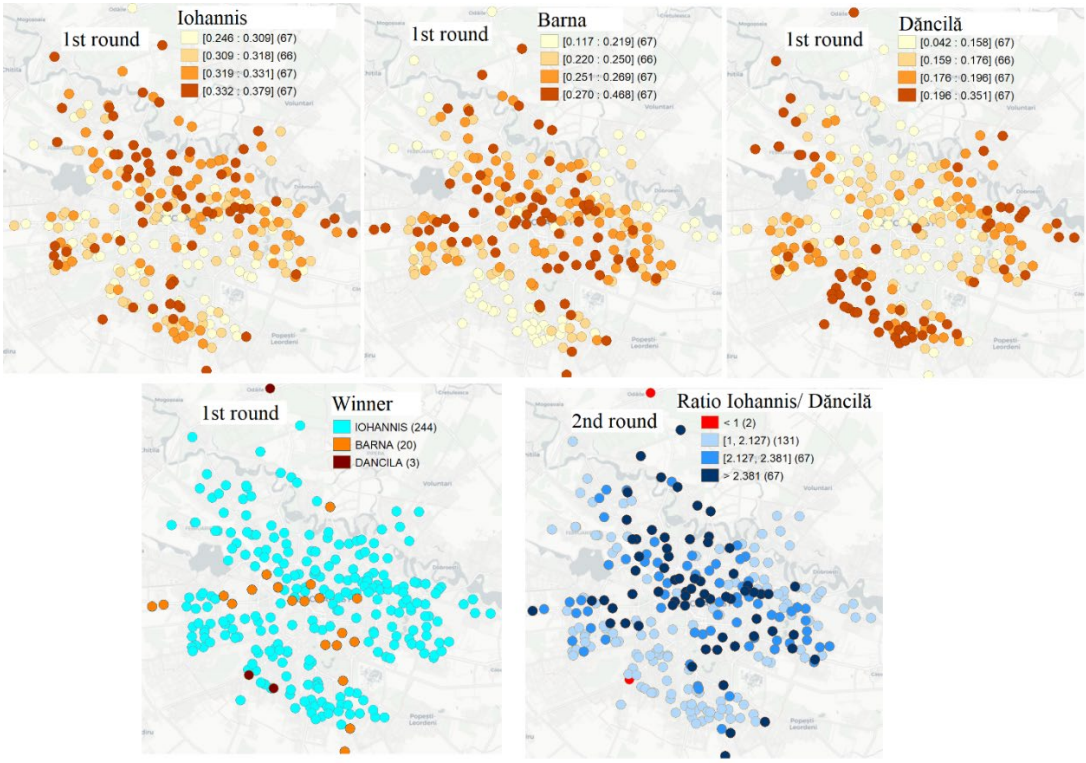
Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

Quantile maps for both rounds of election are shown in Figure 3. Firstly, I shall discuss the maps for the first round. The map which depicts the winner in each location is dominated by Iohannis who won in 91% of the locations. These results are completely different from those at the EP where PNL failed at every location to rank as the first party. Barna ranked first in 20 locations, in places with larger groups of young and educated adults, the same places where USR-PLUS recorded its best scores. Dăncilă ranked first only in 3 locations, all with mainly poorer population. The geographic distribution of votes for Iohannis is highly scattered and expands on a wider range of social and geographic milieux than it was the case for PNL at the European election. The better scores are once again recorded at the social and geographic peripheries. However, unlike PNL, Iohannis performance at the peripheries is less extensive since he also gains high scores in richer areas (central and north) and in the large socialist housing estates, however not those with larger groups of younger adults (Drumul Taberei in the west, Pantelimon in the east, and Colentina in north-east). The quantile map for Dăncilă is similar to the one for PSD. The locations in the higher quantiles are in the peripheral areas with vulnerable populations, and the lower scores in the locations with richer and younger populations. The electoral geography of Barna, likewise that of USR-PLUS is developed in opposition with the one of PSD and its candidate. Barna's geographic distribution is similar to USR-PLUS, and for this matter the decrease in percentages, in comparison with the alliance's scores, is proportionally distributed across the city. Quantiles of high scores for Barna are located mostly in central places with younger, richer groups, whilst the

quantiles with low performances are located at the peripheric areas where Dăncilă scored her best results.

In the map depicted to show the results for the second round we see the landslide victory of Iohannis, who won in 99% of locations. Within this victory there are some important spatial patterns. Iohannis has at least two times more votes than his opponent in the socialist housing estates with younger population, in the gentrified areas, in the richer north and the car-based suburbs. Smaller differences between Iohannis and Dăncilă we find in the poorer areas — the socio-spatial peripheries of the south-west, south, north-east, north-west — and the socialist housing estates with older population. The electoral geography of Dăncilă in the second round is similar to her geography in the first round and that of PSD. However, the geographic distribution for Iohannis in the second round is different from his geography in the first round and that of PNL. In the second round, the high scores are outside of the peripheric areas. The geography of Iohannis has many similarities with the one of USR-PLUS. The following global spatial autocorrelation wil show the geographic clustering of voting in order to better grasp the electoral geographies at the presidential election and the realignments between the EP and presidential elections.

Figure 3. Quantile maps at the Presidential election



Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

The Moran's I and z-scores at both rounds are depicted in Table 6. The spatial autocorrelation for Dăncilă and Barna has medium to high strength. We find a medium to low degree of polarization at the candidates in the second round. In the first round, Iohannis electoral geography has a low degree of spatial polarization. This finding is consistent with the idea of an electoral geography developed as a result of a catch-all rhetoric directed towards many socio-spatialities. For Dăncilă the polarization is slightly higher than that of PSD, while for Barna the spatial polarization is slightly lower than that of USR-PLUS, however the differences are relatively small. Generally, the competition at the presidential election generated a lower degree of spatial polarization than the EP election. This development also indicates a less polarized political competition. This also explains why the presidential election generated a turnout similar to that of the European elections. The presidential election of 2019 was a contest with known winner. The landslide victory was also no surprise. The radicalized vote that was present at the EP election was now only partially present.

Table 6. Moran's I values at the Presidential election

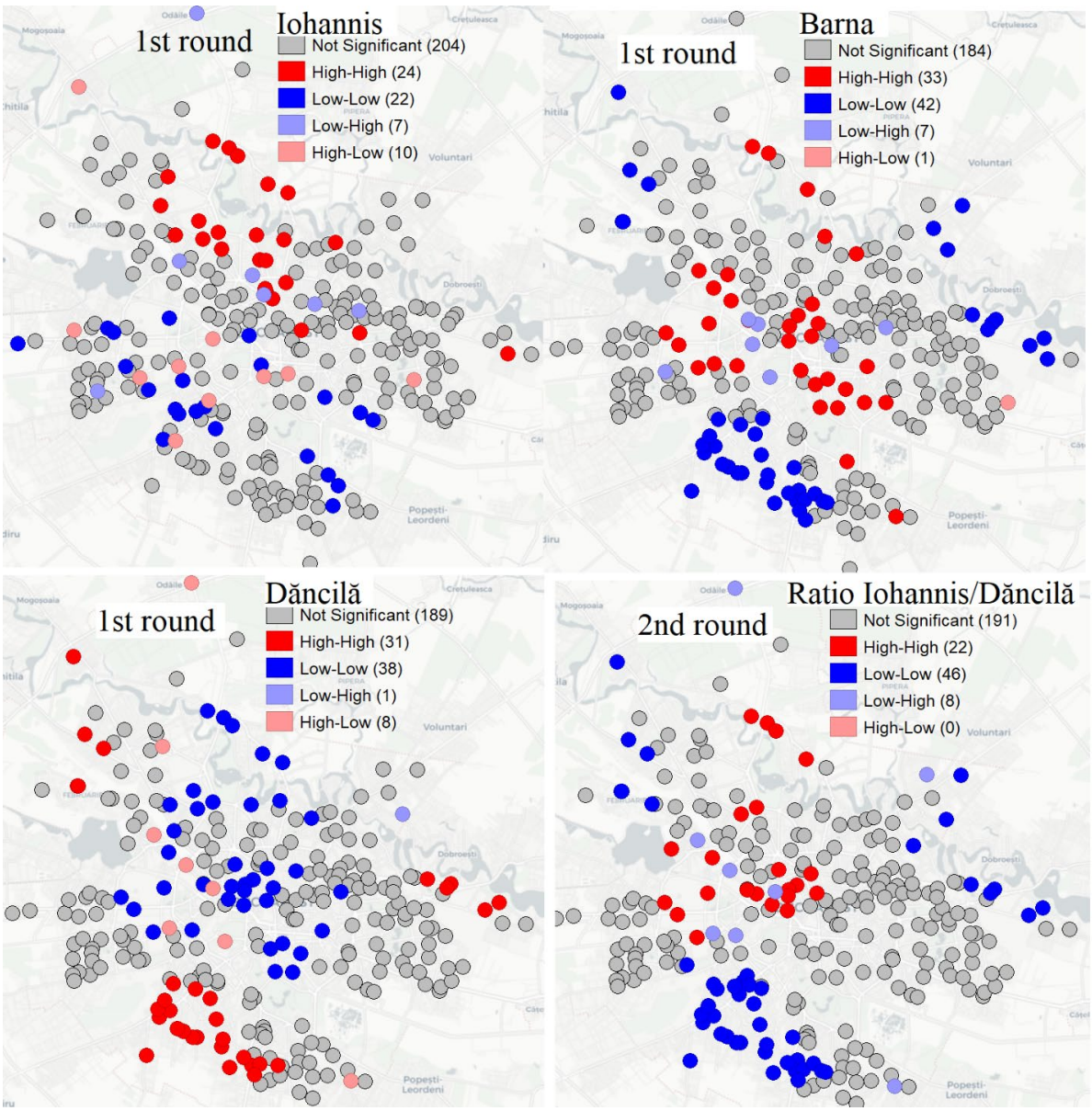
		Moran's I	**z-score**
1st round	Iohannis	0.17	4.81
	Dăncila	0.42	11.68
	Barna	0.47	13.23
2nd round	Ratio Iohannis/Dăncilă	0.29	8.23

Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

The LISA maps for results at the first and second round are displayed in Figure 4. Of all the candidates, Iohannis has the most scattered electoral geography with the lowest degree of clusterization. This finding is consistent with the low global clusterization since the global Moran's I is the sum of local clusters. The electoral geography of Iohannis in the first round is more scattered than that of PNL — 46 clusters for Iohannis vs. 66 for PNL. However, Iohannis electoral geography still presents some clear patterns of spatial clusterization. High scores are located in the

richer northern areas, in the low-density suburbs and partially in the city centre. Low scores are located in a large range of socio-spatialities, which are mainly simpathetic towards USR-PLUS or PSD — the city centre, socialist housing estates with younger population and the poorer neighborhoods of Rahova and Ferentari. Clusters of Iohannis in the first round are located in other places than those of PNL. The party was stronger at the peripheries, whilst Iohannis was stronger in richer areas, that were contained in USR-PLUS map of high-high scores.

Figure 4. LISA maps at the Presidential election



Source: Values computed by the author using official electoral data from http://alegeri.roaep.ro

Dăncilă's score in the first round is similar to the one of PSD. Similarities are present also between the two electoral geographies. Clusters of high support or lack of support for Dăncilă are the same as those of PSD. The high-high clusters are located in peripheric area, whereas low-low clusters are located in central gentrified areas, in the north and in the student campuses. Findings show that are no major realignments in the relation between the geographies of PSD and Dăncilă.

The spatiality of clusters for Barna is similar to the one of USR-PLUS. Clusters of high-high support are located in areas where younger, educated, and affluent population is located, while the low percentages are clustered at the socio-spatial peripheries. His lower performances in comparison with the ones of USR-PLUS are explained by the spatially proportional distributed realignment of voters and the colonization of geographic space by Iohannis.

Figure 4 also displays the LISA map for second round based on ratio votes between Iohannis and Dăncilă. There are clusters of spatial polarization identified within the map. Clusters of high-high are areas where the difference between Iohannis and Dăncilă was bigger. Such clusters are located in the central area, in student campuses and the northern areas. Although he achieved a landslide victory in these spaces, Iohannis has an electoral geography with an important catch-all twist, since his electoral base was formed also on high scores recorded in mixed socio-spatialities of the socialist housing estates. Clusters of lower differences between the two candidates or locations where Dăncilă won more votes than Iohannis are located at the socio-spatial peripheries.

In Bucharest, the presidential election was won with a landslide victory by Iohannis. His success is explained by the protest catch-all vote against Dăncilă and her party. Moreover, Iohannis gathered support that previously at the EP election was directed towards USR-PLUS alliance but now wasn't successfully capitalized by Barna. As a consequence of this realignment, Barna ranked third, by a lot below the alliance's score at the EP election. Dăncilă's electoral geography is similar to the one of PSD, as the support is higher at the peripheral socio-spatialities.

Conclusion

In this paper, the objective was to explore and understand the electoral geographies of Bucharest at two important elections in the recent history of Romanian politics — the 2019 European Parliamentary and national presidential elections. The European elections in May

through a protest and economic vote generated a change in power at the top of Romanian politics, contributing to the fall of PSD-led government, which has been in power since 2016. European Parliamentary election in Romania had a high turnout, bigger than at previous EP and national legislative elections. The presidential election in November continued on the path of anti-PSD voting, giving a landslide victory to Klaus Iohannis who won a second consecutive term, running for PNL, the party that had previously won the EP election and at the time was in power. In Bucharest, the EP election was won by the urban-orientated USR-PLUS alliance by a large margin. At the presidential election, in Bucharest, both rounds were won by Iohannis. The analysis of the electoral geographies from these elections revealed an electoral polarized city and significant realignments in the electoral space in Bucharest between the two elections.

Although USR-PLUS won the most of votes in almost all locations, the electoral geography of the alliance was deeply polarized. The highest scores were clustered in socio-spatilities with younger, educated and wealthier population. These spaces are located mostly in the city centre, student campuses, northern low-density residential areas and some of the socialist housing estates located more to the inner ring of the city. Lower scores were recorded in places with poorer and more vulnerable social groups, where PSD did its best performance. PNL, which obtained a score close to PSD, recorded high scores both in the favorite socio-spatialities of PSD, colonizing the same space, but also in areas with richer populations or with less vulnerable population.

The presidential election was won by Iohannis. The spatial polarization present at the EP election was present also in November at the presidential run. In the first round, although Iohannis obtains high scores in the same peripheral places as PNL, the electoral geography of Iohannis has some differences from the one of PNL. For example, Iohannis highest scores are recorded in spaces where USR-PLUS achieved landslide victory. His electoral geography in the first round has a strong catch-all feature. Between the two rounds there was a realignment through which spaces more favorable towards USR-PLUS and Barna became hotspots of high scores of Iohannis. This structuration also explains the lower score of Barna in comparison with USR-PLUS. Iohannis colonized these spaces that were polarized against the spatial support of PSD. Higher scores of Barna were located, as it was for USR-PLUS, in spaces with younger, richer, educated social groups, but his electoral support decreased proportionally across the city. Dăncilă's electoral geography is consistent with the one of PSD in both rounds. In the second round, the electoral geographies of Iohannis and Dăncilă are placed in opposition. The spatial polarization for Iohannis

is higher in the second round than the first. The realignment between the two rounds transforms again the geography of PNL candidate, because the higher scores are concentrated in the areas with younger, educated or wealthy population. The anti-PSD vote is prolonged in this second round as well, because Iohannis captures from the socio-spatiality of USR-PLUS and Dan Barna while also building an electoral geography in opposition to that of Viorica Dăncilă.

The paper explored the intricate patterns of association between the European election and the national politics and presidential election in Romania. The analysis revealed a strong connection between the European election and the national political arena, which is consistent with the literature on European elections. The European election held in Romania in May 2019 was deeply anchored in terms of political rhetorics, party campaigning and electoral behavior in the national Romanian political scene. The paper also contributes to the understanding of European election impact on subsequent elections within the national electoral cycle. Although there is a rich literature on the influence of national electoral cycle on European elections little is known on the role European elections play on other national elections. The Romanian case study revealed how a strong protest anti-governmental vote at European elections generated a decrease in interest for the Presidential elections held only some few months apart, which further points to the national character of European elections.

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EUROPEAN COMMISSION'S IDENTITY DURING BREXIT: A COMMUNICATION STRATEGY CHANGE ON TWITTER

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Abstract: *The European Union (EU) was founded to promote peace, prosperity and other values between an increasing number of member states (European Commission, 2001). However, Brexit has activated a reputation crisis that reinforces Euroscepticism (Börzel; Risse, 2018). The objective of the study is to identify the differences in the semantic construction and thematic framing of the European Commission during a two-year period, previous to Brexit and after Brexit, on a sample of 4827 tweets posted by the European Commission. Findings show that in the period before Brexit, the EU is presented as an abstract political body, highly informative on major crisis, and reactively framing messages with values responsibility and solidarity. After Brexit, the EC adapted its communication strategy to foster a sense of belonging to the EU by underlining a common transnational European identity. These results show that EU is using Twitter strategically, and their communications as well as framings, values and lexicon have been different before and after Brexit on Twitter. This might apply to other channels as well.*

Keywords: European Commission; Brexit; Political Communication; Euroscepticism; Framing Analysis; Social Media

Introduction

The European Union (EU) was founded to promote peace, prosperity, equality, rule of law, security, democracy, human dignity and human rights and freedom, between an increasing number

of member states (European Commission, 2001). This endeavour merited the peace Nobel Prize in 2012. However, the EU is losing public support, mainly from European citizens, moving away from a "permissive consensus" to a "constraining dissensus" (Hooghe; Marks, 2009). The loss of public support is due to several economic, political and human factors such as the denial of the European constitution by France in 2005, the 2008 financial crisis, the ongoing refugee crisis or the Brexit (Bossetta et al., 2017; Guerra and Serricchio, 2014; Postelnicescu, 2016). These important factors reinforce the so-called Euroscepticism (Börzel and Risse, 2018; Guerra and Serricchio, 2014; Sojka and Vázquez, 2014) as opposed to Eurooptimism (Otero, 2013). This phenomenon implies an increasing public criticism to the EU, apathy and distrust towards national and EU institutions and a general drop in public support for the EU - "a genuine threat to European identity" (Krastev, 2017, p. 128).

This study focuses on the reputation crisis raised by the so-called Brexit, this is, the withdraw of the United Kingdom (UK) as a member state from the EU by activating article 50 of the EU treaty after holding a referendum on June 23rd, 2016. The referendum was won by those in favour of leaving the EU, an exit fully completed by January 1st 2021(Hunt and Wheeler, 2016). "Brexit" has activated a "crisis of identity" (Navracsics, 2016) since it symbolized a change of trend in the EU's institutional structure, weakened the values of unity and concord, and put a threat on the EU's reputation (Caiani and Guerra, 2017; Galpin and Trenz, 2017). The EU communication, communication strategy and policies are facing ever since a challenge to uphold or redefine a consistent and strong European identity as well as manage the image and reputation of the new EU 27 under the scrutiny of today's public sphere.

The European Commission (EC) is the executive power or government of the EU political system (Kostadinova, 2017). It oversees the implementation of democratic and human rights policies (Youngs, 2004) and can be described as pro-European technocratic body being in favour of the continued existence of the EU laying stress on promoting European identity within the EU (European Commission, 2001).

During the celebration of the 60th anniversary of the Treaties of Rome (European Commission, 2017), the president of the EC at that time Jean-Claude Juncker stated: "[…] it is time for a united Europe of 27 to shape a vision of its future", and suggested therewith that the remaining 27 states of Europe have to act jointly to secure its future existence" Formerly, the EC had put in a 2001 whitepaper that the Commission shall foster a sense of belonging through networks. Up to that

moment, the Commission had plainly failed in giving access to information and communicating with "simple" citizens (Schlesinger, 1999; Meyer, 2002; Coenen, 2005). For instance, some authors have reported important inconsistencies on how the European identity is built in national TV news in France, Italy and the UK (Bayley and Williams, 2012; Bayley and Giuliani; 2012; Keulman and Koós, 2014; Thornborrow, Haarman and Duguid, 2012).

As part of the new communication strategy, the EU Commission created profiles in the social media channels YoutTube, Google+, Linkedin, Facebook and Twitter. Twitter is being used intensively to build and maintain the image of organizations and political actors (Heft, Wittwer and Pfetsch, 2017; Parmelee and Bichard, 2011). Twitter can be used, potentially, to implement an interactive online community (Grunig, 2009), similar to a two-way symmetrical model.

Framing, in social communication, consists in the selection of "some aspects of a reality and make them more salient in a communication", in order "to promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation" (Entman, 1993). Although Entman exposed the need to use a single and unique methodology, D'Angelo defended a multiparadigmatic view (cognitive, constructionist and critical) (D'Angelo, 2002).

Frames can be studied from the point of view of the media or their publics , and as dependent or independent variables (Scheufele, 1999). Research might as well as focus on selection, emphasis, and presentation (van Goorp, 2006) distinguishing between the event, related media and the frames. Framing has been proved to provoke different decisions with the same information (Kahneman and Tversky, 1984) and it operates as a form of metacommunication (Hallahan, 2008).

From the strategical communication viewpoint, organisations and political actors can conduct a one-way or a two-way communication; symmetrical or asymmetrical (Grunig, Hunt, 1984). Implementing social networks as part of the communication strategy, the EC has made a move from a potentially one-way asymmetrical model (Fawkes and Moloney, 2008) (Propaganda or Public Information models), towards a potential two-way symmetrical model, more persuasive and interactive (Grunig and Hunt, 1984; Grunig, 2009).

On these grounds, did the EC adapt its communication strategies on Twitter after Brexit? The promotion of a sense of belonging and the transmission of the European identity entails the dissemination of political and social values upon which European citizens can recognize themselves as a "we" (Keulman and Koós, 2014; Risse, 2010; Cerutti, 2008). The aim of this study

is to find differences in the semantic construction and thematic framing of the European Commission before and after Brexit.

Semantics and Frames of the European Commission on Twitter

Politicians and political parties are using social media as relevant communication tools (Colleoni, Rozza and Arvidsson, 2014; Frame and Brachotte, 2015; Goldbeck, Grimes and Rogers, 2010; Jungherr, 2014; Stieglitz and Dang-Xuan, 2012). Particularly, Twitter is widely recognized by researchers as a central online space for political engagement (Bossetta *et al.*, 2017; Colleoni, Rozza and Arvidsson, 2014; Heft, Wittwer and Pfetsch, 2017; Parmelee and Bichard, 2011; Trillo, 2017), as well as a paramount channel for news consumption (Brown, 2013; Kim, 2016), especially political news stories. However, most studies on Twitter focus on a single country (Casero-Ripollés, 2018). A remarkable exception is Trillo's work (2017) on how the EU Commission developed the Twitter anti-violence campaign #SayNoStopVAW by using tweets and hashtags as channels for claims and slogans dissemination. However, research on how Twitter is used transnationally to communicate with publics in times of reputation threat or crisis is scarce up to date. Taking Brexit's turning point as the start of a serious ongoing crisis of reputation (Coombs, 2007), and giving the importance of verbal messages in political communication, we explore differences in the words and frames used by the EU Commission to represent the European identity in Twitter messages:

RQ1: Which words did the EU Commission use most frequently one year before and one year after Brexit *to foster European-ness*?

Since Brexit is an identity crisis for the EU government (Navracsics, 2016), academic literature discussing European identity refers to the term European-ness and the creation of a set of political and social values in which European citizens recognize themselves as a "we" (Keulman and Koós, 2014; Risse, 2010; Cerutti, 2008). Studies about cognitive interdependence showed that an intense use of co-reference pronouns (*we* and *us*) creates commitment (Agnew *et al.*, 1998), increases a perception of closeness and enhances inclusiveness (Fitzsimons and Kay, 2004) together with direct addressing (*you* or *your)* of the reader creating closeness and solidarity (Brown and Gilman, 1960). Although the construction of the European identity is beyond the scope of this study, the use of these pronouns could indicate a more inclusive communication strategy (from a Public

Information model towards a Persuasive model). Since the matter is a reputation threat to the European identity, we hypothesize that:

H1: The amount of co-reference and singular pronouns in the EU Commission tweets has increased after Brexit.

In addition, the EU Commission may set the grounds for this in-group feeling by interacting and fostering debate on Europeanization, on questions of common concern and by calling different nationalities for dialogue and participation (Björnehed and Erikson, 2018; Risse, 2010). For doing so, the EU Commission may also use metaphors, stylistic elements, personal tone, call-to-actions, or the use of different languages and concise hashtags to raise user engagement. A greater use of all these discursive elements can trigger the recipient's emotions and raise self-identification (Risse, 2010; Solis and Breakenridge, 2009; Supovitz and Reinkordt, 2017). This study explores some qualitative differences in the use of specific discursive elements:

RQ2: What type of language and discursive elements was the EC using before and after Brexit?

Thirdly, frames can be understood as "persistent patterns of cognition, interpretation, and presentation of selection, emphasis, and exclusion by which symbol handlers routinely organize discourse, whether verbal or visual" (Gitlin, 1980 p. 7). Thus, frames facilitate people to "locate, perceive, identify, and label" the circulating information around them (Goffman, 1974 p. 21). According to Iyengar (1991 p. 11), framing consists of the "subtle selection of certain aspects of an issue by the media to make them more important and thus to emphasize a particular cause of some phenomena".

The use of frames can foster the publics' sense of belonging and build on the organization's image in the public sphere (Hogg and Reid, 2006; Hornsey, 2008). Guerra and Serricchio define European identity as "a form of political and social identification" (2014: 278). Keulman and Koós expand the term to a "new sense of collective self-identification" (2014: 19). Formerly, collective identity had been conceptualized as the cohesive element that keeps a political system together and serves as a precondition for its long-term durability (Almond and Verba, 1963; Easton, 1965).

In the case of the European identity, authors have found four main frames in EU messages: values (Brewer and Gross, 2005; Halman, Sieben and vanZundert, 2014; Keulman and Koós, 2014), collectivism (Almond and Verba, 1963; Easton, 1965; Keulman and Koós, 2014), unified

community (Kennedy, 2013; McCormick, 2010) and cultural diversity (Cerutti, 2008; Risse, 2010). Twitter can thus have "a profound effect on [framing the] political debate and public opinion" (Caiani and Guerra, 2017: 7), especially if connected with positive, negative or rather neutral events:

RQ3: Which frames were used in the EC tweets to depict European identity one year before and after Brexit? What type of messages -positive, negative or neutral, are those frames applied to?

Finally, this article discusses how differences in the words, discursive elements and frames used by the EC after Brexit may be indicative of the crisis response strategy applied in Twitter (if any) in this reputation threat. In this regard, the classical Situational Crisis Communication Theory (Coombs, 2007) formulated two categories of response strategies, denying responses (attack the accuser, explicit deny, scapegoat, excuse, justification, compensation or apology) or bolstering strategies (reminder, ingratiation and victimage).

Method and sample

The Twitter profile @EU_Commission was analysed one year before and after the Brexit turning point. The European Commission's social media team was contacted and kindly provided the 4.827 xlsx exported Tweets within the period of 2 years from 22nd June 2015 until 22nd June 2017; pre-Brexit from 22nd June 2015 to 22nd June 2016 (2.311 Tweets) and post-Brexit from 23rd June 2016 to 22nd June 2017, totalling 2.401 Tweets.

This research presents a mixed method design in two phases: a lexicometry-semantic analysis on the one hand, and a framing analysis of tweets, on the other. The first phase consisted in a content analysis of the two samples to compare between the most frequently occurring words, in order to respond to the first research question and the hypothesis. These words were categorized as referring to three fields: democratic, social and political field; economics and money field; or co-reference and singular pronouns connected with the European affairs.

The second phase of the data analysis was the framing analysis, to answer to the second and third research questions. The most common frames depicting European identity were coded with the help of the MAXQDA software. We applied an open coding process (Neuman, 2003), starting with the four frames identified in the literature: values, collectivism, unified community and

cultural diversity (Keulman and Koós, 2014; Kennedy, 2013; McCormick, 2010); as well as the words resulting from the analysis of lexicometry. Firstly, in order to assign tweets to these four categories, we build semantic trees based on the definition of these categories: the category values refer to **democracy**, **social rights** and **equality**; **collectivism** refers to the community with keywords such as common or shared; a unified community can be expressed with keywords such as **united** or **together**; and **cultural diversity** refers to different cultures, habits, traditions and the reference or use of different languages.

Secondly, the most frequently used words are grouped in themes to build larger categories as potential frames. The four a-priori frames (deductive method) along with the a-posteriori thematic categories of the keywords from the analysis of lexicometry (inductive method) are redefined in larger units from either merging existing units or slightly modifying the former ones, until all tweets before and after Brexit can be classified. The words, hashtags and discursive elements used by the EC are annotated (Heft, Wittwer and Pfetsch, 2017); tweets are categorized as connected with positive, negative or neutral events and cross-categorized with frames (Maheswaran and **Meyers-Levy**, 1990; McLeod and Detenber, 1999; Schuck and de Vreese, 2006). Cohen's κ was run to determine if there was agreement between two coders of a subsample of the tweets. The results show a moderately strong agreement between the two coders, with $\kappa = .749$, $p = .000$.

Finally, we conducted a chi-square test to determine whether the difference in the word and frames frequencies before and after Brexit was statistically significant.

Results

This research has performed an analysis of lexicometry (to respond to RQ1 and H1) and a framing analysis (to respond to RQ2 and RQ3). Firstly, the analysis of lexicometry compares the use of words by the EC in two semantic fields before and after Brexit.

In general, the EC did apply a different communication strategy after Brexit to engage with their publics, as the chi-square test showed that the quantitative difference in word frequencies before and after Brexit was statistically significant ($p<.001$). These differences are clear in both the democratic, social and political values field and the Economic and Money field (see Table 1). In the pre-Brexit period, main keywords are *support, solidarity, humanitarian, rights, safety* and *security*, which are semantically connected with crisis, as it will be subsequently seen. In the post-Brexit period, apart from keeping *solidarity*, keywords change substantially: *peace, future of*

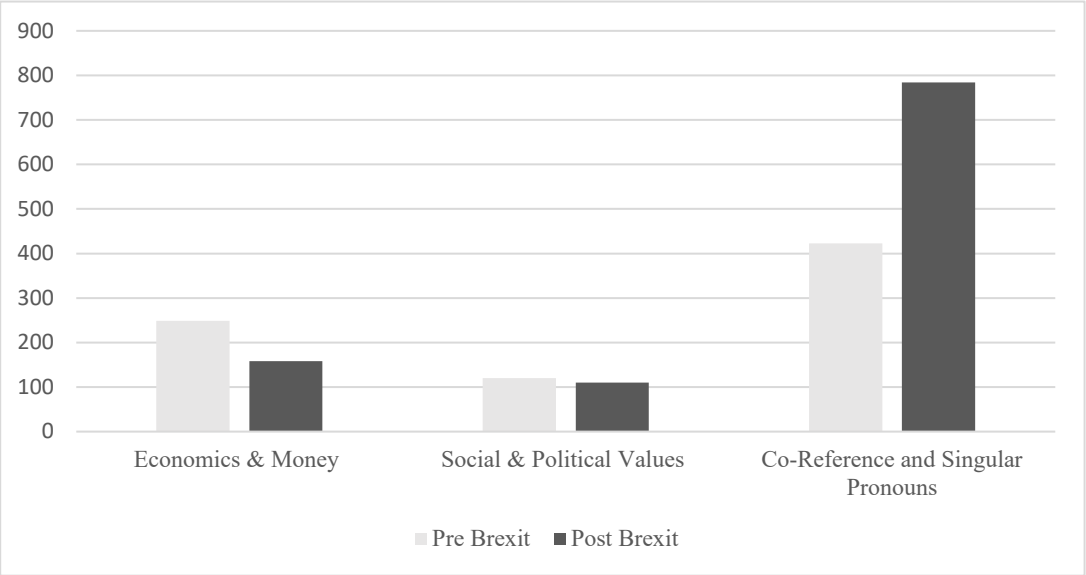
Europe, stronger, united, our citizens. Concerning the economics and monetary field, keywords are maintained after Brexit although with a much lower frequency.

Table 1. Most frequent words pre- & post-Brexit

	Democratic, social & political values	Economics & money
Pre-Brexit	Support (36)	Investment (113)
	Solidarity (20)	Energy (37)
	Humanitarian (19)	Sustainable (29)
	Rights (18)	Development (20)
	Safety (11)	EU funds
	Security (11)	Jobs (18)
	Responsibility (11)	Trade (16)
	EU data protection (6)	Economic & Monetary Union (7)
	EU law (5)	Roaming (6)
	Freedom (3)	Economic growth (3)
	Peace (2)	
	Equality (2)	
	Our citizens (2)	
Post-Brexit	Solidarity (25)	Investment (73)
	Peace (24)	Trade (32)
	Future of Europe (14)	Sustainable (24)
	Stronger (12)	Innovation/defence (14)
	United (12)	EU rules (8)
	Our citizens (10)	Economic growth (4)
	Democracy (8)	Low-carbon emissions (3)
	Unity (6)	
	Freedom (5)	
	Security (5)	
	Equality (4)	
	Common values (4)	
	Collective (2)	
	Data protection (2)	

As shown in Figure 1, before Brexit the economics & money category clearly dominates over democratic, social & political values (249 and 120 words each). After Brexit, both fields are equalized as the former has a 36.6% decrease (158) and the latter maintains the amount of words (110). Regarding the use of co-reference and singular pronouns, there is a great increase (46%) in the use those after Brexit (423 pre-Brexit and 784 post-Brexit). Particularly, the words *we* (158) and *our* (100) appeared more often than *you* (78) and *your* (70), and specially *us* (17), in the pre-Brexit period; in the post-Brexit years, the tweets analysed maintain the same order but doubling these figures for all pronouns: we (301), our (207), you (122), your (117) and us (37).

Figure 1. Analysis of lexicometry pre- & post-Brexit.



Secondly, we will present the results of the framing analysis. First, the framing analysis resulted in the identification of 5 frames concerning the European identity during the pre-Brexit period (see Table 2, "Refugee crisis category" being the 5th of them). These frames were made salient 116 times. Two main events –both negative- were framed: the refugee crisis was framed 35 times (30%), mostly by either highlighting the EU as a collective and strong Union (18) or as support (8); and terrorism –terrorist attacks in Paris, Brussels, Manchester and London, framed 18 times (15%), with a variety of frames: defence & preservation, common problems, or responsibility & solidarity. The rest of the times (63), the five frames were applied to neutral

events, especially the support frame. The chi-square test shows that the quantitative difference in frames appearing before and after Brexit is statistically significant ($p<.001$).

As for the hashtags, the EU Commission gives great importance to the involvement of the online community in ongoing EU activities and political decisions by using the call-to-actions (e.g. "Have your say") or questions aiming at the engagement with the online community (What is your experience using your #EU rights?, to engage and answer a questionnaire). Hashtags #PublicConsultation and #EUHaveYourSay are used to address directly the audience and to launch polls. Regarding the messages, they were not very engaging if related with terrorism ("Terrorists want to destroy our way of living together. We need to defend our values") or the refugee crisis ("We are taking decisive action on the refugee crisis" or "Our response to the refugee crisis will shape our history"). Finally, a personalized tone of voice was recognizable as for example at New Year's Eve season wishing or climate change as an opportunity to showcase EU's cultural background ("How do you say 'United for Climate' in your language?"). Tweets were published in Greek, French, German and English. Regarding the neutral events, the Commission phrased its goals in terms of citizens' attachment with EU institutions and commitment to build a strong future; and the EU citizens were given special importance and were described as the EU's co-designers: "Step by step Europe will solve problem collectively" or "We have the deal. Now we need to make it real".

Table 2. Frames in Twitter used by the EU pre- & post-Brexit.

	Events	Frames
Pre-Brexit	-Refugee crisis	-Support (humanitarian and financing) (8)
		-Defence & preservation (1)
		-EU as strong Union (18)
		-Common problems/values/ rights (2)
		-Responsibility & solidarity (6)
	-Terrorism	-Defence & preservation (6)
		-EU as strong Union (3)
		-Common problems/values/ rights (2)
		-Responsibility & solidarity (7)
	-Neutral	-Support (humanitarian and financing) (30)

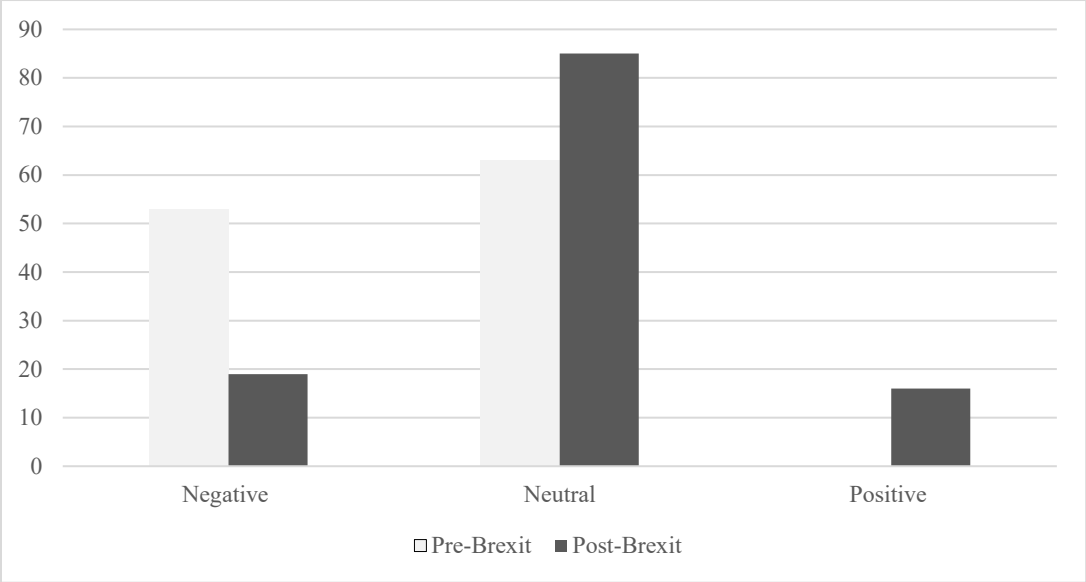
		-Defence & preservation (11)
		-EU as strong Union (14)
		-Responsibility & solidarity (8)
Post-Brexit	-60 years treaty of Rome	-Values (8)
		-The European values (3)
		-Common dreams, visions, values & attitudes (3)
		-Meaning of being European (2)
		-Unity (3)
		-Unifying EU (1)
		-Unity in Diversity (2)
		-Strong future of EU (2)
		-EU's history (1)
		-Relationship of EU & citizens (1)
	-Brexit	-Importance of EU integration & reforms (2)
		-EUR as common symbol (1)
	-Neutral	-Values (26)
		-The European values (17)
		-Common dreams, visions, values & attitudes (6)
		-Meaning of being European (3)
		-Unity (19)
		-Unifying EU (14)
		-Unity in Diversity (5)
		-Strong future of EU (11)
		-Citizens as EU's co-designers (7)
		-Importance of EU integration & reforms (6)
		-Advantages of the EU (5)
		-EU's history (5)
		-Relationship of EU & citizens (4)
		-EUR as common symbol (2)

During the post-Brexit period, the framing analysis resulted in the identification of 9 frames concerning the European identity (see Table 2, "Neutral category" being the 9th of them), with two macro frames -values and unity- that present some subframes. These 9 frames were made

salient 104 times. Two main events, one positive and the other negative, were framed: the 60 years treaty of Rome was framed 16 times (15%), applying 5 out of the 9 frames; and Brexit was framed 2 times only by referring to the importance of the EU integration & reforms (2) and the euro as a common symbol (1). The rest of times (85, 82%), these 9 frames were all applied to neutral events, especially European values, unifying the EU or a strong future. Apart from Brexit, which was almost ignored, the EU Commission also engaged in transmitting what being Europe means and what the EU stands for during the post-Brexit era.

In general, in the post-Brexit period, the EU used Twitter to engage users by applying influencers' strategies and a metaphorical language in both hashtags and messages. Many calls-to-action were utilized ("your voice matters"), questions were posed and feedback was required on EU implementations to involve the online community and foster dialogue (#Eudialogues, #EUHaveYourSay, #Connectivity) and the European dignity (#ThisIsTheEU, #FutureofEurope). The Commission also tried to explain what must be avoided, cannot be supported or goes against EU values (#Turkey - "No country can become member of the EU if it introduces the death penalty"). Additionally, metaphors like the comparison of the EU with marriage or "Build bridges, not walls" as well as expressions like "Europe means peace" depict Europe and reflect the importance and meaning of the EU in both a covert and direct way. Stylistic elements like repetitions were used ("Not fair, not sustainable, not acceptable"). Moreover, the Commission used a celebrity once, the German football player Philipp Lahm ("I feel European" says @philipplahm), to increase self-identification. Furthermore, audience engagement was stimulated through a GIF (about EU's history and current actions) and blog post competitions. Tweets were published in Italian, English, Spanish, French and Hungarian. Finally, during the post-Brexit period, European identity was increasingly connected with positive events (16 times post-Brexit against 0 pre-Brexit) or neutral events (85 against 63) (see Figure 2).

Figure 2. Valence of events as connected with frames pre-Brexit & post-Brexit.



Discussion

In response to RQ1 (Which words did the EU Commission use most frequently one year before and one year after Brexit *to foster European-ness*?), words belonging to the field of economics & money occurred more than twice as much as words expressing values in the pre-Brexit period. Hence, before Brexit, the EU Commission mainly addressed topics related to economic issues and primarily made use of Twitter as an informative channel to update the publics about ongoing activities and commitments of the EU (Gilpin, 2011). This suggests that European-ness was only slightly fostered before Brexit and that the most used words depicted the EU as a bureaucratic and abstract political body.

By contrast, during the post-Brexit era, findings reveal that the EU Commission aimed at creating a unified community (Kennedy, 2013; McCormick, 2010) because important "pillars" of the European identity (European Commission, 2001) were transmitted in the form of words such as "solidarity", "peace", "democracy", "freedom", "security" and "equality", which individuals can easily identify with (Keulman and Koós, 2014; Halman *et al.*, 2014). Moreover, the words "collective", "common values", "our citizens" and "united", as well as "unity", create European identity because they relate to collectivism, a commonly shared value and EU unity. The transmission of values through language fosters Europeanness across members. This is essential

for the formation of European identity and the related sense of belonging to the EU that should first be evoked in individuals to enable consequently their self-definition as part of the EU collective (Cerutti, 2008).

In addition, H1 is confirmed (The amount of co-reference and singular pronouns in the EU Commission tweets has increased after Brexit), as there is indeed a great increase in the use of co-reference and singular pronouns after Brexit, which adds to the strategy of building a sense of belonging through language, especially the pronoun we. In response to RQ2 (What type of language and discursive elements was the EU Commission using before and after Brexit?), findings show a great variety use of call-to-actions, user engagement, concise hashtags and different European languages, as well as more personal tone and stylistic or rhetoric messages after-Brexit than before Brexit. This is in line with the need to build a European virtual space (Parmelee and Bichard, 2011) and the Europeanization as a public online sphere to debate questions of common concern (Risse, 2010).

Thus, after Brexit, the EU Commission attempted to strongly construct European-ness through the frequent use of co-reference and singular pronouns creating self-definition, commitment, solidarity, inclusiveness and a perception of closeness to the EU (Agnew *et al.*, 1998; Fitzsimons and Kay, 2004), as well as through the reduced implementation of words referring to the EU as a political and abstract body, but referring to it as a social construct. The words used after-Brexit are in line with Juncker's (2017) statement after Brexit "[…] it is time for a united Europe of 27 to shape a vision of its future" and demonstrates that the EC transmits this mission on Twitter. After Brexit, the EU is depicted as a united community characterized by different cultures (Turner, 1975). By self-identifying with each nation, the Commission aims to simultaneously raise self-identification with the EU (Halman *et al.*, 2014; Risse, 2010; Cerutti, 2008).

In response to RQ3 (Which frames were used in the EU Commission tweets to depict European identity one year before and after Brexit? What type of messages, positive, negative or neutral, are those frames applied to?), the framing analysis plainly shows a turn from reactive, defensive, non-European values in the pre-Brexit era (dominated by values responsibility and solidarity mainly, but also financing, humanitarian, union or rights) to a neat proactive European values (human rights, peace, equality…) (European Commission, 2001), but also dreams and visions, attitudes, bridges, symbols, diversity and history (Brewer and Gross, 2005). Whereas the pre-Brexit period tweets were framing negative events such as the Paris attacks or the refugee's crisis, the post-

Brexit period tweets were framing positive or neutral events such as Anniversary of the Treaty of Rome or the representation of nations and cultures.

Particularly, the EU's Unity frame builds on the national and European identities are part of a larger Socio-Territorial Identity Complex frame (Keulman and Koós, 2014). This is a strategic indicator that EU Commission's strategy was not to be seen as a threat to national identities (Cerutti, 2008), but as inclusive body with a Genuine Political Entity frame (Duchesne and Frognier, 1998). Also, by highlighting the importance of reforms and referring to the EU's future, it becomes evident that the EU Commission focuses on the transmission of Europe's continuation and solutions to it after Brexit (Jora, 2018). Finally, the EU's future frame is built with references to common symbols such as the Euro currency, or the practical advantages of the EU. In general, the EC framed the Brexit three times only: to show the importance of reforms and the common market, with no reference to the crisis or reputation threat or minimizing the effects -justification response strategy (Coombs, 2007). Rather, the EC took advantage of many other issues and topics to ingratiate with European citizens with social, cultural, identity or rhetorical messages.

Conclusions

The aim of this research was to analyse the differences in the semantics and frames used by the EU Commission Twitter during the pre- and post-Brexit era, as well as to see if we can identify, in these differences, a more persuasive communication strategy. Brexit is taken as a turning point in the EU history because it destabilized the perception of the EU in the public sphere (Jora, 2018), hence comparison is used here as a case study to identify changes in the communication strategy in reaction to a unique crisis. Since the EU Commission's raison d'être is to promote the EU as a political construct and, as admitted publicly by top-level internal sources, its identity and unity are under serious threat after Brexit, this work expected the EU Commission to use Twitter strategically in order to manage a PR crisis of the European identity. The findings of the semantic and framing analysis reinforce this assumption and report the specific semantics and frames employed for that purpose.

In essence, the pre-Brexit semantic analysis showed that the EU Commission addressed more topics related to economic issues than to democratic, social & political values and primarily made use of Twitter as an informative channel to update the public about ongoing activities or crisis. The technical presentation of the EU as a bureaucratic and abstract political body does not

contribute to the EU citizens' a sense of belonging since people cannot well identify with information-based, political abstract bodies. Only when the very nature of the EU has been under threat (Brexit crisis), has the EU been active in communication campaigns and moving towards a more persuasive strategy via semantics and frames that are more unique of the European-ness.

Until the implementation of social networks, the Commission used a one-way communication strategy, distributing public information to their publics (Fawkes and Moloney, 2008). Parting from the results, we could argue that after Brexit the Twitter communication has been managed from a Public Information Model.

In this research we found that there have been changes towards a more inclusive language, using self-pronouns instead of an informative impersonal tone after the Brexit. Therefore, there has been a slight move towards a two-way asymmetric model adopting a more persuasive strategy.

This strategy has brought lexical references in Twitter to the EU as a supranational system based on fundamental values, and semantic constructions depicting the EU's economic and monetary characteristics. Moreover, after Brexit, co-reference and singular pronouns have been used more intensively to raise collective sense and a perception of closeness to the EU (Agnew *et al.*, 1998; Fitzsimons and Kay, 2004; Brown and Gilman, 1960). The EU aims to have a clearer identity and to empower EU citizens by highlighting the importance of unity in diversity.

This research may be insightful for the EU Commission itself as findings report levels of consistency and news ideas within a long-term semantic and framed activity in Twitter (Caiani and Guerra, 2017), which can extensively shape how the publics engage with European politics. Nationalism can be curbed, and national differences be managed through Twitter by engaging with different cultures, the big community network and key influencers.

The globalisation and immigration phenomena are challenging the traditional ways these systems communicate and relate with publics. The communication of fundamental rights and values has a threefold objective: to preserve democratic and social structures, to comprehend different cultures and collectives, and to include them strategically as part of the (trans)'national' identity building. This research is not without limitations. First, the definition of frames was part of the content analysis, with some quantitative results but also mostly qualitatively-driven, so the validity of measures (thematic frames) should be tested in other case studies –Twitter communication of supranational institutions- and in longitudinal studies. Second, we did not examine pictures, content of the inserted links, audience reach or engagement and connections.

Finally, the inclusion of fake news and their distortion of the EU's perception in the public sphere was not considered.

In the future, it would be fruitful for the development of strategic and organizational communication on transmitting identity, to conduct analyses on different supranational organizations in different cultural settings.

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PRIVATE DIPLOMACY INITIATIVES AND INTERNATIONAL NETWORKS IN THE 1920s-1940s ROMANIA

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Abstract: *Based on private and official archives, the text focuses on the background, the diplomatic and paradiplomatic activity of three princely, intertwined Romanian families: Bibesco, Ştirbey and Brancovan. Heirs to the throne of Wallachia before the arrival of the Hohenzollern monarchs in 1866, these families developed powerful diplomatic, economic and cultural networks in France, Belgium, Britain, Russia, Germany and Austria-Hungary conferred influence at home and in various European circles. With solid foundations built since the 1850s, they helped shaping Romania's diplomacy in the first half of the 20th century and contributed to the country's pro-European attitude of the 1920s-1930s. Evolving between European capitals and the US, on friendly terms with royalty, high-ranking politicians (Churchill, Roosevelt, Ramsay MacDonald, Léon Blum, Aristide Briand and various French presidents), diplomats and intellectuals (from Louise Weiss, Saint-John Perse, Duff Cooper and Paul Morand to Harold Nicolson, Paul Valéry and Wladimir d'Ormesson), industrialists and bankers, the three families promoted ideas or granted support to initiatives that anchored Romania in the West and enforced European cooperation. The text refers to the personal and professional profiles of prince Antoine Bibesco (d. 1951), of his wife, Elisabeth (née Asquith), of George III, Prince Bibesco (d. 1941), of Michael-Constantine (Bibesco) Prince Bassaraba de Brancovan (d. 1967), and last but not least, of Barbo, Prince Stirbey (d. 1946).*

Keywords: Private Diplomacy, Cultural Diplomacy, Negotiations, International Relations, Interwar Europe

Introduction. Historical outline and theoretical premises

Dwelling on a topic already discussed in previous intervention[26], the following text debates aspects from the public, diplomatic and paradiplomatic activity of three princely Romanian

[26] For the conference *Sociabilités, réseaux et pratiques diplomatiques en Europe de 1919 à nos jours*, organised by the Réseau International de Jeunes Chercheurs en Histoire de l'Intégration Européenne in partnership with the Royal Academy of Belgium, Brussels, March 20, 2015.

families: Bibesco, Ştirbey and Bassaraba de Brancovan[27], developing it in the larger frame of a theoretical analysis which focuses on the role of private actors and their sociability praxis in diplomacy.

Sharing common origins (as descended from two brothers, George Bibesco and Barbo Bibesco Ştirbey, Princes-Sovereign of Wallachia from 1842 to 1856), the three families were descended on female line from the last branch of the founding dynasty of Wallachia, the Bassarab[28]. A sophisticated and nuanced legal context allowed them to be considered heirs to Wallachia's throne before the 1866 election of the Hohenzollern-Sigmaringen dynasty. From this position, the three families developed – starting with the second half of the 19th century – exclusive cultural, economic and political ties to France, Belgium, Great Britain but also Russia, Austria-Hungary and Germany, in ways that reinforced their international standing and support for a potential return on Romania's throne. These connections also brought a certain influence in the circles of power of the aforementioned countries, emphasised by the family alliances.

George I Bibesco († 1873), Prince-Sovereign of Wallachia until the 1848 Revolution, had been educated in France, where he would send his sons as well: Grégoire Bibesco Bassaraba de Brancovan, Nicholas, George II and Alexander, of which two (Nicholas and George II) will become officers of the French army during the Second Empire[29]. Aware of the political dimensions of their heritage – at a time of mobility within Europe's ruling families –, the two considered that the return on Romania's throne had to be achieved through and by the power of law. Diplomacy, international agreements and the support of Great Powers embodied therefore the only acceptable means; a family agreement concluded in 1873 between Grégoire de Brancovan, Nicholas and

[27] In Romanian: Bibescu, Ştirbey, Basarab-Brâncoveanu. A fairly old western Wallachian family – dating back to the 16th century –, emerging to political power in the second half of the 18th century and especially during the 19th century, the Bibescos gradually split into three main and three cadet branches.

[28] Following the marriage of George Bibesco (*regn.* 1842-1848) with Zoe Mavrocordato Bassaraba de Brancovan, their eldest son, Grégoire Bibesco (1827-1886), would receive from his legal grandfather, Prince Grigore Bassaraba de Brancovan (1764-1832) the right to bear his name and inherit the Brancovan princely titles, granted in 1695 by Holy Roman Emperor Leopold I of Austria to their forefather, Constantine de Brancovan, Wallachia's sovereign Prince from 1688 to 1714.

[29] The marriages of both were concluded in families related to Emperor Napoléon III: a daughter of the duke of Elchingen, prince of the Moskowa, for Nicholas Bibesco (her cousins, the Princes Murat, once royal family in the French Empire kingdom of Naples, were part of the civil family of the Emperor); and for George II a daughter of the Belgian Prince of Chimay (branch of the French family Riquet de Caraman de Chimay), cousin of Empress Eugénie. Prior to his Chimay union, George II Bibesco had been engaged to the Russian princess Vera Lobanov Rostovski, *née* Dolgoruki, cousin of Catherine, the second wife of Emperor Alexander II of Russia.

George II Bibesco expressed their will to concert efforts in order to reach that specific goal (BAP, 2)[30]. Of them, George II Bibesco (1835-1902), French staff officer, corresponding member of *Institut de France*, was the one who added value to the family heritage, affixing dynastic legitimacy to a genuine political programme of Liberal-Conservative inspiration. Through his books, articles and public conferences, George II Bibesco shaped a political, economic and diplomatic alternative substantially different from what was practiced in Bucharest by King Carol I and the Liberal Party (Bibesco, 1894; 1888).

A fine observer of the international scene, he considered that only a national dynasty, well-connected externally, with demonstrated abilities for good governance, should bear the Crown as a quintessence of the country's history, of its cultural and religious traditions, in a dynastic continuity which Bibesco opposed to the election of any foreign, unrepresentative ruler[31]. In contrast with the positions embraced by the new Hohenzollern monarch and his Liberal partners, Bibesco advised a diminishment of the conflicts with Romania's neighbours, especially imperial Russia after 1878 and Austria-Hungary (on themes related to Danube policies), but also with the Great Powers. Bibesco was the advocate of a rapprochement with France and Great Britain policies that would position Romania in line with Europe's most advanced economies and societies, and a rational military alliance with Russia, Europe's largest military power (also a neighbour that could counterbalance Austrian-Hungarian pressure). He also proposed finding the grounds for a most equitable relation to Austria-Hungary, having in mind the Romanian Orthodox population from Transylvania, as well as with Prussia, as a balancing factor between Russia and the Austrian monarchy.

His ideas, lucidly and judiciously presented, proved realistic when the Franco-Russian alliance of 1892 was concluded, and even more in the next decade when the Franco-Russian-British *Entente* took shape, confirming Bibesco's strategic projection and correct reasoning. His personal amity with three of the Ministries of Foreign Affairs of Romania (Alexandru, Ioan and Iacob Lahovary, all Francophiles) was a collaborative one, with reciprocated appreciation based on the common perception of the need to engage Romania's foreign policy closer to Paris, London

[30] A Hohenzollern on the throne in Bucharest was not compatible with the interests if France, nor Russia, nor Austria-Hungary, who saw the new young monarch as an extension of Prussia's interests on the Danube.

[31] His opposition was not directed personally or especially against Karl I of Hohenzollern-Sigmaringen, but against the principle of a ruler of foreign origin.

and Sankt-Petersburg[32]. Such a change in direction proved undeniably fruitful and was consecrated by Romania siding with the *Entente* during the First World War and anchoring it, during the 1920s-1930s, in the Anglo-Franco-American sphere of global interests until 1938.

The context proved to be a fertile ground for the Bibesco, Ştirbey and Brancovan descendants, as they were able to contribute, from new positions, to the political, military and economic interests of the country. This is what enables the analysis of their activity from the perspective of the *evolution of diplomatic practices* after the First World War, both in terms of continuity and of innovation coming with the new institutional architecture of the League of Nations and with the intense global interaction of its members. In this context, a study should therefore consider the emergence of non-state actors, first and foremost individuals involved in the process – with traditions and procedures already established, engaging their personal credibility in formulating and expressing the official position of their nation –, next to private or institutional networks in use for the transmission of diplomatic messages (Bjola, Murray, 2016; Boisard, Chossudovsky, 1998; Badel, 2007; Tenzer, Devin, Badel, Pierre, Lefebvre, 2012).

The geographic dimension of post-1920 diplomatic interaction was also changed: one shall have to considered it with its multiple directions, in regional terms (the *Little Entente*, the Balkan Pact), interregional (defined by interaction with third parties themselves included in other regional arrangements, i.e. Poland), as well as European or international (through the League of Nations). All generated a rather atypical architecture between bilateralism and multilateralism. Within it, one must follow the diplomatic praxis of non-diplomatic actors because, in the dynamic of this new interaction, one can notice a transition from diplomacy – understood institutionally as a tutor of the international relations system (White, 1978) –, to diplomacy understood as a conduct and as demeanour, as value and attitude, the diplomat being defined through his profile and his abilities more than through his public office integral to the State institutions. While the international relations historiography tends to validate the rise of non-state actors only for the last 30 years, an investigation into the phenomenon demonstrates that these actors were already existing, exerting diplomatic functions and rivalling or acting complementarily with classic diplomatic actors in

[32] George II Bibesco died in May 1902. In 18 years, between March 1889 and March 1907, the three Lahovary brothers led the foreign affairs of the country for almost 10 (1889-1891, 1891-1895, 1899-1900, 1904-1907 (Iordăchiţă, 2004). This tendency also impacted on the choice of an Anglo-Russian bride for the heir of the Romanian throne, Prince Ferdinand de Hohenzollern-Sigmaringen.

areas like State representation, intelligence or negotiations (Armstrong, Bello, Gilson, Spini, 2010).

The 1900s-1940s already saw the integration in the diplomatic milieus of experts coming from the private sector (such as bankers and captains of industry), the academia or various ministries (military officers, economists, financiers); what the 20th century will bring is the progressive institutionalisation of cooperation between public, para-public, private actors and international organisations, as demonstrated by article 71 of the UN Chart (that allows limited participation of NGOs to UN's activities via consultations) or the recognition, in 2003, by the Council of Europe, of the participative role of the NGOs in international relations (Rana, Kurbalija, Katrandjiev, 2006).

But today's question is whether one can talk about a diplomacy uninfluenced by the political sphere in its directions or patterns, a diplomacy which would be largely private. The economic diplomacy of entrepreneurial networks, the corporate one or the one of private institutes of research, of think-tanks and foundations already give a positive answer. Their present definition pertains to a few factors; the NGOs and corporations, for instance, develop internal communication structures, dedicated to international or institutional relations, and which manage – with personnel and recruits of diplomatic background – their non-material assets: the public image, the brand, the reputation. This is a praxis largely related to maximising benefits in the "global village" and responds to civil society's exigence with regard to criteria of sustainability and responsibility.

But such methods were already in place at the end of the 19th century, set up by the large companies of the time (Badel, 2006), and the question that has to be asked – in order to differentiate between the two – relates to the degree of emancipation from the State, to the national or territorial course of their action, because the dimensions and the omnipresence of corporations enable political scientists to talk about "private multilateralism" (Bull, McNeill, 2007; Harvie, Kimura, Lee, 2005; Schechter, 2016). We witness an economic diplomacy assisting the country brand, betting on the alliance between national interests and of the nation's leading economic players, with the diplomatic service supporting corporations in order to give credit to strategic investments. In the 1900s-1940s, economic partnership and State-owned or private companies proved to be genuine vectors of official diplomacy; in Romania, this role was played by petroleum businesses, some of the steel producers and a few powerful banks.

Last but not least, it must be underlined that private actors benefit from the transformation of the cultural diplomacy into a diplomacy of influence, bringing together a classic initiative of the cultural diplomacy (itself transformational because of the transfer of knowledge and know-how it implies) with new practices, destined for a specific audience, with a certain degree of reciprocity and focused on the public image a country acquires[33]. The actors involved in this sphere are predominantly *literati*, perceptive and insightful, genuine connoisseurs, with an ability to relate to other societies in a degree that includes significant cultural affinity.

One by one, a few characters from the three abovementioned Romanian families match these categories, which they illustrate individually.

Antoine Bibesco. The Diplomat

Son of Alexandre Bibesco, Antoine (1878-1951) is remembered today for being an inspiring friend of France's most magnificent writer, Marcel Proust. He and his brother, Emmanuel Bibesco, introduced Proust to Bergson's theories, to Ruskin's works, to Diaghilev's ballet and to the French gothic art, while Antoine is additionally known to have been a model for Saint-Loup, a main character of *A la recherche du temps perdu* (Painter, 1966, 1992; Tadié, 1996, 2000; Diesbach, 1991, 1999; Bibesco, 1928). (In addition, just like their uncle George II with Renoir, the two brothers were also discreet and generous benefactors of painters Gauguin and Vuillard.) Born in France, Antoine Bibesco studied in Britain, at Canterbury, before joining the diplomatic service of Romania in 1899 as embassy secretary in London (AMFAR, 77; BAP, 27).

In 1917, he was appointed in Washington DC. Yet, because of the war, he was not able to fulfil his duties and reached the US capital only in 1920 (AMFAR, I, 107; NYT, 1920, 1921). In the meanwhile, his personal situation has changed significantly. He had married Elizabeth Asquith, daughter of Henry Herbert Asquith – the Liberal Prime Minister of Great Britain – by Margot Tennant, one of the central figures of literary and social London. Elizabeth's glittering social circle

[33] Best illustrated most recently by the "mask" or "vaccine diplomacy" during the SARS-CoVid19 pandemic of 2020-2021.

extended to the fashionable sets *The Coterie* and *The Bright Young People*[34], as well as the British royal family[35]. Elizabeth was a writer herself[36]. When in Washington, she easily befriended Franklin Delano Roosevelt, starting a 25-years long amity that would end only with their death (Bibesco Archives, 2).

Antoine and Elizabeth operated as a diplomatic and cultural couple. His personal connections, such as the one to Bernard Baruch (financier and advisor to US Presidents Woodrow Wilson and Roosevelt), facilitated Romania's negotiations for a state loan much needed after the war[37]. It also helped into reassuring the Jewish-American community that the new Romania was going offer citizenship and minority rights to the Jews, which the government effectively enshrined in the new 1923 Constitution (AMFAR, Bibescu-Baruch).

In addition – with their cultural reputation well-established in Paris and London –, the receptions and soirées hosted by the two Bibesco turned the Romanian Legation into an attractive social spot in Washington DC.

Antoine's success in London and Washington displeased Nicolae Titulesco – the eminent Romanian diplomat, Minister of Foreign Affairs, twice President of the General Assembly of the League of Nations (1930–32) –, who repeatedly attempted to have Antoine Bibesco dismissed. The dispute, started by Titulesco and taken very personally, oscillated between confrontation and

[34] *The Coterie* reunited sons and daughters of British politicians and businessmen, such as Lady Diana Manners (daughter of the 8th Duke of Rutland, herself an elected politician and influential socialite); her husband, Alfred Duff Cooper (Conservative politician and diplomat, friend of Stanley Baldwin and of Winston Churchill – both future Prime Ministers –, Ambassador to France from 1944 to 1948); Raymond Asquith, son of the Prime Minister, politician and barrister (Elizabeth's half-brother); Maurice Baring (of the Baring banking family); Nancy Cunard (political activist and literary socialite, Anglo-American heiress of the Cunard fortune), etc. The *Bright Young People* were a group of wealthy, bohemian young aristocrats and socialites in 1920s London, including Harold Acton, Patrick Balfour, Bryan Guinness (of the Guinness family), the five Mitford Sisters, the Sitwells, artists like Cecil Beaton and writers like Evelyn Waugh (Mackenzie, 1986; Lambert, 1984).

[35] Antoine and Elizabeth's daughter Priscilla (1920-2004) was the goddaughter of Queen Alexandra of Great-Britain and Ireland (*regn*. 1901-1910) and of writer Marcel Proust. Winston Churchill was a close friend of Elizabeth's elder half-sister, Violet (Asquith) Bonham-Carter (1887-1969), herself a politician, diarist and devoted supporter of the European integration as well as of the United Nations (Pottle, 2007).

[36] Author of *I Have Only Myself to Blame* (1921), *Balloons* (1922), *The Painted Swan* (1922), *The Fir and the Palm* (1924), *The Whole Story* (1925), *There is No Return* (1927), *Points of View* (1927), *Poems* (1927), *Portrait of Caroline* (1931), *The Romantic* (1940).

[37] This was included in the larger frame of post-war financial compensations and debt negotiations (*Dimineaţa,* 1925; Berea, 1925; *The Times*, 1925).

concession, but it would end only in 1936, when the minister – removed from all official positions – was asked by King Carol II to leave the country and never return[38].

The next appointment, in Madrid, is probably the best example of collaboration between the networks of the two. Antoine was acquainted with King Alfonso XIII; Elizabeth was a friend of Queen Eugenia – of German-British origins –, and this gave the couple a position *de faveur* at the Spanish Court (BAP, 2). While Antoine was representing Romania's political interests and stood away from conflicting political ideologies (including after the Republican shift of 1931), Elizabeth was receiving, socially, both the Spanish Liberals (Madariaga, Manuel Azaña, Gregorio Marañón) and their rival, José Antonio Primo de Rivera (Azaña, 1961, 1981; Bowers, 1954). It was to her that Rivera wrote one of his last letters before being executed, praising her fairness and spirit of justice (Thomas, 1961; BAP, 2). She had tried to save him from his fate in the same way

[38] The controversial private personality of Nicolae Titulescu is rarely subject to academic studies, as it is considered to be damaging to the image of one of Romania's leading diplomats. Yet, 80 years after his death, for the sake of objectivity as well as for understanding why some of his plans and negotiations collapsed, it is necessary to describe and analyse Titulesco's private profile featuring tremendous ambition, concern for visibility and for a manicured public image, mixing victim-playing, self-righteousness and a profound detestation of any possible competitor. His appetite for luxury, for approval and reputation, his lack of control, his controversial political activity, intrigues, double standards and personal rivalries – though underlined by his contemporaries (such as Nicolae Iorga, prominent historian of European fame and Prime Minister of Romania) – were delicately put aside by Romanian historian (Macri, 1992). In 15 years of activity, Titulescu managed to become the enemy of all political parties in power, not to mention of major statesmen and politicians: King Carol II, G. Tataresco (twice Prime-Minister, thrice Minister of Foreign Affairs), I. Inculeţ (deputy Prime-Minister, Minister of Internal Affairs), V. Antonesco (Finance Minister, Minister of Foreign Affairs), R. Franasovici (diplomat, Ambassador in Poland and Switzerland, Minister of Internal Affairs), V.V. Tillea (Minister of Romania in London), G. Gafencu (Minister of Foreign Affairs, Ambassador to Moscow, member of the European Movement after 1948), C. Argetoianu (Finance Minister, Minister of Internal Affairs, Minister of Agriculture, etc, Prime-Minister), G. I. Brătianu (Liberal leader, professor), etc... (Potra, 2013). The conflict with Antoine Bibesco started when Titulesco, appointed to London as minister of Romania in 1924, noticed that he is largely ignored by the British establishment; he lacked the social connections Antoine Bibesco disposed of. Outraged, he initiated in Paris and London a vilification campaign against Bibesco, who easily found out through a common friend, senator and minister Henry de Jouvenel. In the United States, during the Washington Financial Conference, Titulescu – who was heading the Romanian negotiation delegation – attempted to exclude Bibesco from it, despite Bibesco's official position. The Ministry of Foreign Affairs forbade him to, but the interdiction infuriated Titulescu even more: he started a new denigration campaign against Bibesco in front of the American State administration and financiers. Antoine was aware of it, yet dismissive of Titulesco's unsuccessful attempts, as his letters to N. Iorga demonstrate (BAR, Manuscripts). It was only in 1927 that Antoine's cousin, Marthe Bibesco, could mediate a temporary 'truce' between the two, sealed with the designation of Antoine as ambassador of Romania to Madrid. By mid-1930s Titulesco was perceived, both by King Carol II and the political milieus, as clearly trying to leverage his influence in Romanian politics by using his personal amity with various ministers of foreign affairs, especially Maxim Litvinov (USSR), in order to stay in power and become the arbiter of Central and Eastern Europe. King Carol II, who resented Titulesco fondness for taking decisions without consulting the Crown (himself with appetite for unquestioned authority), took advantage of his minister's multiple errors in relation to Germany, Italy, Spain and Poland, and asked for his resignation. But the rivalry with Bibesco did not end; after Titulesco's downfall, Antoine would serenely contribute to King Carol II's plan of making sure that the former minister was not going to recover his credibility in London and Paris…

she tried to help the French ambassador in Rome, Chambrun, about to be discharged by Léon Blum, Prime Minister of France and friend of Antoine, because he failed to convince Mussolini not to support the Spanish Fascists (Greilsammer, 1996)[39]. Unfortunately, she did not succeed.

Elizabeth died in 1945, a few days before the Communists seized power in Romania. Antoine had to flee the country in the same year. He went to Paris, where he used his personal connections in the British diplomacy (Duff Cooper, the ambassador[40], and Harold Nicolson) to have access to the American circles discussing Europe's future. His objective was to intervene in ways that could serve Romania's interest: that is to be recognised as co-belligerent of the United Nations, and not condemned as ally of Germany; to preserve as much as possible the frontiers of 1940, if not 1938; and to see that the country stays independent[41]. In this, Duff Cooper had proved to be an unexpectedly close ally[42], even if – in the end – the outcome of the Second World War proved to be, for Romania, the worst in its entire modern history.

George III Bibesco. The Pragmatic

George III Valentin, 4th Prince Bibesco (1880-1941), son of George II Bibesco by Valentine de Caraman Chimay, of the Belgian princely family, was by all definitions a sportsman. Impetuous, daring, intrepid, his audacity – when touring Europe, the Middle East, Africa and India by car and planes – bordered heroism. He became president of the Romanian Royal Air Club and

[39] The amity between the two Bibesco brothers, Emmanuel and Antoine, with Léon Blum had started in the late 1890s or the early 1900s. The friendship with the Chambruns was already entering the 3rd generation (BAP, 2).

[40] Not only friend of Churchill, but of Cynthia Asquith as well, Elizabeth's sister-in-law, whom Duff Cooper had appointed as director of War propaganda when he was Minister of Information under Churchill (1940-1941). (As a genealogical amusement – yet demonstrating the continuation of the networks of power –, Alfred Duff Cooper is also the great-uncle of Great Britain's Prime-Minister David Cameron, descended on his paternal line from Cooper's sister Stephanie.)

[41] Memoirs of Herbert Zilber (1901-1978), early Marxist Romanian politician co-opted by the Communist government, member of Romania's delegation to the Paris Peace Conference of 1946; disenchanted with Communism, he was accused of treason and jailed from 1947 to 1963. "I have no idea how [Bibesco] was managing it, but every time I had to meet one of the delegates [of Britain and the USA], they were already warned about my requests by Bibesco, who was somehow meeting them before I could" (Ioanid, 1992).

[42] Facilitating (next to John and Allan Foster Dulles) Bibesco's access in the Luxembourg Palace, where the Peace Conference was taking place, or (apparently) taking into consideration the observations issued by the representatives of the Romanian democratic parties (who published their arguments in the 147-pages book *La Romanie devant la Conférence de la paix de Paris*, Bern, 1946). For Antoine's private visits at the British Embassy in Paris: Cooper, 1981.

embarked on an international career that was to bring him the presidency of the World Air Federation[43].

The World Air Federation played a political a role in the 1920s and the 1930s that was never replicated ever since. Created in 1905 by Prince Roland Bonaparte, it gradually became not only an institution dedicated to air sports and world records, but a platform reuniting the Ministries of Air or Aviation[44] from different European countries and the United States. It consisted of almost 40 air clubs, with diplomatic, strategic and military potential, as most of the national delegates had political or military ranking and were connected to the aircraft manufacturers of their countries (such as Blériot, Potez[45], Zodiac, Fokker, Vickers, Rolls-Royce, Fiat, Hispano-Suiza, etc.). The decisions taken were often politically influenced (Pépin, 1968). George III Bibesco's election as president in 1930 – surprisingly against the French candidate – succeeded because of the support of Germany, Austria, Hungary (who had lost the war), but also of Czechoslovakia, Yugoslavia and Poland, Romania's allies in the Little Entente (AMNA, II).

Reforming the institution was certainly on George Bibesco's agenda: (1) first, by transforming it into a respected international institution regulating world's commercial aviation, as airliners, seaplanes and airships were demonstrably more profitable than railways and Atlantic liners; (2) second, exploring and opening new air ways to connect European countries (increasing the sense of European unity), as well as metropoles to their colonial empires; (3) third, facilitating air travel[46]. For Bibesco, airspace was a source of prosperity and, because of it, a source of mature reconciliation between nations. This is why reconciling France, Germany and Italy stood high on his agenda, next to developing aeronautics in a South-Eastern Europe that was so close to the Anglo-French interests.

[43] Fédération Aéronautique Internationale (fr.), World Aeronautical Federation (engl.), acronym F.A.I., headquartered in Lausanne, Switzerland.

[44] Such ministries included the civil and the military aviation administration.

[45] Whose director before the 1936 nationalisation was Abel-François Chirac (1898-1968), father of Jacques Chirac, French Prime-Minister (1974-1976) and President (1995-2002-2007).

[46] In 10 years of presidency, George III Bibesco transformed profoundly global aviation. Until 1936, his achievements were the following: regulation of tourist passports, reduction and harmonisation of airport taxes, reduction of the number of no-flight areas, introduction of special regulations for the Red Cross planes, free passes for sporting pilots, permission to install telegraphs in airports, permission for pilots to unrestrictedly use the airplane's radio stations in order to communicate, etc. (*Aripi*, 1931a, 1931b; *România aeriană*, 1931; AMNA, GVB, II).

Bibesco did not ignore the military aspects of the WAF. Strong Romanian, Yugoslavian and Greek aviation would have contributed to Europe's peace by diminishing the aggressive attitudes of a few vindictive neighbours, especially the Soviet Union. In this, the strategic national interests of the Little Entente and the policies of the WAF strongly coincided (AMNA, IIb).

"*A new era of harmony and understanding*" had to begin, Bibesco considered (Aripi, 1931). Under the leadership of so many political personalities (Aripi, 1932) and "*preparing for peace, civil aviation [should] become the very soul of international exchange in all fields*" (AMNA, I). Consequently, he decided to create a permanent Council of the WAF and, together with Italy's Minister of Air, Italo Balbo, to create a permanent office of the WAF to the League of Nations, gathering air clubs and affiliated associations which dealt with air jurisdiction, commercial and leisure travel. Germany immediately supported the initiative.

However, George Bibesco was worried by the League's incapacity to guarantee collective security. Through his wife Marthe – the celebrated writer –, he invited Louise Weiss to Mogoşoaia. Weiss, French journalist and politician, was an activist for peace, founder of the *Europe Nouvelle* magazine, pleading for reconciliation between France and Germany. She was surrounded by brilliant intellectual names, such as Henry de Jouvenel, Wladimir d'Ormesson – future ambassador of France in Romania, just like his brother André d'Ormesson[47] –, Aristide Briand, Édouard Herriot, Léon Blum, Saint-John Perse, Paul Valéry, Élie Faure (most of them already friends of George's wife, Marthe, née Lahovary). But Louise Weiss was also a relative of Lazare Weiller, French industrialist whose son, Paul-Louis Weiller – himself a social friend of the Bibescos – had married a princess Ghika, cousin of Bibesco. To Weiss, he wanted « *to demonstrate the stupidity of a peace with no means of preservation, all the decisions, convictions, judgments and decrees falling into the void. He wanted the establishment of an International Air Force, a coalition, the only gendarmerie possible. It was a beautiful dream* », Marthe Bibesco wrote to an Italian correspondent in 1970 (BAP, 21). Indeed it was, and George Bibesco had considered it since 1932: a world air-force carrying out the peace-keeping mandate of the League of Nations. (RAI, 1933)

But his hopes were challenged by both Nazi Germany and Fascist Italy.

[47] Father of celebrated French writer and member of the *Institut de France*, Jean d'Ormesson (1925-2017), who spend a part of his childhood in Romania.

While the British government's position towards WAF was rather ambivalent, the British Under-Secretary of State for Air, Sir Philip Sassoon (a member of the Sassoon and Rothschild families) was a cooperative friend. It was to him, in private, during a visit to Port Lympne in 1933, that George Bibesco suggested a reinforcement of Britain's coastal aerial defence, as the German aviation was about to become the most powerful in Europe (Sandachi, Hadîrcă, 2005). It was the same warning that he later addressed to Lord Londonderry, Secretary of State for Air during MacDonald's government, and second cousin of Winston Churchill (Le Moment, 1936).

After 1936 and the Second Italo-Abyssinian war, in a more and more confrontational Europe, it was difficult for Bibesco to impose his views on the peaceful use of airplanes. His last success, in December 1939, during the Switzerland congress of the WAF, was to offer the federation's services to the International Red Cross – a proposal unanimously accepted now that diplomacy had been replaced by warfare (Aérophile, 1940).

Constantine de Brancovan. For a New Diplomacy

Constantine, 8th Prince de Brancovan (1875-1967) is less known than his illustrious sister, Anna, Countess de Noailles, Parnassian poetess, friend of the French intellectuals of the Belle-Époque and member of the Royal Academy of Belgium for French Language and Literature (Higonnet-Dugua, 2000; Nantet, 2014). Twice a prince, sophisticated socialite, main heir to the rights of the ancient national dynasty – yet born and raised in France –, Brancovan was one of the wealthiest individuals in Romania, the largest landowner in the country, a social-liberal with a touch of conservatism, custodian of the oldest private philanthropic foundation and owner of archives that reputed historians enjoyed exploring.

Because most of his social and cultural interests were in France, while his patrimony was located in Romania, he moved constantly between Paris and Bucharest. He chose to be an advocate of his country (Iorga, 1934, 1984), in what we call today cultural diplomacy. He founded the *Renaissance Latine* magazine[48], destined to revive the interest of the French public and political élite for other Romance-speaking nations in Europe and the Americas, with a focus on Romania

[48] On Gallica at [http://gallica.bnf.fr/ark:/12148/cb344304292/date] (accessed on May 20, 2020). His young friend, Marcel Proust, was among the magazine's authors, next to Pierre Loti or Franz Funck-Brentano.

(indisputably the most Francophile country in Europe at that time)[49]. The magazine was dually structured, in order to discuss not only the most recent developments in the economy, society, culture and politics of the Latin nations of Europe, but also themes of interest (the Dreyfus affair, European socialism, the Armenian question…). In doing so, he was promoting Romania as a young, dynamic and transformational country, friendly to France, constant and committed to Europe's best interests, but also culturally mature and productive. But the magazine did not survive more than three years, and Brancovan returned to his political interests. He was initially close to the Liberal party, and rather in favour of a Social-Liberal approach inspired to him by the French *solidarisme* of Léon Bourgeois (Brancovan, 1905).

After assuming a few paradiplomatic missions during the First World War, especially in negotiating a common Romanian-Italian position in 1915 with respect to their neutrality – or not – (Argetoianu, 1991), his interests converted to industry and finance after 1919. He became shareholder and president of different banking, mining and petroleum corporations created with French and Belgian capital (Sturdza, 2011)[50]. But he did not neglect his diplomatic concerns. He was a member of the *Académie Diplomatique Internationale* (AADI, 2013) in Paris, which, along with Chatham House in London and the Council on Foreign Relations in New York, was one of the first institutions devoted to the study and analysis of international relations. Aristide Briand, Eduard Benes, Gustav Stresemann, F. D. Roosevelt were among his titular confrères and he attended as often as possible meetings concerning the codification of international law, minorities

[49] Cultural magazines of this kind were frequent in the late 1890s and the early 1900s. Polish prince André Poniatowski financed the "Revue franco-américaine" (1895); the following "Revue franco-anglaise" (1895-1898), "Revue franco-hollandaise, artistique et littéraire" (1896-1897), "Cosmopolis" (1896-1898), "Revue franco-hongroise" (1900), "Revue franco-persanne" (1901-1902, financed by the Persian Shah himself), "Revue franco-musulmane" (1902), "Nouvelle Revue Européenne" (1897), "Revue franco-allemande", "Revue franco-autrichienne" (1909-1910) did not survive for more than three years – nor did the "Revue internationale illustrée; organe politique, littéraire, mondain et financier" launched immediately afterwards in 1910. The "Revue franco-roumaine" failed as well in 1901.

[50] Such as 'Banca Comercială Română', Romania's largest, recreated as a joint-venture with La Banque Belge pour l'Etranger and La Banque d'Anvers, with strong investments in the aircraft industry, energy and luxury (Coty); or 'Concordia Petroleum', re-established as an investment of the Compagnie Financière Belge des Pétroles (Petrofina, via the Société Commerciale Belge des Pétroles). — His connections to Belgium were strengthened by his sister's marriage into the Chimay family: Hélène Bibesco Bassaraba de Brancovan (1878-1929) was the wife of prince Alexandre de Caraman-Chimay (1873-1951). Alexandre himself would be the uncle of Michel Poniatowski (1922-2002), better known as "Ponia", longtime friend of Valéry Giscard d'Estaing, French politician, co-founder of the Independent Republicans, Minister of Health (1973-1974), Minister of the Interior (1974-1977) during Giscard's presidency in France, founder and honorary president of the Union pour la Démocratie Française, UDF.

in Europe, the International Court of Justice, the organisation of peace by the League of Nations, the Briand-Kellogg pact, etc.

In these milieus he met André Chéradame (1871–1948), French journalist and scholar from the *Sciences Politiques* known for his articles, interventions and books on the geopolitics of Europe. Chéradame was concerned especially by Germany's expansion and militarism, and denounced the involvement of the German General Staff in plans aiming to create a Greater Germany that would first engulf Central-Eastern Europe, then all of Europe (Motte, 2008; Ginsburger, 2014). Churchill sometimes shared the same idea. Dismantling the German territory, the German institutions and their military elite, rejecting the Franco-German reconciliation and the international financial aid for Germany were, for Chéradame, the only possibility to preserve Europe's peace. Brancovan did not have the same views, but in the early 1930s he helped Chéradame organise a conference tour in Romania (Gafencu, 1991) where the French scholar expressed his opinions on the containment of Germany – needed after 1933 –, and accused France and Europe for their lack of boldness in confronting what obviously was Germany's policy to dominate the continent[51].

More discreet than his cousins, and leaving behind less traces of his activity[52], Brancovan is nevertheless innovative when deciding to use his business network in order to amplify economic collaboration, and increase the degree of interdependence between the advanced European economies and the growing East, anchoring one to the other especially in the strategic field of oil extraction, at a time when Romania was a still substantial player. For him, peace could be built on reasonable economic partnerships: after all, "*les bons comptes font les bons amis*".

Barbo Stirbey. The Negotiator

Born in 1872, Barbo, third Prince Stirbey, was a statesman, a prosperous businessman, former administrator of the Crown Estates, Minister of Finance, of Foreign Affairs, Prime Minister and member of the Romanian Academy. Charismatic, tactful, judicious, calculated, married to a Bibesco cousin, he was involved in a discreet way in the Romanian politics, as royal adviser and

[51] A support committee in favour of maintaining the European treaties in vigour was created by Chéradame in Central Europe. The Romanian one was presided by Constantine de Brancovan who had coopted high ranking politicians, senators, ministers and diplomats (of which two Romanian members of the *Académie Diplomatique Internationale*)(Gafencu, 1991).

[52] Much of his private archives were lost, confiscated by the Communist authorities in 1948.

brother-in-law of Liberal Prime Minister Ion I. C. Brătianu. The most dramatic episode of his political life took place during the Second World War, when he would become involved in Romania's negotiations with the Allies. Assuming such a role was compatible to one of Ştirbey's most profound convictions: to be a constant representative of Great Britain's interests on the Danube (as London was the political capital of the Anglo-American sphere after the First World War) and to work for the inclusion of Romania in the British Empire's global strategy; in other words, giving Romania the role of valuable ally of Great Britain and of the United States[53].

As Nazi Germany's was confronted with immense losses in Russia and it became obvious that they cannot win, Romania considered negotiating since 1943 its way out of the war (Puşcaş, 2003). In 1942 the American government informed Romania, through private channels[54], that withdrawing the armies from the Soviet territory behind the frontier-lines of 1940 is acceptable and understandable – but advancing would be a strategic mistake. One year later, Marshall Antonescu, the Ministry of Foreign Affairs and the leaders of the Democratic opposition (Iuliu Maniu, Dinu Brătianu) joined their efforts and sent various messages to London, Washington and Moscow both officially and in private. Yet, very aware of the unnatural alliance between the Anglo-Saxon powers and the USSR, Romania hesitated; for historical reasons – twelve Russian invasions in 150 years, long military occupations and land annexations –, the country's diplomatic agents preferred negotiating only with Great Britain and the USA, not with Soviet Russia. What Romania was asking for, in 1943, were British and American guarantees for the country's frontiers, and a fair truce treaty. If Romania was to negotiate with the Soviets, that had to be done only with an Anglo-American undertaking or their formal assurance. In the same time, Antonescu had started negotiations with Mussolini so that Romania, Italy and other Axis allies would withdraw from the German alliance, forcing Hitler to start talks with the British and the Americans (Baciu, 1988).

Romania's initiative met Britain's own attempt to detach Romania and Bulgaria from the German alliance. Britain had almost accepted the idea of a territorial guarantee offered to Romania,

[53] It is from this point of view that his contact with British industrial corporations has to be understood (as president of Uzinele Reşiţa he was a collaborator of Vickers-Armstrong and of Nobel Industries, later Imperial Chemical Industries)(Teichova, Lévy-Leboyer, Nussbaum, 2002; Davenport-Hines, 2013; Deletant, 2016); this would bring a certain convergence with the British intelligence. To these one must add Barbo Stirbey's support for the creation of a British military base at the Black Sea (Cîrstea, 2013).

[54] Private meeting in Bern of Marthe, Princess Bibesco with Leland B. Harrison, US Ambassador to Switzerland (former US minister to Romania), see Bibesco, 1957.

but the US hesitated, as political views in Washington and military decisions on the field were not always compatible. It was in these circumstances that Prince Stirbey (using the codename 'Bond') was allowed to go to Ankara and Cairo, to negotiate with the Allies the decoupling from Germany. Firstly, because he was a skilled negotiator; aecondly, he was at the centre of an intelligence network that offered him both the means and the credibility to negotiate[55].

In March 1944, he was to meet British diplomats in Ankara (Petersen, 2010); he expressed support for Marthe Bibesco's suggestion to create an Eastern European Federation based on the former Little Entente, Poland and Greece (Diesbach, 1998), a project that partly superposed Churchill's idea of a Danube federation (Potsdam, 330). Later, in Cairo, he delivered Romania's proposition: a military U-turn against Germany if Romania receives guarantees of post-war territorial integrity and independence. The Americans initially agreed, and went as far as offering Romania the status of co-belligerent. But parallel talks were held through the Soviet embassy in Stockholm by the Romanian government, with little efficiency, and time was running out. As the Soviet armies drew closer to Romania, the Allies were increasingly asking for the country's unconditioned surrender – a proposal considered unacceptable by both Antonescu and the democratic opposition, which brought a new round of talks. As the Anglo-Americans were already focusing on the Normandy landing, they asked Romania to negotiate now with the Soviets and to treat them as equal partners of Britain and the USA within The United Nations. Or, the first reaction of Soviet Russia was to demand recognition of the July 1940 frontiers, consecrating the loss of Bessarabia and of northern Bukovina, next to a series of exorbitant territorial and political demands (Petersen, 2010).

In addition, Stirbey assumed a risk by going to Cairo. In spite of this, his mission, supposedly secret, has been publicly unmasked (Puşcaş, 2003; Baciu, 1988; Petersen, 2010). The origins of the leak are still debated and concern possible agents from Bucharest, ambitious politicians unwilling to see the truce with the Allies signed by Marshall Antonescu or the British themselves, in an attempt to determine a German invasion of Romania and thus reduce the number of *Wehrmacht* soldiers fighting in the West. The debate extends to whether it was genuine leak or

[55] Of his four daughters, one has married John Boxshall, collaborator of the MI6 office for Romania; another one was the wife of Alexandru Cretzianu, ambassador in Turkey, and a third was the spouse of a State official, head of the Cipher Bureau.

if it was Stirbey himself who blew the whistle, in a plan agreed with the British, meant to distract the Germans in the East, so that the Normandy landing could be meticulously prepared.

In 1945, the young King Michael of Romania thought of appointing Stirbey Prime-Minister and head of a grand coalition government including representatives of the Communist party. It was a strategy of appeasement and an attempt to diminish the Soviet influence in the country. In addition, Stirbey's British connections were vital in balancing Moscow's political pressure. Foreseeably, the Soviets opposed and imposed Groza, their own political tool. Vyshinski, former Soviet State prosecutor and minister of foreign affairs, deliberately came to Romania in early March 1946 to make sure opposition is handled properly. Apparently it was. Barbo Stirbey died the next day after attending the Soviet embassy reception he was invited to (Tănase, 2017, 2020).

A few conclusions

Opening a new direction of research, the article above is merely a fresco of a few Romanian historical figures, meant to illustrate the capacity of certain private individuals to act at international level, based on personally cultivated relations and designed to serve Romania with the intent of keeping the country in a partnership with Western powers, on political and economic ties. The arrangement went back to a creed originating in how the three families' predecessors approached international relations and foreign policy in the 19th century: based on the idea that Romania should develop in a European system built on international treaties, in an international society defined by law, negotiation, mediation and cooperation.

The action line of the three families was asymmetrical and not always concerted, but it covered key areas of diplomatic interaction, not only in politics and economy, but also in culture, international law and diplomacy. It is in this way that the Bibesco, Brancovan and Stirbey families belong to a "European international" created and shaped by historical elites with an undeniable influence in foreign affairs, especially in Europe until late in the 1980s – a topic that needs further, comprehensive exploration.

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