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THE SPITZENKANDIDATEN PROCESS – AN ATTEMPT TO EUROPEANISE ELECTIONS OR A TOOL TO INFLUENCE THE POLITICAL SYSTEM OF THE EUROPEAN UNION?

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Abstract: *The aim of the article is to investigate how a change in the election method of the President of the European Commission influenced the political system of the European Union. Given the 2014 election results and the consequences of actions taken by the European Council in 2019, a question arises: what opportunities did the party families hope to be brought by The Spitzenkandidaten process? Did it strengthen cooperation among national parties belonging to the same European party during the campaign? How has the role of the European parties in the EU's political system changed? What attitude to The Spitzenkandidaten process did individual European party families display? Has this process exacerbated turf wars between institutions? The purpose of the considerations made in the article is to verify the following hypotheses: H1: The Spitzenkandidaten process was an attempt of strong party families to gain influence in the EU executive. H2: Changes to the election method of the President of the European Commission introduced in 2014 led to the changes in the European parties functions within the EU's political system. During the studies, the author used the method of in-depth interviews with individual representatives of the European People's Party (EPP), the Progressive Alliance of Socialists and Democrats (PES), and the Alliance of European Conservatives and Reformists (ACRE). Twenty-five interviews were conducted..*

Keywords: The Spitzenkandidaten, Party at the European level, President of the European Commission, European Parliament.

1. Introduction

Elections to the European Parliament (EP) are referred to as second category elections (Reif, Schmitt 1980; Hobolt et al. 2009; Hix, Marsh 2011) due to low voter turnout, lack of citizens' interest in European affairs, and the manner of running a campaign by parties which focus during it on national issues. Although transnational federations of European parties were established in 1979, their role was not widely recognized until 2014.

The very process of institutionalization of the transnational European parties was spread over time. In 1992, the Maastricht Treaty legally institutionalized them, and it was laid down that they “will express the political will of the citizens of the European Union”. However, until 2014, there was hardly any cooperation to be seen in the European parties during the elections to the European Parliament. They also did not perform their function, which involved “expressing the will of citizens” and was laid down in the treaties. A chance to change their role in the elections appeared with the provisions included in the Treaty of Lisbon, which introduced a different election mechanism of the President of the European Commission (EC). Under the new provisions introduced in 2009, after consultations with the European Parliament and taking into account the election results, the European Council (EUCO) approved the candidate for the President. In practice, this element was meant to enhance the role of the European parties in the EU’s decision-making process about concerning the interpretation of this provision by the Member States and the EP. During the elections to the EP, the European parties were to nominate their candidate for the President of the European Commission as part of the so-called *The Spitzenkandidaten* (lead candidates) process. This mechanism was used for the first time in 2014 and then in 2019. Although the first direct elections to the European Parliament were held in 1979, it was only in 2019 that they assumed an-European character.

The topic of change of the election method of the President of the European Commission was analyzed in the context of changes to campaign actions taken by the European parties and the increase in voter turnout (Schmitt, Hobolt, Popa 2015; Popa, Schmitt, Rohrschneider 2016; Hobolt 2004; Dawson 2019), as well as the impact it had on the EU’s political system (Christiansen 2015; Kassim 2017; Gomez Wessels 2015; Dinan 2015; Deckarm 2017; Christiansen 2016; HeidebrederSchade 2020). Literature on the subject also discusses the of legal institutionalization of the Lead Candidate process and the selection procedure of a potential Lead Candidate in the European parties (Wolfs, Put, Van Hecke 2021). This topic has not been exhausted, however.

Given the 2014 election results and the consequences of actions taken by the European Council in 2019, a question arises: what opportunities did the party families hope to be brought by this mechanism? Did it strengthen cooperation among national parties belonging to the same European party during the campaign? How has the role of the European parties in the EU’s political system changed? What attitude to *The Spitzenkandidaten* process did individual European party families display? Has this process exacerbated turf wars between institutions?

The purpose of the considerations made in the article is to verify the following hypotheses:

H1: *Spitzenkandidaten* process was an attempt of strong party families to gain influence in the EU executive.

H2: Changes to the election method of the President of the European Commission introduced in 2014 led to the changes in the European parties functions within the EU's political system.

Writing the article, the author used the following research methods: institutional and legal analysis, desk research, and in-depth interviewing method. The article presents the results of empirical studies conducted in the European Parliament, which were funded by the National Science Centre¹. During the studies, the author used the method of in-depth interviews with individual representatives of the European People's Party (EPP), the Progressive Alliance of Socialists and Democrats (PES), and the Alliance of European Conservatives and Reformists (ACRE). Twenty-five interviews were conducted. Respondents' answers were anonymised; only the political affiliation of the European parties representatives remained unchanged. The answers were designated by abbreviations formed from the English name of the party and the interviewee's number e.g., EPP_1, ACRE_3.

2. European parties in the EU's political system

The European Union is not a typical international organization which aims to enhance cooperation in economic affairs. However, together with the development and spread of integration through a free-trade area, customs union, and the establishment of the European Union, the institutions that came into existence during its operation started to acquire competencies within the executive, legislative and judicial authority.

According to Simon Hix, together with the relations within European integration growing closer and the development of new cooperation mechanisms between the Community institutions, the EU started to acquire the characteristics of a political system. Hix noticed that the European Union had the elements characteristic of political systems, such as a stable and clearly defined system of institutions and role division in the context of their management, permanent and mutual

¹ The article was written as part of the research project no. 2016/23/N/HS5/00391 funded by the National Science Centre.

links between the environment of the political system, and solutions implemented in the decision-making processes (Hix 2010).

The executive authority is divided between the European Council, the European Commission, and the Council of the European Union. The European Council is responsible for defining the direction of the Union. The EU Council has legislative and executive powers. The European Commission plays the role of the government. Each of the 27 Commissioners is responsible for a specific policy area that lies in the EU competencies. In addition to legislative initiative, the EC plays a supervisory role over the Member States, for example, by monitoring how they implement the law. The Council of the European Union, the European Commission, and the European Parliament share the legislative authority. The European Parliament performs three main functions: legislative, supervisory, and budgetary. In the legislative procedure, on the proposal of the European Commission, it adopts together with the European Council European legislation, approves decisions in relation to signing international agreements and EU enlargement, and may also request the Commission to submit a legislative proposal. In addition, the European Parliament approves the candidate for President of the Commission by approving other candidates for EC members and the presidents of the European Central Bank, the European Court of Auditors, or the European Ombudsman. The European Parliament also has supervisory powers over the Commission, for example, by granting the discharge of the budget. On the other hand, the judicial power is, on the other hand, exercised by the Court of Justice of the European Union and national courts. Thus, the EU's political system functions differently from the national political system, and EU policies are formulated without applying practices and processes typical of representative policy (Paczeński 2014).

Although the European parties do not form part of the EU's institutions, they hold certain powers enshrined in treaties. Thus, they perform functions in the EU's political system, which are characteristic of national political parties. For example, studies indicate that the European parties perform organizational and integrational functions, financial functions, and electoral functions (Skrzypek 2014; Kosowska-Gąstoł 2014; Schmitt, Hobolt 2015; Gattermann, De Vreese 2017, Wiśniewska 2020).

One of the activities which the European parties undertake while performing their organizational functions involves establishing party structures at the transnational level and in the EP. Within the European party, members of the European Parliament work in task groups with

members of the presidium on the issues that fall within the area of the EU's activity. As part of transnational cooperation, they work on common manifestos which are published before European elections. In addition, they organise congresses and party meetings which are attended by members of the European Parliament, representatives of the parties belonging to the political family, and representatives of candidate countries. From the perspective of the parties whose members failed to join the European Parliament, participation in the events organized by the European parties is a bridge between the party and EU structures. Furthermore, the European parties integrate parties from non-Member States. As recently as in the 1990s, EPP and PES were taking action to support the countries undergoing democratic changes. Cooperation with EU entities was regarded as an act of legalization of democratic changes, which could be seen in Georgia or Moldova. Since parties from non-Member States can belong to the European parties, it is a common practice for them to join European party families before accession. MPs from the candidate countries are also socialized by political groups – they are, for example, invited to the European Parliament as observers.

Initially, the European parties were financed by the political groups operating in the EP, and it was the fractions related to them that played a more important role during European elections. Since 2003, when the EP adopted provisions forbidding financing election campaigns from the EP budget, the role of the groups has diminished, and the European parties have become solely responsible for financing pan-European campaigns (Sasmatzoglou 2013). In 2011, they were granted funding from the EP budget, and as a result, they could intensify campaign action. Since then, they have started to perform the function financed for the national parties. Therefore, they can financially support the national parties during and between elections by co-financing the events that focus on European Union-related topics. During elections, funds from the European parties budget are spent on campaign gadgets and Lead Candidates' activities. In 2014, the European parties were granted 4.5 million euros for activities promoting Lead Candidates.

The rules of financing the European parties changed in 2019. Since then, 85% of the funds coming from the EP budget are divided proportionally among the European parties, provided that they have their representatives in the EP. 15% constitutes, on the other hand, the European parties contribution. The chart below shows the funds that the European parties have at their disposal. EPP and PES received the most funding from the EU budget. Thus, the largest European party

families have the funds necessary to run an office, pay administrative fees, maintain an official seat or support national parties.

The main function of transnational federations of political parties was established in 1979 was to coordinate European elections. Until 2014, the role of the European parties was limited to organizing congresses (by such parties as PES, EPP, EGP, ALDE) which were attended by national parties and drawing up election manifestos. In the programs of the European party family, they presented their visions for European integration. The candidates rarely used the programs at the national level. Members of the European Parliament focused mainly on national affairs, which their electorate seemed more interested in. Supporting national parties, the European parties performed their electoral functions. They were, for example, preparing informative and promotional materials with the logo of the European party. Since 2014, their role in the European campaigns has changed, and their actions have taken on more pan-European character. The changes resulted from a new election method of the President of the European Commission. Since 2014, the European parties have been responsible for nominating a candidate for the President of the European Commission during elections to the European Parliament. As a result, the actions have been intensified, and the candidates for the EC President started to present the logos of the European parties. The parties started to compete with each other at the European level. Viewpoints of particular European families on the problems that EU citizens had to face started to be presented during debates. Moreover, in 2019, the candidates representing particular European parties were willing to support member parties by participating in the events organized by the parties at the national level.

3. Institutionalization of the Spitzenkandidaten process

The change of the election method of the President of the European Commission was initiated in the 1990s due to works on the Treaty of Amsterdam. The idea of the European Parliament strengthening its role in the decision-making process and proposing a candidate for the EC President was put forward by the representatives of Denmark, Greece, and Austria. They were working on the amendments to the Treaty on European Union as part of “*Reflection Group*” led by the member of the European Parliament, Westendorp. Their idea did not gain, however, much support among the Member States. As a compromise, the Greek government proposed a solution that assumed that the European Parliament would approve the candidate of the European Council.

Ultimately, the Treaty of Amsterdam provided that the European Parliament should approve the candidate for the President of the European Commission.

The idea of the European parties nominating their candidates for the EC President before elections (European Parliament 1995) was first suggested by the member of the European Parliament, David Martin, associated with the Party of the European Socialists.

Further steps in this matter were taken in 1998 by Elhmar Brok from the European People's Party. In the report of 1998, he proposed two ideas for electing the EC President. The first idea assumed that the European Council would take into account the EP election results nominating a candidate for the EC President. The second idea was based on the *Spitzenkandidaten* system under which the European parties were to nominate a candidate before the EP elections Council whom the European Council would later approve, provided that the European parties they represented won the elections. The Lead Candidate procedure was included in the resolution presented by the Committee on Constitutional Affairs (AFCO) and adopted in the EP resolution in 1999. The resolution was adopted by the votes cast by the MEPs from the following groups: EPP-ED, ELDR, PES, and GUE/NGL.

The idea of changing the election method of the President of the European Commission was brought up again during talks at the European Conference on the Future of Europe. In a draft of the Constitutional Treaty, the EPP representatives, Elmar Brok and Alain Lamassoure proposed that the European Council should nominate a candidate for the President of The European Commission, taking into account the election results to the European Parliament. Later, the European Parliament was to vote on the candidacy and approve it by a majority of votes. Adopting such a solution would mean that a vote in favor of a particular European party would be equivalent to electing a particular candidate for the President of the European Commission. The proposal was included in the draft of the Constitutional Treaty, which eventually did not come into force after being rejected in a referendum by the citizens of the Netherlands and France.

Although that new treaty regulations failed to be adopted, the European People's Party announced that the leaders of the countries and governments associated with it would support after the elections to the EP only this candidate for the President of the European Commission who belonged to the winning European party. EPP opted for such an election method of the President mainly because the political group associated with it had had a significant number of mandates in the EP for years.

The Lead Candidate process was partly implemented in 2005. Due to the heads of the countries and governments associated with EPP and PES, José Manuel Barroso became the President of the European Commission (Beukers 2005). Following its declarations from 2004, in 2009, before the next elections to the European Parliament, EPP put up its candidate for the President of the European Commission. It was again José Manuel Barroso. In 2009, other political families, PES and EGP, which supported this mechanism, also considered nominating their candidate for the President of the European Commission before elections to the European Parliament (Sasmatzoglou 2013). Neither social-democrats nor the Greens were able to decide within their parties about whom to nominate as a candidate.

According to Article 17(7) of the Treaty of Lisbon, the President of the European Commission is elected in the following manner.

“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.” (Treaty on European Union)

The final stage of legal institutionalization of the Lead Candidate process took place in 2010. The initiator of this was the European Commission chaired by José Manuel Barroso. The *Spitzenkandidaten* process was suggested in 2012 by the then President of the European Commission - José Barroso – in the State of the Union (Barosso 2012):

“A necessary means to deepen the pan-European political debate would be the presentation by European political parties of their candidate for the post of Commission President at the European Parliament elections already in 2014. This change can be done without Treaty change. This would be a decisive step to make the possibility of a European choice offered by these elections even clearer. I call on the political parties to commit to this step and thus to further Europeanise this European elections” (Barosso, 2012).

The idea was not supported by all the leaders sitting in the European Council. Among the opponents, there were, for example, the Prime Minister of Great Britain, James Cameron, or the Chancellor of Germany, Angela Merkel, who pointed out that she could not see any link between the Lead Candidate and the President of the European Commission (Höing, Müller, Gómez, 2014). At the forum in Strasbourg in 2013, the members of the European Parliament held a debate during which they addressed the need for the European parties to play a greater role during elections. One of the participants in the debate was Viviane Reding, the Vice President of the European Commission, who referred in her speech to Eurobarometer surveys and conclusions from citizens' dialogues which indicated that citizens would be more willing to take part in the elections to the European Parliament if they could also vote on the President of the European Commission (European Parliament 2013). As a result, the European Parliament adopted a resolution in which it requested the European parties to nominate candidates for this position before the 2014 elections. Moreover, the Greens/EF Atabled amendments to the AFCO Committee proposed that the candidates for the EC President visit the Member States. The resolution was adopted by EPP, PES, ALDE Party, and the Greens/EFA.

In one of the interviews, the EPP Secretary-General, Antonio Lopez, stated that consequently, it was the European parties, and not the European Parliament, that obtained a decisive voice in electing the President of the European Commission.

In 2014, the European Council, the European Parliament, and political European parties concluded an interinstitutional agreement. As a result, in 2014, the European parties were to nominate their Lead Candidates, and the candidate of the winning European party was to be appointed President of the European Commission.

4. Opinion on Spitzenkandidaten process among European parties' representatives

Opinions as to the change of the election method of the President of the European Commission vary among the members of the European Parliament and decision-makers within the European parties. EPP and PES representatives perceived this election method as a chance for increasing the European parties recognition among voters:

The idea itself is not bad. It gives the possibility of voting not only for a particular party but also for 'the face' who represents it. This may have an impact on voter turnout during elections. (PES_2)

From the perspective of marketing theories, choosing a particular politician for the face of a political party may result in greater identification with the party among voters. Voters then cast their votes on a particular person, and not only on the party's logo. The main problem during European campaigns was insufficient exposure of the European parties logos compared to national parties' logos. During the campaigns in 2014 and 2019, the candidates for the EC President were given exposure in the media during television debates. They also visited the Member States and supported the candidates from the parties associated with the European family.

It is like an attempt to say that European citizens will know more about the European structures by voting for the national candidates to the European Parliament. When you are talk about elections, when you are try to convince someone to do something in politics, saying that someone should vote for the structures is simply not enough. It is a person who is the symbol .It must be someone charismatic. That is why it is so important. (EPP_9)

During the last two campaigns, increased activity and visibility of the European parties in the media could be observed.

In 2014, 22,676 voters from all Member States took part in electronic voting on the EGP candidate (Put, Van Hecke, Cunningham 2016). In 2014, ALDE could choose between two Lead Candidates – President of the Political Group Guy Verhofstad and Commissioner Olli Rehn. In 2014, in EPP Jean-Claude Juncker vied in internal elections with Commissioner Michel Barnier. In November 2013, the EPP Political Bureau nominated Martin Schulz as its candidate, and his candidacy was approved at the Congress in Rome in March 2014. Once the Lead Candidates had been nominated by the European parties, EPP claimed to be the only major European party with an open, transparent, competitive, and democratic nomination procedure (Dinan 2015). Television debates of the candidates for the EC President were held with audience participation. The possibility of asking questions facilitated direct interaction between the citizens and the European parties representatives.

Moreover, the representatives of the party families associated with PES and EPP regarded such an election method of the EC President as an opportunity for strengthen the European Parliament's role and the European parties in the European political system.

The change of the election method and nomination of Lead Candidates is simply an element of the influence the European parties exert on the political system. (PES_04)

The interviewees representing the parties that are less enthusiastic towards the idea of strengthening the federal elements of European integration regard this change as an attempt to strengthen the role of the European Parliament and the victorious political families. In contrast, the element of choosing 'the face' of the European campaign seems to be unimportant to them.

The aim of this change is to increase the role of the political groups and of the European Parliament in the decision-making process as regards filling the post of the Commission President. It is of no importance from the perspective of voting behavior displayed by the supporters of particular political parties. The same party affiliation or the Spitzenkandidaten process is too remote from the voters. (ACRE_1)

Another interviewee emphasized that the *Spitzkandidaten* process does not necessarily have to facilitate democratization of the European elections. This procedure enabled the biggest ideological group to choose the President of the European Commission by the backdoor.

Knowing from the statistical research which family is going to win, one can easily predict who will be the number one. The winner is likely to have their candidate selected for the EC President. Practically, it is enough to get 30-40% of votes at the party congress, and you can choose the EC President from one of the political families. This means that in practice, parties from 3-4 largest countries decide who will be EC President. (...) Therefore, it can be said that we developed a machine this is seemingly democratic, but in fact, it is anything but that. (EKR_03)

As a result, the election power shifted from the intergovernmental European Council to the most powerful parties from the largest Member States, giving them an influence on the executive.

5. Selection of the lead candidates in 2014 and 2019

Research on the selection procedure of candidates within the European party shows that the formal requirements for candidates do not vary much among the European parties. In 2014, EPP, PES, ALDE, and EGP candidates had to be supported by their national party and a specific number of other European parties. In 2014 and 2019, EPL lacked formal selection procedures. The PES candidate had to be supported by 15% of all member parties. The parties could support only one candidate. Before presenting a nominee at the Congress, his candidacy had to be approved by the party leaders. EPP, PES, and ALDE nominees had to be supported by the delegates at the election congress. EGP members submitted their votes on candidates in e-voting. Every citizen who was at least 16 years of age could take part in the voting. In 2019, ALDE changed its candidate selection procedure.

In 2014, only five out of thirteen European parties nominated their *Spitzenkandidat*. As a result, in 2014, there were six candidates for the President of the European Commission: Jean-Claude Juncker from EPP, Martin Schulz from PES, Guy Verhofstadt from ALDE, José Bové and Ska Keller from EGP and Alexis Tsipras from EL. It was the parties which in their policies and election programs opted for the federalization of the European Union that decided to nominate their Lead Candidates. The parties that were against deepening European integration or those that ran into strong resistance from some member parties did not nominate their Lead Candidates. In February 2014, the President of the European Conservatives and Reformists declared the “lack of a European demos makes this election method of the European Commission President illegal” (Keating 2019). It is worth remembering that the British who were against combining the elections to the EP with the appointment of the EC President from the very beginning constituted in 2014 the second political power in the ECR group and the ACRE party.

Before the 2019 elections, seven candidates for the post of the President of the European Commission were presented. In 2018, there were already two politicians in EPP who were vying for the nomination for the Lead Candidate – Manfred Weber, who was then the President of the EPP political group, and Alexander Stubbe, the Finnish Prime Minister. It was Manfred Weber who won the internal elections by a majority of votes. PES did not hold internal elections. Socialists nominated by a majority of votes Frans Timmermans, who held the position of the Vice President in Jean Claude Juncker’s Commission. Same as in 2014, the Greens nominated two

candidates: Ska Keller for the second time and Bas Eickhout. In 2019, ALDE did not nominate *Spitzenkandidaten* and decided that the programme of Liberals and Democrats was going to be presented during the European campaign by a group of people – Team Group, which was comprised of seven people. The group's selections was to reflect ideological differences, party's geographical location and gender-balanced. In the European Left, the candidates for the President of the European Commission were nominated by the EPL leaders. Taking into account the issues of gender balance and geography, EPL decided that its program and vision were going to be represented by Nico Cué and Violeta Tomic. The candidates chosen by the EPL leaders were approved by the member parties.

In the 2019 elections, the Lead Candidates' race was joined by the Alliance of European Conservatives and Reformists and the European Free Alliance. In ACRE, the politician seeking nomination as the Lead Candidate had to win the support of ACRE and the members of the European Christian Political Movement (ECPM), which ACRE cooperates with and which belongs to the same group in the EP. Later, members of the ECR political group participated in voting (Wolfs, Put, Van Hecke 2021). ACRE nominee was Czech MP Jan Zahradni, who held the position of ACRE President. He was the only candidate seeking the nomination as *Spitzenkandidat*. ACRE decision regarding the Lead Candidate's nomination was influenced by the fact that the British, who were in the final phase of negotiating their withdrawal from the European Union, had less influence within the European party and ECR group.

In the European Free Alliance, there were two politicians seeking the nomination as the Lead Candidate. Eventually, it was Orio Junqueras who won the support of the EFA Bureau. His candidacy was formally approved in March 2019 by the General Meeting (Wolfs, Put, Van Hecke 2021). EFA regarded the *Spitzenkandidaten* procedure as an opportunity to draw public attention to the political issues related to Catalonia's independence and the situation of Scotland in the face of Brexit (Wolfs, Put, Van Hecke 2021).

6. Analysis of the 2014 and 2019 election of the President of the European Commission

In the 2014 elections to the European Parliament, two European parties gained an advantage; these were the European People's Party and the Party of European Socialists. EPP won 221 seats and PES 191. The next power was the Alliance of European Conservatives and

Reformists (70 seats), ALDE with 67 seats constituted the fourth power. Populist parties also enjoyed much support among citizens. The topic which prevailed during the 2014 election campaign was the economic crisis and its consequences, and the populist parties tended to attack the EU's institutions and the monetary union, blaming the crisis on the European Union (Sasmatzoglou 2013). Considering the election results and prior arrangements, the European Council proposed to the European Parliament Jean Claude-Juncker as a candidate for the President of the European Commission. Before the European Council summit, Jean Claude-Juncker met with the EPP, PES, and ALDE MEPs. He won their support, and it was agreed that he would take the post of the Vice President of the European Commission if Germany were to nominate Martin Schulz as the candidate for the Commissioner. Formally, the candidate had to win a majority of votes among the heads of the countries and governments at the European Council summit. However, some of the state leaders did not approve of his candidacy and the *Spitzenkandidaten* procedure itself. One of the most influential opponents within the European Council was Angela Merkel. Although they both belonged to the same ideological family of political parties, former Luxembourg's Prime Minister had more social democratic views rather than Christian democratic ones (Dinan 2015). Differences in approach of Jean Claude-Juncker could be mainly observed during the economic crisis when Juncker was lobbying for the issuance of Eurobonds, which would not be advantageous from Germany's economic perspective.

On the other hand, British Prime Minister David Cameron, on the other hand, was not interested in strengthening European Parliament's powers because this would be a step towards building a solid supranational institution. Instead, like most Eurosceptics, Cameron wanted the intergovernmental European Council to have a powerful voice (Dinan 2015). At the informal European Council summit in May 2014, it turned out that Cameron was not the only one who was against Juncker's candidacy; however, he did not manage to form a broader coalition against this candidate.

The European Council summit regarding the election of the President of the European Commission was held on 26 and 27 June 2014. Despite the opposition voiced by Great Britain and Hungary, the European Council proposed to the European Parliament Jean Claude-Juncker as a candidate for the President of the European Commission. What spoke in favor of his candidacy was over a decade of political experience, which made him a well-known figure among the leaders of the EU member states. For many decades EC Presidents held important positions: they were

prime ministers, as well as ministers. Jean Claude-Juncker fitted this description perfectly. Moreover, his experience somewhat guaranteed that he would be able to serve as President of the European Commission.

It was recorded in the EC conclusions that Great Britain voiced concerns about the nomination procedure of the candidate for President of the European Commission. Due to the opposition expressed by some of the state leaders, it was also recorded in the conclusions that once a new Commission was formed, the Council was to deliberate how to appoint the President of the European Commission in the future.

Although in 2014, the election of the President of the European Commission was run in a spirit of a reached a compromise, the atmosphere after the 2019 elections and moods among the leaders of the states and governments no longer reflected aspirations for EU consolidation. The political situation changed alongside the divisions on the European party scene. Although after the elections, EPP still outnumbered other political groups, it was Liberals and Democrats who turned out to be real winners, thanks to 21 French MPs from Emmanuel Macron's party who joined ALDE. French MEPs dominated the ALDE group, resulting in ALDE changing its name for Renew Europe. With 98 seats, the new group became the third power in the European Parliament. Empowerment the position of the liberals changed the political situation in the European Parliament and broke "the grand coalition" of Christian democrats and social democrats, which had existed for many years. With a 50% turnout, which was the best result since 1994, European citizens clearly showed that they did want to maintain the status quo in the European Parliament. Political families of Christian democrats and social democrats lost 70 seats, whereas liberals, the Greens, and populists gained 99 seats more than in 2014. Although, as a winning party EPP could still demand that its candidate hold the position of the President of the European Commission, it had to reckon with other political families. The President of France, Emmanuel Macron, used his strengthened position during negotiations on the approval of the candidate for President of the European Commission.

After the European election results were announced, leaders of the states and governments met at an informal dinner preceding the European Council summit, where they discussed the election process of the President of the European Commission. After this meeting, the President of the European Council emphasized that the President of the European Commission would be elected in compliance with the treaty provisions:

“The Treaty is clear: the European Council should propose, and the European Parliament should elect. Therefore, the future President of the European Commission must have the support of both a qualified majority in the European Council and a majority of the Members of the European Parliament.” – Donald Tusk’s remarks after the informal European Council dinner (Official website, Consilium 2019).

Right after the European election results were announced, *Spitzenkandidat* Manfred Weber tried to organize a post-election meeting with the presidents of the biggest political groups in the European Parliament. However, seeing that after the election, there was a chance for a change on the European political scene, the Greens, ALDE, EL, and ECR did not agree to meet with him (Politico, 2019). During further negotiations, he also failed to receive support from most fractions of the European Parliament.

The President of the European Council started consultations with the EU member states and the European Parliament in order to lay the groundwork for negotiations on the election of the President of the European Commission. The European Council wanted to participate in the election of the EC President, and one of the criteria that it declares to take into account was balance. Moreover, the election was supposed to reflect the EU’s diversity in terms of geography, size of the country, gender, and political affiliation.

The President of France, Emmanuel Macron, did not support such election method of the President of the European Commission. He wanted the EU to have a transnational list of candidates so that all European voters could vote on the same candidates and European parties leader. The candidacy of Manfred Weber did not find the approval of the French and other Council members. The FIDESZ party of the Prime Minister Viktor Orbán was suspended from membership of the EPP party before the election to the European Parliament. In the Council, it came to political and party competition between EU leaders, since each supported their candidate’s campagne (Heidbreder Schade 2020). Although Weber was known at the European level as President of the EPP party and later as President of the EPP Group in the European Parliament, unlike his predecessors in the post, he did not have experience holding higher public positions. It was also one of the objections raised at the meeting of the European Council in June. The other candidate was the representative of Social Democrats – Frans Timmermans. His candidacy, however, met with the objection of two Central and Eastern European countries, which was due to the actions he

took during his term in the former European Commission, where he was responsible for issues related to the rule of law. Although Timmermans gained Angela Merkel's support, other EPP representatives, for example, Leo Veradkar and Andrej Plenković, did not approve of his candidacy because it would make their political family lose its position (Politico 2019). This stand was supported by MEPs from the EPP group, who did not want to vote for a candidate who was not a social democrat. Since the candidates nominated by the political families were not approved by the European Council, and it was not certain whether the MEPs would approve them by, the leaders were faced with the task of finding a new candidate for this post. The person who was able to gain a majority in the Council and the EP and represent the winning political family was Ursula von der Leyen. Her candidacy met with the approval of the conservative majority and representatives from Central and Eastern Europe.

Moreover, she had experience in holding a ministerial post at national level (Heidbreder, Schade 2020). She held the post of the Minister of Family Affairs and later of the Minister of National Defence of Germany. She was unanimously nominated for the President of the European Commission by the European Council.

A nomination of a social democrat for the President of the European Commission also affected the division of functions in other institutions. Considering the elections to European Parliament, the families of political parties separated the posts of the President of the European Parliament, President of the European Central Bank, President of the European Council, and the High Representative for Foreign Affairs and Security Policy. As a result the President of the European Parliament and the High Representative were held by representatives of the social-democratic family. In contrast, politicians associated with Christian democrats held the posts of the President of the European Central Bank and the President of the European Council.

7. Summary

As the analysis of the actions taken by the European actors shows, the least important role in supporting the *Spitzenkandidaten* process was played by the European Council and the Council of the European Union. Initially, also smaller parties and political groups were not engaged in changing the election method of the President of the European Commission. However, the 2014 European elections and Jean Claude-Junker's success encouraged even the most Eurosceptic parties to nominate their candidates in 2019.

The analysis shows that each institution perceived the change of the election method of the EC President as an opportunity to attain different goals. For the European Commission, the possibility of presenting to the citizens the candidate for the President was an opportunity to personalize the campaign and build a connection between the candidate and the voters. MEPs regarded this change as an opportunity for to increase the importance of the European Parliament in the EU's decision-making process and increase the level of EU legitimization. Large families of European parties (EPP, PES) perceived it as an opportunity for strengthening their position on the European scene and making their candidate more likely to hold the position of the President since EPP and PES gained the most seats in the elections to the European Parliament. For the political families interested in deepening cooperation within the European Union, engaging the European parties in the process of the EC President's nomination was an instrument to institutionalize their role in the political system. As the 2014 and 2019 campaigns showed, the European parties attempted to Europeanise election-related activities. On the other hand, the Eurosceptic parties perceived this mechanism as anti-democratization of the election procedure. However, in 2109 they ultimately decided to nominate their candidates.

The situation after the 2019 elections showed that in the end, it was the decision of the state and government leaders. Thus, the Member States became again responsible for making decisions. State leaders used their positions to present contrary opinions, and party and political interests predominated over the balance of power in the Council. The Actions of state leaders highlighted the internal conflicts which the European Union has been facing. It has also been confirmed that the opinions within the EU regarding European integration and how it should proceed are mixed.

If this procedure is to be used again in 2023, the European parties should reconsider the nomination procedure and the person who is going to represent them. Political experience and recognisability among European elites are important to the European Council, which is the institution nominating the candidate for the President of the European Commission in the end. However, the 2019 election results showed that we should bear in mind that it is the candidate of the winning political family that has the greatest chance to become the head of the EU's executive.

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GENETIC TESTING IN INSURANCE: IMPLICATIONS FOR NON-EU INSURANCE MARKETS AS A PART OF THE EUROPEAN INTEGRATION PROCESS

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Abstract: *The purpose of the research study is to investigate the implications peculiarities of genetic testing in insurance for non-EU insurance markets as a part of the European integration process. The research model was developed by reviewing the previous studies in the area of genetic testing in insurance. Also, it was applying the correlation-regression analysis for defining the relationship between the causes of death and life insurance market competitiveness in the context of genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process. The originality of the study is explained by the fact that it was described the genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process; secondly, for the first time was conducted the correlation-regression analysis of the interconnection of causes of death and life insurance market competitiveness (case study of Ukrainian insurance market) in the context of genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process). The scientific value of the research results also is explained via the possibility of apply these findings for start to regulate the using of the genetic testing for risk assessment at the Ukrainian life insurance market and in others European countries that are not members of the EU and in EU countries that do not have any specific regulations in the area of applying genetic testing technologies for risk assessment in insurance.*

Keywords: insurance, genetic testing, genetic discrimination, European Union, integration, human rights protection.

1. Introduction

Applying genetic testing technologies for risk assessment in insurance is not a new underwriting method at the international level. For example, a very big experience of it have

United States, Canada, Australia, Germany, Netherlands, Norway etc. However, not every country of European Union (EU) and even Europe as whole has at least a small experience in regulation of using genetic testing for insurance purposes. That's is why it is importantly to study the genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process.

Additionally, we strong believe that applying genetic testing for underwriting in insurance can be a significant step for improving both the health care system (early detection diseases, increase the treatment of diseases, etc.) and risk assessment in life and health insurance. These advantages can make a lot of competitiveness benefits for life insurance market and health care system as whole. For example, the most earlies research results of its topic were explored by *Pokorski (1991)*, *McEwen et al. (1992)*, *McEwen et al. (1993)*, *Pokorski (1997)*, and *Knoppers & Joly, (2004)*. The later discussions about genetic testing in insurance were related to the genetic discrimination (*Prince, 2016*); cancer treatment and diagnosing (*Lane et al., 2015*; *Dalpe et al., 2017*); personal and health insurance (*Riba, 2017*; *Barlow-Stewart et al., 2018*; *Newson et al., 2018*); clinical genetics and genome sequencing in health adults (*Tiller et al., 2018*; *Zoltick et al., 2019*). Thus, the interconnection between health care system and insurance market can make much more benefits for society if this relationship will be based on the scientific approaches and high technologies. Besides, taken in consideration the influence of health status and mortality factors on life insurance (*Santos et al., 2017*; *Tsendsuren et al., 2018*; *Serykh & Yang, 2019*; etc.) it is necessary to investigate the interconnection between the causes of death and life insurance market competitiveness as a part of genetic testing in insurance implications model. Because, genetic testing results can be very effective for risk assessment in life and health insurance, and also for diseases' detection, treatment and diagnosing of diseases. Consequently, its ones again explain the reason why we have decided to study the relationship between the causes of death and life insurance efficiency and competitiveness.

Hence, in this article, we continue a series of our scientific studies (the first-one was about use of genetic testing in life and health insurance (*Arych and Levon, 2019*) to investigate the necessity and relevance of implementing a risk assessment system in insurance through the genetic testing technologies for Ukrainian insurance market in the context of its European integration process. Furthermore, the results obtained in this study will be useful also for a lot of others non-EU countries (as a part of the European integration process) and their insurance markets as part of

a system for implementing the use of genetic testing as a new a high-tech tool and method for risk assessment in life and health insurance.

The aim of the study includes the following items: first, to investigate the implications peculiarities of genetic testing in insurance for non-EU insurance markets as a part of the European integration process (studying the international approaches for human rights protection through the using genetic testing technologies for insurance purposes; defining the benefits of genetic testing for insurance and health care system; assessing the factors influencing the insurance market: general, health status and mortality factors; analyzing the interconnections between causes of death and life insurance market competitiveness in the context of genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process).

The novelty of the research can be argued according by the fact that, firstly, it was described the genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process; secondly, for the first time was conducted the correlation-regression analysis of the interconnection of causes of death and life insurance market competitiveness (case study of Ukrainian insurance market) in the context of genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process). Furthermore, the scientific value of the research results also is explained via the possibility of apply these findings for start to regulate the using of the genetic testing for risk assessment at the Ukrainian life insurance market and in others European countries that are not members of the EU and in EU countries that do not have any specific regulations in the area of applying genetic testing technologies for risk assessment in insurance. It also will contribute to improve the efficiency and competitiveness of the insurance market and the health care system. Because the more widely using genetic testing technologies in insurance will have a positive impact on the disease detection process at their early stages that are related to the more effective treatment.

The research study is organized as follows. The first section describes the aim of the research topic, its novelty, and introduces its structure. Section 2 outlines the theoretical background and literature review of the genetic testing in insurance implications for insurance markets. Section 3 describes the international approaches for human rights protection as a part of using genetic testing technologies in underwriting; analyzes the benefits and advantages of genetic testing for insurance and health care system; describes the factors influencing the insurance market: general, health status and mortality factors; estimates the interconnection between the causes of death and life

insurance market competitiveness in the context of applying the genetic testing in insurance model for non-EU insurance markets as a part of the European integration process. Finally, the last section summarizes the research results, empirical findings and suggests directions for future research directions. Hence, the research study provides a comprehensive analysis of the genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process. The results of its discussions will be useful for establishing the regulation of applying genetic testing technologies in the underwriting process for European and other countries that do not legally use genetic results in insurance.

2. Theoretical Background

Today genetic testing technologies are very popular and widespread as a underwriting method in insurance in many countries, including in Europe. However, the history of genetic implication for insurance market is still not very long. Nowadays we exactly know that in the early 1970s some insurers in the U.S. denied of insurance protection or increased insurance rates (premiums) for African Americans who had a gene for sickle cell anemia (*Andrews, 1987*). But, the expansion and rapid development of applying genetic testing in insurance became possible after the international Human Genome Project (*NHGRI, 2003*) research results. According to its scientific goal it was reflected the entire human genome in 2003 (*Genetic screening ethical issues, 1993*). In addition, there are about 70,000 genetic testing products in the market (*Health Plan Landscape for Genetic Testing, 2018*) that give a lot of high-quality risk assessment opportunities in insurance market (*Lemmens T., Joly Y., Knoppers B., 2004*). But, applying genetic testing technologies for insurance market also have a many issues and challenges, for example, genetic discrimination (*Boyer-Kassem T., Duchene S., and Engelen B., 2017; Nicholls S.G., Joly Y., Moher E., Little J., 2014*) and adverse selection (information asymmetry) (*Thomas R. Guy, 2018*). That's why, the world and European experience show that there are different approaches for genetic testing regulation in insurance, for example, 'human rights', 'therapeutic limit', 'legislative prohibition', 'quality control system', 'moratorium', 'proportional approach', and 'status quo' (*Lemmens et al., 2004*). Today, different European countries have different approaches for applying genetic testing technologies in insurance. For, example, United Kingdom, Germany, and the Netherlands have defined that insurance companies have the right to require from insurance applicants the results of genetic testing if there are plans to sign insurance policy with very big

insurance coverage (*Office of the Privacy Commissioner of Canada, 2012; Durnin M., Hoy M., Ruse M., 2012*). Altogether, another group of countries, for instance, Austria, Belgium, Denmark, Finland, and Norway, have decided to use the principles of avoiding the genetic discrimination in insurance. Here, in these European countries there are legislative prohibitions for using and requesting genetic testing results of insurance applicants for risk assessment in insurance (*Canadian Coalition for Genetic Fairness; Goel S., 2018*).

Furthermore, *Nabholz C.E. (2011)* studying the fair risk assessment in life and health insurance argued that such type of regulation approaches for genetic testing in insurance as ‘ban of using’ is related to France and Portugal. Its method means that government may prohibit insurance companies from applying genetic testing results for underwriting process. ‘Limitation by law’ – related to Switzerland (there are different regulation approaches health and life insurance); ‘moratorium’ – in Sweden where using a voluntary moratorium not to apply genetic testing results in insurance. Also, in the European level, *Klein (2017)* defined that in Greece there is not any specific genetic testing in insurance regulations, however insurance companies voluntarily may do not request any genetic data before making insurance agreement with policyholders. Additionally, in Ireland – genetic testing results can be collected, but, like in Poland, it does not allow to apply this information for underwriting process; in Spain – it is prohibited any form of genetic discrimination, but altogether there is not any regulations that specifically applying for insurance market.

In general, just over ten European Union (EU) countries and some non-EU members (which have already been described previously in the research paper) have its own regulations in the area of applying genetic testing technologies and results in insurance for risk assessment. Another group of EU-countries, for example, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Hungary, Romania, Slovakia, Slovenia etc., do not have any specific legislative regulations that are related for interconnection between insurance and genetic testing. Altogether, this paper research analysis shows that some high-development non-EU members use highly specialized approaches for genetic testing in insurance regulations (for instance, United Kingdom, Switzerland, Norway). However, a lot of the European countries that are not members of the EU do not have any specific regulations in this area. This list of non-EU members can include Ukraine, Serbia, North Macedonia, Montenegro, Bosnia-Herzegovina, Albania, Moldova, Iceland, Monaco, Andorra, San Marino, Liechtenstein, Russia, Belarus, Georgia, etc.

Thus, we strong believe, that these countries could be more successful applying genetic testing results in insurance for development health care system, because genetic technologies give us a lot of advantages for disease prediction and risk assessment, and the new era of medicine – it is a genetic medicine. In addition, here the main questions how to protect people from genetic discrimination, and how to avoid adverse selection (information) during applying genetic testing technologies for insurance purposes.

3. Methods and methodology

The research methodology of this paper is conducted through two parts: firstly, it is a systematic and critical literature review of human genetics and insurance studies, and, secondly, our methodology based on the competitiveness indicators and correlation-regression analysis. About 200 articles and research papers were analysed. Searches were conducted from May 2018 on PubMed, Google Scholar, ResearchGate, ScienceDirect and other internet-based resources with various permutations of the following keywords: ‘human genetics’, ‘insurance’, ‘genetic discrimination’, ‘life insurance’, ‘information asymmetry’ and ‘genetic test’. As a result, a list of more than sixty publications most directly associated with human genetics and insurance was obtained. The selected publications were used as a theoretical background for this paper.

The interconnection between the causes of death and life insurance market competitiveness was analyzed based on the research methodology as follows:

i) insurance penetration, that shows the share of insurance in the formation of GDP on the basis of insurance premiums of insurers and is calculated as follows (*Shirinyan, 2014; Das & Shome, 2016; Rakshit, 2017; Chizoba et al., 2018*):

$$\eta_{Total} = 100\% \times TGP_{Total} / GDP , \quad (1)$$

where, η_{Total} – insurance penetration based on total gross premiums; TGP_{Total} – total gross premiums; GDP – gross domestic product;

ii) life insurance share – calculated as the ratio of life insurance market premiums to the total insurance premiums in the country (*Shirinyan, 2014*):

$$\eta_{Life} = 100\% \times TGP_{Life} / TGP_{Total} , \quad (2)$$

where, η_{Life} – life insurance penetration based on total life insurance premiums; TGP_{Life} – total life insurance premiums;

iii) gross claim payments rate or claims payments rate – calculated as the ratio of insurance payments to insurance premiums (Bikker, J., & Popescu, A., 2014; Fagart, M.C. et al., 2002; Grmanová, E., & Strunz, H., 2017):

$$\gamma_{Total} = 100\% \times GCP_{Total} / TGP_{Total} \quad (3)$$

γ_{Total} – gross claim payments rate or claims payments rate, %; GCP_{Total} – gross claim payments of the total insurance market;

$$\gamma_{Life} = 100\% \times GCP_{Life} / TGP_{Life} \quad (4)$$

γ_{Life} – life insurance claim payments rate, %; GCP_{Life} – life insurance gross claim payments;

iv) percentage share of each individual cause of death calculated as the ratio of the number of persons who died from a specific cause of death ($X_2, X_3 \dots X_{20}$) to the total number of deaths during the year (X_1):

$$SD_n = 100\% \times X_n / X_1 \quad (5)$$

SD_n – specific gravity (share) of n -cause of death in the total of all deaths (*share of deaths*); X_n – number of deaths during the year from each n -cause of death (n – takes values from 2 to 20); X_1 – the total number of people who died within a year of all n -causes together.

The list of death causes used in this research meets the international standards for the classification of death causes and diseases presented in Table 1.

Tab. 1 – The list of indicators of death causes and their designation for correlation-regression analysis

Causes of death	Indicators X1-X20
Total deaths	X1
Certain infectious and parasitic diseases	X2
Neoplasms	X3
Diseases of the blood and blood-forming organs and certain disorders involving the immune mechanism	X4
Endocrine, nutritional and metabolic diseases	X5
Mental and behavioral disorders	X6
Diseases of the nervous system	X7
Diseases of the eye and adnexa	X8
Diseases of the ear and mastoid process	X9
Diseases of the circulatory system	X10
Diseases of the respiratory system	X11
Diseases of the digestive system	X12
Diseases of the skin and subcutaneous tissue	X13
Diseases of the musculoskeletal system and connective tissue	X14
Diseases of the genitourinary system	X15

Pregnancy, childbirth and the puerperium	X16
Certain conditions originating in the perinatal period	X17
Congenital malformations, deformations and chromosomal abnormalities	X18
Symptoms, signs and abnormal clinical and laboratory findings, not elsewhere classified	X19
External causes of mortality	X20

Source: based on the State Statistics Service of Ukraine.

v) correlation-regression analysis to assess the interconnection between life insurance competitiveness and causes of death. In this research, we used a one-factor regression model where the equation of pair linear regression is constructed as $Y=A+BX$. The number of persons who died from various causes of death was selected as factor variables X_1, X_2-X_{20} ; the objective functions of the analysis (main competitiveness indicators for the research) are the economic performance of the insurance market, namely gross premiums of the life insurance market in million UAH ($Y_1 = TGP_{Life}$) and gross insurance claims payments of the life insurance market in million UAH ($Y_2 = GCP_{Life}$).

4. RESULTS AND DISCUSSION

4.1. Genetic testing in insurance: approaches for human rights protection

Using genetic testing technologies in insurance has a lot of benefits, for example, high-quality risk assessment, improving health care system, etc. But, altogether, one of the main problems here – how to avoid genetic discrimination (human rights protection) and what is the compromise answer will be positive for insurance companies and policyholders? In this context, at the international level according to the Article 6 of the *Universal Declaration on the Human Genome and Human Rights* (29th session of the UNESCO General Conference, 1997) it was protected people from any form of genetic discrimination. Later, in 2003 it was adopted the *International Declaration on Human Genetic Data (IDHGD)* by UNESCO according to which human genetic data and biological samples should not be disclosed to third parties (for example, employers, insurance companies, educational institutions and the family) (*Canadian Coalition for Genetic Fairness*). Furthermore, in Europe persons are protected from any form of genetic discrimination according to the Convention on Biomedicine, 1997 (*Rothstein M.A., Joly Y., 2009*).

4.2. Benefits of genetic testing for insurance and health care system

For the purposes of our research paper, it is important to analyze benefit of genetic testing in insurance, and as a result – to describe the opportunities of its for improving health care system. Applying genetic testing technologies (for example, whole genome sequencing) for the assessment of the risk of common diseases makes underwriting process more effective (*Nicholls et al., 2014*). Besides, it is creating much more bigger opportunities for defining and predicting genetic diseases. According to *Lombardo (2018)*, different genetic testing technologies and genetic tests show very important information for insurance and risk assessment. For example, breast cancer (75%), hypertrophic cardiomyopathy (69 %), dilated cardiomyopathy (75%), arrhythmogenic right ventricular cardiomyopathy (75%), long QT syndrome (25%), Brugada syndrome (75%), Huntington's disease (95%), polycystic kidney disease (100%), myotonic dystrophy (75%), Alzheimer's disease, early onset-autosomal dominance (100%), hereditary nonpolyposis colorectal cancer (50%), Marfan's syndrome (50%), and catecholaminergic polymorphic ventricular tachycardia (75%). This finding suggests that applying genetic technologies for underwriting purposes can be very positive and can have a lot of benefits for disease risk predictions and its also can have a very big impact for improving health care system.

Thus, studying the genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process it is important to analyze population mortality trends by cause of death and its relationship to the individual life insurance market. In addition, we are going to study this area as factors influencing the insurance market through the general, health status and mortality factors that influence for non-life and life insurance markets.

4.3. Factors influencing the insurance market: general, health status and mortality factors

World experience of studying the efficiency and competitiveness of the life and non-life insurance market shows that there are a lot of factors affecting on it. For instance:

i) economic factors: management expenditure, interest rate, size, leverage, Real GDP (*Shawar & Siddiqui, 2019*), inflation (*Daare, 2016*), unemployment rate, wages and interest rate (*Burić et al., 2017*);

ii) demographic factors: age structure (*Ćurak et al., 2013; Burić et al., 2017; Gemmo & Götz 2016*);

iii) health status and mortality factors (*Santos et al., 2017; Tsendsuren et al., 2018; Serykh & Yang, 2019; etc.*).

Thus, *Priyan & Selvakumar (2012)* have argued that the main factors influencing the life insurance product determination are protection, customer service, maturity period, diversity of products, loan facility, revival and risk coverage. Also, the findings of the *Yildirim & Çakar (2015)* reveal factors that affecting the insurance company preferences of insurance agencies such as financial aspects, satisfaction and communication. Significance research results of studying the factors influencing the life insurance market are presented by *Sulaiman et al. (2015)*. The author suggests that inflation has a statistically noticeable negative impact on the demand and supply. In addition, there was a statistically significant negative effect of young dependency ratio on demand; and, old dependency ratio had a statistically significant positive relation to supply in the life insurance market. Another financial factor was investigated by *Deyganto & Alemu (2019)*. The authors studied the factors affecting financial performance of insurers and noted that underwriting, premium growth, solvency ratio, growth rate of GDP, and inflation rate have significant effect on financial performance of the insurance companies. In addition, reinsurance dependence, company size and interest rate have no significant effect on financial performance.

However, *Blanchet (2007)* investigated the impact of changing life cycles on insurance and noted and examined how far such a claim is valid, shortly reviewing fields such as potential economic growth, financial markets, pensions, the demand for additional old age income insurance, health and old age invalidity. Studying the life insurance demand *Shahriari & Shahriari (2016)* illustrated that it is influenced by various economic (age, saving) and social and demographic (education, marital, income) factors.

But it is the most important for our research to study the international experience of the impact of health status and mortality factors on insurance market competitiveness. In addition, a lot of world recognized scientists investigates different aspects of the relationship between mortality and life insurance efficiency and competitiveness as follows:

i) effects of health status on life insurance among three health status indicators: self-perceived health status; objective health status; future health risk (*Tsendsuren et al., 2018*);

ii) stochastic mortality in life insurance, market reserves and mortality-linked insurance contracts (*Dahl, 2004*);

- iii) annual changes in mortality rates and related effects on life insurance company financials (*Santos et al., 2017*);
- iv) impact of mortality risk on the asset and liability management of insurance companies (*Ming, 2013*);
- v) macroeconomic risks and life insurer solvency (*Hanewald et al., 2011*);
- vi) mortality risk prediction (*Sijbrands et al., 2009*);
- vii) analyze the individual life insurance mortality trends – cause of death impact (*Serykh & Yang, 2019*).

Additionally, at least one study is the closest to our investigation. Its research paper was the first in a series that deeply analyzes U.S. population mortality trends by cause of death and its relationship to the individual life insurance population. The research results show that when actuaries review mortality improvement experience and set future mortality improvement assumptions, it is important to take the cause of death prevalence into consideration (*Serykh & Yang, 2019*).

4.4. The relationship between the causes of death and life insurance market competitiveness: case study of Ukraine

As we described before, applying genetic testing technologies in insurance can create a lot of benefits for improving, firstly – risk assessment in life and health insurance, and, secondly – health care system, because genetic technologies system promotes and supports early detection diseases, and increases the efficiency of treatment of diseases, etc.). In addition, using genetic testing as underwriting method can have a lot of advantages for non-EU countries as whole, and also its insurance market. Furthermore, we strong believe, that estimation of the influence of mortality factors on life insurance related to genetic testing technologies as a risk assessment method in insurance. Thus, this part of our research has provided the empirical results of assessing the interconnection between the causes of death and life insurance market competitiveness in the context of Ukrainian insurance market (as a case study of European country that is not member of the EU). Besides, among the research papers about insurance market in Ukraine there are many scientists who investigates the factors impact on the life insurance industry. Thus, *Rud & Kondratska (2019)*, *Prystupa et al. (2019)*, *Zolotar'ova & Galaganov (2017)* studies the modern trends, problems and prospects for Ukrainian life insurance market development. *Kryvytska*

(2019), Derkach (2012) and Savras & Yurynets (2014) has investigated the life insurance market factors and general trends using correlation analysis. But, today there isn't any research papers about the impact estimation of causes of death on the Ukrainian life insurance market competitiveness.

4.4.1. Analysis of the insurance market in Ukraine.

To increase the objectivity and scientific validity of the research of the impact of death causes on the insurance market, we consider it advisable to start an analysis of the general trends in the development of the insurance market of Ukraine on such four indicators as the share of the entire insurance market of the country in gross domestic product (η_{Total}); share of life insurance market in the structure of the entire insurance market of the country (η_{Life}); as well as country insurance coverage rates (γ_{Total}) and the life insurance market (γ_{Life}). The estimated values of the above indicators for 2005-2018 are presented in Fig. 1.

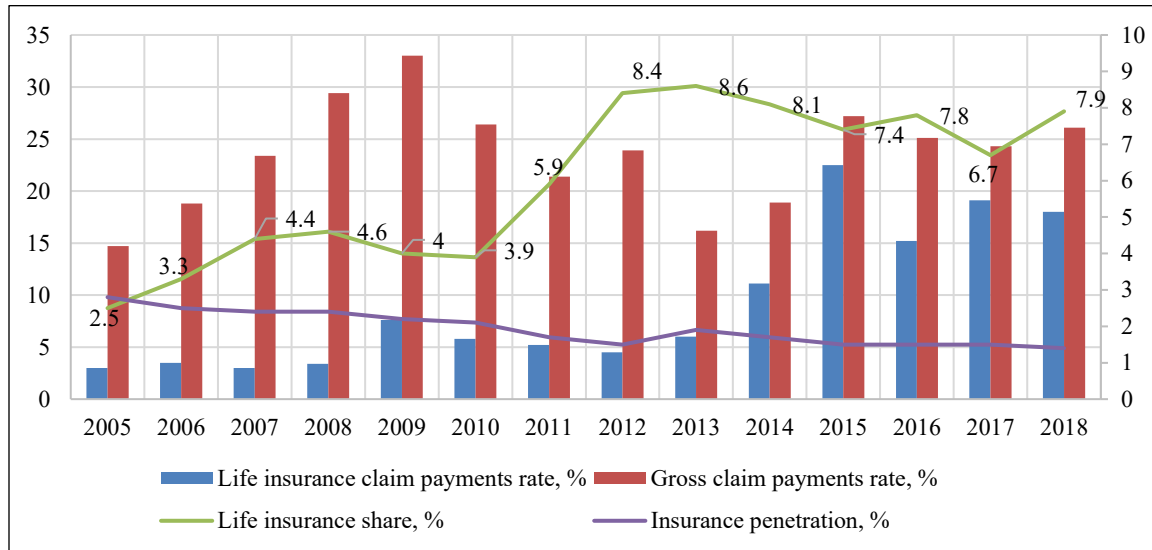


Fig. 1 – The indicators of the insurance claim payments rates (*left scale*), life insurance market share and insurance penetration (*right scale*).

Source: Authors' research results.

The four indicators are designed to analyze the general trends in the development of both the insurance market of the country as a whole and the market of life insurance in particular. One of the main goals of the article is to investigate the impact of deaths causes on the life insurance market, since “death” as a risk is a mandatory feature in the life insurance market. One of the main indicators characterizing the role of the insurance market in the country’s economy is the share of the insurance market in GDP (η_{Total}), which is calculated according to the formula (1). Thus, during the 2005-2018 period, the share of the country’s insurance market in GDP tended to decline from 2.8% (2005) to 1.4% (2018), which are the maximum and minimum values for the index during the period of the research. However, the share of the life insurance market in the structure of the entire country’s insurance market (η_{Life}), on the contrary, has increased: from 2.5% in 2005, which is also the minimum in 2005-2018, to 7.9% in 2018. At the same time, the share of the life insurance market reached its maximum in 2013: $\eta_{Life} = 8,6\%$.

The next two indicators in Fig. 1 in accordance with formulas (3) and (4) characterize the level of payments in the total insurance market of the country, that is, together in the life and non-life insurance markets (γ_{Total}), as well as the rate of payout in the life insurance market alone (γ_{Life}). Overall, over the 2005-2018 survey, the above indicators tended to increase the share of insurance premiums relative to insurance premiums. Thus, the level of payments in the Ukrainian total insurance market increased from 14.7% in 2005, which is also the minimum value of this indicator for the 2005-2018, to 26.1% in 2018. However, the maximum value of γ_{Total} within the study period was fixed in 2009, $\gamma_{Total} = 33,0\%$.

Claim payments rates at the life insurance market (γ_{Life}) was increasing even faster in 2005-2018. Thus, at the beginning of the study period and in 2007. $\gamma_{Life} = 3,0\%$, which are the minimum values of this payout indicator. The maximum value $\gamma_{Life} = 22,5\%$ was in 2015, and in 2018, the indicator has decreased: $\gamma_{Life} = 18,0\%$.

4.4.2. Analysis of the general trends of death causes in Ukraine

Since the risk of death is one of the main subjects of insurance in the life insurance market, we consider it appropriate to increase the scientific validity of our study by estimating the general trends in the number of deaths depending on the causes of death.

We analyzed the dynamics of the total number of deaths in the country from all death causes (indicator X1). The dynamics of the number of deaths from each of the nineteen major groups of causes of death (X2-X20) by international standards for the classification of death causes were also examined. Additionally, the specific proportions of these indicators in the total number of all dead (X1) were analyzed, which corresponds to the index SD_n of formula (5), as well as other indicators.

The results of data analysis for the years 2005-2018 show that all nineteen death causes (X2-X20), depending on their proportion SD_n in the total number of all X1 deaths, could be divided into several groups. The criteria we have developed for each of the groups for the proportion of death cause in their total number are shown in Table 2.

Tab. 2 – Classification of groups of death causes according to their proportion*

№	The list of the groups	Criteria for inclusion of indicators in groups 1-4
1	First group	$0,00 \leq SD_n \leq 0,10$
2	Second group	$0,10 < SD_n \leq 1,00$
3	Third group	$1,00 < SD_n \leq 10,00$
4	Fourth group	$SD_n \geq 10,00$

Source: Authors' research results.

The division of groups of death causes based on the proposed criteria is made according to the author's approach, which is based on the current state and dynamics of changes in the proportion of death causes in their overall structure. For more information on the proportions of death causes, including their limiting and arithmetic mean values for the years 2005-2018, see Table 3.

Tab. 3 – The limit and the arithmetic values of the shares of death via causes of death for the years 2005-2018 in Ukraine

Causes of death X_n	Shares of death via causes of death SD_n				
	Min		Max		Average for 2005-2018
	value	year	value	year	
X2	1,52	2017	2,29	2008	1.95
X3	11,75	2005	14,01	2012	12.93
X4	0,04	All the rest	0,05	2005, 2007, 2011	0.04
X5	0,35	2014	0,44	2005	0.38

X6	0,19	2016, 2017	0,43	2005	0.28
X7	0,80	2018	0,97	2008	0.87
X8	0,00	All	0,00	All	0.00
X9	0,00	2016, 2017	0,01	All the rest	0.01
X10	62,51	2005	68,02	2015	65.66
X11	2,12	2017	3,58	2005	2.73
X12	3,77	2016	4,66	2008	4.07
X13	0,06	2009, 2010	0,09	2012, 2018	0.07
X14	0,08	2014-2018	0,10	2005, 2006, 2008	0.09
X15	0,41	2016	0,48	2012	0.44
X16	0,01	All the rest	0,02	2009, 2010	0.01
X17	0,22	2018	0,36	2009	0.30
X18	0,21	2018	0,29	2006, 2007, 2011	0.26
X19	2,07	2013	4,27	2018	3.16
X20	5,26	2018	8,95	2005	6.75

Source: Authors' research results.

Dynamics information for the years 2005-2018 for the TOP 3 causes of death depending on their share in the structure of all deaths, as well as the share of all deaths in the population structure (mortality rate) are shown in Fig. 2.

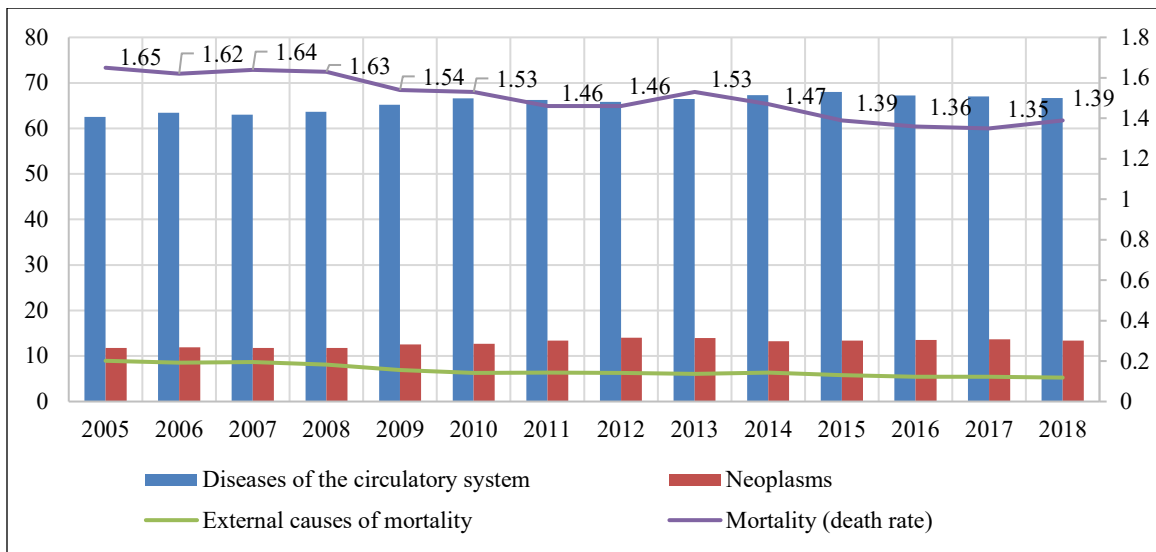


Fig. 2 – The dynamics of the three largest via share of causes of death (left scale) and the mortality (death rate) in Ukraine for the years 2005-2018.

Source: Authors' research results.

Figure 2 states that the share of deaths from “Diseases of the circulatory system” and from “Neoplasms” have a general upward trend over the 2005-2018 study period. Also, it should be noted that the dynamics of the total death rate shows a downward trend.

4.4.3. The interconnection between the causes of death and life insurance market competitiveness.

Studying the relationship between the life insurance and causes of death we are going to define as follows:

- i) the interconnection between the causes of death and life insurance market competitiveness via the calculations of the Pearson correlation coefficient (r), and determination coefficient (r^2);
- ii) whether or not there is a statistically significant impact of causes of death on life insurance market via defining the one-factor regression model ($Y=A+BX$, where Y – dependent variable (Y_1, Y_2), X – independent variable (X_1-X_{20}); A and B – regression coefficients), and via calculations of the Student's t-criterion (t_{st}); critical value of the Student's t-criterion for a given degrees of freedom (t_{cr}); average approximation error (Error); statistical level of indicators dependence (D , significant or insignificant); P-value.

Furthermore, for assessment the level of statistically significant impact of causes of death on life insurance market we put forward and justified a null (H_0) and alternative hypotheses (H_1-H_{40}). Thus, according to the H_0 – there isn't any statistically significant impact of independent variables on dependent variables.

Thus, our alternative hypotheses that were tested can be described as follow below:

- i) according to the $Y_1 = TGP_{Life}$: cause of deaths (by number of deaths, including by the causes of death) has statistically significant inversely proportional impact on life insurance market premiums (hypotheses H_1-H_{20});
- ii) according to the $Y_2 = GCP_{Life}$: cause of deaths (by number of deaths, including by the causes of death) has statistically significant direct proportional impact on gross claim payments of the life insurance market (hypotheses $H_{21}-H_{40}$).

The results of testing of the hypotheses are presented in Table 4.

Tab. 4 – The characteristics of the research hypotheses and correlation and regression results

Description of the alternative hypotheses				Correlation results		Regression indicators		
№	Variables							
	X _n	Y1 = TGP_{Life} ; Y2 = GCP_{Life}	Influence of X on Y	r	r ²	t _{st}	P-value	Error, %
H1	X1	Y1	Inversely	-0.899	0.808	-7.108	0.000020	25.1
H21		Y2	Directly	-0.871	0.759	-6.142	0.000073	189.7
H2	X2	Y1	Inversely	-0.910	0.828	-7.609	0.000010	29.6
H22		Y2	Directly	-0.921	0.848	-8.193	0.000005	130.3
H3	X3	Y1	Inversely	-0.737	0.543	-3.781	0.003042	53.0
H23		Y2	Directly	-0.919	0.844	-8.067	0.000006	100.1
H4	X4	Y1	Inversely	-0.910	0.829	-7.564	0.000011	34.7
H24		Y2	Directly	-0.803	0.645	-4.669	0.000684	218.7
H5	X5	Y1	Inversely	-0.852	0.727	-5.647	0.000149	34.9
H25		Y2	Directly	-0.754	0.569	-3.977	0.002170	245.7
H6	X6	Y1	Inversely	-0.794	0.630	-4.524	0.000867	40.4
H26		Y2	Directly	-0.701	0.491	-3.406	0.005863	200.8
H7	X7	Y1	Inversely	-0.852	0.725	-5.628	0.000154	48.2
H27		Y2	Directly	-0.899	0.808	-7.115	0.000020	138.8
H8	X8	Y1	Inversely	0.111	0.012	-0.512	0.618825	97.4
H28		Y2	Directly	-0.193	0.051	-0.802	0.439386	414.7
H9	X9	Y1	Inversely	-0.641	0.411	-2.893	0.014622	59.5
H29		Y2	Directly	-0.575	0.331	-2.434	0.033173	260.1
H10	X10	Y1	Inversely	-0.918	0.843	-8.024	0.000006	23.0
H30		Y2	Directly	-0.912	0.831	-7.680	0.000010	145.3
H11	X11	Y1	Inversely	-0.897	0.804	-7.027	0.000022	32.2
H31		Y2	Directly	-0.812	0.659	-4.816	0.000540	218.2
H12	X12	Y1	Inversely	-0.729	0.531	-3.684	0.003603	55.6
H32		Y2	Directly	-0.760	0.577	-4.050	0.001917	174.3
H13	X13	Y1	Inversely	-0.145	0.021	-0.506	0.622574	90.8
H33		Y2	Directly	-0.231	0.053	-0.822	0.428393	336.4
H14	X14	Y1	Inversely	-0.914	0.836	-7.836	0.000008	21.2
H34		Y2	Directly	-0.876	0.767	-6.291	0.000059	187.5
H15	X15	Y1	Inversely	-0.842	0.709	-5.407	0.000214	33.3
H35		Y2	Directly	-0.864	0.747	-5.952	0.000096	197.3
H16	X16	Y1	Inversely	-0.743	0.553	-3.850	0.002701	73.1
H36		Y2	Directly	-0.736	0.541	-3.759	0.003159	345.4
H17	X17	Y1	Inversely	-0.680	0.462	-3.210	0.008310	79.4
H37		Y2	Directly	-0.821	0.674	-4.982	0.000414	385.0
H18	X18	Y1	Inversely	-0.939	0.881	-9.423	0.000001	26.5
H38		Y2	Directly	-0.938	0.880	-9.374	0.000001	129.8
H19	X19	Y1	Inversely	-0.421	0.177	-1.608	0.136184	61.1
H39		Y2	Directly	-0.197	0.039	-0.695	0.501226	306.2
H20	X20	Y1	Inversely	-0.860	0.739	-5.831	0.000114	33.7
H40		Y2	Directly	-0.775	0.600	-4.246	0.001375	224.1

Source: Authors' research results.

According to table 4, the results of correlation and determination coefficient's show that almost for all alternative hypotheses (except H8, H28, H13, H19, H33, H39) are related the high level of statistically inversely proportional relationship (interconnections) between X and Y because almost all determined values of Pearson correlation coefficient (r) are negative and high.

In addition, according the regression calculations $t_{cr} = 2.179$, hence $t_{St} < t_{cr}$, so there are no reasons to reject the null hypotheses and that's why the null hypotheses are accepted (*Malyovanyi et al., 2018*). Additionally, according to these regression results the relationship between indicators in the regression are statistically insignificant. Furthermore, the values of average approximation error (Error) states that adequacy of the regression models for all alternative hypotheses H1-H40 is low, because the average approximation errors are more than 15,0%. Thus, is not necessary to show and analyze the regression equations.

4.5. The system (model) of development and using the genetic testing in insurance.

In the context of genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process this research paper has defined the development and interaction model of the human genetics and insurance. The mechanism of the model describes the interaction features through three main parts. In addition, the literature review shows that social and ethical aspects and issues of human genetics and insurance are still developing because of few preconditions, and that is why the research results make it possible to create some conclusions and contributions to the area.

All these elements of the model have evidence-based justifications for the ethical and social aspects of human genetics and insurance, and are presented in the Fig. 3 through the following items: genetic discrimination and information asymmetry problems; historical background; human rights protection against genetic discrimination in insurance peculiarities. It is important to analyze these peculiarities as a part of future applying genetic testing technologies in insurance implications for non-EU and European Union insurance markets where there is not any specific government regulation in this area.

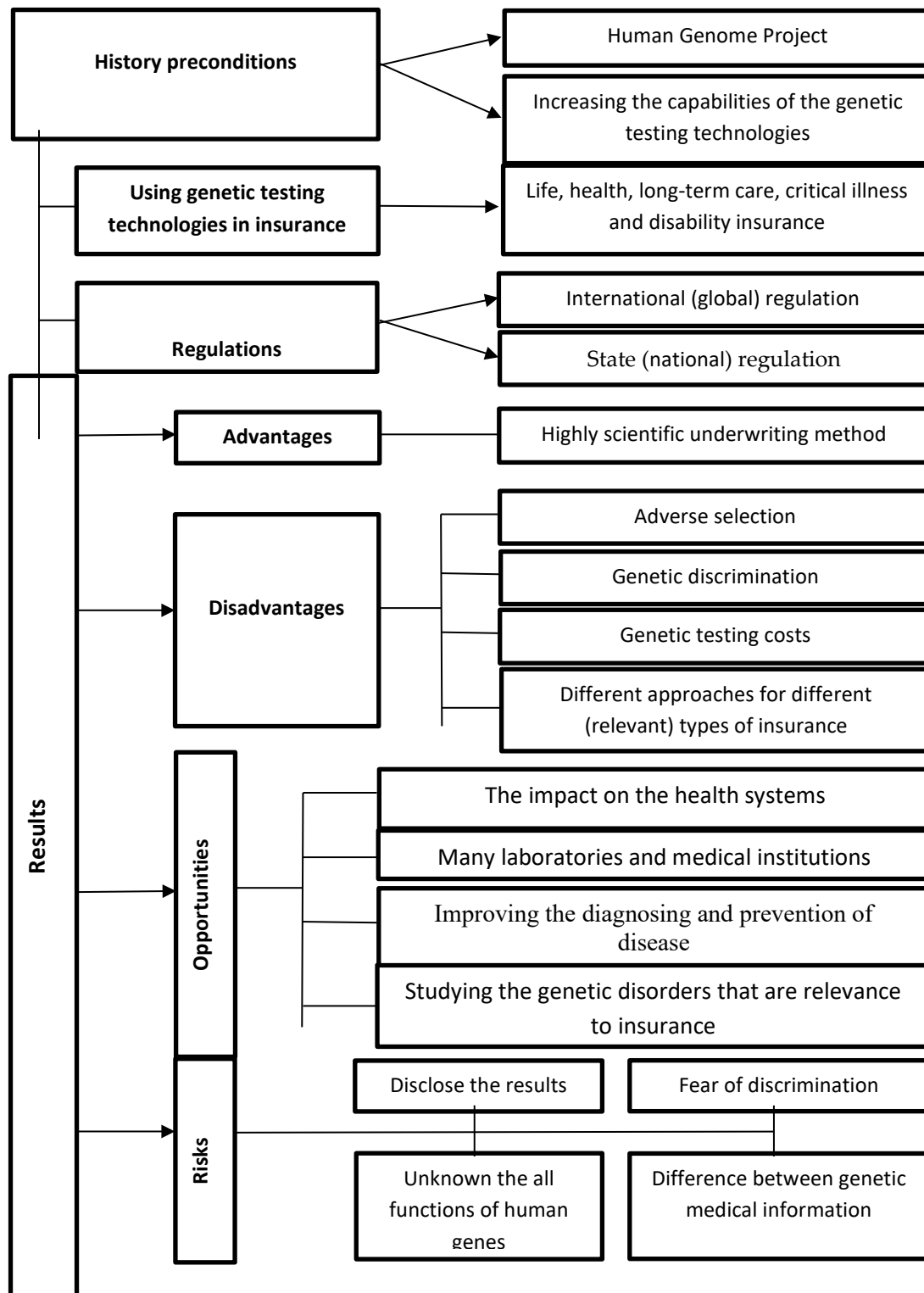


Fig. 3 – The system (model) of development and using the genetic testing technologies in insurance.

Source: authors' own research results.

As you can see in Fig. 3, the human genetics and insurance interconnection can be described as system (model) of development and using the genetic testing technologies in insurance. The analysis shows that the most important history preconditions of the using the genetic testing results in insurance were the Human Genome Project and high-level genetic testing technologies. And the last one was one of the main advantages because it was stimulating the genetic testing development as a new underwriting method. There are a lot of other advantages and opportunities, and also disadvantages and risks.

The suggested model has described the factors, terms, conditions, peculiarities and principles of the using and the justification the genetic testing as a part of insurance process.

Today the world experience of the insurance market activity shows the using genetic testing results and information in underwriting. Additionally, the research study results indicate the advantages, disadvantages, opportunities and risks for all parts (subjects) of using genetic testing in life, health, long-term care, critical illness and disability insurance.

Altogether, comprehensive analysis the components of the suggested system (model) of development and using the genetic testing in insurance are provided and described in the next sections of this research paper.

5. Conclusions

Our paper has provided new evidence which have argued why it is importantly to implement genetic testing technologies as a new underwriting tool for non-EU countries where there is not any specific this kind of insurance market regulations as a part of the European integration process as follows below.

Firstly, the results of literature review indicate that not every European country has highly-development genetic testing in insurance government regulations and only Austria, Belgium, Denmark, Finland, Germany, Netherlands, Norway, Switzerland, etc., there is detailed management approaches that define of using genetic for insurance purposes. Furthermore, applying genetic testing technologies have a lot of benefits for risk assessment in insurance and for improving health care system (early detection diseases, increase the treatment of diseases, etc.). That's why, we strongly recommend to use legally this underwriting tool (genetic testing) for insurance purposes for European countries without any specific regulations in this area.

Secondly, despite the international regulations and human rights protection legislation, using genetic testing for insurance purposes often involves genetic discrimination. However, applying genetic technologies in insurance makes the risk assessment more effective, that also could be a positive change for improving health care system. Also, the research revealed that the factors influencing the insurance market can be very different, for example: general, health status and mortality factors.

Thirdly, our paper has provided new evidence that the interconnections between causes of death and life insurance market are related the high level of statistically inversely proportional relationship (interconnections) because of the results of correlation-regression analysis almost for all study cases. In addition, the analysis shows that health status and mortality factors have a big influence on life insurance market, and therefore it is important to conduct a detailed study in this area. Furthermore, this finding suggests that for 34 of 40 alternative hypotheses are related the high level of statistically inversely proportional relationship (interconnections) between our research indicators. And there are no reasons to reject the null hypotheses and that's why the null hypotheses are accepted.

Fourth, our research study defined the system (model) of development and using of genetic testing technologies in insurance as a part of genetic testing in insurance implications for non-European Union insurance markets in the context of the EU integration process. The part of this model describes the history preconditions that involve the Human Genome Project and other scientific knowledge that increases the opportunity of using genetic testing technologies as the underwriting tool. Secondly, these are the results of the human genetics and insurance implications as follow below: advantages, disadvantages, opportunities and risks. And, finally, its regulations (international and by the countries) that protect human rights against genetic discrimination in insurance.

And fifth, the results of this research make it possible to identify the following future research directions in the context of genetic testing in insurance implications for non-EU insurance markets as a part of the European integration process: firstly, analysis of the disadvantages and ethical, social consequences for society and insurance market as a result of applying genetic technologies in underwriting; secondly, a correlation-regression analysis of the relationship between the number of sick persons (depending on the type of illness) and the financial indicators

of the insurance market as a whole and the life insurance market in particular as a part of genetic testing in insurance implications for non-EU insurance markets.

Altogether, this study sheds light on a rather underexplored research area, that will be very useful in the context of future applying genetic testing as underwriting tool in insurance because genetics is also a modern and highly effective method for disease detection, diagnosis and treatment.

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**THE FUTURE OF EDUCATION IS ETHICAL.
SOME CONSIDERATIONS ON THE ROLE OF ESP COURSES
IN TRANSMITTING VALUES AND VIRTUES IN HEIs**

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Abstract: *Teaching has always been an ethical profession (Fisher, 2013; Campbell, 2000), and given the globalised world we are living in and the highly globalised labour market, instructors' mission is no longer to prepare students for local jobs only, but for international jobs as well. Therefore, the subjects taught in Higher Education Institutions (HEI) should not only prepare students for using specialised knowledge (hard skills) in specific professional contexts, but they should also instil values and virtues – those soft skills that are also essential on the (international) labour market. Consequently, ethical communication (which heavily relies on values and virtues) has become a pillar (Monteiro, et al., 2018) in higher education studies, as it plays an outstanding role in the teaching process and in making sure that students – as future young graduates – have a strong work ethic. As such, our article focuses on how ESP courses taught at the Faculty of European Studies within Babeş-Bolyai University (Romania) can help students acquire not only the specialised vocabulary in English necessary for their field of study, but also the values and virtues required for an appropriate work ethic and the ability to put themselves in other people's shoes when faced with an ethical dilemma to make sure that their solution maximizes the benefits of everyone involved.*

Keywords: soft skills, ethical communication, higher education, values & virtues, ESP.

Introduction

Education plays an outstanding role in both the personal and professional development of individuals, that is why different types of investments should be made in this field. Financial investments are obviously highly important in higher education institutions (HEI); however, money is not the only element that is essential in making sure that the educational process is carried out smoothly and successfully: values and virtues (and, therefore, ethical communication) should also be transmitted/taught to students to make sure that they acquire not only the hard skills and

specialised knowledge necessary for their specific field of study, but also the soft skills that are also essential on the (highly international) labour market.

This pandemic and the last year and a half have shown us how fragile human connections can be and how important interpersonal relations and soft skills are for keeping in touch with colleagues, co-workers, or business collaborators. An article published in the online edition of Forbes Magazine mentions some of the ways in which the pandemic has reshaped our workplaces (Goldgrab 2021). Among these, the “habits of strategic thinking and of expanding networks” rank among the most important things that the labour market has lost, while “greater work expectations at the cost of self-care” have increased. The future of work is uncertain as the pandemic is not over, and it is very hard to tell for sure what is to come. As such, it is highly important that attention be given to interpersonal relations and those soft skills that can recreate the lost networks and (re)shape the workplace – whether physical or virtual –, among which adaptability, empathy, (work) ethic, cooperativeness, and responsibility.

According to those who advocate for Sigmund Freud’s theories, all these values and virtues are acquired in early childhood (Wright 2019, p. 508); however, there are many other scholars (such as followers of Socrates’, Piaget’s, or Kohlberg’s theories – which state that there are different phases at which various values and virtues are acquired depending on the individual’s stage of development) who believe that these values and virtues can be identified and practiced throughout one’s life (Wright 2019, p. 508). As such, the purpose of this article is to show that values and virtues can be acquired in early adulthood as well, that ethical communication relies on having/acquiring such values and virtues, and that they are extremely important to prepare graduates for the labour market, to help them build an appropriate work ethic, to support them in making appropriate decisions when faced with ethical dilemmas, all through an English for Specific Purposes (ESP) course taught at the Faculty of European Studies within Babeş-Bolyai University.

Soft Skills, Ethical Communication, and ESP Courses

Though the object of each of these subjects is different, they can actually be connected to one another. One of the roles of higher education institutions is to equip students with the necessary knowledge and skills that are required on the labour market. As such, their work ethic, their ability to communicate ethically and to make ethical decisions when faced with ethical dilemmas in

school-related or business-related situations can be classified as soft skills that can be learnt (or taught) at university through an English for Specific Purposes (ESP) course as well.

The COVID-19 pandemic has led to the increasing use of computers, to working from home or studying from home, which, in their turn, have led to a lack of human connection and a ‘soft skills drain’, which was easily spotted, for instance, in the way 1st-year students at the Faculty of European Studies collaborated (or, to be more precise, did not collaborate) during the past academic year of online courses. A 2019 LinkedIn Global Trends Report identified four trends for the future of work (and the pandemic has confirmed our need for them), namely soft skills, anti-harassment practices, work flexibility, and pay transparency (LinkedIn 2019). Another 2019 report drafted as a result of a Strategic Partnership for Higher Education project, by the University of Pisa, the University of Latvia, Miguel Hernandez University, P. Porto ISCAP, and ERREQUADRO, also identified the most important skills that employers think university graduates should have, among which “willingness to learn, flexibility, knowledge in a specific technical area, teamwork and interpersonal relationships”, as well as “motivation, enthusiasm, responsibility, humbleness” (Araujo et al. 2019, p. 8). If one looks at all the skills mentioned so far, which were essential in 2019, one can easily identify that most of them are soft skills, and, given the ‘soft skills drain’ caused by the current pandemic, working towards (re)achieving them has become a necessity, even more so as a 2019 Deloitte report even forecasts that, by 2030, two thirds of jobs will be human skill intensive, as “skills, as opposed to titles or degrees, will be the job currency of the future” (Deloitte 2019, p. 3).

Soft skills are very hard to define, but most studies emphasize the fact that they are essential (Goleman 1995; 1998; 2015; Hawkins & Wintern 1995; Dell’Aquila, et al. 2017; Deming 2017; 2021). Also referred to as ‘people skills’ or ‘transferable skills’, soft skills represent an important part of what makes a graduate ‘employable’ (Clarke 2018, p. 1926). Because they are so hard to define, there is no exact list of what represents a soft skill, but it can include (without being limited to) *empathy* and *emotional intelligence*, *(work) ethic*, *integrity* and *ethical responsibility*, *adaptability* and *resilience*, *self-motivation*, *mindfulness* (Lau 2021). Not only do graduates need different specialised skills, but they also need individual attributes, and these can be acquired early in childhood (through the education they receive from their parents), as well as through (primary, secondary, tertiary) education.

These soft skills heavily rely on a graduate's 'identity' (Holmes, 2013, p. 549). This identity can be developed through – and then defined by – the values and virtues students acquire. Values and virtues help one communicate ethically, as they “make us the persons we are” and they “provide the foundation of both ethical living and success in business” (Solomon 1999, p. xvi).

But what does ‘to communicate ethically’ mean? Put simply, ethical communication refers to “the application of ethical thinking to situations involving human communication” (Neher 2020, p. 7). Ethical thinking can be developed through the study of philosophy, and, more specifically, by studying ethical theories (such as the *Divine Command Theory*, the *Ethical Egoism Theory*, the *Utilitarianist Theory*, the *Categorical Imperative*, *Virtue Ethics*, or the *Ethics of Care*). However, this can prove to be a difficult achievement in an ESP course, as the purpose of such courses is to teach specialised vocabulary, to help students “use English in a particular domain” (Paltridge & Starfield 2013, p. 2). Nonetheless, real-life case studies, authentic articles/materials, and educational games can be used in an ESP course so that students acquire the necessary knowledge, as well as the values and virtues that can help them think ethically, communicate ethically, and make ethical decisions in business-related situations.

Learning how to Communicate Ethically with the Help of an ESP Course

As previously mentioned, the role of HEIs is to prepare students for the labour market. This preparation or formation, however, which is done by each professor in their area of expertise, does not mean the mere transmission of specialised knowledge, because, as we have already seen, employers require a whole range of skills, among which the soft skills that are highly appreciated on today's increasingly international labour market.

As such, for instance, an ESP instructor – who already has numerous roles to play, such as those of needs assessors, syllabus designers, authentic materials developers and content-knowledgeable instructors (Belcher 2006, p. 135) – must take on another essential role to fight this ‘soft skills drain’ caused by the current pandemic, namely that of a coach or mentor, that of ‘instiller’ of values and virtues. We have already seen that values and virtues are essential for business success, but they are also of utmost importance in crisis communication when “*choosing the right words* can be one of the best strategies in dealing with crises” (Nistor-Gâz 2021, p. 141), since “the spiral of violence begins as a spiral of distorted communication that leads through the spiral of uncontrolled reciprocal mistrust, to the breakdown of communication” (Borradori 2003,

p. 19). Therefore, students should learn how to communicate correctly not only to avoid the spiral of violence, but also to avert personal/business conflicts and misunderstandings, which, in many cases, are the result of the inappropriate transmission of ideas, opinions, and thoughts.

Communication – whether written or spoken, verbal or non-verbal – is at the centre of an ESP course, as the current approach to language teaching and learning is the *communicative* one, since the *communicative competence* is an interactive competence (Habermas 1983, p. 190), meaning that students have the opportunity of practising their speaking and writing skills to improve their communication skills in English. Introduced in 1972 by Hymes, the *communicative competence* approach to language teaching and learning focuses on four components: linguistic, socio-linguistic, linguistic, and strategic. All these four components help students use a foreign language (English in our case) “for a range of different purposes and functions, (...) according to the setting and the participants (...), to produce and understand different types of texts (...), and to maintain communication despite having limitations in one’s language knowledge” (Richards 2006, p. 3).

Given that the words can make or break a deal, students should be prepared to use language appropriately. As previously mentioned, this article focuses on offering a general perspective on how ESP courses taught to 1st-year students enrolled at the Faculty of European Studies, which offers BA programmes in International Relations and European Studies, Diplomacy in Business, European Administration, and Management, help students use English correctly and ethically in various contexts. The specificity of each of the aforementioned BA specialisations shows how important it is to be able to send correct messages, but also how essential ethical communication is, i.e. how decisions are made, if they take into account the people involved and the consequences of their words and/or actions, and if the message is tailored according to the audience.

As previously mentioned, ethical communication relies heavily on one’s vales and virtues, more specifically on their character and education. According to Professor Robert Solomon, some of the most important virtues that are required in the business world range from *acceptance* and *tolerance* to *autonomy* and *cooperativeness*, *compassion*, *fairness*, *honesty*, *integrity*, *loyalty*, and *responsibility*, just to mention a few (Solomon 1999). These are – we believe – the virtues that ESP instructors teaching at the Faculty of European Studies can instil in their students through the topics they choose to teach, as well as through the activities they carry out with their students in the classroom.

Let us take the example of 1st-year students studying International Relations and European Studies (in Romanian, English, or German) at the Faculty of European Studies. The syllabus elaborated by the ESP instructor and endorsed by the Language Department contains topics related to the curriculum of their specialisation. For instance, in their 1st year of studies, the Faculty of European Studies offers courses in the History of European Integration, Introduction to International Relations, Institutional Communication, Political Science, etc. In the 2nd year, the curriculum contains subjects covering Decision-making in the E.U., European Law, Negotiation and Mediation in International Relations, Political Ideologies, etc. In their last year of studies, the International Relations and European Studies specialisation offers students courses in Foreign Policy and Democracy, International Conflicts, International Relations Theories, EU Governance, Global Issues, etc. Consequently, the syllabus for the ESP course is built so that students learn the specialised vocabulary they can use to facilitate the reading of the necessary bibliography, to write papers/deliver presentations on specific domain-related topics, to prepare them for jobs in their field of study and not only. As such, the ESP course syllabus includes, for the first semester, topics related to these subjects, such as: Unit 1. Communication. Unit 2. Cultures, Unit 3. Human Rights Discrimination. War and Peace, Unit 4. Languages in the E.U., Unit 5. International Relations. The second semester syllabus is a bit more specialised, in that it covers vocabulary and activities that focus on Politics and Elections (Unit 1), Misconduct (Unit 2), Responsibility (Unit 3), Law (Unit 4), and Academic Writing (Unit 5). Through all the topics chosen in the syllabi for the ESP courses, students can improve their English language skills, their presentation skills, or their writing skills, but they can also acquire and/or develop some (already existing) values and virtues, which are necessary for ethical communication and responsibility on the labour market irrespective of the career they are going to choose. Let us take some examples.

The virtues of *empathy*, *compassion*, and *tolerance* can be instilled into students in the first semester through the unit on Cultures. ESP courses always start with the reminders that the ESP course is a safe place, where students can speak freely, without being laughed at for the ideas they express or the language mistakes they make, that, when expressing personal opinions, there is no right or wrong answer – on condition that what students say does not hurt someone else's feelings –, and that "one's freedom ends where someone else's begins." Through these reminders, the virtue of *acceptance* is practised. This paves the way for the actual unit related to cultural diversity, cultural awareness, and interculturality. Next, using Pearson Macmillan's Market Leader 3rd

edition book series (2010) as a starting point, the first part of this unit includes some icebreaking speaking activities where students are encouraged to discuss a quotation (“When overseas, you learn more about your own country than you do about the place you are visiting”, Clint Borben, American activist) and to answer questions related to cultural diversity and cultural uniformity, (business) etiquette across cultures, this way learning to understand that people are different not only in the way they look, but also in the way they act and live, as well as to become more *tolerant* towards cultures they are not that familiar with or that they do not understand very well. Students can also deliver presentations in English about a culture of their choice, that they are passionate or curious about to learn more things about them or to raise their colleagues’ awareness of that culture. In terms of grammar and ethical communication, this unit focuses on the usage of *modal verbs*, used to express advice, obligation, and necessity. Since words “carry not only sound but intention” (Abu Jaber 2001, p. 49), modal verbs help English speakers sound more polite, and they are widely used in diplomatic language as well to make an order or a command sound softer, to transmit information in a more diplomatic manner. Furthermore, students practice the usage of modal verbs to formulate polite requests for clarifications, for checking information, or for asking for further information.

These virtues of *empathy*, *compassion*, and *tolerance* can be practised further through Unit 3. Human Rights. Discrimination. War and Peace. In this unit, students learn that human rights are *inalienable*, *inherent* in all human beings, *universal*, and *egalitarian*. These terms are not only part of the specialised vocabulary that students have to study and remember, but this way students also learn (or are reminded that) all people have the same rights irrespective of their race, ethnicity, social or marital status, etc. Furthermore, the unit also includes authentic press articles that discuss diversity in different countries, and this is again a fertile ground for speaking activities where students not only practise their speaking and grammar skills, but they also express opinions about various situations, this way paving the way for heated or interesting debates about cultural differences or stereotypes. By mediating these debates, the ESP instructor can raise students’ awareness of errors in communication, politically correct language, diplomatic language, or traits that show good character and that are desirable on the labour market.

Other virtues that are valued and required by employers on the labour market and that can be taught or practised through an ESP course are *fairness*, *honesty*, *integrity*, and *responsibility*. For instance, in the second semester, the first unit discussed in our ESP class is related to Politics

and Elections. In terms of vocabulary and grammar, this unit (re)introduces students to the usage of adjectives and their degrees of comparison. In terms of ethical communication and values and virtues, this unit is a fruitful opportunity for students to discuss *character* since character is the basis of *Virtue Ethics*, which is a “type of moral theory [that] is all about becoming a certain kind of person” (Hodgins & Shrives 2011, p. 151). Consequently, students express their opinions about the politicians of today and of the past, using the adjectives introduced in this unit, and try to define the ideal politician that they themselves would vote for. This way, the virtues of *fairness*, *honesty*, *integrity*, and *responsibility* come into play and students discover how important they are for the well-being of all citizens.

In terms of ethical communication, this unit is a fertile ground for the acquisition and practice of elements pertaining to the *Utilitarian* theory, which is a moral consequentialist theory according to which “human beings ought to act in the interests of all those concerned” (Hodgins & Shrives 2011, p. 115) and that, as its name suggests, focuses on the consequences of one’s actions, on their usefulness. More clearly, by applying this moral theory, students learn how to express ideas and opinions and act in a way that does not harm or hurt their interlocutors. They can do this by using:

- *modal and semi-modal verbs* (e.g.: can/could, may/might, shall/should, ought to, be able to) – as previously mentioned, *modal verbs* can soften a sentence, an order, a command, an opinion;
- *impersonal expressions* (e.g.: it seems, it appears...) – these expressions can also help the speakers distance themselves from the utterances; therefore, there is less personal involvement;
- *passive voice* – the Passive Voice helps the speaker distance themselves by putting an emphasis on the outcome of an action and not on who performed the action;
- *qualifiers* (e.g.: unfortunately, I’m afraid, actually, to be honest) – used at the beginning of the sentence they can soften the message that follows;
- *negative question forms* (e.g.: instead of saying ‘They should be punished’ – which is a very strong and emotionally charged, one could say ‘Shouldn’t they be punished?’)

– they are widely used to make suggestions, this way softening the message that is transmitted¹.

Furthermore, through the activities prepared for them – either group, pair, or individual activities –, students also learn how to organise the tasks received and how to manage the time allocated to them, therefore they learn/practise the virtues of *autonomy* and *cooperativeness*. For example, in the fourth unit studies in the second semester (Law), one of the activities assigned to students is to work in groups, to pretend that they are members of a jury and reach a verdict in six different cases. As such, by presenting arguments and by using legal words and phrases, students are asked to cooperate and discuss so that they find a legal and ethical solution to the cases given.

All these values and virtues that students acquire or further develop through the topics discussed and the activities carried out in the ESP classroom are of utmost importance for the personal and professional development of students who, as young graduates, will have to work in and adapt to various situations on the labour market. Since jobs today involve working with a (usually large) group of various individuals (each with their own character and acquired or inexistent personal and professional values and virtues, each (probably) from various cultural backgrounds), which automatically leads to various difficult or hard to manage situations, having acquired and then practised values and virtues that are necessary on the labour market helps students be able to communicate ethically according to the decision they are faced with and to make ethical decisions in difficult situations that involve ethical thinking.

Conclusions

Today's international labour market requires that employers and employees work with people from different cultures, each with their own set of values and virtues, which, in many situations, if not used or are misinterpreted, can lead to conflict or crisis situations. Not only is English the main language of international communication, but it is also the language that many people have to use properly to tailor and send a message in various job-related situations. In these cases, it is highly important that voice be given to values and virtues, which lay the foundation for ethical communication, i.e. to applying ethical thinking to real-life communication situations in

¹ For more details on communication techniques in formal settings, see Delia Pop-Flanja, *Communication for International Careers I*, Cluj-Napoca, Presa Universitară Clujeană, 2021.

order to maximise the benefits of as many of the people involved and to minimise the harms (the *Utilitarian* theory), and to act as a virtuous person would act (*Virtue Ethics*) without using people as means to reach an objective (the *Categorical Imperative*).

Although students do not learn about these theories specifically – since they are not the main objective of the ESP course –, through the activities prepared for and carried out in the ESP class, they can acquire and/or further develop some values and virtues that are required on the labour market according to several reports that have been previously mentioned, such as *acceptance, tolerance, autonomy, cooperativeness, compassion, fairness, honesty, integrity, loyalty, or responsibility*. Using these values and virtues, they can become virtuous people, successful managers or leaders, they can easily pay attention to the words and phrases they use, they can make sure that their discourse is adapted to their audience and the words they use are tactful enough in order not to cause harm or conflicts.

The current pandemic has affected the way in which people interact with each other, there is what we call a ‘soft skills drain,’ and this drain can be stopped by making sure that instructors in primary, secondary, and tertiary education focus the object of their subjects not only on hard skills, but on soft skills as well, helping students acquire and develop their values and virtues. It is said that ‘No man is an island,’ and this pandemic has shown us exactly that – that we need human connection, that we need empathy, that we need to collaborate, that we need to create bridges between cultures.

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IMPACT OF EUROPEAN LEGISLATION AND CASE-LAW ON ELIMINATION OF DISCRIMINATION IN EMPLOYMENT RELATIONS IN EU

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Abstract: *The present scientific article examines the current state and issues of discrimination of selected groups of employees in employment relations. We deals with the current state of EU legislation and case law in the area of non-discrimination in employment relations. The main attention is given to the most important standardization activities of selected bodies of the European Union. We applied scientific methods of research such as analysis, synthesis, deduction, and comparison with regard to the nature of the topic studied. The scientific and doctrinal interpretation of the legislation in conjunction with the lessons learned from scientific literature and European case law has enabled us to find answers to the questions sought and the application problems of business practice. At the end of the article, we evaluate the results of our examination and propose ways of eliminating the identified causes of the lack of enforceability of the European Union's anti-discrimination policy.*

Keywords: discrimination, employee, employer, European case law, European legislation,

Introduction

Any discrimination in employment relations as one of the socio-pathological phenomena is seen as an undesirable occurrence in today's modern and advanced European society. Despite its legislative prohibition, it is quite often present in the workplace. Discrimination, according to some authors such as (Kamaro et al. 2020) generally means discriminating or restricting an

individual or a group of persons. It is understood as any unjustified unequal treatment of people from the state or other people who have certain power, authority or competence in environments where people depend on one another in a way. Such an environment is also a working environment where we often encounter various forms of discrimination.

The issue of equal treatment in the light of experience Jankelová et al. (2018) despite a long-standing social debate, is met with general public disinterest. This fact, in our view, causes the overall disinterest mainly of legal theorists, but also of top managers, to deal more closely with the issue of equality as such. Only selected experts in the field of labour law of the European Union are looking further at this problem. At present, however, legislative elimination of discrimination is a key task not only for European legislation but also for the legislation of individual Member States, which should determine the final “rules of the game” in employment relations. For this reason, too, we want to contribute with this scientific article to a comprehensive view of the elimination of discrimination in employment relations in the European labour market in the context of existing European legislation and case law.

Theoretical background

The prohibition of discrimination in the democratic and advanced states of the world, including the legal area of the Member States of the European Union, is one of the cornerstones of their modern laws. Implementation and effective enforceability of anti-discrimination principles creates conditions for smooth functioning of legal relations, employment and social relations according to Funta (2018). In the academic and scientific literature and pursuant to a number of important international and national documents, Srebalová & Vojtech (2021) consider as discriminatory practices in particular those which disadvantage or restrict an individual or group of persons on grounds of their sex, racial origin, ethnic origin, national origin, colour, language, age, sexual orientation, belief, religion, political or any other opinion, national or social origin, nationality or ethnic group, property, gender or other status.

Based on the earlier case-law of the European Court of Justice in Case C-394/96 of 30 June 1998, discrimination means applying different rules in comparable situations as well as applying the same rule in different situations. Gender equality is a fundamental right and a fundamental value of a democratic society. It represents one of the important indicators of the degree of development of democracy and the application of democratic principles in a given society. In this

regard, it points out Sararu (2008) however, the second aspect of gender equality, which is linked to the new challenges of sustainable economic development, economic growth and social cohesion, is no less important. Current and, in particular, future developments are mainly based on the creation of new and better jobs. Camaro et al. (2020) shares this view (2020) and notes that up to 3/4 of the new jobs created in Europe between 2015 and 2019 were filled by women.

Anti-discrimination legislation at European Union level consists of a significant number of legislative acts, whether primary or secondary. Specific commitments in this area stem from directives of the European Parliament, the Council or the European Commission for Member States. These are the sources of secondary Community law which have a supranational character. They're according to Tekle (2020) part of the adaptation of the first pillar of the European Union – the internal market policy of the European Communities.

Objective and methodology

The purpose of the contribution is to examine selected legal aspects of the prohibition of discrimination with a focus on the current legislative regulation and related problems in the Member States of the European Union. In addition to the main target, we have also chosen milestones:

- to analyse the chosen case law of the European Court of Justice and its contribution to the elimination of discrimination in employment relations;
- to critically assess the current European legislation on the prohibition of discrimination and, if necessary, make proposals for a “*de lege ferenda*”, i.e. legislative proposals for improvement.

We want to achieve the stated target and milestones, in particular, through a thorough study of relevant European legislation, both academic and scientific literature and the case law of the European Court of Justice. Due to the nature of the scientific article, we use a number of scientific methods of knowledge suitable for the knowledge of the law. This concerns, in particular, the use of a critical analysis method to examine legal regulation and abstraction. Using the comparative method, we make available different opinions of lawyers, economists as well as managers in the field and management of human resources not only on the appropriateness of regulation but also on the interpretation of individual legal concepts. In this way we strive for a beneficial managerial

and legal view of the examined issue of non-discrimination in employment relations. Due to our own years of experience in the practice of law and in the field of European labour law we also use doctrinal interpretation.

Results and Discussion

The application of the principle of non-discrimination in its provisions pays particular attention not only to secondary law, but also to primary European Union law. In the text of Article 13 of the Treaty establishing the European Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may adopt measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. In this context Dudić et al. (2020) points out that, under Article 141 of the Treaty, each Member State is required to ensure that the principle of equal pay for men and women for equal work or work of equal value is applied. To this end, 'pay' means the usual basic or minimum wage or salary and any benefits paid directly or indirectly by the employer, in cash or in kind, to an employee in employment. In point 4 of Article 141, according to some authors Fletcher (2020) the principle of positive discrimination against employees on grounds of sex and in order to maintain or introduce measures allowing for specific advantages for the underrepresented sex for easier pursuit in a professional activity or to prevent or compensate for disadvantages in professional careers is declared.

According to the rulings of the European Court of Justice, the remuneration for work is also considered to be compensation of wages, employer contributions to employees under private (but not state) pension insurance, severance pay at termination of employment, or right to a discount on fares for pensioners. In Case No 43-75 Defrenne v Sabena concerning the determination of equal pay between male and female workers, the Court of Justice, by its judgment of 4 April 1976, established that Article 141 of the Treaty establishing the European Community has a horizontal direct effect and may therefore be invoked by an employee vis-à-vis the employer. It is not important whether the employer is a private or a public body.

A thorough analysis of the legal institute of non-discrimination in employment relations regulated by Community law concludes that its internal structural breakdown is multi-spectral. In our view, this means that it is addressed by various social and legal relations. Further decryption offers, in particular, an environment of secondary law, where numerous European Union directives

regulate, for example, access to employment, working conditions, termination of employment, protection of dignity in employment relations, prohibition of sexual harassment, the status of men and women in social security systems and some others.

In the context of these facts, Klimek & Funta (2021) points out that since the enlargement of the European Union in 2004 to include several countries of Central and Eastern Europe, according to several expert studies, the Roma have been the most vulnerable group within the European community as well as citizens from the countries of the former Soviet Union. They are regularly, according to Troitiño et al. (2018), the target of racial attacks, xenophobic behaviour or discrimination in particular in civil and labour relations. Several discriminatory tendencies with an impact on the labour law and social spheres in European society are also highlighted by Gabriel and Schmitz (2020) Annual reports of the European Monitoring Centre on Racism and Xenophobia.

As early as 2006, Decision No 771/2006 of the European Parliament and of the Council establishing a European Year of Equal Opportunities for All (2007) – towards a just society – was adopted. Luril (2008) considers that the conclusions point to the fact that, despite significant progress in promoting equality and combating discrimination, both phenomena in negative terms persist in society in various forms. The Council's evaluation resolution of December 2007 concluded that, in order to make real progress in ensuring equality in practice, the general awareness, the enforceability of the legislation, the mutual cooperation of the Member States should be strengthened, as well as the efforts to implement the European Pact for Gender Equality and the Community Plan for equality between men and women for the years 2016 to 2020. The promotion of equality between men and women has long been an essential role for the Community beyond the above-mentioned years.

Secondary European legislation

European Union secondary law governing the area of non-discrimination and equal treatment is specified in numerous European Union directives and several authors (Krisztinson et al., 2020) agree that the principle of equal treatment is the most popular product of the legislative process of European Union law.

In our opinion, we can divide the anti-discrimination directives into several groups, considering the so-called anti-discrimination directives in the narrower sense, but also in a broader sense. The

extensive interpretation of these directives, although not directly regulated by the issue of non-discrimination (Council Directive 86/378/EEC on the implementation of the principle of equal treatment between men and women in occupational social security schemes), nevertheless makes a very significant contribution to this prohibition.

The development of European anti-discrimination policy is relatively dynamic, both in a comprehensive evaluation and with particular regard to the field of labour relations. In recent years, Member States' legal systems have been strengthened by a number of progressive legal institutes through a number of directives. Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation represents a significant change in the current context. Pursuant to point (1) of Article 34 of its text, it replaces and repeals Directives 75/117/EEC, 76/207/EEC, 97/80/EC and 86/378/EEC with effect from 15 August 2009. We also consider it necessary to point out that Directive 2006/54 is a subsumation of the repealed directives into a single 'mutatis mutandis' legal document, but it also introduces some new elements.

Before we proceed to the analysis of Directive 2006/54/EC, as a still central anti-discrimination labour law document of the European Community, we consider it necessary at least to outline, in historical contexts, the most important contribution of the directives of the second half of the twentieth century. Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal treatment to the remuneration of men and women was adopted on 10 February 1975. In its Article 1, it stated that the principle of equal pay for men and women, laid down in Article 119 of the Treaty establishing the European Community, implies the elimination of any discrimination on grounds of sex in respect of all aspects and the conditions of remuneration for equal work or work to which equal value is attached. The Directive did not contain a comprehensive normative text (consisting of 10 articles in total), but obliged Member States to use a system of qualifications in employment to be based on the same criteria for both men and women and to exclude any form of discrimination. As it adds Peráček et al. (2020), it also included an undertaking addressed to the Member States to introduce guarantees in their national legal systems for any employee who is deemed to be harmed as a result of the non-application of the principle of equal pay to claim his rights in court. The principle of equal treatment between men and women in pay for work was originally laid down in Article 119

of the Treaty establishing the European Community. The Treaty of Amsterdam was renumbered in 1996 and was subsequently enshrined in Article 141.

Directive 76/207/EEC on the implementation of the principle of equal treatment between men and women as regards access to employment, vocational training, promotion and working conditions of 9 February 1976 deepened the content of the concept of equal treatment by excluding any direct or indirect discrimination on grounds of sex, in particular by reference to marital or family status. The application of the principle of equal treatment meant that there should be no discrimination on grounds of sex in terms of conditions of access, including selection criteria, to any posts or positions, regardless of field or sector of activity, and to any levels of employment hierarchy.

The concept of indirect discrimination was first defined in Directive 97/80/EC of 15 December 1997 on the burden of proof in the case of discrimination on grounds of sex. Article 2(2) states that indirect discrimination occurs where a clearly neutral provision, criterion or practice puts a substantially larger proportion of persons of one sex at a disadvantage, unless that provision, criterion or practice is appropriate and necessary and cannot be justified by objective non-sex related factors. The directive provided that, where persons who are considered to be harmed because the principle of equal treatment has not been applied to them, the facts from which it can be inferred that there has been direct or indirect discrimination appear before a court or other competent authority, it shall be up to the defendant to prove that there has been no breach of the principle of equal treatment.

Mura & Kajzar (2018) points out that the concepts of direct and indirect discrimination are currently contained in several Community directives. Within the meaning of point 2 of Article 2 of Directive 2000/43/EC, direct discrimination is to be regarded as a case where one person is treated in a comparable situation less favourably than another, on grounds of racial or ethnic origin, and indirect discrimination is deemed to be discrimination where, as a result of an outwardly neutral rule, criterion or custom, a person of a particular race or ethnic origin would be disadvantaged in comparison with other persons.

Directive 2000/78/EC defines direct discrimination as more adverse treatment of one person as being treated by another. Indirect discrimination is the case where an apparently neutral provision, criterion or practice would place persons of a particular religion or belief, with a particular disability, a certain age or a particular sexual orientation at a disadvantage compared

with others. It follows from the foregoing, according to Troitiño et al. (2018), one of the differentiating features of the concept of direct discrimination and indirect discrimination is that it is sufficient for less favourable treatment in a comparable situation to affect one person in the case of direct discrimination and that, in the case of indirect discrimination, it is sufficient that only Directive 97/80/EC in Article 2 in the context of the definition of indirect discrimination enshrines that less favourable treatment by sex is to affect a substantially larger proportion of members of one sex.

According to existing literature (Heath & Di Stasio, 2020) as well as the available case law of the European Court of Justice, the concept of indirect discrimination is characterized by:

1. it is a rule, regulation, decision or instruction that applies to all or a particular group of persons defined by general characteristics,
2. the implementation of this regulation, rule, decision or order results in different treatment,
3. such a difference in treatment disadvantages a certain discriminatory reason for a directly defined group of persons,
4. such difference in treatment is not justified by the pursuit of a legitimate objective or is not proportionate and necessary to achieve it, as is apparent from the judgment of the European Court of Justice in Case C-79-99.

Analysis of European case law

From the extensive case law of the European Court of Justice on the prohibition of discrimination, we consider it necessary to focus on selected judgments which have made a major contribution to the elimination of discrimination. It follows from the judgment of the European Court of Justice in Case C-167-73 Commission of the European Communities in French Republic that citizens from Member States of the Community have the right to access to employment and to pursue employment activities in another Member State to the same extent and under the same conditions as domestic workers.

Another judgment of the European Court of Justice in Case C-450/93 Eckhard Kalanke in Freie Hansestadt Bremen found that if a woman and a man are applying for the same post with a higher status and are equally qualified, giving a woman priority on the grounds that this is a field of work that shows a significantly lower representation of women is considered to be a discriminatory act on the basis of gender.

A very frequent form of indirect discrimination is the language requirements for the performance of a certain type of work, as it is clear that these requirements can be better met, especially by domestic jobseekers. However, Council Regulation No. 1612/68/EEC on freedom of movement for workers within the Community allows for the introduction of qualification conditions relating to linguistic knowledge only if they are justified by the nature of the work to be carried out. However, language requirements must not serve as a pretext for excluding employees from other Member States. However, this regulation cannot be applied in absolute terms. We rely on the legal sentence of the European Court of Justice Judgment in Case C 379/87 Anita Groener versus Minister for Education and the City of Dublin Vocational Educational Committee. It follows that the requirement of a perfect knowledge of the national language of a Member State should not be regarded as discriminatory action if this is due to the nature of the work carried out, e.g. for teaching staff.

Recruitment may require the employer to establish different language criteria for the candidate that he/she must meet. However, in the light of the judgment of the European Court of Justice in Case C-281/98 Roman Angonese in Cassa di Risparmio di Bolzano SpA, they cannot be assessed solely on the basis of a specific confirmation.

The principle of nondiscrimination under the judgment in Case C-36-74 B.N.O. Walrave and L.J.N. Koch in Association Union cycliste internationale, Koninklijke Nederlandsche Wielren Unie et Federación Española Ciclismo is binding not only for the Member States of the Community but also for private employers and trade unions (non-state institutions). The introduction of such restrictions by private operators could hamper the functioning of the internal market.

In violation of the principle of equal pay for men and women he considers Peráček et al. (2020) According to the judgment of the European Court of Justice in Case 129/79 Macarthys Ltd in Wendy Smith, the granting of various advantages for work performance for the benefit of men and women may not always be the same, but for this purpose work can be equal.

As further pointed out by Oláh et al. (2020). on the basis of the judgment of the European Court of Justice in Case 96-80 J.P. Jenkins v Kingsgate (Clothing Productions) Ltd., the employer's decision, according to which the remuneration for part-time work of the same value is lower than that for full-time work, qualifies as discriminatory.

Legislative process to eliminate discrimination

The Member States of the European Union have undertaken, pursuant to Article 33 of the Directive, to adopt by 15 August 2008 legislation and further measures to bring their national laws in line with the content of the Directive. Its primary objective is to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. With effect from 15 August 2009, the Directive repeals and replaces Directives 75/117/EEC, 76/207/EEC, 86/378/EEC and 97/80/EC. Point 1 of Article 2 of the Directive defines a number of basic concepts. *Direct discrimination* means less favourable treatment of one person on grounds of sex than another who is or would be treated in a comparable situation. *Indirect discrimination* means a situation where a clearly neutral provision, criterion or practice has placed persons of one sex at a particular disadvantage compared to persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate objective and the means of achieving that objective are proportionate and necessary.

Harassment means, according to the Directive, undesirable sex-related conduct with the intention or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, dishonoring or offensive environment. *Sexual harassment* enshrines any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the intent or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, dishonoring or offensive environment.

Theorists like Dudic et al. (2020) take the view that, in terms of historical context, one of the most significant interferences in German law was the transposition of Directive 97/80/EC. Member States have been ordered to take, in accordance with their national judicial systems, the necessary measures to ensure that, where persons who are deemed to be harmed by the non-application of the principle of equal treatment in their case indicate before a court or other competent authority the facts from which it can be inferred that there has been direct or indirect discrimination, it shall be proved by the defendant that there has been no breach of the principle of equal treatment. I mean, in essence, according to Žofčinová et al. (2018) it transferred the burden of proof to the defendant, which is unusual from the point of view of the existing judicial system.

Community law governing the principle of equal treatment very consistently requires that, in the event of litigation, the burden of proof is on the defendant. However, this does not apply to proceedings in which it is for the court or other competent authority (*ex officio*) to determine the

facts of the case. These requirements are imposed on the national law of the Member States not only by Directive 97/80/EC but also by Directive 2000/43/EC, Directive 2000/78/EC and Directive 2002/73/EC.

In Article 19(1), Directive 2006/54/EC addresses this situation in an identical manner by leaving it to the defendant to prove that the principle of equal treatment has not been infringed. We note that the Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, despite the fact that four other Community directives on equal treatment will be repealed as of 15 August 2009, does not weaken the regulation of the institute, but, on the contrary, plays a significant role in strengthening and clarifying it, in which it is for an ordinary citizen of the European Union much easier to navigate.

Directive 2006/54/EC will regulate separately the entire area of gender equality in employment; Directive 2004/113/EC on access to goods and services; Directives 79/7/EEC, 86/613/EEC, 92/85/EEC and 96/34/EC as amended by Directive 97/75/EC in the field of social security and maternity and parenthood protection. The most important changes introduced by Directive 2006/54/EC are according to Čajka et al. (2018):

1. the definition of equal pay conditions will not be limited in some cases (in line with the case law of the European Court of Justice) to situations where a man and a woman work for the same employer;
2. the principle of equal treatment will also apply more clearly to employees performing public service work and to civil servants;
3. extending the principle of protection of pregnant women and mothers, but also men when returning from parental leave to work (which applies not only to the right to return to their original job, but also to the application of the same working conditions);
4. the application of the definitions established by Directive 2002/73/EC to all areas covered by Directive 2006/54/EC;
5. extending the application of the principle of the burden of proof on the defendant's side to administrative procedures.

An important area directly related to the issue of Community anti-discrimination policy is the recognition of professional qualifications and education. Their (non)recognition is in practice

one of the most important obstacles to the free movement of persons in the dimension, not only to move unrestrictedly to the territories of other Member States, but indeed to actively participate there in the labour process as a migrant worker (Campina & Rodrigues, 2021). This situation stems mainly from the differentiation of multi-education European systems and the rather opaque machine of issuing different kinds of certificates of qualifications or education. The permanent nature of this problem also arises from the fact that the system of education is left to the competence of the Member States and is not subject to harmonisation at European Union level.

According to Jančíková & Pásztorová (2021) in 2005, Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications was adopted with the ambition of simplifying and clarifying the system for the recognition of professional qualifications and training, which repealed with effect from 20 October 2007 the existing Directives 89/48/EEC on the general system of recognition of diplomas and No 92/51/EEC on the second general system of recognition of professional qualifications.

Directive of the European Parliament and of the Council no. 2010/41/EU of 7 July 2010 on the application of the principle of equal treatment between women and men engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, responded to the need to eliminate discrimination on grounds of sex and gender. The issue was covered by relatively large and effective European legislation. As he adds Nováčková & Vnuková, (2021) measures in this area have a long history at European level dating back to the beginnings of the European Community in the second half of the twentieth century.

In conclusion, however, we consider it necessary to emphasize the importance of Directive no. 2014/54 / EU of 16 April 2014 on measures to facilitate the exercise of rights granted to workers in relation to freedom of movement for workers. As stated in Camarano et al. (2020), this regulation not only significantly extended the scope of anti-discrimination law within the European Union, but in particular enabled individuals to realize their full potential in the European labor market while ensuring equal access to healthcare, education and training as well as housing. He also agrees with this view Dudić et al. (2020) and adds that sexual orientation, religion, disability and age are also the only protected reasons in relation to employment. Therefore, a proposal to extend protection to access to goods and services, also known as the “horizontal directive,” is still being discussed in the European Union.

Conclusion

In view of the stated objective of our contribution, by analysing scientific and academic literature, legislation and the case law of the European Court of Justice, using the institute of legal logic, we have concluded that the European Union, in its primary and secondary law, explicitly declares equal treatment between men and women as one of the fundamental tasks of the European Community. German national legislation has also been enriched in recent years by transposing a number of anti-discrimination directives and also by amending the Anti-Discrimination Act on several legal institutes, strengthening the principle of equality between men and women in the context of employment relations and in the labour market.

However, the added value of our investigation is a number of serious findings. Anti-discrimination policy in labour law legislation is extremely important, but its enforceability is often complicated and insufficient in practice. We see the cause of this situation in a number of facts. The most problematic can include, in particular, the ambiguous interpretation of certain basic concepts such as direct discrimination, indirect discrimination, equal treatment, equal pay for work of equal value. The relatively low readiness of courts to use new European legislation and case-law in the resolution of litigation is also problematic. Last but not least, the lack of knowledge of new legislation among the general public, on which discrimination has a direct or indirect impact, prevents the elimination of discrimination. The most effective way to remove these barriers is to increase legal awareness through targeted campaigns, e.g. on social networks.

The issue of eliminating discrimination, especially in employment relationships, is current and will always require constant scientific research. As part of further research, it is necessary to focus our attention on the impact of European legislation and case law on labor legislation in specific countries of the European Union. In our case, it will be a comparative study to the impact of European legislation and case law on the elimination of discrimination in the Visegrad countries after 2015.

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IMPACT OF EASTERN PARTNERSHIP INITIATIVES ON EUROPEANIZATION PROCESSES IN UKRAINE

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Abstract: *The article analyses the impact of Eastern Partnership initiatives on the Europeanization processes in Ukraine. Particular attention is paid to the external Europeanization and the Europeanization ad personam in context of bilateral relations between the European Union and Ukrainian authorities. In order to follow the implications of the external Europeanization from the perspective of institutional dimension, the paper underlines the essence of Eastern Partnership instruments and initiatives aimed at the enhancement of cooperation among the partner states and at the engagement of civil society actors into the policy-making process. Furthermore, the accent is put on the issue of Eastern Partnership and European integration in political discourse of Ukrainian presidents. The comparative analysis of presidential rhetorical strategies gives opportunity to study the evolution of ad personam dimension of the Europeanization process in Ukraine and analyse the connection between rhetorical messages and future format of EU-Ukraine cooperation*

Keywords: Eastern Partnership, Ukraine, external Europeanization, Europeanization *ad personam*.

1. Introduction

The Eastern Partnership (EaP) initiative has been functioning for more than ten years which gives ground to reflect on the first outcomes of undertaken steps in partner states participating in given project. In fact, it is Ukraine that has proved to be an active beneficiary of the EaP programme since 2009. Therefore, the paper analysis covers selected case studies of the external Europeanization and the Europeanization *ad personam* processes in Ukrainian state. The purpose of the article is twofold: 1) to define the major outcomes of the external Europeanization processes in Ukraine, and 2) to explain the effects of Europeanization *ad personam* in context of the cooperation between the EU and Ukrainian authorities in the analysed period of years 2009-2020.

The following research questions have been formulated with the view to reaching the purpose stated above:

1. What were the main policy areas supported by the European Union (EU) in terms of the EaP initiative?
2. How did the institutional dimension of the external Europeanization evolve in terms of the EaP project?
3. What are the major mechanisms of cooperation between political and civil actors in terms of the EaP actions in Ukraine?
4. Were effects of Europeanization *ad personam* reflected in presidential discourse in Ukraine?

The article attempts to verify the main hypothesis stating that the EaP format has created working platforms for cooperation between political and civil actors leading to important systemic solutions aimed at the Europeanization of the governance in Ukraine. Meanwhile, the quality of the EU-Ukraine relations will directly depend on their commitment to further development of the efficient bilateral format of such cooperation and on the effectiveness of the Europeanization *ad personam* addressed to political and civil actors engaged in the democratic transformation of Ukraine.

As far as the conceptual framework is concerned, the research is based on the concepts of the external Europeanization and the Europeanization *ad personam* that are understood, on the one hand, as a transfer of European norms and regulations aimed at the transformation of Ukrainian institutions and system of governance, and, on the other hand, as the EU impact on particular political and civil actors who are actively engaged in the transformation processes in Ukraine. The Europeanization *ad personam* is analysed in order to define its influence on the political leadership of Ukraine with particular emphasis on their approach toward the EU-Ukraine cooperation and future format of such cooperation.

From the methodology point of view, the systems analysis method gives tools to analyse the interaction among all the constituents of particular political system as well as to follow how the changes of one constituent affect the other ones. In terms of the article, the focus is put on the interaction among policy-makers, civil society organisations and scholars as elements of the system. The demands of Ukrainian civil actors to transform system of governance and policy-making tradition in accordance with the EU standards may be considered as the input of the

political system while adopted legislation and development strategies are regarded as the output. Additionally, the article is based on the comparison method that is used to compare political approach of the Ukrainian presidents toward the European integration in years 2009-2020. Furthermore, the method of critical discourse analysis was implemented in order to discover presidential rhetorical strategies on given matter.

2. Terminology Conceptualisation and Theoretical Framework of the Research

Traditionally, the scientific analysis of the Europeanization concept has been mainly concentrated on the internal Europeanization studying either the EU legislation impact on member states (Ruszkowski, 2019), institutional aspect of constant change (Beck and Grande, 2009), major forms of interaction between the EU and member states (Borzel, 2005), or the negotiation process between member states and EU institutions aimed at mutual adjustments (Tosiek, 2018, p. 153). In this regard, Tosiek (2012, p.173) points out to the challenges in the context of the national decision-making process followed by the obtaining of the EU membership relating to further implementation of the reforms implied by the process of membership negotiations, and to the implementation of the EU norms into the internal legal systems of new member states.

At the same time, scholars have emphasised the external character of the Europeanization focusing on its impact on the non-EU states. In his classification of „Europeanization faces”, Olsen (2002, pp. 921-952) defined a transfer of norms and regulations outside Europe as one of them together with territorial expansion of the EU/Europe; institutionalisation on European level; political action aimed at strengthening the integration; or changes of state and regional system of management. Overall, as far as the external Europeanization is concerned, it has a direct connection with the Eastern policy of the EU and the EaP Initiative in particular (Agh 2016, p.37.) Meanwhile the essence of the external Europeanization phenomenon lies in the central role of the EU which transfers its standards, norms and values to neighbourhood states (Cianciara, 2017, 84).

Concerning the Europeanization *ad personam*, Ruszkowski (2019, p. 203) argues that while studying the issue of Europeanization and its impact on institutions, states or regions, one should take into account its influence on other actors (individual and collective) of given process such as people, social groups, or elites. Therefore, the article focuses on the issue of European integration in presidential rhetoric in order to follow the evolution of the EU impact on political leadership of Ukraine.

3. The implications of the external Europeanization - institutional dimension

Prior to the analysis of the external Europeanization attempts in context of the EaP Initiatives, this part of the article starts with the brief overview of the EU programs and initiatives introduced by the EU before the launch of the EaP. To speed the process of transformation in partner states, the European Commission (EC) created a number of instruments in terms of the European Neighbourhood Policy (ENP). The first attempt was made in 1991 when the EU started its Tacis - Programme¹. Interestingly enough, it was Kyiv where the programme opened its office for Eastern Europe (Domaradzki, 2014, p. 280). Important aspect was that the main element of Tacis support was aimed at transferring know-how and expertise to organisations in the partner countries. In fact, both governmental and non-governmental organisations could take part in the programme. Furthermore, Tacis was replaced by the European Neighbourhood and Partnership Instrument (ENPI) which introduced such innovative features as:

- cross-border cooperation, which provided ground for joint programs, bringing together regions of Member States and partner countries sharing a common border;
- a Governance Facility which supported creative partners showing the eagerness to reform their regions using good governance strategy;
- the Twinning and the TAIEX instruments that served as a cooperation tool between a public administration in a partner country and the equivalent institution in an EU Member and were aimed at enhancing co-operative activities (European Commission, 2004).

Another instrument initiated by the EC with the view to improving territorial cooperation in the EU was the European grouping of territorial cooperation (EGTC). Regulation 1082/2006 of the European Parliament and of the Council was adopted on 5 July 2006. However, it concentrated mainly on the EU member states allowing regional and local authorities and other public undertakings from different member countries to set up groupings with a legal personality to deliver joint services. EGTCs were recognized as legal entities whose mission was to facilitate cross-border, transnational or interregional cooperation in the EU (European Commission, 2006).

¹ Tacis is an acronym for Technical Assistance to the CIS (or Commonwealth of Independent States). The name of the programme was spelt out in capital letters – TACIS– but the name was later changed to “Tacis” to account for its broader range of activities and inclusion of partner states. Source:
http://eeas.europa.eu/delegations/georgia/eu_georgia/tech_financial_cooperation/instruments/tacis/index_en.htm.

One could have observed positive tendencies in the following years as regards prospects for participation for the third countries. One of the most recent changes was proposal of the EC as regards the clarification, simplification and improvement of the establishment and implementation of EGTCs. The document presented threefold philosophy:

- 1) continuity: no need to change the basic nature of an EGTC, its statutes or ways of operating;
- 2) clarity: the need to modify the Regulation in accordance with the Lisbon Treaty in order to clarify the confusing aspects and ensure more visibility and communication on the formation and operation of EGTCs;
- 3) flexibility: opening up EGTCs to any aspect of territorial cooperation and providing legal bases for the participation of authorities and regions from third countries to participate as members (European Commission, 2012).

Despite the initiatives and instruments in terms of the partnership concept introduced by the EU, scholars point out to the cases of unwillingness from the side of neighbouring states to conduct reforms under the existed conditions. As a result, the EC undertook a series of steps to create a form of partnership that would be more appealing to partner states and would engage more civil actors into the process (Korosteleva, 2013, p. 13). It was the EaP Initiative in 2008 aimed at strengthening both the state institutions and civil society organisations in each partner state.

Ukraine officially joined the EaP in 2009. Among key priorities of the Initiative were the following: association with the EU, creation of a Deep and Comprehensive Free Trade Area (DCFTA), dialogue on the establishment of a visa free regime, and energy cooperation. Achieving the above mentioned goals by partner states required the reforms of such spheres as public administration, civil service, civil protection, judiciary, etc. Moreover, reforms in given areas involved the application of appropriate experience from other members of the Partnership (European Council, 2015).

As Tymanowski puts it (2014, p. 111), the EaP was a chance for the improvement of relationship between Ukraine and the EU and for the establishment of joint mechanisms leading to the growing role of European impact on the direction of political vector in Kyiv. Importantly, the project was initiated by Poland and a subsequent proposal was prepared in cooperation with Sweden which resulted in the presentation of foreign ministers of Poland and Sweden at the EU's General Affairs and External Relations Council in Brussels on 26 May 2008.

As a result, a wide range of the EaP initiatives implemented in Ukraine have contributed to the achievement of the Sustainable Development Goals expressed in the EC Staff Working Document „Key European action supporting the 2030 Agenda and the Sustainable Development Goals” (2016). Particular attention should be paid to Erasmus+ programmes for education development² which may have numerous benefits for young generation of Ukrainians and serve as an effective Europeanization *ad personam* instrument addressed to future decision-makers. The initiative of equal importance is the PRAVO-JUSTICE project in Ukraine³ aimed at providing support for the Ukrainian justice sector.

In terms of the institutional dimension addressed at the top decision-makers in partner states, the EURONEST Parliamentary Assembly was established in 2011. The Assembly created the multilateral cooperation platform for parliamentary dialogue on the issues related to the EaP. Article 5 of the Rules of Procedure defines relations with the EaP Summit, the Council of Ministers, the EC and ministerial conferences stating that the Bureau of the Assembly⁴ is responsible for forging „closer ties in all areas with the institutions, bodies and organisations of the Eastern Partnership” (EURONEST).

Furthermore, the external Europeanization effects could be seen in context of Polish-Ukrainian cooperation between regional and local authorities which importance was clearly emphasised by the Committee of the Regions in its official documentation. The example might be the Opinion of the Committee of the Regions on the role of local and regional authorities within the EaP published on 22 April 2009. The paper considered the development of local democracy as a central element in cooperation between the EU and countries from the EaP project (Committee of the Regions, 2009). Such interregional cooperation provided Ukrainian regions with new opportunities for the participation in a range of joint programs and is considered to be beneficial for the regional adaptation to the European standards. Similar cooperation framework may serve

² More on Erasmus Plus Programme in Ukraine see: <https://erasmusplus.org.ua>.

³ More on the PRAVO-JUSTICE project see: <https://www.pravojustice.eu>.

⁴ In accordance with art. 1 Rules of Procedures, „The two components of the EURONEST Parliamentary Assembly shall elect a Bureau from among their members, consisting of two Co-Presidents of equal status (one belonging to each of the two components of the EURONEST Parliamentary Assembly) and a number of Vice-Presidents (one from each of the participating Eastern European Partners different from the country of the relevant Co-President and an equal number from the European Parliament). The electoral procedures and terms of office shall be decided by each component separately.

as an incentive for citizens encouraging them to actively participate in life of their region through the implementation of the European standards of governance on local scale (Buglay, 2013, p. 81).

Analysts agree that the strong and well organised potential of local and regional authorities improves efficiency of governance and is crucial for successful democratisation. In this regard, empirical experience of self-governments (local, regional, state, European and international) cooperating in a decentralised way with partners in the EaP are considered to be of primary importance. At the same time, there appeared a need to create common discussion platform in order to receive optimal results and fruitful solutions using diverse experience of a wide range of local actors. Such platform known as Conference of Regional and Local Authorities for the EaP (CORLEAP) was created in 2011 as the political forum of local and regional authorities from the EU and the EaP countries. CORLEAP is positioned by its initiators as the only EU platform that offers an opportunity to discuss the contribution by cities and regions in the development of the EaP. Being established as a result of common efforts of the EC and the Committee of the Regions, CORLEAP created ground for political cooperation between local and regional authorities in the EU and partners from the EaP. (Zheltofskyy, 2019, p. 121). According to Taczyńska (2013, p. 37), such cooperation would result in the increase of local authorities' impact on regional political strategy development and would strengthen the citizen-official cooperation in partner states that all together would lead to a stronger local government.

In terms of the undertaken steps toward the engagement of civil actors into the Partnership initiatives, the Civil Society Forum was created. Its General Assembly meets annually to debate on the achievements of the EaP Programme and engages various civil society organisations from the EU and partner states. Additionally, each member state has own national platform of the forum that monitors their accomplishments.

It is important to highlight that in accordance with the joint declaration adopted at the 11th annual General Assembly of the Forum, major challenges that impede the implementation of the EaP policy in partner states relate to „modest results in the field of justice reform, which is a key to fighting high-level corruption and holding the governments accountable” (EaP Civil Society Forum, 2019). Similar declaration from civil actors illustrates the positive effects of external Europeanization processes and may work as additional pressure on the decision-makers to foster the reforms aimed at overcoming corruption.

The case of Ukraine demonstrates that there has been a slow but positive change in the international evaluation of the corruption rate. In this context, Transparency International positioned Ukrainian state on the 120th position out of 180 countries and territories in 2019 which illustrates slow positive dynamics in comparison to year 2013 when Ukraine found itself on 144th position (Transparency International, 2013, 2019). Such dynamics brings ambivalent conclusions on the pace of anti-corruption policies. On the one hand, the EaP initiatives provided policy-makers with the tools to launch key reforms directed at overcoming systemic corruption. On the other hand, however, the implementation process was sometimes slow or blocked by officials, and it was pressure of civil society organisations and the EU officials that has led to the positive dynamics in a number of cases (Zheltovsyy, 2020, p. 91).

Similar observations refer to the reforms concentrating on establishing mechanisms for open access to information connected with the state and local budget expenses or functioning of the public servants that have been implemented in 2015-2019 and are supposed to eliminate the risk of abusing power and minimise corruption (Vox Ukraine 2019). In fact, the EU called the law on anti-corruption court adopted by the Ukrainian MPs and signed by President Poroshenko in 2019 “a positive development” and “a significant step” in the fight against corruption, as well as “a key component” of the EU-Ukraine Association Agreement (AA) (eeas.europa.eu, 2019).

In terms of the latest developments in the external dimension of the Europeanization processes, on 18 March 2020 the EC presented the EaP Policy beyond 2020 „Reinforcing Resilience - an EaP that delivers for all”. The document emphasises the positive results achieved in 3 out of 4 priority areas (stronger economy, stronger connectivity and stronger society) adopted in „20 Deliverables for 2020”. As regards the stronger governance priority area, the document argues for „the need to significantly improve results” in the governance sphere connected with anti-corruption efforts and empowerment of civil society. Therefore, the authors of the report recommend introducing changes to the incentive-based approach such as „objective, precise, detailed and verifiable benchmarks” for reform implementation (EC, 2020). Such recommendation, in fact, echoed the conclusions made in the 2017 EaP Report which argued for the stricter conditionality principle meaning that financial support to the respective government should be based on the success of legal reforms aimed at overcoming corruptions in partner states (2017 EaP Index, 2018).

Concerning the external factors that might determine the EaP partner states cooperation with the EU in the following decade and the Europeanization in Ukraine in particular, the report EaP 2030 Trends names the following: 1) the growing Russian resilience in the region; 2) the EU concentration on efficiency of its actions; 3) „growing individualisation” of the EaP members; 4) political instability in EaP countries. According to the authors, by creating frozen conflicts, Russia undermines the attempts of such EaP partner states as Ukraine to gain NATO and EU’s membership (EaP 2030, p. 6). It is also true that Russian opposition toward the concept of the EaP is a serious impediment to its successful functioning due to Moscow’s active involvement in the politics of such partner states as Belarus or Armenia who joined Eurasian Economic Union (Barburska, 2019, p. 160).

Therefore, experts point out to the significance of security aspect for further development of the EaP partner countries (Kruglashov 2020, p. 76) and the importance of concerted efforts to counteract Russian disinformation campaigns in the region. Gahler (2021, p. 6) gives example of the „EUvsDisinfo” project established in 2015. The project tasks include identification, collection and communication about Russian disinformation campaigns in order to protect the EU member states and neighbouring countries. The author asserts that EaP partner states could also benefit from given project and that is why it should be promoted in order to increase their resilience to Russian disinformation campaigns (Gahler, 6).

As for the position of Ukrainian authorities, a vivid example of the attempt to counteract such campaigns was the establishment of Crimea platform as a new initiative aimed at bringing international attention to Russia’s illegal annexation of Crimea peninsula. Importantly, the inauguration summit was attended by representatives of 46 states and international organisations who signed the Crimea Platform Declaration calling on Russia to de-occupy the Crimea and to recognise territorial integrity of Ukraine (Joint Declaration, 2021).

Meantime, in reference to the debate on the future form of the EaP, the need to develop a tailor-made approach to particular partner state has been continuously repeated by Ukrainian top official responsible for the integration with the EU. The example of the most recent developments on the matter was the establishment of the „Association Trio” initiated by Ukraine, Moldova and Georgia in May 2021. The idea behind the project is to strengthen the policy coordination in the field of European integration. As the Minister of Foreign Affairs of Ukraine put it, EaP needs „a strategic update” (Kuleba, 2021).

The observations mentioned above illustrate that the decision-making process on the EaP initiatives has been differently affected by different actors engaged in the given process and has been determined by both external and internal factors. Due to the dynamic nature of given factors, there is a visible need to further develop the EU's eastern policy with particular focus on strengthening its role in security management and on individual approach to partner states based on their commitment to democratic transformation and progress in given field.

4. The Europeanization *ad personam* and its effect on the transformation of the Ukrainian political system

Below there is made an attempt to present the level of political leadership engagement into the EaP projects and the rhetorical strategies implemented by four Ukrainian presidents. To illustrate the *ad personam* dimension in terms of the EaP initiative in Ukraine, the analysis covers the declared position of Ukrainian political leaders toward the transfer of EU norms and regulations.

Due to the fact that strategic communication is regarded by the EC (2020) as a crucial element of „building resilience”, and as „a core duty for policy-makers at the service of citizens”, this part of the article studies the political speeches of Ukrainian presidents devoted to the EaP in order to follow the level of *ad personam* engagement into the Europeanization process in the analysed time framework (2009-2020).

In fact, it was the 2014 Revolution of Dignity in Ukraine triggered by the refusal of Viktor Yanukovich to sign the AA with the EU that led to the 2014 early presidential and parliamentary elections in Ukraine and in consequence to the official announcement of its pro-European course.

To remind, Yanukovich tried to avoid announcing a clear pro-European or a pro-Russian course during his stay in power in 2010-2013. Instead, he was sending mixed signals to the EU and to Ukrainians who supported the European integration. Before his infamous decision not to sign the AA with the EU in November 2013 and agreement to accept a significant financial assistance of 3 billion dollars from Russia, Yanukovich declared his plans to integrate Ukraine with EU. In her memoirs, former US Secretary of State Condoleezza Rice argues that Yanukovich was trying to sign the Agreement despite the Russian attempts to block the integration process but his final decision was largely influenced by Russian blocking Ukrainian import to Russian

Federation in 2012 and declarations of Russian politicians on continuation of similar practices in case of signing the AA with the EU (Rice, 2018, p. 141).

The EU, in turn, failed to convince the Ukrainian governance to finalise the deal that demonstrated a lack of Europeanization *ad personam* strategy at the time. In fact, the issue of incentives offered by the EU to the EaP states proves to be a significant constituent of the Europeanization *ad personam* process. Lavenex (2007, p. 247) defines three mechanisms available to the EU that can be used in order to encourage non-EU countries to implement policy decisions „in the absence of membership conditionality” including intergovernmental negotiations, trans-governmental networking, and the international organisations. Interestingly enough, according to the joint policy communication published by EC in March 2020, „Civil society organisations are crucial for disseminating EU-positive messages outside of the capitals, and ensuring lasting results and better services for people on the ground”. Such observations led to the EU decision to enhance the engagement of key civil society organisations into the policy-making process mentioned above (EC, 2020).

The example of Yanukovych illustrates that while speaking about financial incentives, it is important to analyse the political incentives and the value orientation of certain politicians in the EaP states. Most likely, the decision of Yanukovych could have been influenced not only by the economic incentive from Russia but equally by his set of values and vision of the state development that was always closer to the authoritarian model than to the democratic one.

On the contrary, the declared position of authorities elected in the 2014 democratic elections was clearly pro-European that reflected the position of majority of Ukrainian voters. Political declarations on readiness to introduce European good practices of governance were expressed by such politicians as Petro Poroshenko or Arseniy Yatseniuk whose parties won the parliamentary elections in 2014. Similar declarations were an answer to broad public demand for freedoms and the rule of law. Therefore, the topic of power decentralisation and citizens' empowerment was one of the leading ones in the 2014 election campaign.

Moreover, the decentralisation and self-governance reform in Ukraine has been one of the most fundamental reforms in the post-Euromaidan period that engaged both Ukrainian and foreign political and civil actors (non-governmental organisations, university scholars). In terms of the Europeanization *ad personam* effect in the context of the decentralisation reform, its impact on the Ukrainian decision-makers is visible on the example of Polish-Ukrainian cooperation on given

matter in 2014-2019. One could have observed the declarations of top Ukrainian officials in the Post-Euromaidan period on their readiness to implement the self-governance transformation following the example of Polish model of the reform. To name a few examples, during his first official visit to Poland, President Petro Poroshenko asserted that Polish experience in decentralisation reform was the most relevant for Ukraine and it would be taken as a basis during works of Constitutional Committee in Ukraine while then Speaker of Ukrainian Parliament and former Prime Minister of Ukraine Volodymyr Groysman like his predecessor Arseniy Yatseniuk requested Polish government to provide Ukraine with practical advice on self-governance reform (Zheltovskyy, 2016, p. 551).

5. Europeanization *ad personam* - case study of presidential rhetoric in Ukraine

The following part of the article focuses on the issue of European integration and EaP initiatives in political discourse of Ukrainian presidents. The presidential rhetoric is regarded as a political tool aimed at getting support on both domestic and international arenas. In terms of the European integration, it may serve as an efficient instrument for setting the agenda and for raising public awareness on given matter.

Thus, the article's effort to analyse the issue of the EU-Ukraine relations in key presidential messages is expected to present the effects of Europeanization *ad personam* on the example of Ukrainian leadership as well as disclose the Europeanization prospects in Ukraine.

As a matter of fact, it is presidential inauguration address that is supposed to define the vision of future policy-making inside a particular state and directions of international cooperation, and to declare a certain set of values, norms and expectations in context of the state management. In case of Ukraine, brief analysis of inauguration addresses delivered by four Ukrainian presidents make it possible to compare the emphasis on the issue of Europeanization in presidential rhetoric and explain Europeanization *ad personam* effects in particular cases.

Firstly, the examples of Viktor Yushchenko and Viktor Yanukovich illustrated the opposite approach to the issue of the EU-Ukrainian cooperation. Viktor Yushchenko, who became the president of Ukraine after the Orange Revolution in 2004, clearly stated that he saw Ukrainian future in the EU and declared it as his foreign policy goal. Among arguments given in favour of such declaration were the following: common values, history, and belonging to the same civilisation (Yushchenko, 2005). Unlike his predecessor, Viktor Yanukovich did not include any

statements on his plans to integrate with the EU in his inaugural address. Instead, the speech presented the vision of Ukraine as a bridge between the West and the East. Moreover, Yanukovych described Ukraine as an integral part of Europe and former USSR and argued that the aim of state foreign policy should be equal relations with Russia, EU, USA and other countries (Yanukovych, 2010). Importantly, the same rhetorical strategies were further used by both presidents during their presidencies. While Yushchenko in his speech to the European Parliament continued to clearly declare his pro-EU position stating that Ukraine had chosen Europe and was ready to complete necessary reforms in order to become a member of „the European family” (Yushchenko, 2005b), Yanukovych argued that Ukraine found itself between „two big monsters - Russia and the EU” (Yanukovych, 2013).

As far as the post-Euromaidan period is concerned, the comparative study of presidential inaugural addresses show significant differences in rhetorical strategies implemented by Petro Poroshenko and Volodymyr Zelensky.

To remind, the nature of relationship between Ukraine and the EU has undergone considerable transformation after the dramatic Euromaidan events. The growing European involvement led to the implementation of European experience in the reform processes in Ukraine, which created favourable conditions for economic and social integration (Leszczenko, 2019, p. 186). Such developments as the adoption of the AA, the abolition of visas for Ukrainian citizens with biometric passports, constitutional amendment introducing the integration with the EU and NATO as a strategic goal for Ukraine illustrated visible progress in the EU-Ukraine cooperation. Meantime, the EU’s welcoming of Ukraine’s „European aspirations” without a clear declaration to grant a full membership raised questions about the most feasible formula of partnership and the most plausible scenario of European integration processes in Ukraine (Zheltovskyy, 2020, p. 85).

As for the the Europeanization message in the inauguration speech of Poroshenko and Zelensky, the comparison is based on reference to state government, national idea and values. In relation to all three issues mentioned above, President Poroshenko emphasized the significance of European experience on given matters and declared his willingness to use it as an example for Ukraine. Particular attention was paid to the European tradition of local self-government and the need to decentralise Ukrainian system of government. As a matter of fact, the self-government and decentralisation reform was one of the key reforms of Poroshenko presidency that engaged policy-makers and civil society actors from Ukraine and the EU (Poroshenko, 2014).

In his turn, Volodymyr Zelensky chose a different rhetorical strategy addressing the EU theme in his speech. Having stated that „European country begins with each of us”, president Zelensky addressed the issues of values or policy-making without putting emphasis on the EU’s experience in given fields. Unlike previous inaugural address, Zelensky’s speech did not include such direct reference to the EU regarding the issue of values, state management or development vector either (Zelensky, 2019).

The table below illustrates key words used by both presidents in reference to constituents associated with the concept of Europeanization:

Table 1. Europeanization theme in presidential inaugural addresses

Issue	Terminology used by Petro Poroshenko	Terminology used by Volodymyr Zelensky
state management	European democracy as the best way of state government; delegation of power from centre to local governments	Each Ukrainian is responsible for building a prosperous state
national idea	European choice as a uniting idea for all Ukrainians	„to unite and make the impossible against all odds”; appeal to Ukrainian diaspora to come back in order to build state together based on their knowledge and expertise
values	„ideas of independence, freedom, dignity, legitimate state, European integration”	equality before the law, honest and transparent rules.
European Union	Europe as Motherland for Ukraine	no direct reference

Source: own representation based on the analysis of inaugural addresses delivered by Petro Poroshenko and Volodymyr Zelensky.

As it is seen in the table, the Europeanization theme was more vivid in the inaugural address of Petro Poroshenko. At the same time, both addresses stressed that the time for positive changes had come and put emphasis on peace, security and unity as key constituents of such changes to happen. In this regard, Tsybulenko and Pakhomenko (2016, p.174) point to the outcomes of the 2015 survey among Ukrainian opinion leaders on their expectations toward the EaP initiative. In fact, it is the weakness of the security component in terms of the EaP that was underlined by 47.7% of survey's respondents entitled "Important, forgotten or unnecessary?".

Meanwhile, the internal policy issues were addressed by President Poroshenko during his first press conference on 29 December 2014, which turned out to be a platform for critical debate. Among the discussed topics were the improvements in Ukrainian military sector, consolidation of Ukrainian society around the pro-European course of state development, and plans for political solution of the conflict in Donbas. It should be particularly emphasised that the key message on reaching stability in Donbas referred to the need of creating conditions for local elections in accordance with Ukrainian legal system. Moreover, Poroshenko announced that his "mega task" was to make reforms and create ground for economic growth in 2016 that in turn would attract investments in Ukraine (Ukrainska Pravda, 2015).

Overall, due to the chronological limitation of the article focus, the analysis covers mainly the Europeanization *ad personam* case of Petro Poroshenko. As a matter of fact, selected speeches delivered by Poroshenko vividly illustrate the emphasis on the declaration to integrate with Europe. The issue of European integration was constantly addressed at the EU-Ukraine Summits as well as at other international forums such as Munich Security Conference. To be precise, the final remarks of the speech at the 2015 Munich Security Conference included the accent on such steps as visa-free regime for Ukrainians and closer EU-Ukraine cooperation towards the implementation of reforms. Moreover, the particular accent was put on „entering the European family” as a dream of Ukrainian people (Poroshenko, 2015).

Particular attention should be paid to the EU-EaP Summits addresses that illustrate the evolution of presidential declarations on given matter. On the 2017 EaP summit the presidential address highlighted the Ukrainian expectations as regards custom alliance, association with Schengen zone, energy alliance, and common digital market. Moreover, the speech argued for more Europe in Ukraine and building EaP on the basis of differentiated approach (Poroshenko,

2017). As it was shown in previous part, this appeal has been repeated by Zelensky team on every occasion.

In reference to Volodymyr Zelensky speech from 22 January 2020 at the World Economic Forum in Davos, it included a brief statement that Ukraine sees its future in Europe. However, the speech sent mixed signals. On the one hand, the Ukrainian president stated that the EU should „take Ukraine into the EU” due to the fact that Ukraine signed the AA and continues maintaining the pro-European course. Furthermore, in accordance with president Zelensky, not only Ukraine but also „the EU should want to engage Ukraine in the EU” (Eurointegration, 2020). Such statement raised important questions about the commitment and expectations toward perspective cooperation from both parts. At the same time, at the level of declarations, the presidential message coincided with the messages of his predecessor stating that Ukraine will become a member of European family (LB.ua, 2020).

Overall, as far as the declarations on the Europeanization processes in Ukraine after the 2019 presidential and parliamentary elections are concerned, it is too early to make conclusions regarding the effects of the process. The 21st EU-Ukraine summit in Kyiv on 8 July 2019 included joint political statements on “the strength of the political and economic ties between the EU and Ukraine”. In fact, a general overview of the implementation of the AA demonstrates that the “progress of performance of the scheduled objectives in 2018 increased by 11% against 2017 and amounted to 52%” (Consilium.Europa.EU, 2019). In reference to Volodymyr Zelensky who has had the unprecedented victory in both presidential and parliamentary election, one might assume that the success of the Europeanization processes in Ukraine in the upcoming years will greatly depend on his personal position and engagement in given issue.

6. Conclusions

In summary, as the above analysis of the EaP Initiatives’ impact on the Europeanization processes in Ukraine has demonstrated, a significant progress has been achieved in the institutional dimension of cooperation between the EU and Ukrainian policy-makers as well as in the wider engagement of the civil society into the decision-making process. By introducing effective mechanisms of cooperation between political and civil actors and due to the active position of the latter on the reforming processes in Ukraine, the implementation of the EaP initiatives has led to

the first fruitful outcomes in transferring European good practices of government on Ukrainian ground.

Particularly, the external Europeanization outcomes are reflected in the reform of decentralisation and local self-government in Ukraine that illustrates the dynamic cooperation between political actors and civil society organisations with active participation of European experts. That said, despite the positive launch of anti-corruption reforms in Ukraine in 2014, the international evaluation of the corruption rate shows rather slow positive dynamics that might be the result of insufficient efforts of Ukrainian authorities directed at overcoming systemic corruption. Undoubtedly, such state of events may undermine the efforts to reform the governmental system and diminish the Europeanization effects.

As for the Europeanization *ad personam*, the analysis of political discourse on the matter of Ukraine's cooperation with the EU has illustrated a strong pro-European narration in rhetorical strategies of presidents Poroshenko and Zelensky. At the same time, one could notice a change of accents in the messages of current administration. There has been a repeated appeal to the EU to take a more proactive position on the EU membership prospects for Ukraine. Similar message referred to the future format of the EU-Ukraine cooperation in terms of the EaP and the need to adjust it in accordance with the Ukrainian expectations.

It remains to be seen whether arguments of the Ukrainian policy-makers will lead to the significant change of the EaP cooperation format and introduction of clear incentives and membership prospects for Ukraine. However, due to the dynamic character of geopolitical situation and existing threats in the region, the proactive position and commitment of the EU coupled with its readiness for creative solutions to increase its influence in the region will undoubtedly determine the level of Europeanization in Ukraine in the near future.

In order to be effective, the EaP initiatives must be implemented with the concerted efforts of policy-makers and social actors such as civil society organisations and scholars. They should also involve a process of learning how to work together toward the common goal as a priority task for European and Ukrainian decision-makers. Therefore, undertaken initiatives should be accompanied by the strategic communication campaign and responsible political discourse in order to create a sustainable partnership and favourable ground for the success of Europeanization processes in Ukraine.

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EUROPEAN POLICY AS ADAPTIVE BEHAVIOR OF GERMANY AND THE LEADERSHIP ROLE IN EU AS A RESULT OF POLITICAL ADAPTATION

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Abstract: *The European Union has been gradually transforming in the process of progressive integration. An example of the serious implications of these changes were multiple crises that called the European order into question, thus posing a challenge to keep the essential structures of the EU within acceptable limits. The crises have forced EU decision-makers and Member State governments to adopt appropriate adaptive behavior by implementing correct response mechanisms. Adaptation to change has become the foundation of the European policies of the Member States. The author uses the theory of political adaptation to analyze German European policy. Initially, its main determinants were presented in the context of shaping adaptive behavior. Then, based on them, the model of adaptation to changes in the EU preferred by the German authorities was formulated. Using the comparative method and case study, the adaptation model in the situation of minimal changes in Germany and the EU compared with the form of adaptive behavior in it might be rapid changes caused by the Eurozone crisis and the refugee crisis. They were the main catalyst for the reformulation of Germany's adaptive approach from 'habitual' to 'deliberative' or 'convulsive' which resulted in strengthening the role of the leader.*

Keywords: political adaptation, leadership, crisis, Germany.

1. Introduction

Political processes occurring in the international system and related to the opportunities and threats to the development of states become determinants of foreign policy, which includes the interaction between the entity adapting to change and the external environment in which it occurs. Activities related to the implementation of foreign policy in all its dimensions can be considered as adaptive behavior. Such a research approach requires building the analytical framework of the problem, explaining the theory, and verifying hypotheses using specified

methods. The adaptive perspective in the present article has been reduced to exploring a part of political reality related to Germany's European policy and the role of this country in the EU in a situation of rapid changes. In the author's assumption, there is a clear gap in scientific discourse concerning treating political adaptation as a research approach and using it for practical analysis of processes and phenomena occurring in international relations. The article provides an attempt to transfer the adaptation perspective to the level of German European policy as one of the key dimensions of foreign policy. In contrast, government actions in relation to attempts to solve crises, according to the adopted assumption, are treated as the effect and the main manifestation of political adaptation.

Following the accepted methodological framework of research, the purpose of the article is to define the main determinants of German European policy in the context of adaptive behavior and to create on its basis a model of adaptation to changes occurring in the EU. The use of the theory of political adaptation required clarifying the general priorities of German European policy after reunification. However, the most important aspect of the analysed adaptive behavior was the government's response to rapid external changes caused by the Eurozone crisis and the refugee crisis. In this aspect, it was essential to clarify to what extent Germany's European leadership, especially in the periods of crises being analysed, can be described as the result of the political adaptation process. The author formulated several hypotheses. First of all, the German adaptation model is understood as the type/mode of adaptive behavior changes depending on the analysed political phenomena. Secondly, Germany can be seen as the political 'homeostat' of the EU system maintaining its internal balance. Finally, last but not least, political adaptation to the role of leader was effective in the Eurozone crisis, while in the case of the refugee crisis, implemented adaptation solutions led to internal changes, which hinders the positive assessment of this process. Comparison of adaptive models in slight and significant changes required the use of the comparative method. In turn, the case-study approach complemented comparative research and allowed to determine Germany's adaptability in various contexts.

The article was organised into three parts. The first describes the theory of political adaptation and explains the possibilities of using this model as a research approach in political science. The second part explains the main postulates recognizing European policy as a platform for adaptive behavior. On this basis, the main parameters of German European policy were defined to determine the adaptive behavior model. In the last part, attention has been focused on explaining

the phenomenon of German leadership in the EU as an implication of adaptation to changes caused by crises, taking into account individual adaptation models. Finally, a comparative analysis of the strategy of German's political adaptation in the EU during the Eurozone crisis and the refugee crisis was presented. According to the central claim of the research, these phenomena contributed to the change in the adaptive environment, in which Germany played the leading role, adapting to the role of leader.

2. Adaptation as a political process

Adaptation as an interdisciplinary concept has become an object of analysis in both natural and social sciences. It can be a valuable category for explaining phenomena and processes from various cognitive perspectives. Therefore, when trying to embed the concept of adaptation in the appropriate definition framework, it is important to rely on examples specific to a given discipline and transfer the theoretical model to the problems analyzed there. Although some research approaches center the debate on adaptation as the consequences of environmental changes, it should be seen not as a result or state but primarily as a process - more or less dynamic (Mayr, 1982, p. 483). Its essence is to adapt the organism to new conditions. The effectiveness of adaptation can only be tested in the long-term perspective, by observing the response of the environment and internal structures (Simonet, 2010, p. 4; Bates 2005).

In socio-psychological analyses, adaptation is understood as a process of unremitting interaction between the individual and the dynamically changing world in which it operates. On the one hand, this complex dynamics refers to the change in the behavior of the adaptive entity, and on the other - to processes that determine the emergence of transformation perspectives (Jakubowicz, 2002, pp. 247-250). The change in the entity's operating strategy results from processing information from the environment, allowing it to decide to adapt to new conditions. The subject's effectiveness in responding to new situations depends on the ability to modify behavior or its structure (Taché, 2003, p. 362; Simonet, 2010, pp. 4-6).

The concept of adaptation can also analyze political processes, especially in shaping specific foreign policy strategies by decision-making centers. J. N. Rosenau, who initiated research on adaptive behavior in this dimension, defined adaptation as an action aiming at preserving and protecting social structures and attributes of the state constituting its essence (Rosenau, 1981, pp. 3-5). The direct determinants of adaptation processes are the behavior of decision-makers and the

nature of decisions regarding individual dimensions of foreign policy. Political adaptation is initiated internationally when there are mechanisms of mutual influence between states, accompanied by constant changes in the internal and external environment. Their scale, intensity, and pace are different. The entity, adapting to specific conditions, operates with different strategies, to adapt to changes and adaptability.

According to the theory of political adaptation understood as a dynamic process, decisions in the sphere of foreign policy can be seen as adaptive behavior if they are an adequate response to changes in the external environment of the state and support the maintenance of its essential structures within acceptable limits, which in turn are determined by decision-makers and society (Rosenau, 1970, p. 367). If the changes occurring in the internal and external environment are minimal, then also the government's actions are oriented towards the minimum degree of adaptation by using the available tools of current policy. Another situation occurs when the internal or/and external environment is subject to rapid changes that may pose a potential threat to essential social, economic, and political structures. Existing procedures of current policy may transpire unreliable and inadequate to the changes. Their continuation could mean passivity in practice. The adaptation strategy must, therefore, take account of decided ad hoc behavior.

To sum up, political adaptation to the environment in a regional or international dimension depends on the state's needs and capabilities as well as conditions and absorption capacity of the environment. In turn, changes in the external environment force a change in adaptive behavior by adopting a different strategy for conducting foreign policy or making ad hoc decisions that are to be an adequate response to changes. Often, the adaptive behavior of the state is the result of the expectations of the external environment to assume greater responsibility for situations in surroundings. Especially when the state plays a key role in the regional (regional power) or global system (global power). The main issue to be resolved is the degree of the state's influence on shaping the external environment and strengthening the balance by stimulating occurred their changes, as well as the degree of the impact of the environment on intra-state transformations.

3. European Policy as an Adaptive Behavior

3.1. Changes and models of adaptation

According to the theory of J. N. Rosenau, the environment in which the organism functions is constantly changing, which in turn hinders its development and even threatens its survival

(Rosenau, 1970, p. 365). The natural consequence of changes is an attempt to adapt to new conditions by implementing an appropriate adaptation strategy. The state that functions in a dynamically changing international environment, which can be understood as the physical limitations of the activities of the political units that make up the international system, is subject to the same processes (Waltz, 1976, pp. 40-41). According to the assumptions of the adaptation perspective, the state does not have to adapt to all changes that take place outside its borders. It must adapt to those (within the international system) that are relevant to its essential structures. In this way, his significant adaptation environment is marked (Rosenau, 1970, pp. 371-372). The survival of the state depends on its adaptability as well as the influence of other entities and the absorption capacity of the system in which it participates. Considering the existence of interactions between the environment and the state and its internal attributes, two dimensions of the functioning of the state should be taken into account: the environment of its activity and the possibility of adaptation to a dynamically changing environment (Rosenau, 1970, pp. 366). Political adaptation involves not only activities aimed at maintaining social structures and key elements of statehood but also using the potential of the environment by influencing its shape. It is a process that strengthens and develops the state's capacity for political influence on the regional and global scale.

The absorption possibilities of the environment, which creates a multidimensional system of connections and interrelationships between states and other international relations subjects, are expressed through the ability to recognize the value of knowledge derived from external sources, its assimilation, and application (Cohen and Levinthal, 1990). In the case of the European Union, these capabilities relate primarily to the policy of expanding structures by the new Member States joining (Emerson, Aydin, Clerck-Sachsse and Noutcheva, 2006) and the adaptation to EU policies in specific areas (e.g., adaptation to climate change; adaptation health and social policy). However, following the definition of Cohen and Levinthal, should also be added the ability to recognize the preferences of entities adapting to the role of Member States, as well as fully-fledged members, which each time – as a result of changes in the EU (also in the sequel absorption of new entities) – redefine the priorities of their activity. Preferences as derivatives of state interests are contained in foreign policy strategies and (in the EU environment) – European policy strategy as one of its dimensions. However, the effectiveness of adaptation depends on the realisation of goals.

The category that helps explain the adaptation process and the relationship between the state and its significant environment is the concept of change, which, according to R. Gilpin, can occur at three levels of the system and applies primarily to states. The first level provides an overall change in a coherent system by changing the elements determining its integrity. The second level is the systemic change within the control or management of the political system. In the third approach, changes occur in the interaction of entities maintaining relationships in the international system. (Gilpin, 1984, pp. 39-44). Gilpin also analysed the relationship between state action focused on introducing these changes and the stability of the environment in which they operate. According to his concept, countries make efforts to transform the international system if the benefits outweigh the costs resulting from rational calculation. Furthermore, Dopson and Neumann perceived change as an evil necessary to survive in a situation of uncertainty (Dopson and Neumann 1998, pp. 53-70; Alas and Gao 2012, p. 74).

The category of change was also the subject of Rosenau's research, which made the type of foreign policy and adaptation dependent on transformations taking place in the external and internal environment of the adaptive state. To internal changes, which do not affect an express change in the adaptive behavior of the state, he included such personal changes in state leadership positions that do not undermine the political continuity of the established principles. However, internal changes, which break with the current social, economic, and political order (e.g., change of political regime, the electoral victory of a new party), he considered changes important for adaptive behavior. The same principle applies to the external environment. The impulse to initiate the adaptation process is political and socio-economic changes in the significant environment of the state (Rosenau, 1970, pp. 372-377).

Due to the degree of intensity of external and internal changes, he distinguished four models: habitual, deliberative, spirited, and convulsive (Rosenau, 1970, pp. 378-380). Implementing a habitual adaptation model is possible when in both internal and external environments, slight changes that do not force political decision-makers to urgently redefine activities. The state can function in an international environment following the chosen strategy of its activity and established procedures corresponding to current policy. The deliberative policy model is preferred when there are rapid changes in the external environment and minimal (or no changes) in the internal system. In the absence of domestic demands, the state may focus on developing tools that are a prudent response to changes in the international environment because

the current procedures in a situation of rapid external changes will not be sufficient. However, the spirited adaptation model occurs when there are significant changes in the internal environment, while the external one is relatively stable. The fourth model - convulsive policy as an adaptation strategy is determined by high changes in both environments (Rosenau, 1970, pp. 378-380). Then, the national decision-making centers must not only take action in response to internal pressures and social demands but also meet the expectations of a rapidly changing external environment. Expectations and pressure exerted from outside may depend on the position of a country in regional or global structures. Current strategies lose credibility in the face of internal and external changes, which force the need to take new, decisive actions. Effective recognition of changes and their management by creating appropriate adaptation strategies can contribute to crisis prevention. Changes in the environment can also help strengthen the country, which should be considered the highest adaptation level.

Rosenau also took into account the country's potential and adaptability in shaping foreign policy strategies. On this basis, he created a second division and distinguished four types of political adaptation: (1) preservative oriented to maintain the balance between the internal and external environment; (2) acquiescent, which implies changes in internal structures due to external pressures; (3) intransigent, consisting in ignoring the influence of the international environment on national politics; (4) promotive, which is expressed by strengthening cooperation with the external environment (Rosenau, 1987). This division fulfils only a complementary function due to treating the changes as a focal point of research.

3.2. The German European policy in the significant environment of adaptation

The theory of adaptation may apply to the analysis of European policy as one of the dimensions of foreign policy. However, before analysing the main parameters of German European policy (*Europapolitik*) in the context of the adaptive behavior model, the specificity of the EU environment should be clarified, taking into account the changes that resulted in the improvement or deterioration of the state of internal equilibrium. Firstly, what should be emphasized, two adaptation processes occur in the EU due to the type of entity that is being adapted. The first refers to candidate countries (or potential candidates) for membership. According to Article 49 of TEU, any European country can join the Union if it respects common values and undertakes to support them. Enlargement policy is one of the most effective tools to

support political, social, and economic reforms in countries that need to adapt to the EU model by requiring specific criteria to be met. The consequence of this is the gradual Europeanisation of national political systems. The second type of adaptation refers to the Member States which, operating within the EU structures, must adapt to changes taking place within the Community. Changes caused by internal or external factors have an impact on the role and position of Member States, the need to develop a new approach to foreign policy, and even internal policy if they force changes to the previously preferred procedures. The European Union, treated as a significant external environment of a country adapting to intergovernmental and supranational organizational structures, affects its internal potential and international position. Due to the scope of research, the adaptation model of the Member State was analysed, which at the same time became a founder member of the Community structures, and therefore played an essential role in shaping integration processes.

The EU political system is marked by a specificity that cannot be attributed to any other political unit. It forces the Member States to operate in intergovernmental and supranational structural conditions. However, the goal of each system is to survive by maintaining a balance between the internal state and the state of the environment. This phenomenon was defined by W. B. Cannon as the idea of homeostasis, which according to his theory 'does not mean something fixed and immovable, stagnation. It means a condition that may vary but is relatively constant (Cannon 1932, pp. 177-201). To reduce the vulnerability of the system to interference, it is necessary to have a specific homeostat, i.e., the element responsible for maintaining this balance. In the theory of political realism, great powers play the role of the controlling subsystems in the international system. They create complex relationships depending on the distribution of power between them (Waltz 1969, 343).

The fount of power in the EU is both top-down Community decisions and solutions adopted as a result of intergovernmental agreements, which means that final decisions are influenced primarily by EU countries and institutions that use the powers delegated to them by state decision-making centers. The implementation of Community tasks depends largely on national political will (Giddens, 2009, p. 202). Similarly, the EU has an impact on the political system of the Member States (their institutions, legal system, administration, etc.). The environment of interactions between the components of the EU system results from the clash of different integration concepts and conflicting national interests.

Throughout the political evolution of EU structures, Germany was one of the main driving forces of the united Europe project. Its membership in the EU not only strengthens its ability to act on a global scale. A manifestation of Germany's political adaptation within the EU is the use of its position to shape the environment and policies of the EU. The issue to be resolved is to what extent this country can be seen as the political homeostat of the EU system.

Although many decisions taken by the governments of Member States seem to be *ad hoc* actions regarding current transformations, those are an expression of a broader strategy that is the main carrier of adaptive behavior of Member States. Therefore, to explain this process, firstly should be discussed the main (in the author's opinion - the most important from the perspective of the adopted theory) determinants of German European policy, which is defined as the policy conducted towards the EU (Rittershofer, 2007, p. 230) to influence the direction and scope of European integration (Schmidt, 1995, p. 286), and this is the main tool of political adaptation. The realization of the research purpose does not require an analysis of the priorities of the integration doctrine before the reunification of Germany, because until 1990 - East Germany being under the influence of the USSR, did not participate in the formation and implementation of the concept of unification of Western Europe (Wüstenhagen, 2004, p. 495-509). The process of German emancipation in foreign policy began after gaining full sovereignty in the international arena. Germany's new approach to European integration based on the priorities of expanding structures with new countries, deepening cooperation, and successive reforms of the European Community and later the EU has also been shaped. Germany's European policy is characterized by the conceptional continuity of the ruling party and relatively constant priorities. Even significant internal changes on the German political scene in 1998, which initiated the rule of Chancellor G. Schröder (who ran for office on behalf of the Social Democratic Party of Germany - SPD), did not break with the vision of European integration of H. Kohl and the concept of European policy.

Similarly to the governments of the Christian Democratic Union of Germany (CDU), Christian Social Union in Bavaria (CSU), and Free Democratic Party (FDP) – the coalition of SPD and the Alliance 90/The Greens has recognized issues such as: further deepening of cooperation between Member States; EU enlargement to include Central and Eastern European countries; development of political union; strengthening the European Parliament; further development of the CFSP – as European policy priorities (Koalitionsvereinbarung, 1998, pp. 38-45). The change in the ruling coalition, which seems to be a significant internal change, did not affect the radical

change in adaptive behavior. After the assumption of the Chancellor post by A. Merkel in 2005, the tradition of strengthening European integration was maintained, and Germany assumed even greater responsibility for European affairs.

After the reunification of Germany in 1990, the focus was on unifying the continent through European integration, which has firmly anchored in the value system of Germany. Process of integration required reconciliation with Poland, and the development of economic cooperation with Central and Eastern Europe after the Dissolution of the USSR. The reconciliation policy through integration, Europeanisation of the unification policy, and adaptation to the civilian force model have become the leading ideas of German European policy (Böttger and Jopp 2017, p. 5). Germany was primarily focused on deepening economic integration by shaping the single market and the Economic and Monetary Union in line with the principles of ordoliberalism. Impact on the development of the monetary policy in the euro area in line with the German financial model; political pressure on the independence of the European Central Bank (in imitation of Deutsche Bundesbank) and equipping it with the competence to maintain price stability and control the responsibility of Member States have become one of the elements of the German model of political adaptation in the EU. It can be said that the goal of European 'supranationality' and the vision of structuring Europe according to federal principles and respecting the principles of subsidiarity were present in the German vision of integration during the reunification, but also later, as evidenced by the postulates of the German government relating to adoption the Constitutional Treaty, and then of the Treaty of Lisbon (Böttger and Jopp 2017, pp. 5-6).

Another determinant of Germany's European policy was the Europeanisation of the national interest, which means identifying it with the European interest. Germany's activities are rooted in the EU in many policy areas (Wessels, 1997, pp. 267-299). Adaptation to the changes caused by the introduction of new treaties was characterized by a strong bond between German and European policies. An example of this is the EU competition policy, which forced Germany to adapt its solutions to the principles introduced by the European Commission, or asylum and migration policy, which became Germany's political priority, especially in the era of the refugee crisis (Böttger and Jopp, 2017).

Apart from Europeanisation, an equally important element of German adaptation by European policy is the process of shaping its regional environment. The structure, single market rules, and competition system were examples of transferring German interests to the EU level.

German preferences for the democratization of the European law-making process were used to strengthen the legislative powers of the European Parliament by introducing the codecision procedure in line with the Maastricht Treaty and then the ordinary legislative procedure established by the Treaty of Lisbon. Besides, as has already been mentioned, the architecture of the monetary union and the structure of the European Central Bank also correspond to German preferences. Adaptation to the EU by influencing the shape of its political system is also observable in the CFSP. Germany was involved in the process of strengthening political integration by unifying this policy area. The combination of the position of the EU High Representative for CFSP with the function of the Vice-President of the European Commission was in line with German preferences (Gaedtke, 2009, pp. 31-41).

The German political discourse regarding the vision of European integration and the attitude towards the CFSP was dominated by the federalist concept, according to which it is necessary to create supranational community mechanisms. In implementing this approach, the German government, despite serious reservations by the supporters of the EU's intergovernmental nature, pushed for accession to work on the Lisbon Treaty based on the previously rejected Constitutional Treaty. It should be noted, however, that an important strategy for Germany's actions in the aspect of shaping the EU's political system and the vision for the development of the CFSP is multilateralism, according to which a more preferred way of initiating specific undertakings is cooperation, especially with France, as Germany's main partner within the EU. After reunification, the 'hard core' concept was also developed, presented in 1994 by W. Schäuble, K. A. Lamers, and T. Waigel. It would include the strongest EU countries capable of reforming it and deepening integration. In turn, peripheral countries were to adapt to these assumptions (Koenig, 2014, p. 1). In recent years, this concept has been attributed to French foreign policy, as evidenced by the overtone of the French President's Manifesto to Europeans, in which he presented his vision of Europe (Macron, 2019). As a result of the deepening political split, Germany maintains its position of strengthening EU cohesion and balance, opposing French demands for greater centralization (Kramp-Karrenbauer, 2019). However, the alliance with France remains a key determinant of European policy-making, as confirmed in 2018 in the Meseberg Declaration and the Aachen Treaty of 2019.

The German strategy of European policy is inspired by values widely recognized as European values. Initially, the key aspect of integration was reconciliation, an attempt to rebuild

the trust of European partners. With time, the promotion of democracy and stability in Europe was also added to this, which was an expression of Germany's European responsibility. Hence the manifestation of the adaptation model to changes in the EU was support for Enlargement policy in Southern and then in Eastern Dimension to strengthen democracy in these countries (Becker, 2011). Support for Enlargement policy was confirmed by the speech of Chancellor A. Merkel before the establishment of the Lisbon Treaty: 'Strong Germany is not an end in itself. Germany's goal is to be a reliable partner for its friends in Europe and the world. We want to be actively involved in promoting peace, sustainable development, prosperity and justice in the world (...) We see ourselves as a mediator in Europe, and we are particularly interested in supporting and promoting the interests of smaller Member States' (Merkel, 2006).

In addition, the argument that European integration is rooted in the German value system is their attachment to the common currency. This approach was demonstrated by the government of Chancellor A. Merkel in response to the Eurozone crisis. According to the head of the federal government, the collapse of the euro would cause the collapse of Europe (Merkel, 2010). It was a continuation of H. Kohl's vision of a common currency to guarantee stability and peace in Europe (Keßler, 2010, pp. 119-171). Germany's efforts to strengthen the rule of law in the EU, initiated jointly with France to guarantee tools (early warning mechanisms) in the event of a breach by one of the Member States of the fundamental values laid down in the original *acquis Communautaire*, are also important (COM/2014/158 final).

By adjusting the adaptive behavior model to the European policy pursued, external changes should be considered the most important determinants of this process in Germany. The internal environment in determining European policy priorities and goals after reunification was relatively stable. The above arguments and analysis of adaptive behavior concerning activities related to the deepening of European integration require the formulation of preliminary conclusions: political adaptation was adjusted primarily to external changes and fluctuated between a habitual and deliberative model (assuming minimal changes in the internal environment), depending on from the stage of European integration, and more or less dynamic changes in the EU. The second part of the analysis has been shown what model of adaptation in crises German decision-makers chose and what consequences it had for Germany's position and maintaining a stable situation in the EU.

4. Adaptation to the role of leader as an implication of the crisis

An entity, by adapting to a relevant environment, is influenced by it. The consequence of this may be a change in its position in the international system. Trying to meet the environment's expectations, assumes greater responsibility for solving problems important for the whole environment. Depending on the situation, adopting a specific role may be an initiative of the state or imposed from outside. The key problem that is the starting point for analysing the role of an entity in a given system of interdependence is whether it is able to obtain certain benefits as a result of this process and to what extent it must be responsible for subsequent changes occurring in a relevant system. Therefore, leadership can be seen as a political process in which a given entity tries to direct the activities of a group of entities and influence decisions, by 'providing solutions to problems, offering ideas to achieve common goals' (Keohane, 2012, p. 19). The concept of leadership is not the same as the concept of power (Aggestam and Hyde-Price, 2019, p. 4). The state can be a leader when the power, resources, and abilities are used with maximum effect on the international scene (Stoessinger, 1991, p. 34). Their use, in turn, depends on adaptability and effective response to changes in a significant environment.

The shape of Germany's policy towards the European Union was significantly influenced by crises and their implications. The Eurozone crisis mentioned above, the refugee crisis, but also the crisis of European integration, which was manifested in the implementation of Great Britain's decision to withdraw from the EU structures, irreversibly changed the environment of Member States functioning and forced adaptation to new socio-cultural, economic and political conditions. In such a situation, a leader is needed whose potential and adaptation abilities can guarantee re-stabilization.

The phenomenon of crisis as a process of a sudden collapse of existing rules can be defined by three key factors: threat, uncertainty, and urgency (Boin and 't Hart, 2006, p. 43). The occurrence of the situation characterized by these elements causes the anxiety of society and their decision-makers. There is a need to search for a specific strategic behavior model and rapid response (Boin and 't Hart, 2006, p. 43). There is a growing expectation of long-term, coordinated actions that will allow to adapt to the new situation and regain control over the system - restore its balance. This expectation is most often directed to the entity with the financial resources, political and military potential. Therefore, it can act as a controlling subsystem (homeostat). Germany is one of the most economically developed countries in the world. According to World Bank data,

they are in fourth place in terms of GDP (World Bank, 2019, p. 1). They are also one of the largest countries in Europe. They can mobilise other Member States to achieve specific goals or to direct changes in the EU in the desired direction.

The issue of Germany's informal leadership in the EU has become the subject of many scientific studies. In one of them, T. G. Ash emphasized that after reunification Germany became a leader in a politically and economically divided Europe, regardless of whether it was in line with their priorities or not (Ash, 1993, p. 521). Attempts were made to define the type of German leadership in the EU, to distinguish this issue from the problem of hegemony, and to define policy areas in which Germany can be seen as a leader (Aggestam and Hyde-Price, 2019). In this work, in turn, an attempt was made to analyze Germany's leadership role in the EU, which is considered a result of political adaptation associated with the need to adapt to new conditions caused by crises.

4.1. Eurozone crisis

The crisis is a concept that is difficult to describe in a specific caesura because its effects can be felt for many years in different structures and different dimensions. In the event of the Eurozone crisis, the most important German initiatives affecting the shaping of the adaptation model at the stage of financial assistance for Greece and the stage of stabilisation of the euro area by postulating the establishment of legal regulations and strengthening financial discipline were analysed. They can be defined as the reaction and stabilisation stages in 2009-2011. Adaptive behavior is understood here as Germany's reaction to the crisis and an attempt to overcome it by initiating a specific solution while strengthening the role and position of this country - as a result of the complex adaptation process. The purpose of the analysis is not to comprehensively explain the causes that led to the crisis because it goes beyond the substantive framework of the research and is not necessary to verify the initial assumptions.

The global economic crisis, which was manifested in the gradual collapse of the financial system, was initiated in the US by the collapse of the high-risk mortgage market. Part of it was the Eurozone debt crisis, which should be considered one of the biggest challenges for maintaining the cohesion and proper functioning of the EU. The presidency of the EU Council in the second half of 2008 was held by France, which is why President N. Sarkozy took the initiative in crisis management and supported the Dutch proposals to launch a special 'protective umbrella' (aid fund of EUR 300 billion) for EU countries threatened with bankruptcy. Such solutions were opposed

by Germany, which due to its position, would have to cover a large part of the shares. It was part of a deliberative approach to change in the international environment. The German side has developed its solutions that can be considered significant in terms of shaping the first stage of adaptation (reaction stage), the aim of which was an adequate response to external changes while maintaining internal structures within acceptable limits. Despite French pressure to take international coordinated action, Germany has proposed state intervention as a last resort - when a real crisis in the Eurozone arises. Assistance would then be directed in specific cases, assuming that the goal of external action is to strengthen budgetary discipline, austerity policy, and reduce internal debt (Mistral and Unterwedde, 2010, p. 31; Deubner 2011; Kauffmann and Unterwedde, 2010, pp. 13-14).

In April 2009, the International Monetary Fund confirmed that the crisis could spread to euro area countries, lead to an economic recession and increase unemployment on an unprecedented scale (Schmidt, 2009, pp. 388-397; Enderlein, 2010, pp. 7-12). Rapid changes in the markets of the weaker Member States could destabilize the structures of the entire euro area and thus affect the internal structures of other states. Counteracting these phenomena required the adoption of adequate adaptation solutions in the significant environment of the EMU area. Chancellor A. Merkel initially opposed the provision of financial support to debt-laden Greece in the form of coordinated loans from other euro areas Member States. After the European Council summit in March 2010, it was decided that to quickly get out of the crisis, an assistance package for Greece would be launched. However, according to Germany's demands, it was necessary to develop effective measures to increase budgetary discipline and involve the International Monetary Fund in joint activities. The condition for granting coordinated loans from euro area countries was a rigorous austerity introduced by the Greek government (Kauffmann and Unterwedde, 2010, pp. 13-18). The EUR 110 billion rescue package has been agreed by the finance ministers of the single currency for three years and was conditional on the adoption of austerity laws in Greece. Germany's contribution to the aid was to amount to EUR 22.4 billion (loan guarantees and loans).

As indicated in the analysis of European policy determinants, Germany has always taken action within the EU in close cooperation with France as its main ally. In the event of a financial crisis, there were divergences in the attitudes of both countries. French postulates regarding the stabilisation of the euro area took into account the need to create an 'economic government' for

the countries of the common currency, which could have extensive coordination competencies. A. Merkel, who advocated close coordination and cooperation of all EU countries, initially refused this solution. The economic government postulated by France might divide the Community into two groups - euro area countries and countries outside its structures, which could have contributed to strengthening the political split. In addition, his competences could damage the independence of the ECB (Koszel, 2013). The change in the German government's strategy took place only in 2011 when subsequent collapse of the banking systems occurred in Ireland and Portugal, and the help of governments did not bring the expected results. Chancellor Merkel decided that anti-crisis meetings should be held first among representatives of the countries of the single currency. Ireland and Portugal received immediate assistance in the form of a rescue package from EU stabilisation mechanisms (Alexander and Hildebrand, 2011).

Germany's subsequent actions in the field of political adaptation to rapid external (socio-economic) changes caused by the financial crisis included the development of preventive measures that were to prevent further breakdowns on European markets. It was about introducing new anti-crisis mechanisms, strengthening the budgetary surveillance procedure, and introducing broader sanctions in the preventive and corrective part of the Stability and Growth Pact. The approach of the federal government and its decisive actions that have become the basis of the EU recovery plan illustrates the phenomenon of the formation of Germany's informal leadership in the EU. During the meeting of representatives of the French and German governments in October 2010 in Deauville, Germany called for treaty changes to be put in place as a framework for the orderly management of future crises. It was established that countries that do not meet the required financial criteria might lose their voting rights in key EU matters. (Franco-German Declaration, 2010).

Germany was also in favor of improving governance in the euro area. To this end, they have developed a draft Competitiveness Pact in cooperation with France. Foresaw Eurozone reforms related to adjusting public pay levels to the level of labor productivity; elimination of indexation of pensions and wages; the introduction of an 'automatic budget brake' to rationalize public finance management; adjusting the retirement age to the demographic conditions of a given country; establishing national crisis management regimes for the banking system (national crisis management regime for banks); providing the constitutional law prudential thresholds limiting the possibility of European debt (European Competitiveness Pact). Although the Pact was not adopted

in the form proposed by the German and French governments due to the opposition of both Member States and supranational institutions, started work on its new version, which was largely based on Germany's postulates (e.g., maintaining the postulated 'budget brake' and adjusting the retirement age to demographic changes). The pact was to establish stronger economic policy coordination for competitiveness and convergence. Its provisions can be considered a success of the federal government (Conclusions 11. March 2011).

According to the theoretical basis indicated earlier - the effectiveness of adaptation can only be tested in the long term by observing the response of the environment and internal structures (Simonet, 2010, p. 4). The effects of the financial crisis are still being felt, and it cannot be said that it has been resolved. However, due to the application of specific solutions and forcing its demands, the German government should be considered a key stabilizer and, despite many objections - the main steering element in a significant environment. Germany has used its economic potential to strengthen the economic governance system in the euro area. By applying specific adaptation procedures, they have gradually stabilized the situation. In this context, they played the role of a political homeostat.

The model of Germany's adaptation in case of a financial crisis should be analysed primarily from the perspective of rapid and severe external changes and a relatively stable internal situation. It does not mean, however, that the crisis has not affected the German economy. The most serious internal change was the increase in the budget deficit from 11.8 in 2008 to 49.0 in 2009 and EUR 80.2 billion in 2010. Despite these negative consequences, real GDP increased by 3.6 in 2010 percent and another 3 percent in 2011. International trade was maintained at a high level, and participation in international cooperation structures strengthened Germany's position in times of crisis. In 2011, Germany was also the EU's largest net payer (Statistisches Jahrbuch, 2011, pp. 324-325). In the context of the dynamically changing situation in Greece and other countries that have been most affected by the crisis, the implications of the crisis for the German economy should be considered as within acceptable limits for maintaining basic structures and overcoming the threat of recession. Therefore, the adaptation model can be defined as deliberative or (taking into account the second of the analysed divisions) preservative and promotive.

4.2. Refugee crisis

Although at first EU asylum and visa policy was not an important determinant of German European policy, after 2015, it became Germany's political priority, primarily in terms of creating the pan-European solution to the crisis. The German response to the crisis went beyond purely economic profit and loss calculations. 'It was a symbol of European policy based on values' (Böttger and Jopp, 2017, 9-10). By adopting not only European but also international responsibility for helping refugees, Germany played the role of a state involved in European processes, especially those related to crises. The most important from the perspective of political adaptation, government actions related to the response to the intensification of migration flows from 2015 were analysed. Analysis of adaptation behavior, it is important to factor significant external changes in the German environment as well as increasing internal changes that affected social, economic, and political.

Neither the financial crisis nor the response to the Ukraine crisis has mobilized German public opinion as much as the 2015 refugee crisis (Janning and Möller, 2016, 4). The success of the populist Alternative for Germany (AfD) testifies to this. It is a party which was founded based on opposition to Germany's help for Greece, but it gained high support only in 2017, when in its election program it opposed the government's migration policy, by using negative social moods that grew along with subsequent proposals of the solution of the refugee crisis. Until 2015, A. Merkel's government had far greater public legitimacy.

The Chancellor based her strategy on helping migrants on a supranational level and the need to develop joint procedures. Its direct focus on community activities and the need to adopt a Europe-wide solution corresponded to the principles adopted in the Treaty. According to the provisions of the TFEU, migration policy and its implementation 'is subject to the principle of solidarity and fair sharing of responsibility between the Member States'. The EU shares competence with Member States in shaping migration policy, including the distribution of the number of migrants legally arriving in Europe (TFEU Article 79).

After the intensification of migration flows in 2015, Germany has become the main destination for refugees coming to Europe from Middle East countries engulfed in a civil war. Only in 2015, almost 1.1 million applicants for international protection came to Germany (Engler, 2016, p. 1). The reasons for this should be sought both in the internal structural conditions of Germany (high level of prosperity; developed social policy; the presence of immigrant communities in Germany) and in the actions of the government of A. Merkel, who in August 2015

in the face of the deepening crisis expressed the readiness to open borders for applicants for international protection. *Willkommenskultur* policy as a reaction to violent external changes became the essence of political adaptation at that time. However, Germany's adaptability in this crisis proved to be ineffective. Several factors contributed to this: (1) the EU's system of managing migratory flows was not effective enough, which aggravated the crisis; (2) Germany's actions were contrary to the interests of other Member States, which reinforced the political split in the EU; (3) the possibilities of absorbing such a large number of immigrants were limited, which led to an increase in anti-immigrant sentiment and an increase in support for the AfD party, which in 2017 became the third political force in the country; (4) integration policy proved ineffective, requiring a multiannual funding framework and developing programs to adapt refugees to the labour market.

A. Merkel, based on the abovementioned pan-European solution, pushed for the relocation program on the assumption of fixed amounts of refugees accepted by each Member State. Germany's actions, however, met with great criticism. Both from conservative parties and from countries that did not agree to the suggested numbers of refugees taking into account the security of their citizens.

Another crucial issue in the aspect of actions aimed at maintaining internal socio-economic structures within acceptable limits was the improvement of asylum and integration policy. These actions can be considered as the next stage of political adaptation to the changes resulting from the crisis. In 2015-2016 two asylum packages were launched. The first was to implement instruments accelerating the asylum procedure and integrate (at an early stage) refugees who were to remain in Germany. The second asylum package, which came into force in mid-March 2016, was intended to secure the German asylum system against potential abuses and facilitate deportation procedures. Their goal was to permanently reduce the number of immigrants, especially from countries considered safe (Engler, 2016, pp. 5-6). The process of modernizing asylum policy in Germany has not been completed. In June 2019, new decisions about improving deportation arrest and limit the benefits for asylum seekers were made.

The solutions adopted by A. Merkel's government in subsequent stages of the refugee crisis resulted from adopting the model of 'convulsive' policy as an adaptation strategy, which was determined by major changes in both environments. National decision-making centers had not only to meet the expectations of a rapidly changing external environment but also to take action in response to internal pressures and social demands. Therefore, the Open-door strategy was initially

adopted, but in the face of internal pressures, asylum packages were established to tighten migration rights and increase the rate of deportations under orderly return. The strategy of political adaptation during the height of the migration crisis was not effective. Basic internal structures were not kept within acceptable limits. Adaptive behavior influenced the structure of German society, led to changes in the German political scene, divided the Member States, and undermined the position of A. Merkel's government. Also, they weakened Germany's image as a Community leader and upset the balance in a significant environment.

5. Conclusion

Political adaptation of states in a regional or international dimension depends on the state's priorities and capabilities as well as conditions and absorption capacity of the external environment. Changes in this environment force a change in adaptive behavior. This process manifests itself by adopting a different strategy for conducting foreign policy or making ad hoc decisions as adequate responses to changes. The type of adaptive behavior specified in the adaptation model depends on the intensity and type of changes. However, the state does not have to adapt to all external changes. Instead, it must adopt a model of adaptation to those changes that are important to its basic structures. By identifying them it is possible to designate a significant environment of the adaptation process.

Adoption by Germany of a specific model of political adaptation depended on the stage of integration, changes taking place in the Community/EU, as well as in Germany itself. European integration has been firmly anchored in the values system of united Germany, and European policy should be considered one of the most important dimensions of foreign policy. In the context of previously described adaptive behavior models, highlighted due to internal and external changes, Germany's approach can be defined as relatively habitual or deliberative. The choice of one behavioral model is not possible because the EU had to face many crises, which in the context of Germany's adaptation should be considered as rapid external changes. Those forced German decision-makers to abandon current European policy solutions (abandon the habitual model) and adopt a deliberative approach by developing new change management tools.

During the Eurozone crisis Germany used its economic potential to strengthen the economic governance in this area. The decisions of the German government included the implementation of corrective measures and anti-crisis supervision and control procedures

described in the text. Germany implemented the deliberative or (taking into account the second of the analyzed divisions) conservative-promotional model of adaptation and played the role of a political homeostat. A problematic issue is the refugee crisis, which caused major changes in the EU environment and relatively high internal changes in the German state, which was defined as the adoption of a 'convulsive' strategy. Equally justified is defined the adaptation model as preservative and promotive, which is oriented at maintaining a balance between the internal and external environment and strengthening cooperation with the external environment, and even exerting influence on the environment. Implementation of this model is possible due to Germany's economic potential, financial resources, and a key position in EU structures.

The adaptation process is not completed. It is a phenomenon that depends on changes, and these constantly occur in the EU, affecting the behavior and position of countries. The specificity of political adaptation during crises corresponded strongly to the parameters of German European policy discussed earlier, which means that the hypothesis about firmly embedding adaptive behavior in the concept of European policy is true. In the case of the financial crisis, the German environment was primarily exposed to rapid external changes, so the adaptation model was adapted to the external environment and changes taking place in other countries. The migration crisis has affected Germany's internal environment, and the effectiveness of adaptation was lower than the effectiveness of adaptation in case of financial crisis. Germany's role as a stabilizer of the EU, developed during the financial crisis, was undermined, as the solutions postulated by Germany this time led to a deepening of the political division within the EU.

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