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GEOECONOMIC BALANCING, GEOECONOMIC BANDWAGONING OR GEOECONOMIC HEDGING? GERMAN-CHINESE RELATIONS 2008-2020

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Abstract: *Despite the rising geoeconomic competition between the USA and China, no suggestions are offered in the contemporary literature as to what geoeconomic strategy middle powers can use towards the great powers in the face of the currently emerging bipolar world structure. In this paper, three ideal-typical models of geoeconomic strategies for middle powers are developed with the help of terminology borrowed from strategic studies: the concepts of balancing, bandwagoning and hedging lead to the concepts of geoeconomic balancing, geoeconomic bandwagoning and geoeconomic hedging. Further, the behaviour of Germany towards China is tested, and it is argued that Germany has chosen geoeconomic hedging as its strategy towards China. By simultaneously promoting and restricting economic relations with China, Germany seeks to protect its commercial interests in China and at the same time strengthen its partnership with the USA and EU members to avoid falling into the Chinese sphere of influence.*

Keywords: Geoeconomics, Germany, China, Geoeconomic balancing, Geoeconomic bandwagoning, Geoeconomic hedging.

Introduction

Faced with the end of the Cold War, Edward Luttwak suggested in a 1990 essay that “methods of commerce” are “displacing military methods”. Luttwak proposed the term geoeconomics to capture this “admixture of the logic of conflict with the methods of commerce” (Luttwak, 1990). Geoeconomics, in the Luttwak tradition, has been an answer to the realist school’s overemphasis of the role of military power (Scholvin and Wigell, 2018). A useful

definition of geoeconomics was offered by Mikael Wigell: “the geostrategic use of economic power” (Wigell, 2016, p. 147). Also, the definition proposed by Robert Blackwill and Jennifer Harris (2017, p. 20) emphasises the means – which are economic – and not the ends (which can be economic, political and strategic).

Geoeconomic competition has a long history (Baracuhy, 2019). In the post-Cold War era China is widely seen as a champion of geoeconomics (Grosse, 2014). Also, Germany has developed geoeconomic strategies towards all of its most important partners: the USA, Russia, China and other EU members (Kundnani, 2011; Kappel, 2014; Szabo, 2015).

Starting in the late 1970s, the goal of the USA’s policy towards China was to integrate China into the liberal world order. Also Germany’s strategic goal was to influence reforms in China and integrate it into the liberal world order by means of economic integration. Germany’s approach towards China, known as “change through trade”, was reminiscent of the strategy of the FRG in the 1970s towards the USSR (Kundnani and Parello-Plesner, 2012, p. 4; Schröder 2006, p. 141; Westerwelle 2012; Westerwelle 2013). Germany was convinced that integrating China into the global economic system would have the effect that “China’s authoritarian politics would morph into a free, open, and more democratic system through ever-tightening economic ties.” (Barkin, 2020, p. 2). Trade relations were not thought of as potential leverage by German elites. They believed that trade had transformative power in and of itself (Kundnani, 2014, p. 78). But this policy failed. China did not turn into a democracy, the territorial disputes between China and its neighbours have intensified, and the liberal economies of the Western democracies face growing competition from Chinese-style state capitalism (Fuest, 2019).

China and the USA find themselves in the Thucydides Trap, “a deadly pattern of structural stress that results when a rising power challenges a ruling one” (Allison, 2017; for an opposite view see: Ng, 2020). Unlike in previous centuries, competition among great powers today is mostly economic. Contrary to the expectations of liberals, a high level of economic exchange has not eliminated clashes in US-Chinese relations. As Dale C. Copeland (1996) argues, high economic interdependence can be “either peace-inducing or war-inducing”.

US-China trade and technological competition highlights the change that has taken place in the international order, from a Neoliberal Order to a Geoeconomic Order. This transformation is rooted in a shift in emphasis, from absolute gains to relative gains. The USA’s support for

free trade is waning, and its support for protectionism rising. With the convergence of economic power between the USA and China, the US's economic interdependence with China, previously seen in terms of absolute gains, is now seen in terms of relative losses and strategic vulnerability for the USA (Roberts, Moraes and Ferguson, 2019).

The potential US-Chinese “new Cold War” poses a challenge for middle powers, understood as “states that are weaker than the great powers in the system but significantly stronger than the minor powers and small states” (Holbraad, 1984, p. 4). It is forcing them to develop their own coherent geoeconomic strategies. Although in the contemporary literature the use of different geoeconomic instruments is discussed (Blackwill and Harris, 2017, pp. 49-92; Scholvin and Wigell, 2018) and strategies for regional powers towards their region are analysed (Wigell, 2016), no suggestions are offered on what geoeconomic strategy middle powers can use towards the great powers in the face of the currently emerging bipolar world structure. Faced with this research gap, this paper has two goals.

Firstly, it develops three ideal-typical models of geoeconomic strategies for middle powers with the help of terminology borrowed from strategic studies: the concepts of balancing, bandwagoning and hedging will lead to the concepts of geoeconomic balancing, geoeconomic bandwagoning and geoeconomic hedging.

Secondly, it analyses Germany's reaction towards China's geoeconomic strategy in the period 2008-2020. Confronted with intensifying US-Chinese economic competition, and heavily dependent on both great powers, Germany became more reactive, trying to find a response to China's geoeconomic strategy. I argue that Germany is unsure about the future global balance of power and has chosen geoeconomic hedging as its strategy towards China. By simultaneously promoting and restricting economic relations with China, Germany seeks to protect its commercial interests in China and at the same time strengthen its partnership with the USA and EU members to avoid falling into the Chinese sphere of influence.

The paper consists of four sections. In section 1, I discuss the instruments great powers use in their geoeconomic strategies. In section 2, I develop the concepts of geoeconomic balancing, geoeconomic bandwagoning and geoeconomic hedging. In section 3, I discuss Germany's geoeconomic strategy towards the initiatives taken by China in the period 2008-2020, and in section 4, I analyse Germany's attempts to rebalance towards the USA.

1. Instruments of great powers in geoeconomics competition

Contrary to the expectations of some scholars, the rise of economic interdependence has not led to the abolition of power politics. The great powers are still trying to develop an asymmetric interdependence with middle powers. Deploying stick-and-carrot policies, they try to guarantee themselves disproportionate leverage by creating an “economic hierarchy” (Lake, 2009, pp. 56-57). To discuss the geoeconomic strategies of middle powers, we first have to classify the geoeconomic instruments states (great powers included) use. These can be divided into six groups.

The first and most important group is the economic potential of a state. Through their economic policies, states try to create wealth in the long term. The GDP is a basic index measuring the performance of a state (Gelb, 2010). Today, the USA and China are the biggest economies by far, and together create over 1/3 of global GDP. But GDP is not the only indicator; other important ones include: a balanced economic structure, an industrial base, the capacity to create credit, a disciplined labour force, efficient production methods, an active trade policy supporting exports, and energy and food security, while the most important factor for long-term economic strength is a country’s ability to create innovation. Well-established, state-of-the-art research centres are of crucial importance, and sectors such as telecommunications, computer science, health care and aerospace should be given top priority in economic policies. If middle powers understand the connection between being innovative and power, they can also join together to challenge much more powerful competitors, with EU members being a good example of this. Proper economic management and international cooperation may elevate the power of relatively small countries (Grosse, 2014).

The second group of instruments are trade, investments and currency policies. Under the World Trade Organization (WTO) rules, governments have a limited ability to introduce protective measures for their local market, but this does not mean they are powerless. The same applies to the control of investment flows and financial flows. The contemporary discussion in the USA (as well as in Japan and Taiwan) about “decoupling” from China shows that states are increasingly refusing to go along with the liberal argument of steadily increasing market integration. The demand for access to the market of a great power has been an important

instrument in the hands of that state's government. That access cannot be taken for granted. After 1945, granting access to the US market was an important instrument used by successive US administrations in building alliances (Kwan, 2020). A frequently used method is exerting formal and informal influence over companies (Bremmer, 2009). Geoeconomic strategy is rarely targeted towards the whole economy of a state. More likely, a certain economic sector that is strategic for a given country is targeted (Wigell and Vihma, 2016). Developing economic relations creates interdependencies that are rarely symmetrical. In fact, relations between great powers and middle powers are by nature asymmetrical, and make middle powers vulnerable. The consequence is "vulnerability interdependence defined as a situation where the targeted state has more to lose than the state that utilizes economic tools, if their economic ties were to be restricted" (Kim, 2019, p. 156).

But the use of trade, investments or finance is more complicated than the use of armies. Governments must cooperate with enterprises whose interests do not always fully coincide with those of the state (Luttwak, 1990).

The third group of instruments includes the creation of international initiatives, programmes, regimes and institutions. This is the most effective instrument with which a great power can build up a favourable geoeconomic environment, because it has long-term consequences. The institutions can be regional, multilateral or even universal. For decades, the best-known example of such a geoeconomic initiative was the Marshall Plan started up by the USA in 1948. The USA also backed the creation of a post-WWII world order by creating the International Monetary Fund (IMF), the World Bank Group and GATT (later the WTO). These institutions integrated the West economically during the early years of the Cold War, and expanded over time, ensuring the USA's primacy in the global economy. As US-Chinese geoeconomic competition intensified in the early 2010s, the USA promoted the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP) - two geoeconomic projects designed to strengthen ties between the USA and Europe and between the USA and the Asia-Pacific region, respectively (Blackwill and Harris, 2017, pp. 152-257). But due to changes in US foreign policy, the USA withdrew from both proposals, undermining trust in US leadership and America's ability to counterbalance China. China is also creating its own institutions. It brought the Asian Infrastructure Investment Bank (AIIB) to life, and formed the

New Development Bank together with other BRICS countries. In 2013, China proposed the Belt and Road Initiative (BRI). Immediately, comparisons with the Marshall Plan were made. The popular view is that these geoeconomic projects should enable China to achieve “economic domination” and change “economic interdependence into a hierarchical relationship”, making “China’s trade partners dependent on Beijing” and allowing “China to write the rules of the game” (Grosse, 2014, pp. 48-49). Middle powers face a dilemma over whether to participate in the initiatives of great powers, for they can also create institutions of their own, and frequently do so, with the most notable examples being the EU, ASEAN and Mercosur, which are regional, or issue-specific organizations such as OPEC. An important aspect of the creation of institutions is the popular misperception that geoeconomic strategy is a form of protectionism. It is not. States can build liberal economic system or subsystems, as long as they benefit from them; examples are the post-WWII order created by the USA, and the regional order in Europe dominated by Germany (Kundnani, 2019).

The fourth group of activities is technological standard setting and technological dominance. A state’s position in international relations is heavily dependent on its ability to generate new technologies. The contemporary US-China technology race is similar to the Anglo-German quest for dominance in radio telegraphy in the late 19th and early 20th centuries (Brunnermeier, Doshi and James, 2018). To achieve technological dominance, great powers invest heavily in basic scientific research and try to develop technologies crucial for the future. Technological superiority creates a strategic advantage. Today, such competition revolves around AI (Lee, 2018), 5G telecommunications technology, and the future of the internet. The Chinese government has already initiated a discussion at the UN to reinvent the internet (Gross and Murgia, 2020).

The development of new technological standards is convergent with the development of international programmes and institutions, as the case of the BRI and its digital corridor suggests. But a strong innovation sector can also be a strength of middle powers, as the examples of Sweden and Finland show (Sanger and McCabe, 2020).

The fifth group of geoeconomic instruments is official development aid (ODA). Great powers direct ODA towards developing countries, and wealthy middle powers also frequently provide ODA. ODA is a useful foreign policy instrument (Blackwill and Harris, 2017, pp. 68-

74). The rise of emerging powers as donors in the 21st century increased the diversity of ODA instruments to include both foreign aid in accordance with OECD rules and more commercially oriented financial flows.

The sixth group of instruments consists of economic ideas. Explicitly or implicitly, states promote their economic models. In the 19th century, the British laissez-faire economic system served as a model for many countries, which followed the British example, and joined the gold standard as well. But Germany, the main challenger, partially refused to go along with the British example, with protectionism and cartels playing a much bigger role in the development of its economy (Brunnermeier, Doshi and James, 2018). During the Cold War, US capitalism faced off against Soviet communism. And today, the free market economy has been challenged by state capitalism. This inter-system competition differs from competition between free-market economies. Although competition between free-market economies is still taking place, most attention is currently concentrated on intensifying competition between free-market economies and state-capitalist countries. This calls into question the superiority of a mixture of economic liberalism and political democracy over a centrally managed authoritarian state. The crucial question is whether the free-market economies can outperform China's state capitalism economy in science, technology, economic efficiency and economic dynamism. Can China remould the international economic order in its favour? And finally, what is the future of Western values such as individual freedom, the rule of law, etc.? (Fuest, 2019).

2. Towards geoeconomic balancing, geoeconomic bandwagoning and geoeconomic hedging

The balance of power is one of the most important concepts in international relations theory. Kenneth Waltz (1979) predicts that actors will balance against a stronger state, because the power difference presents a security threat to the weaker actors. But Stephen Walt (1987, pp. 21-28) modifies this argument, suggesting that states do not balance against power *per se*, but only against power that they perceive as a threat. Walt defines balancing as "allying with others against the prevailing threat" (Walt, 1987, p. 17). Balancing may be achieved in two ways. Firstly, it can be an internal balancing, which means an increase in military spending and the transformation of economic strength into military power. Or it can be external balancing,

which means one or more external partners banding together against a superior state that presents a threat (Walt, 1987, p. 18).

Bandwagoning theory states that a middle power may accept a subordinate role, taking cover under a great power's umbrella (Walt, 1987, p. 33). Bandwagoning is traditionally seen as the opposite of balancing. As Waltz (1979, p. 126) indicates, it is a strategy of cooperating with a dominant power. Walt defines bandwagoning as an "alignment with the source of danger" (Walt, 1987, p. 17). It is an "accommodation to the pressure (either latent or manifest)" (1987, p. 55). According to Walt, when faced with two great powers, a middle power should ally with the less threatening one, while simultaneously enjoying reasonably good relations with the more threatening one. The idea of bandwagoning as a defensive strategy has been challenged by Randall Schweller (1994, p. 74). He argues that bandwagoning is driven by the prospect of political and economic gain.

Many states try to escape the dichotomy between balancing vs bandwagoning strategies. It was out of this dilemma that the concept of hedging emerged. Goh defines hedging as "a set of strategies aimed at avoiding being in a situation in which states cannot decide upon more straightforward alternatives such as balancing, bandwagoning, or neutrality" (Goh, 2005, p. viii). He sees hedging as a strategic choice of a middle power that helps it maximize profit under conditions of competition among the great powers. Cheng-Chwee Kuik defines hedging more thoroughly as "a behaviour in which an actor tries to mitigate risks by pursuing multiple policy options, which would produce mutually counteracting effects, under the situation of high uncertainty and high stakes". It is a "multiple-component strategy between the two ends of the balancing-bandwagoning spectrum" (Kuik, 2008, pp. 164-165). Denny Roy sees hedging as "keeping open more than one strategic option against the possibility of a future security threat." (Roy, 2005, p. 306). Le Hong Hiep (2013) indicates that a diversity of tools allows a state to move between balancing and bandwagoning depending on the international situation and its bilateral relations. In the case of an external threat, a state can easily move further towards balancing or bandwagoning. A useful definition was offered by John Hemmings (2013), who wrote: "hedging means a state spreads its risk by pursuing two opposite policies towards another state".

The reason many states choose hedging is that balancing or bandwagoning operate primarily when a state is under a significant external threat or crisis. Hedging is a more useful strategy under normal conditions. For middle powers, balancing and bandwagoning can entail a danger of being dragged into a conflict between great powers, where picking the wrong side can mean being in an unfavourable position in the future and losing out on possible gains (Lim and Cooper, 2015).

While traditionally, balancing, bandwagoning and hedging mainly involve political and military means, middle powers can employ the strategies of geoeconomic balancing, geoeconomic bandwagoning and geoeconomic hedging in the current “Age of Geoeconomics” (Hsiung, 2009). Opposition to incorporating non-security elements into the hedging concept (Lim and Cooper, 2015) does not stand up to reality, because economics is at the heart of great power competition in the 21st century. Economics and politics are interrelated. The issue of who will have primacy in the future world will be decided by the economic balance of power (Hsiung, 2009).

Geoeconomic balancing is a strategy that should strengthen a middle power’s position against a great power that is seen as a source of danger. It can be achieved by internal balancing, meaning a state’s strengthening of its own economy, or by external balancing. External balancing consists in limiting economic cooperation in strategic sectors (energy, infrastructure, high technology) with a great power that is seen as a source of danger. A middle power allies itself economically with another great power or other middle powers, thereby strengthening its international position by reducing its economic dependence on, or even disconnecting from, the economy of the great power it sees as a potential threat.

A middle power can choose a strategy of geoeconomic bandwagoning with a great power. This means accepting the geoeconomic strategy, as well as the individual initiatives and demands of the great power, which is seen as a source of danger, in the hope of mitigating the threat through economic interdependence. It also means occupying a subordinate position and leaving the country at the mercy of the great power. If the hegemon proves to be benevolent, this strategy may offer an environment conducive to development, and the potential for adopting a different strategy at some point in the future.

Geoeconomic hedging is the right strategy for a middle power trying to develop “strategic autonomy” (Hsiung, 2009, p. 115) by simultaneously developing and restricting economic exchanges with competing great powers. It is more open to economic relations with a great power it identifies as less dangerous, and applies more restrictions in relation to a great power it is more afraid of. Restrictions apply primarily to economic exchanges in strategic areas of the economy. But no sector of the economy should fall into dependence on a great power seen as a source of danger. By choosing geoeconomic hedging, a middle power strives to keep all strategic options open. The development of economic relations should not lead to economic dependencies that might restrict the state’s freedom to act. Geoeconomic hedging is especially suitable when there is uncertainty about the future balance of power. It may provoke clashes with one great power or another, but it does not close any options. When the stakes and uncertainty are high, states tend to hedge. They can do so for as long as neither of the competing great powers forces them to choose whether they are “with us or against us”.

Geoeconomic bandwagoning, balancing or hedging should not be confused with trade exchange. The almost universal membership in WTO makes trade less dependent on political preferences. The contemporary situation is different than that of the Cold War, when the United States and the Soviet Union built their economic systems independently from each other. Any identification of which strategy a middle power applies should be comprehensive, and should be based on the middle power’s behaviour towards the six groups of instruments used by the great power.

3. Germany’s geoeconomic strategy towards China: 2008-2020

Germany has been classified as a middle power. It has the fourth-largest economy in the world, but it is dependent on US-led international institutions and US security guarantees (Otte and Grewe, 2000; Baring 2003). The German economy is competitive and has been export-oriented. In 2018, German industrial production was the fourth-largest in the world, worth \$821.8 billion. For decades, Germany has been among the top three exporters in the world, and its export dependence increased significantly between 1998 and 2018 - from 26.41% to 47.42% of GDP. The consequence of this export success is a current account balance surplus. Germany has run a budget surplus since 2012 while reducing public debt. This excellent performance

would not be possible without the supply-side structural reforms introduced by the second government of Chancellor Schröder (Agenda 2010) and a steady rise in R&D spending, which went from 2.212% of GDP in 1998 to 3.035% in 2017, one of the highest levels in the world (World Bank, 2020a). Although Germany lost competitiveness in the electronics and biotechnology sectors in the 1980s and 1990s, the excellent performance of its automotive, aerospace, chemical and electrotechnical industries and engineering has long been seen as a solid foundation of German economic power (Rode, 2007). But that success has been increasingly seen as a poisoned chalice. It allowed German industry to take its eye off the ball as technological progress accelerated. As the German foreign minister Heiko Maas admits, in the technological race Germany has fallen not only behind the USA, but also behind China (Maas, 2019a).

Trade and investments have been a cornerstone of German–Chinese relations for decades. Germany developed intensive relations with China, underpinning them with a political rapprochement expressed in the signing of an agreement on Strategic partnership in global responsibility in 2004 and elevating their cooperation to the level of a Comprehensive strategic partnership in 2014. Intensive intergovernmental consultations were developed, and the perception of Germany’s “pivot to China” was strengthened by the German ambassador to Beijing, Michael Schaefer, who said in 2012: “I don't think there is such a thing as the West any more” (see: Kundnani, 2015, p. 115). But Germany has no clear vision of what should make its relations with China strategic. Apart from trade, the two countries’ relations lack substance due to differences in numerous policy fields (Heiduk, 2015). Germany and China have seen each other as partners between whom there exists an economic “symbiosis”. Germany used to supply investment and high value consumer goods, and China mass consumer goods. The German trade deficit with China was never a central topic of economic and political discussion. Two reasons for this may be indicated: on the one hand, Germany has had an overall positive trade balance as well as a current account surplus. On the other hand, its deficit towards China was relatively modest. German exports were growing continually, and their structure was favourable for Germany, too. German decision-makers and politicians believed that China’s growing wealth would create further demand for German goods (Kundnani and Parello-Plesner, 2012).

In the early 21st century, China became one of Germany's top economic partners, though access to the Chinese market for foreign goods and services remained limited. By 2018 7.07% of German exports were sent to China, and 9.8% of German imports came from China (World Bank, 2020b). On the other hand, China sent only 3.14% of its exports to Germany in 2018 (World Bank, 2020c). German exports to China radically accelerated after the start of the 2008 economic crisis. The Chinese government launched an anti-crisis package for the Chinese economy that resulted in rapidly growing imports, including from Germany (Kundnani and Parello-Plesner, 2012).

The development of trade relations has been supplemented by increasing German investments in China. At the end of 2017, German direct investments in China amounted to more than 80 billion euros (Deutsche Bundesbank, 2019, p. 23). That same year, Chinese direct investments in Germany were worth only 5.1 billion euros (p. 63).

German exports to China and German investments in China are concentrated in a few economic sectors. The automobile companies are the most dependent on China. In 2018, the biggest German automaker, Volkswagen, earned 39.9% of its revenue in China, while among companies listed on the DAX index, semiconductor producer Infineon, carmakers Daimler and BMW, and the chemical company Covestro all earned more than 20% of their revenue in China. On average, DAX-listed companies earned 15% of their revenues in China in the same year. The German "big business" faces the problem of a concentration risk (Heide et al, 2019). Although, as a whole, the German economy is less dependent on the Chinese market than its flagship companies; the problem of vulnerability persists (Barkin, 2019).

The problem is intensified by China's refusal to adopt the principle of reciprocity or symmetry in its trade and investment policies, and by its strong support for local enterprises. An unequal playing field for local and foreign companies is causing growing opposition among the German authorities. In December 2016, Ambassador Michael Claus indicated that it was difficult for German officials to encourage German companies to invest in China because they feared they would be nothing more than "useful instruments" supplying technology that could later be discarded (see: Ankenbrand, 2016). Despite Chinese demands, the EU did not grant China market economy status. This was partially a consequence of Germany's ambiguous position. Chancellor Merkel was ready to accept Chinese demands, but opposition from the

Ministry of Economy and industrial associations, which were worried about growing imports from China, stopped her from taking that step (Huang, 2019, pp. 205-208).

The German companies' fears of losing their technological advantage have been exacerbated by a series of acquisitions in recent years in which Chinese companies have bought up their German competitors. For a long time, German politicians invited Chinese companies to invest in Germany, but that has changed. The turning point was the takeover of the German robot producer KUKA in 2016. In response to the Chinese companies' expansion in the German high-tech sector (Jungbluth, 2018), German regulations on foreign investments were tightened, and some takeovers of German companies were blocked (Huang, 2019, pp. 202-204). Although the new regulations applied to all foreign investors, the discussion in the Bundestag shows that companies from China were the main target. Alexander Ulrich, a member of the house critical of the new regulations, dubbed them "Lex China" (2019, p. 11539).

The third group of instruments is the creation of international programmes, regimes and institutions, and launching international initiatives. China abandoned its "low profile policy" in November 2012, under the new leadership of President Xi Jinping. Germany's response to the Chinese geoeconomic initiatives has been mixed. Germany joined the AIIB, becoming its fourth-largest shareholder. It did so against the expectations of the United States, which sees the AIIB as an instrument for advancing China's global presence. The German government justified its AIIB accession with the argument that participation by Germany (and other European countries) would make it possible to turn the AIIB into a true international financial institution, weakening its "Chinese characteristic". Germany presents itself as satisfied with its role in the AIIB and with the AIIB's policy (Stanzel, 2017).

When President Xi Jinping proposed the BRI in 2013, the initial reaction from Germany was positive. The Siemens CEO, Joe Kaeser, even called it "the new WTO" (Barkin, 2019). But, after a more thorough analysis of the implications of the proposal, the tone became more critical. Causes for concern were seen in the impact of the BRI on the transparency of public procurement, a level playing field for business, and European labour, environmental and social standards. Also, the impact of Chinese investments and credits on the solvency of African and Asian countries became a hot topic, and the term "debt-trap" started to circulate.

Germany has not signed a bilateral agreement with China about participation in the BRI and is pushing for an EU-Chinese agreement regulating relations between those two partners overall, not only concerning the BRI. Germany is interested in signing an EU-China Comprehensive Agreement on Investment (CAI). It has also criticised Italy for joining the BRI, and the Central European countries for cooperating with China within the 17+1 format (Stanzel, 2019). Among German elites, there is a growing feeling that China prefers state-to-state relations over relations with the EU as a whole, and that a united EU is the only instrument in German hands to have balanced relations with China - and the USA as well. German politicians understood that, while China is developing its global vision, Germany and the West lack one (Gabriel, 2018).

The fourth group of instruments applied by great powers is related to standard setting. In this area, the balance of power between China and Germany has dramatically changed in the analysed period. For years, Germany supplied technologies to China, but technological progress has turned the tables, as highlighted by the 5G telecommunication technology offered by the Chinese company Huawei. Germany now finds itself in the position of a country that is technologically inferior to China. In the last two decades, Germany's share in creating world-class innovations has declined in comparison with China, Japan and South Korea (Bertelsmann Stiftung, 2020). To further accelerate their economic progress, Chinese companies invest abroad. FDI should help China achieve its "China 2025" plan. Between 2014 and 2017, 64% of Chinese M&A transactions with a share of at least 10% in German companies were related to the key industries listed in the "China 2025" plan. China is set to achieve "Economic Superpower" status by 2049 (Jungbluth, 2018). There is much division in Germany over how to deal with Huawei. The USA put pressure on Germany to ban Huawei from the German network. Yet in December 2019 the Chinese ambassador to Germany, Wu Ken, said that the exclusion of Huawei would not be ignored and there would be consequences for Germany, suggesting that German car producers could become a target. Despite the security risks, in February 2020 the German government decided to allow Huawei to participate in the development of the German 5G network, although Huawei, like all companies, will have to meet new security standards (Sanger and McCabe, 2020).

In Germany, uncertainty about the country's "digital sovereignty" is growing (Maas, 2019b). The increasing US-Chinese technological conflict has caught Germany in the middle between two economic giants on which it is dependent. As Angela Merkel summarized the German situation: "The odds look pretty bad for us" (2019).

The fifth group of instruments used by great powers to bind middle powers is ODA. Relations between China and Germany are a very specific instance of great power-middle power relations. It was the middle power, Germany, that for years supplied today's great power, China, with ODA, worth almost 10 billion euros since 1979. German ODA was designed to support the export of German technology and standards to China, as well as to gain political influence. With China's economic success, that traditional development aid stopped in October 2009, and since then new forms of development cooperation have been created (Huang, 2019, pp. 177-179).

The sixth group of geoeconomic instruments are ideas, understood mostly as the promotion of a state's own economic system, whereas the last element of geoeconomic power is ideological primacy. In Germany, there was a view that the social market economy could be an inspiration for Chinese reformers. But China's economic success convinced the Chinese leadership that state capitalism with Chinese characteristics is superior to other forms of capitalism. In Germany, the growing worry about Chinese dominance in the ideological sphere was first expressed in a paper published by the Federation of German Industries (BDI), which called China both a "partner" and a "systemic competitor" (BDI, 2019, p. 2). This argument was repeated by chancellor Merkel. She called China simultaneously a "strategic partner" and "strategic competitor", against whom Germany is in "systemic competition" (Merkel, 2019, p. 10482). Merkel's statement was a clear signal that the "change through trade" strategy had failed. Norbert Röttgen, the chairman of the Committee on Foreign Affairs of the Bundestag, argues that Germany should cooperate with China, but should not subject itself to China and it should fight for its own values and interests (Röttgen, 2020, 20425). That is why, in its guidelines to the policy towards the Indo-Pacific region in 2020, the German government encouraged "shoulder-to-shoulder" cooperation in the region with democratic countries sharing the same values (Bundesregierung, 2020).

4. Germany revives the transatlantic-partnership

In the face of Germany's growing vulnerability towards China, the German government is pursuing the goal of strengthening the EU and the transatlantic partnership, underlining the role of the "community of values" shared by Europe and the USA (Altmaier, 2019, p. 16252).

In the early 21st century, the USA began negotiating the TTIP with the EU. Despite some scepticism among the public and NGOs, the German government supported the TTIP for three reasons. Firstly, it would deliver economic growth and new jobs. Secondly, it would revive the transatlantic partnership. And thirdly, it would have the potential to define global standards for trade and investments. The TTIP was seen by the government in Berlin as a strategic project strengthening economic ties in the Euro-Atlantic region and reducing the relative importance of the fast-growing emerging markets (Sparding, 2014).

But the TTIP failed, and disputes started to pile up in US-German relations. The four most important of these are: the German trade surplus, Germany's position towards Huawei, the German-Russian energy partnership, and the low level of German defence spending. The US administration sees the German trade surplus as a threat to US national security, while the German government tries to calm the US administration's fear in order to reduce the danger of American sanctions against the German automobile industry. Further, German politicians attempt to convince the US administration that, under the new regulations, the German telecommunication networks will be safe, even with Chinese equipment. The long-standing dispute over German-Russian gas cooperation ended with the outbreak of the military conflict between Russia and Ukraine in 2022, as the German government declared a shift away from Russian gas supplies by 2024. Also, the pledge of an additional 100 bn euros in military spending, a stated rise of up to 2 per cent of GDP in 2024, and the decision to purchase F-35 jet fighters as a consequence of the Russian-Ukrainian conflict, have symbolic value for reducing the tensions between the United States and Germany (Merkel, 2019; Pfeifer, 2022; Arnold, 2022).

The ability to come up with ground-breaking innovations is a central area of German security, and the backwardness of the German industry in the high-tech sector is a primary geoeconomic weakness of the country. In 2019, during the Munich Security Conference, Heiko

Maas argued that the EU should transform its geoeconomic capabilities into geo-political power. He pushed for a transatlantic trade partnership that could evolve into the core of a transatlantic agenda towards the rising powers, including towards an “increasingly overpowered China” (Maas, 2019a). He and chancellor Merkel repeated the call for a united Europe investing in technologies of the future during the debate on the German Presidency of the Council of the EU 2020 (Maas, 2020; Merkel, 2020a). In her speech to the European Parliament, Merkel also argued that strategic relations between the EU and China “are characterized by close trade links but equally by very different approaches to social policy, particularly respect for human rights and the rule of law”. These differences are playing an increasingly important role for Germany in its relations with China, bringing Germany closer to the USA (Merkel, 2020b).

The USA wants to prevent the expansion of the Chinese 5G telecommunication equipment around the world because of security concerns, and is using a mixed bag of tactics to discourage other countries from using Huawei 5G equipment: threatening to cut them off from information sharing and intelligence cooperation, trying to cut Huawei off from American-made technology. But the USA has no alternative technology to offer. The main competitors to Huawei come from Sweden (Ericsson) and Finland (Nokia), but they are struggling with a cost disadvantage. Given the support provided by China to Huawei and the huge Chinese market on the one hand, and EU-US discord over support for European producers on the other, the future does not look bright for them. The US’s strategy towards 5G is still being formulated, so Germany’s position may change over time. Chancellor Merkel feared Chinese retaliation towards German companies, but her heads of intelligence and some politicians within the CDU/CSU shared the assessment of their American partners (Sanger and McCabe, 2020).

Many German business people felt uneasiness over the future of their companies in China. As a study by the Allensbach Institute from 2019 shows, if faced with a choice between the USA and China, half of German economic elites would be in favour of cooperation with the USA, one third with China, with the rest undecided. This contrasts with the view expressed in the same study, where two thirds of respondents were of the opinion that, in the long term, China will overtake the USA as the No.1 global power (Göbel, 2019).

Conclusions

The international system is in a state of decay. Geoeconomic competition between China and the USA is on the rise. The two great powers are competing against each other for world primacy, especially in the high-tech sectors and trade. Middle powers such as Germany are unsure of what the future balance of power will be like, and have to develop geoeconomic strategies that somehow respond to those of the great powers. This paper aims to fill this research gap by developing the concepts of geoeconomic balancing, geoeconomic bandwagoning and geoeconomic hedging.

Germany's response to China's geoeconomic strategy was analysed. Germany is simultaneously developing and restricting economic exchanges with China, taking contradictory steps. Cooperative and competitive elements in the German strategy towards China intertwine. Faced with uncertainty about the future balance of power between China and the USA, German governments have developed a strategy of geoeconomic hedging towards China, which involves measures that mutually counteract each other and are deliberately contradictory. Because the integration of China into the liberal world order failed, Germany intends to keep its cooperation with China as alive as possible, with the goal of continuing to reap economic and political benefits from that cooperation, but without weakening Germany's belonging to the "West". The behaviour of Germany towards the six groups of geoeconomic instruments used by China defines its strategy.

Firstly, the dynamism of the Chinese economy was once seen as an opportunity but is increasingly seen a source of danger. Facing growing competition, Germany has improved the competitiveness of its national economy.

Secondly, in the early 21st century, German governments successfully encouraged local companies to trade and invest in China. But their success made the German economy dependent on the Chinese market without having any impact on Chinese politics and society. Simultaneously, the German market is less relevant for Chinese exporters. Faced with the failure of the "change through trade" strategy, the German government no longer encourages German companies to invest in China and has developed more mechanisms for scrutinising foreign investments flowing into Germany lest German companies should be sold off to their Chinese

rivals. It is also promoting more diverse economic relations with other countries in the Indo-Pacific region.

Thirdly, Germany was not prepared for China's refusal to fully accept the existing world order. China's new geoeconomic initiatives, and the rising competition between the USA and China have called the existing world order into question. German support for Chinese geoeconomic initiatives in the 21st century has been diminishing as China's power has grown. The accession of Germany to the AIIB was not followed by its accession to the BRI. Germany has not actively lobbied the European Commission to grant China market economic status. And now, German politicians are calling for a revival of the idea of a USA-EU geoeconomic partnership, based on common interests and common values, to preserve the position of the "West" in global politics. In the future, common values should play a bigger role in relations with countries of the Indo-Pacific region.

Fourthly, the current technological revolution is weakening Germany's position in the global economy. For the past century and a half, Germany was a world frontrunner in terms of technological progress and standard setting; today, it is falling behind the leaders, although in the last two decades it has raised R&D spending. Reviving the US-EU partnership could lead to a bundling up of R&D capacities in the Euro-Atlantic region, and to a strengthening of its position in the technological battle against China.

Fifthly, Germany stopped supporting China with ODA in 2009. Both countries initiated development cooperation instead.

Sixthly, Germany sees China as a "systemic competitor" and a social-economic threat. Unlike Germany's relations with China, differences between Germany and the USA are contained within the system supported by both countries. Because of its support for the liberal international system, the USA is Germany's preferred partner over China. But is the German geoeconomic hedging strategy successful? Germany has not overcome its backwardness in the high-tech sector. It is also losing its superiority in numerous other sectors of the economy; moreover, the complementary character of the German and Chinese economies, where Germany supplied high-value added investments and consumer goods in exchange for cheap consumer goods, is vanishing.

Further, Germany is in a situation known as “vulnerability interdependence” towards China. In consequence, it cannot allow itself to make an abrupt change in its policy towards China or to ban Huawei from participating in the development of the German 5G network. The leading German companies are especially dependent on the Chinese market, and their political influence in Germany offers China in this context an instrument with which to influence the German government. Germany’s dependence on China in trade and investments should be gradually limited. Already, some takeovers of German companies by Chinese rivals have been blocked.

Germany has successfully resisted China’s demands that it joins China’s geoeconomic initiatives, by striving for an EU-China CAI and suggesting a revival of the economic alliance between the EU and the USA. But no specific plan for an EU-USA geoeconomic partnership has even been presented. Despite its preference for a geoeconomic partnership with the USA, Germany is keeping all its strategic options open.

The plan to once again become a standard-setting country in new technologies and regain technological leadership is conspicuously absent. The subject of how to respond to the Chinese challenge in telecommunications technology is discussed on a daily basis, but an unambiguous strategy is deliberately avoided. The rise in R&D spending has not stopped the decline in Germany’s share in world-class innovations.

In the systemic competition, supporters of the free market such as Germany are on the defensive. State capitalism is enjoying growing support in many countries, and the BRI is helping this trend. In numerous emerging markets, China’s economic success is acting as an inspiration. The future will show whether a free market economy or state capitalism is more efficient.

As Henry Kissinger indicated some time ago, without its alliance with the USA, Europe would be “an appendage of Eurasia”. It would be at the mercy of China (Kissinger, 2018). German political elites took this suggestion seriously and would like to see the Europe-USA alliance strengthened once again. As Chancellor Merkel noted in January 2020, she is convinced that all Europeans “need to think very hard about how we position ourselves” (Merkel, 2020c) suggesting that a much more straightforward strategy towards China may be needed in the future. Germany wants to be part of the winning coalition but is increasingly unsure about

whether the “Chinese coalition” would be as favourable as the “US coalition” has been for the last seven decades.

With the end of the Merkel era in late 2021, a discussion began about change and continuity in German foreign policy. But then an external factor emerged: the military conflict in Ukraine that proved to be a “game changer”. The Russian operation against Ukraine has caused a revival of the West. Contrary to Ambassador Schaefer’s argument, the West still exists. The policy of sanctions against Russia shows that the West is capable of using its economic might for strategic purposes. Its policy against Russia suggests that, in the case of an intensive strategic competition between the West and China, the West is capable of reducing its economic exchange with China - and that reduction could be faster than might be expected.

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THE ROLE OF THE EUROPEAN UNION'S LANGUAGE POLICY IN THE CONSTRUCTION OF EUROPEAN IDENTITY¹

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Abstract: *European identity is an identity of the European Union (EU) and it has been constructed again and again since it was introduced. It is a socially constructed identity, which is not defined, not fixed, not finished but dynamic. The language policy of the EU also has an effect in this construction process, as the EU is a multilingual Union, which has 24 official languages. This policy has been developed for many years just like the European identity. The purpose of this research is to examine the role of EU's language policy in constructing the European identity. Both the European identity and the EU's language policy serve social cohesion and integration. They are in relation with one another, and the language policy has an effect on the construction of European identity as it is socially constructed through the interactions of individuals as agents equipped with language resources and with the developments sustained by the EU institutions.*

Keywords: European identity, Language policy, Multilingualism, Interaction.

Introduction

Identity and language policy are two subjects which were researched many times separately. However, their interaction, especially within the framework of the European Union (EU), was not the subject of much research. Therefore, the purpose of this article is to see and determine the role of the EU's language policy in constructing the European identity.

This research is structured in three parts: identity, language policy, and their interaction. Firstly, identity, which is a complex term is explained from the perspective of social constructivism as it focuses

¹ This article is extracted from my PhD dissertation “*The Role of the European Union's Language Policy in the Construction of European Identity*” defended at Marmara University in 2015.

on construction, which is also the case for identities. Then, the European identity is explained within a historical context to see how it has developed since its first introduction in the EU. As a second step, the language policy of the EU, which has its own unique characteristics, is analysed. To be in line with the first part, the language policy, related developments are also placed in a historical context. Lastly, the identity-language relation and the role of the European language policy in the construction of European identity are examined and questioned.

This research accepts that identity is a construction, and it is constructed and reconstructed in interactions. In other words, it is not finished or stable, instead, it is dynamic and always under construction. Furthermore, it is a term that can be used to understand, perceive and define the other actors and also ourselves in any kind of relations.

In the construction process of identity, interactions and relations are important and language is a fundamental tool for communication, which sustains this relation. However, language is not just a way of communication; it is also a constituent of culture and identity. For that reason, identity and language are both researched in this paper to see their relation and the effect of language policy in constructing identity. Moreover, the main argument is that the European identity is a construction, and the language policy of the EU has a role in this construction process.

1. THE ISSUE OF IDENTITY FROM THE PERSPECTIVE OF SOCIAL CONSTRUCTIVISM

Onuf (1989, p. 1) introduced constructivism as a term in International Relations and stated that “people always construct, or constitute, social reality even, as their being, which can only be social, is constructed for them”. This statement is important in terms of this research as it notes that social reality and people’s being or, in other words, their identity is constructed. Risse (2009, p. 145) also points out that social reality does not come from somewhere else, but it is constructed and reproduced by human agents in their daily lives, with their daily practices. Therefore, social reality is constructed with interactions within the daily lives of the human beings, and the human beings who interact are the constructors of the social reality. According to Thomas Christiansen, Knud Erik Jorgensen and Antje Wiener (2001, p. 5), norms and ideas have an impact on the construction process of identities. However, norms and ideas are not the only determinants in this construction process.

Within the constructivist approach, institutions have an essential and shaping role in constructing identities. According to Koslowski and Kratochwil (1994, p. 227), institutions are defined

as elements of stability and strategic variables, which are used for the analysis of change in the constructivist research program, and they “are continually reproduced and modified through the actors’ practices”. Kohli (2000, p. 119), who has also similar views, indicates that the European identity will be a by-product of its institutional constructions and adds that its growing cultural networks of communication and exchange, its common economy and currency, its political framework of governance and representation, its institutions of redistribution and solidarity and its European level organisations also contribute to the construction of European identity. Here, it is crucial to note that, similarly to human beings, institutions also have effects on constructing and shaping the identities, a top-down effect.

To prevent misunderstanding and to be clear with the aim of this research, the first aspect is focused on the characteristics of identity. For example, Hall (1996, p. 1) points out that identity is “a ‘production’, which is never complete, always in process, and always constituted within, not outside, representation.” Hall (1991, p. 19) also states that “identity is always an open, complex and unfinished game - always ‘under construction’”. Shore (1996, p. 110) emphasizes the importance of change in describing identity and notes that identity is constantly changing. Building on these views, identity is active and alive, rather than being static, fixed, or inactive. It is a process in which the identities are constructed, reconstructed, shaped and reshaped in time; it is never finished but always under construction. This is also the case for the European identity, which has been shaped with each enlargement and official developments.

An important contribution to the literature of identity is made by Delanty through his research. According to Delanty and Rumford (2005, pp. 51-52), identity has four aspects which are its processual or constructed features, narrative dimension, relation to self, and other and multiple features. If these aspects are connected to the European identity, the first of the four is referred mostly because the European identity is thought to be constructed in a process. Delanty and Rumford support these views by stating that identity is not given but it is a mode of self-understanding and identities are fluid, negotiable and contested.

In defining identities, the term ‘other’ can be used as a good reference point. According to Mayer and Palmowski (2004, p. 577), identity is constructed “through interaction with each other and with outsiders”. Here, “outsider” can be seen as “other” who is a reference point for the individual in defining himself/herself. Identity is formed while two parties are interacting; in other words, it is constructed when they are in an interactive relation. In a relation, individuals interpret themselves by using “other”. In short, “others” are functional in defining and positioning identities.

2. THE CONSTRUCTION OF EUROPEAN IDENTITY

This second part analyses the construction process of European identity in a historical context. It is aimed to focus on the change of European identity in time. In order to reveal this change, official documents are analysed.

The *Copenhagen Declaration on European Identity* can be evaluated as the starting point of the historical analysis, as the concept of European identity was first introduced in this declaration in 1973 (European Commission, 1973, p. 118). There are three parts in the Declaration. In the first part, which is about the unity of the members of the community, the fundamental elements of the European identity (such as democracy, the rule of law, social justice and human rights) and the essential parts of the European identity (such as the Treaties of Paris, Rome, the common market, the customs union, the institutions, common policies) are stated (CVCE, 1973, p. 2). Here, the common values and essential parts of the EU are used to define the European identity; therefore, it can be said that they constitute both the EU and its identity. In the second part, which is about the European identity in accordance with the world, the objectives of the union are set (CVCE, 1973, p. 3). Lastly, in the third part, which is about the dynamic nature of a united Europe, the concept of European identity is expressed clearly, and it emphasizes the fact that it would evolve. Here, the other countries are used as a reference point in defining European identity, and the progressive nature of this definition is emphasized (CVCE, 1973, p. 4). Consequently, it can be said that identity is constructed in relation to others, and it is dynamic.

The Tindemans Report is another historical development in the construction of European identity. The Report is about the European Union, its common vision of Europe, its place in the world, its policies, institutions, and its relationship with its citizens. With a view to this research, there is also a focus on the cultural diversity and uniting factors, which can be evaluated as the common values. The Report also contains some proposals to ensure solidarity, to become closer and real for the citizens. Some of these proposals focused on a greater integration in education and the media to show the European reality, providing information about the cultural heritage of the EU, supporting the spread of information, and knowing each other better. The Report emphasises that educational integration can be provided with bilateral and multilateral agreements between universities and reciprocal recognition of studies in various sectors. All these aimed to bring the EU citizens closer (European Commission, 1976, p. 28). After this emphasis, in 1986, the European Commission proposed Erasmus programme for student exchanges. The Erasmus programme has an important role in constructing European identity because it provides the

mobility of students, shortens distances, and brings citizens closer, helps to create a feeling of belonging and provides awareness of the European culture and its richness.

Another step is Solemn Declaration on European Union. This document emphasizes the European identity by noting that member states, “wish to affirm European identity” and “confirm their commitment to progress towards ever closer union” (CVCE, 1983, p. 2). The phrase of “ever closer union” was mentioned many times in relation to the issue, in the following years.

The reports of the Addonnino Committee can also be seen as a progress in constructing the European identity. The first (interim) report was generally about arrangements to offer the citizens “tangible benefits in their everyday lives” and to ease the “rules and the practices which cause irritation to Community citizens” (University of Pittsburgh, 1985, p. 9). In the second (final) report, there were more culture-oriented issues and offers for strengthening the image and identity of the Community, such as having a flag and emblem; using the music of the “Ode to Joy” from Beethoven’s Ninth Symphony as an anthem; designing stamps about the events and ideas in the Community; abolishing inadequate and obsolete signs at internal borders (University of Pittsburgh, 1985, pp. 18-30). These were just some of the recommendations, but there were many more. It can be said that there were many proposals to strengthen the image and the identity of the EU and to make it tangible and alive for the peoples of Europe. As Shore (2000, p. 47) indicates, various “symbolic measures” to enhance the Community profile were recommended as a remedy for the ordinary citizens because of their lack of awareness of their identity and heritage. These early attempts were both about constructing European identity and making it visible and concrete.

The Single European Act is another step in constructing the European identity. There is a reference to the European identity, but it is just related to the closer co-operation on European security (Eur-lex 1987, pp. 13-14). It does not give detailed information about the European identity, but it is still important as the concept entered the EU treaties.

Another step is the Maastricht Treaty. The references in the Treaty and in the Declarations are about the European security and defence identity as it is in the Single European Act, but they are a little bit clearer. However, as Delanty (2002, p. 350) states, there was no attempt to describe the European identity; there were just some references to the “common cultural heritage”, which were generally about the common foreign and security policy (Eur-lex 1992, p. 1). As Moreira (1997) expresses, the Maastricht Treaty just related the European identity to defence. However, the Maastricht Treaty contributed to the EU by providing a legal basis for the concept of European citizenship because it was first introduced in the Maastricht Treaty in 1992 (Herrero n.d., p. 3). The concepts of citizenship and

identity have a common point as Preuss (1998, p. 142) emphasises that “the concept of citizenship is a social construction” and, according to him, it is “constitutive of the identity of a particular -political-community” and it “defines the social identity of the individuals.” So, its existence supports constructing an identity and its presence.

Another report on the European identity is the 1993 *De Clercq Report* (Dunkerley et al. 2002, p. 117). In general, the Report is concerned with the information and communication policy of the EU but there are also references to the European identity. The document mentions some of the European’s shared values as well as the fact that these values could be seen as the basis of the European identity. Furthermore, the report expresses the significance of symbols and mottos, and indicates that the Europeans start realizing their identity and assert their position and their cultural richness in the world (University of Pittsburgh 1993, pp. 1-33). Therefore, it can be noted that common values are the constituent of the European identity, while symbols, and mottoes are tools in constructing the European identity.

The Treaty of Amsterdam is also an important step as the principles of the EU; in other words, the common values related to European identity are clearly stated among the Articles of the Treaty (Eur-lex, 1997, p. 8). According to Laffan (2004, p. 82), besides these common values, the self-definition of the EU includes references to diversity, and he gives Articles 6(3) and 151(1) of the Treaty of Amsterdam as an example of respecting and referring its diversity.

The Treaty of Nice is also a vague step in this process as identity is mentioned just twice and it is defined as “a coherent force on international scene” (Eur-lex, 2001, p. 8). This shows that it is evaluated as a tool.

Another development is the Treaty of Lisbon. The common values take place within the Treaty but there are not any references to the European identity (Eur-lex, 2007, p. 11). The symbols (flag and anthem) that imply a supranational state; departing from the nation states and stated in the Constitutional Treaty, are abandoned in the Treaty of Lisbon (CIVITAS, “Treaty of Lisbon”, n.d.). Even so, sixteen member states continued to use the symbols to “express the sense of community of the people in the European Union and their allegiance to it” (Eur-lex, 2007, p. 267). This can be evaluated as retreating from more integration because of the state implications of the symbols. This may be a sign of doubt about the European identity and its power, which co-exists with national identities in a harmony. However, some of the member states still use these symbols and they are visible, touchable, and effective in citizens’ daily lives. As such, they are still valuable in constructing the European identity.

3. THE EUROPEAN UNION'S LANGUAGE POLICY

The EU has 24 official languages and over 60 indigenous regional or minority languages (European Parliament, 2016, p. 8); it is, therefore, accepted as a multilingual Union. The citizens of the EU have the right to write to the EU institutions in one of these official languages and the institutions have to answer in the same language (European Commission, EU Languages, n.d.). This part focuses on the general historical development of the EU language policy to point out the impact and contribution of multilingualism on the European identity. As linguistic diversity is accepted as one of the core values of the EU and has many advantages such as the continuity of communication within the EU, greater transparency, legitimacy and efficiency, positive effects on the cognitive skills and using the mother tongue of the citizens, (Directorate-General for Translation, 2014, pp. 1-2), it also supports the prosperity of both the EU and its citizens and contributes to intercultural dialogue and social cohesion (Eur-lex 2008, pp. 5-9). According to Schjerve and Vetter (2012, p. 2), multilingualism serves to economic growth, transnational communication, socio-cultural cohesion, and the development of a common European identity. Therefore, it can be noted that the EU language policy is closely related to integration, the functioning, the economy, and the identity of the EU.

3.1. The Historical Development of the European Union's Language Policy

The general framework of the language policy was structured in the Treaty of Rome in 1957, and two articles related to the language policy were stated in this Treaty. One of them is Article 217 and the other one is Article 248. That the first one states that the decisions related to the languages of the Community institutions would be decided unanimously by the Council (European Commission 1957, p. 74), and, as Ives (2004, p. 31) states, this shows the significance attributed to the language issues from the beginning. Article 248 notes that all four texts of the Treaty are equally authentic (European Commission, 1957, p. 80).

After the Treaty of Rome, the first regulation is also about the language policy of the EU. The first regulation, which is Council Regulation No 1/58, notes that Dutch, French, German and Italian are the official languages and the working languages of the institutions of the Community, and it is also decided that regulations and other documents of general application shall be prepared in the official languages (Eur-lex, 1958). It is worth mentioning here that the terms "official language" and "working

language” were mentioned in this Regulation for the first time. However, there were also other articles all of which were directly related to the language policy of the EU.

The Resolution of the Council and the Ministers of Education on comprising an action programme in the field of education is the second step, which includes language-related proposals. The Resolution was about language teaching and one of its objectives is “offering all pupils the opportunity of learning at least one other Community language” (Eur-lex, 1976, p. 4). This objective shows the beginning of the development of the EU language policy.

The Maastricht Treaty plays an important role in the development of the EU’s language policy, as it includes developments related to culture and education. The articles related to culture and education focus on language (Eur-lex 1992, 44). The EU attaches special importance to the language teaching, and this can be seen in the Maastricht Treaty, but it can also be traced through various programmes and projects, such as Erasmus, Erasmus+, Creative Europe, Marie Skłodowska Curie Actions, Horizon 2020, Europe for Citizens and as well as through European language initiatives such as the European Day of Languages and the European Language Label. It is worth mentioning that language learning and language teaching support and develop the EU’s multilingualism, language policy, and its identity and these projects and funds are important factors in this process.

The EU language policy has changed and shaped with each new report, conclusion, and regulation. In 1995, a Council Resolution stated that students should have the opportunity to learn two languages of the EU (Eur-lex, 1995, p. 4). Another development is the *White Paper² on Education and Training, Teaching and Learning towards the Learning Society* (1995). Proficiency in three European languages is one of the objectives of the Paper (Eur-lex, 1995, p. 1). The contributions and benefits of proficiency in languages for citizens are itemized clearly, and the White Paper states that this proficiency helps citizens to “benefit from the occupational and personal opportunities open to them in the border-free Single Market”, “build up the feeling of being European with all its cultural wealth and diversity and of understanding between the citizens of Europe” and opens “the mind, stimulates intellectual agility and, of course, expands peoples cultural horizon” (Eur-lex, 1995, p. 44). Furthermore, the document adds that “multilingualism is part and parcel of both European identity/citizenship and the learning society” (Eur-lex, 1995, p. 44). The emphasis on identity and its relationship with

² White Papers are documents with some proposals for action in a specific area.

multilingualism are important points to note that multilingualism and the European identity have a relation as one being part of another. Therefore, the contribution of multilingualism to the construction of European identity should not be disregarded. The White Paper also indicates that being European means having “the advantage of a cultural background of unparalleled variety and depth” (Eur-lex, 1995, p. 51). The emphasis on cultural background and its depth and variety points to the concept of “diversity”, which is described as an advantage and an asset for the EU.

The Lisbon Strategy is a milestone in the process as the perception related to multilingualism changes with it. A new strategic goal is noted for the EU; foreign language knowledge is indicated as one of the new skills, which would have a role in accomplishing this goal (European Parliament 2000). Wodak and Krzyzanowski (2010, p. 117) evaluate the Lisbon Strategy as a “tipping point, which triggered the Union’s interest in multilingualism and related issues.” They also state that it “put languages among a set of crucial skills to be fostered throughout the EU member states if the Union is to become one of the world’s most competitive knowledge-based economies.” Departing from this idea, it would not be wrong to note that the Lisbon Strategy has a shaping effect for the language policy because language skills are stated as tools to cope with the new developments and the necessities of that time. In the *Final Report of the High-Level Group on Multilingualism*, the importance of this Strategy is also pointed out, and the report indicates that “the learning of language is no longer simply regarded as being beneficial to the individual citizens, but as being of special importance for the Lisbon aims of economic growth and social cohesion” (European Commission 2007, p. 5). This shows that the scope of the language policy is broadened with new objectives. Thenceforwards, the language policy of the EU also serves as an instrument to fulfil this new goal besides its other objectives, such as sustaining individual multilingualism and providing many benefits to the citizens at different levels.

The Decision of the European Parliament and the Council on the *European Year of Languages 2001* is another important step related to the significance of linguistic diversity in the EU language policy. Here, the language question is defined as a challenge, which must be tackled as a part of the European integration process (Eur-lex, 2000, p. 1). In the Decision, the importance of language learning is noted with relation to its contribution to develop “mutual understanding and giving a tangible content to the concept of European citizenship”, to enhance “awareness of cultural diversity”, to eradicate “xenophobia, racism, anti-Semitism and intolerance” and to benefit economically (Eur-lex, 2000, p. 1).

Another development comes with the conclusions of the Barcelona European Council meeting of 15-16 March 2002. The European Council calls for action in some fields and

language is one of them. The aim related to teaching foreign languages becomes more demanding as it is at least one at the beginning and it becomes at least two foreign languages (University of Pittsburgh, 2002, p. 19), which can be interpreted as two and more languages.

Many other conclusions, resolutions and reports related to multilingualism were prepared. Some of them are the *Resolution about the promotion of linguistic diversity* (Eur-lex, 2002), *Framework Strategy for Multilingualism* (Eur-lex, 2005), *Multilingualism: an Asset for Europe and a Shared Commitment* (Eur-lex, 2008a), *Council Resolution on a European Strategy for Multilingualism* (Eur-lex, 2008b), *Council Conclusion on multilingualism and the Development of Language Competences* (Concilium, 2014), *Council conclusions on a Strategic Framework for European Cooperation in Education and Training* (Eur-lex, 2009), and *Council conclusions on Language Competences to Enhance Mobility* (Eur-lex, 2011). In these official documents, the developments related to the EU language policy are noted; the importance of linguistic diversity is stated; they explain why and how it should be supported; and targets related to language learning are set again and again. Furthermore, the articles in the treaties in force support linguistic diversity, prohibit discrimination and provide the right to communicate with the EU institutions in one of the treaty languages.

In a nutshell, there have been many developments related to languages since the Treaty of Rome and the First Regulation. The treaty languages increased because of the enlargements and the deepening process of the EU. This increase adds value to the European identity, which is under-construction, and enriches the diversity within the EU. The first objectives were less demanding as the learning of at least one Community language was aimed in 1976, and, in 2002, the recommendation was for citizens to learn at least two foreign languages. Today, the choice for a foreign language is left to the individuals as it is not restricted to “Community language”. The importance of multilingualism and linguistic diversity has been restated in most of the official documents, and their benefits for the society and for the Union have been argued and noted. Many conclusions, resolutions and recommendations have been asserted to realize multilingualism, to support it and to respect linguistic diversity. However, it should not be forgotten that proposals just show the aim of the EU, but the member states are the main decision-makers in this field, so if they do not prefer to realize these proposals, they have no meaning. The Commission and the other stakeholders can just recommend, supplement, and support the actions but not force the member states to implement them.

The benefits and effects of supporting and respecting multilingualism can be noticed clearly within the above-mentioned documents, and they have effects on social cohesion, intercultural dialogue, cognitive skills, integration, openness, tolerance, preventing xenophobia, mobility, employability,

economy, and the European identity. The linguistic diversity of the EU is one of the components of the European identity and it affects its construction. Moreover, it is an added value and brings richness for the European identity. The effects of diverse languages, which shape, change and enrich the European identity, should not be underestimated. To sum up, it can be stated that the European identity without the language policy, which stands on the linguistic diversity and the equality of the languages, would be different.

3.2. Language-Identity Relations in the Construction of European Identity

In social sciences, the concept of “language” is researched extensively. According to Sapir (2004, p. 5), language is a method for human being to communicate about their ideas, emotions, and desires by using symbols and is a tool of significant expression (Sapir 2004, p. 17). Consequently, one can note that language is a way of communication, and people express their ideas, feelings, desires, and problems by using this tool. Sapir (1949, p. 68) also defines language as a social reality and a medium of expression for the society. One can say that people construct their identities by using languages as a medium of expression. However, language is not just a tool for expression or communication and Kilgour (n.d.) citing Edward Sapir notes that it “is not only a vehicle for the expression of thoughts, perceptions, sentiments, and values characteristic of a community; it also represents a fundamental expression of social identity”. Just because of this, languages can be evaluated as a tool that reflects people’s social identity, helps to shape /construct it and is a part of it.

3.2.1. Language – Identity Relations in General

Many researchers work on language and identity issues; however, this research focuses on their relations. Boxer (2006, p. 678) is one of the scholars who focuses on language and identity and, according to her, “adding a language to one’s verbal repertoire necessarily entails modifying one’s self-perception in relationship to others in the world.” This shows the role of language in changing and shaping one’s identity. Boxer and Cortes-Conde (2000, p. 203) use “relational identity” in their research about second language learning and claim that this identity is different from individual and social identity. They explain relational identity as a “bonding between interlocutors that is formed by the group and for the group” and they add that it is the identity of the total groups, not any individual’s identity (Boxer and

Cortes-Conde, 2000, p. 203). Taking this as a reference point, the European identity may be evaluated as the identity of the citizens as a group in their interactions in a multilingual community.

Norton is another scholar who focuses mainly on identity and language issues. According to Darwin and Norton (2015, p. 36), “language constructs our sense of self” and the identity, which is constructed, is “multiple, changing and site of struggle”. Norton (2006, p. 3) states that “Identity constructs and is constructed by language”, and this is one of the main characteristics of the identity. This is closely related with this research; identity is constructed by language. In the case of the EU, the European identity is constructed by its languages, namely by its language policy and multilingualism.

According to Norton (2006, p. 504), another important point in language identity relations is the notion of “investment”. She uses this notion in second language acquisition to explain that investment in another language has effects on an individual’s identity. In other words, it can be said that she evaluates it as an investment to the individual’s identity. In terms of European identity, it can be noted, that when the citizens of the EU invest in their language acquisition and multilingualism, they will be invested on their own identity and at the same time they will also invest in the European identity as they co-exist.

Power can be set as a notion that should be researched in relation to identity and language. Bourdieu’s notions of ‘symbolic power’ and ‘symbolic capital’ should be noted in relation to language. According to him, symbolic capital is “a credit; it is the power granted to those who have obtained sufficient recognition to be in a position to impose recognition” and he defines symbolic power as “the power to make things with word” (Bourdieu 1989, p. 23). He also states that symbolic power depends on the symbolic capital, and has to be based on it (1989, p. 23). As such, it can be said that symbolic power and capital are in relation and support each other. In this perspective, Schjerve and Vetter (2012, p. 135) state that language is seen as a symbolic power, which determines the positioning of the individuals in social markets. Consequently, if an individual had symbolic power, he/she would also have a word about the place in the market.

In language identity relations, emphasis should also be put on multi-competence as a means of power. Schjerve and Vetter (2012, p. 143) draw attention to the close interaction between power and multi-competence and, according to them, multi-competence is connected to flexible language use and proficiency, and they compose symbolic power in the European knowledge-based society. To be clear, one should look to the definition of multi-competence, which is defined by Cook (2016) as “the knowledge of more than one language in the same mind”. To give details about multi-competence, Cook (2016) refers to Grosjean and adds that it is assumed that “someone who knows two or more languages is a different person from a monolingual and so needs to be looked at in their own right rather than as a deficient monolingual”. Marian and Shook (2012) express that bilingualism has cognitive, neurological,

and social benefits. Therefore, it is obvious that multi-competent individuals with knowledge of different languages benefit from the opportunity to communicate more with the EU citizens who know the same foreign languages than monolingual individuals. This can be seen as the social and cultural benefit of multi-competence. It should also be indicated that it has effects on identity construction as identities are socially constructed by the interactions of the individuals who are equipped with necessary resources such as foreign languages, which provide and multiply the interactions.

These interactions are a vital part of identities and Bucholtz and Hall (2010, p. 18) explain the construction of identity with interactions. According to them, identity is the social positioning of the self and the other and it is a relational and socio-cultural phenomenon, which “emerges and circulates in local discourse contexts of interaction rather than as a stable structure located primarily in the individual psyche or in fixed social categories.” This explanation shows the importance of interactions in constructing identities and is in line with the constructivist point of view.

To summaries, the language policy of the EU includes official, local, and minority languages and this policy affects the construction process of European identity. It would not be wrong to note that multi-competent individuals who have symbolic power benefit it more because they can use their multi-competence to interact, communicate, get closer and understand each other. Edward (2009, p. 254) states that “language and identity are powerfully and complexly intertwined, and contexts of bilingualism and multilingualism only reinforce this point”. This reinforcement is significant in the EU context as it has many languages in duty at different levels in constructing European identity rather than one or two as in some nation states.

Lastly, it must be emphasized that both the individuals as agents and the institutions have roles in constructing the European identity, which is the identity of the Union. When looked at from the institutional level, one can notice that both the identity construction and the language policy have been developed and improved since the beginning with the treaties and other official documents. When looked at from the individual level, the effect of multilingualism in constructing the European identity can be seen, as well. Individuals, as agents equipped with language resources construct identity socially within their interactions. A medium for interactions and resources should be provided and developed to support the construction of the European identity and maintain and increase its presence in real lives.

Conclusion

This research focuses on the role of the EU's language policy in constructing the European identity. The construction process of the European identity is examined in relation with the language policy of the EU. As such, the European identity and the EU's language policy are the main focal points.

The construction process of the European identity is discussed according to social constructivism as it is socially constructed with the interactions of the actors in relations. The construction process of the European identity is an active process, which is shaped both with changes within the EU and in the international context. Each new enlargement, change and development has contributed and is still contributing to the construction and reconstruction of the European identity, which is an unfinished, on-going and a dynamic process. Here, the role of "other" should not be disregarded either because in interactions "self" needs "other" to position itself.

The developments can be seen as the attempts to construct the European identity with basic treaties and some official declarations. These are also the institutional outcomes of the process, which have been created by the institutions, and this is the top-down identity construction process of the EU. In this process, many proposals were made to strengthen and promote the European identity. Even though some of the symbols, which were proposed, were internalised, they did not become legally binding because of their association with supranationalism. However, the European identity continues to be constructed, and historical developments show that the European identity is not defined and not fixed; with each new report, new treaty and enlargements, it has been constructed and reconstructed. Economic values, the free movement, human rights, democracy, transparency, freedom, and education are the components of the European identity.

The development of language policy is discussed in respect to the treaties and other related official documents just like the European identity. Since the beginning, many projects, programmes, actions have been implemented. They support both the multilingualism and the construction of the European identity by providing mobility, creating the feeling of belonging, raising awareness, sustaining interaction and cohesion. The reasons for supporting language policy can be noted as sustaining communication within the EU; providing transparency, legitimacy, and efficiency; supporting and contributing to prosperity, intercultural dialogue, integration, cohesion, the functioning of the EU and the European identity.

The initial objectives of the language policy of the EU were less demanding as they were offering citizens the opportunity to learn at least one other Community language but in time it has changed, and the EU started to recommend learning at least two foreign languages with no limitations like “Community language”. Therefore, citizens can learn any language they want to learn. This shows the rising importance of multilingualism for the citizens, society, and the EU, and it has been stated and restated in most of the official documents.

As mentioned before, the European identity is an identity which is socially constructed through the interactions of the agents who are equipped with necessary resources and power, which are languages in this context. In other words, the intersection point of the European identity and the EU language policy is the social interactions, and these interactions are maintained through communication and languages. The individuals who invest in language competences, benefit from this investment in many fields of life such as their social, cultural, and economic life, and this also affects the European identity. For that reason, the EU should take more measurements to sustain this power and these resources of the individuals and provide the appropriate medium for the individuals to interact socially to support the presence and development of both the EU and its identity. At this point languages play a vital role.

In conclusion, both the European identity and the EU’s language policy serve social cohesion and integration. They are in relation with each other, and the language policy has an effect in the construction of the European identity and the language policy should be supported to protect and develop the European identity.

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THE COMMITTEE OF THE REGIONS: ON THE MISSION TO REINFORCE THE DEMOCRATIC LEGITIMACY OF THE EUROPEAN UNION

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Abstract: *The Committee of the Regions was established to reinforce the democratic legitimacy of the European Union. All of the members and alternates of the Committee have to hold the democratic mandate at the regional or local level. At first sight, these two factors may lead to the conclusion that the Committee of the Regions offers the citizens the opportunity to be a part of the European decision-making process. That should specifically include the involvement of the citizens and taking their opinions into account during the later stages of the process. Such a situation would also lead to the reduction of the democratic deficit in the European Union. However, a closer look might prove otherwise. The article's aim is to evaluate if the Committee of the Regions does fulfil its mission. The concepts that serve as the theoretical foundation for the examination are participatory democracy, the input and output types of legitimacy as well as the democratic deficit. The main findings are based on the Author's own empirical research, conducted among the Polish members of the Committee of the Regions. The analysis contains also the explanation for current state of affairs as well as points out at the possible scenarios for the Committee's future.*

Keywords: Committee of the Regions, European Union, Citizens' involvement, Democratic deficit, Participatory democracy.

1. Introduction

The Committee of the Regions (hereinafter CoR) is a unique element within the European Union's (hereinafter EU) institutional system. It combines the subnational and European level together. Established to "reinforce the democratic legitimacy" (McCarthy 1997, p. 443), the CoR gives the EU the opportunity to take into account the needs of the local and regional communities (Petrašević, Duic 2016, p. 6), represented by the CoR's members and

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alternates. However, if this is an actual case, depends first and foremost on the functioning of the CoR. The purpose of the paper is to answer the question of the CoR's role in strengthening the democratic legitimacy of the EU. The following research questions have been formulated with the view to reaching the purpose stated above:

1. Can the elements of the participatory democracy be found in the CoR's functioning?
2. Is the CoR's internal model of functioning based on the output or input legitimacy?
3. To what extent the CoR's functioning leads to reducing the democratic deficit?

The article attempts to verify the main hypothesis stating that neither the CoR's actual functioning nor individual actions of the CoR's members lead to strengthening the EU's democratic legitimacy. Therefore, CoR does not fulfil one of its greatest tasks.

With regard to the theoretical framework, the research is based on the concepts of participatory democracy, input and output legitimacy, as well as the democratic deficit. They will be respectively used to: (1) determine the model of the representation of the local and regional communities within the CoR; (2) define the CoR's internal functioning, and (3) state the CoR's role in reduction of the democratic deficit.

Concerning the methodological framework, the focus is put essentially on the Author's own empirical research, which has been conducted in March 2021. The research has had a form of a survey and has been sent to all of the Polish members of the CoR of the term 2020-2025. Thirteen of them – out of twenty-one – have filled out the form, which gives the response rate of 62%. This means that the results should be representative for all the CoR's members from Poland. Moreover, it can be assumed that one can refer these results to the CoR's members from the other member states. It seems highly unlikely that the Polish members of the CoR have developed their own ways of functioning, vastly different from the other members. The Polish delegation is far too small to be able to do that. In addition to that, the research's results seem to be in accordance with the earlier researches, conducted among the CoR's members from the other member states (Piattoni 2012; Sjögren 2011; van der Pol 2016).

2. Terminology Conceptualisation and Theoretical Framework of the Research

The concept of participatory democracy can be traced back to Jean Jacques Rousseau, with Crawford Macpherson and Carole Pateman transferring it into a concrete model (Held 1987, p. 263). Participatory democracy makes room for the citizens' involvement in the decision-making process, creating the government not only *for* the people, but also *by* and *of* them (Fuchs 2007, p. 40). According to the proponents of this idea, people are much more likely to adhere to particular decisions if they take part in the process of making them (Held 1987, p. 259). In that regard, Arnstein (1969, p. 217) has developed the model of the Ladder of Citizen Participation, which included three categories of the people's involvement (nonparticipation, tokenism, citizen power), with each category divided into smaller types. The citizens have more chances to be engaged if their community is relatively small. Hence, the typical level for the functioning of the participatory democracy is the subnational (especially local) one (Wolfe 1985, p. 372). The aim of this type of democracy is not to be the alternative for representative democracy, but rather to strengthen the latter, by empowering the citizens with other possibilities of influence than voting (della Porta 2019, p. 606). This applies to the EU as well. Art. 10.1 of the Treaty on the European Union (hereinafter TEU) states that the functioning of the EU shall be founded on representative democracy. At the same time, art. 11 TEU creates the space for participatory democracy, by obliging the EU institutions to give the citizens the opportunity to express their ideas (Kutay 2015, p. 814). When it comes to particular tools of participation, Wojtaszczyk (2011, p. 14-15) points out at the interest groups, both in the institutionalised form (like CoR) or created *ad hoc*. The various consultations led by the EU institutions and bodies may be the other example.

The original distinction of the input and output legitimacy was made by Fritz Scharpf, according to whom the first type concerns the government *by* the people, whereas the second one means the government *for* the people (Rousseau 2014, p. 11). On the sidenote, some scholars argue that there is one more type – throughput legitimacy (Schmidt 2013, p. 5-7). The input legitimacy focuses on the system's inclusiveness and the participation opportunities. As Tosiek (2007, p. 66) puts it, the system's acceptance is based on the people's belief that they can influence the decision-making process, and later audit its results. On the other hand, the

output legitimacy's main concern is the efficiency of the system (Lindgren, Persson 2010, p. 451). Therefore, it values the expert knowledge over the citizen's opinions. One may say that the output legitimacy contains some danger to the system, because the latter is regarded as legitimised only as long as it is working properly, so there is not so much space for the mistakes (Weiler 2012, p. 828). The EU is observed to base its functioning on the output legitimacy (Cuesta 2010, p. 124). Since the opportunities for the citizens' involvement are limited, the EU must seek the people's acceptance by being efficient. This situation is reflected also by the EU's institutional system, as the output-oriented institutions (especially the Council and the European Commission – hereinafter EC) enjoy more influence than the input-oriented one (the European Parliament - hereinafter EP) (Jano 2008, p. 65). Moreover, there are some scholars who welcome such state of affairs. For instance, Majone states that there is no need to create new opportunities for the citizens' involvement, because it would make the European decision-making process too complicated, which would lead to decreasing efficiency (Rousseau 2014, p. 12).

The discussion about the EU's democratic deficit started in the 70's. It has been then associated with the situation, in which the national parliaments have been losing some of their powers due to the process of the integration while the EP have not been able to compensate for this loss, because of its weak position within the institutional system (Hobolt 2012, p. 90). According to scholars nowadays, there are other elements of the democratic deficit. For instance, Weiler's "standard version" contains five components (Follesdal, Hix 2006, p. 534-537). Firstly, European integration has led to strengthening the national executive authorities, which means that the role of the national parliaments (which are the main sources of democratic legitimacy) has decreased. Secondly, the EP's position is still too weak, especially compared to the institutions which do not enjoy direct democratic legitimacy. Thirdly, there is a lack of truly European elections since the EP election campaign focuses mainly on the national issues. Fourthly, the EU is "too distant" from the citizens, who do not associate with it. In other words, there is no "community feeling". Finally, the complexity of the EU decision-making process results in the "policy drift", which means that the final decisions may not be supported by most citizens. However, there is no consensus of the democratic deficit among scholars, as there are some authors who deny the existence or the importance of this problem (Kratochvíl, Sychra 2019, p. 170-171).

3. The Committee of the Regions within the European Union's institutional system

The CoR's institutional position is settled by the TEU and the Treaty on the functioning of the European Union (hereinafter TFEU). The first treaty mentions the CoR only once (Art. 13.4 TEU), stating that it shall, acting in an advisory capacity, assist and advise the European Parliament, the Council and the European Commission. More provisions regarding the CoR can be found in the TFEU. The question of the CoR's institutional status is answered by the title of the third chapter of this treaty, concerning the CoR and the Economic and Social Committee (hereinafter ESC) – “the Union's advisory bodies”. Therefore, the CoR cannot be defined as an “institution”, because this term has its special meaning within the EU law. According to the Art. 13.1 TEU, the status of the institution is reserved for the EP, European Council, Council, the EC, Court of Justice (hereinafter ECJ), European Central Bank and the Court of Auditors. As it can be seen, the division between institutions and bodies has not only the formal meaning, but it is also the reflection of the actual influence. Hence, the CoR has been constantly expressing the demand to become the institution (Reilly 1997, p. 138).

The establishment of the CoR is connected to the growing impact of the European law on the subnational level, without giving the latter the place by the decision-making table (Schönlau 2017, p. 1170). This problem has been noticed especially after the Single European Act's entry into force. In 1988, the EC established, as its advisory body, the Consultative Council of Local and Regional Authorities (Millan 1997, p. 5). The members of this Council have had to hold the democratic mandate and the local or regional level and were chosen on the basis of the recommendation of Paneuropean organisations representing territorial self-government units. However, the regions (especially those with the legislative power, like German *Länder*) demanded more influence. According to the most ambitious scenarios, the body representing the subnational level should have the status of EU institution and play a significant role in the legislative process (Christiansen, Lintner 2005, p. 7). This idea could not be accepted by the national governments, though. From their perspective, such state of affairs could be dangerous (Domorenok 2009, p. 145), for at least two reasons. Firstly, it would lead to weakening the national level (and its main institution – the Council) in the decision-making process. Secondly, especially in the long-term perspective it could be an important factor in the process of building

the regional identity – which would automatically have its impact in the matter of the strength of the national identity. Hence, the national governments preferred the future body representing subnational level in the EU's institutional system to be rather weakened than strengthened. And, since they are the main decision-makers, the final shape of what turned out to be the CoR, was in accordance with their preferences, not the regions' ones.

The Treaty of Maastricht, which established the CoR, gave it the status of the advisory body to the Council and the EC. Moreover, the CoR did not have its own budget or administrative support unit but had to share it with the ESC (Caroll 2011, p. 344). The CoR's opinions were not legally binding as well as the concerned EU institutions did not have to justify its stance on the CoR's proposals. There was also no obligation to hold the democratic mandate at the local or regional level. Such status of the CoR was far from the regions' expectations. Therefore, they have started to call for the strengthening of the CoR. Some of their demands were fulfilled by the next treaties. Due to the provisions of the Treaty of Amsterdam, the CoR could be consulted by the EP, too (Christiansen 1997, p. 59). The CoR was also separated from the ESC. The key change to the CoR's shape in the context of this paper was brought by the Treaty of Nice, which introduced the obligation to hold the democratic mandate at the local or regional level in order to be the CoR's member (or alternate). Since then, although the CoR members and alternates are appointed for five-year term (the length of the term was extended from four to five years by the Treaty of Lisbon), they lose the CoR's membership when their mandate at the local or regional level ends (Official Journal of the European Union 2014). Final modifications to the CoR's institutional position were made by the Treaty of Lisbon, which gave the CoR the status of the "guardian of the subsidiarity principle" and the right to file the application to the ECJ if this principle was – in the CoR's opinion – violated (Kaniok, Da'dová 2013, p. 125). To sum-up this issue, one must state that despite dynamic changes in the short period of time, the CoR maintains to be the advisory body with no powers that could be binding for other EU institutions. Therefore, the CoR has no guarantee that its opinions will be taken into account during the decision-making process (Hönnige, Panke 2016, p. 628).

Since the CoR has no formally binding powers, its actual influence depends on its relations with the EU institutions, especially the EP, the Council and the EC. Therefore, it may be worth looking at how do these relations look like. The CoR's closest ally is the EC. It has been

supporting the establishment of the body representing the subnational level within the EU's institutional system. Some of the commissioners are usually present during CoR's sessions (Domorenok 2009, p. 156). The EC and the CoR have signed a protocol on the cooperation agreement, which regulates the mutual relations (Official Journal of the European Union 2012). The cooperation can be seen as constructive for both sides. The EC has a chance to strengthen its own position through working together with the body, which possess the democratic legitimacy (Warleigh 1997, p. 104). For the CoR, it is an opportunity to influence the decision-making process. In the matter of the relations between the CoR and the EP, they have not been very cordial during the first years of CoR's existence (Cole 2005, s. 55). That was so because the EP was seeing the CoR as a potential rival, mainly due to CoR's institutional ambitions. This problem has disappeared over the years and nowadays the EP and the CoR's relations are regulated by the Cooperation Agreement signed in 2014. What brings the EP and the CoR closer to each other, are basically the same political groups (Decoster, Delhomme, Rouselle 2019, p. 108). As one may guess, the CoR has the worst relations with the Council. It is for the same reasons that the national governments did not want the CoR to be powerful in any way in the first place. Additionally, the good relations between the EC and the CoR also have its implications when it comes to the CoR's relations with the Council. The CoR is being described as "the EC's baby", and since there is some kind of rivalry between the Council and the EC, it is affecting the CoR as well. Although the CoR's choice seems reasonable, it would also be worth strengthening its relations with the EP, since they both possess the democratic legitimacy and can work together to improve the state of the EU's democracy.

To complete the picture, one should also look at the CoR's functions. The one that seems the most important from the EU's institutional system perspective is the advisory function. It has been regulated *expressis verbis* in the treaties. Hence, the CoR formulates its demands and expectations in a form of opinions and resolutions given to the EC (in most cases), the EP or the Council. As it was mentioned before, the EU institutions are not obliged to share CoR's point of view and neither they have to justify their decisions in that matter. Second function the CoR is connected to its status as the "guardian of the subsidiarity principle". Therefore, the CoR is monitoring if this principle is being violated. When that is the case, the CoR has the right to bring an action before the ECJ, seeking the annulment of the violating act. Although such

measures have not been taken yet, the CoR have used this competence to influence the decisions of the EC – and was successful in that matter (Nicolosi, Lisette 2020, p. 286). Lastly, there is also the representative function. In this part of the paper, it is understood as the general representation of the subnational level. As the CoR itself underlines, about 70% of the EU law affects the functioning of the regional and local communities (Przyborowska-Klimczak 2018, p. 12). Therefore, the CoR's task is to make these communities' voice heard during the European decision-making process. The greatest example of it is impacting the change of the formulation of the Art. 5 TEU which have led to inclusion of the subnational level in the definition of the subsidiarity principle, which was the CoR's demand for the long time (Seather, Schmidt-Nissen, Lorenz 1997, p. 105-106). The representative function can be seen as well in the CoR's daily work, like adopting the opinions or organising events dedicated to the regional or local authorities.

To sum-up, the CoR has the status of the advisory body to the EP, the Council and the EC. It represents the subnational level within the EU's institutional system. Due to the limitation of the CoR's powers, its capability to impact the decision-making process depends on the relations with the EU's decision-making institutions, of whom the CoR's biggest ally is the EC. The CoR fulfils its tasks mainly through adopting opinions, but it seems to have the biggest influence in the sphere of monitoring the subsidiarity principle. Based on the CoR's current position, it is rather hard to assume that this body will be given the status of EU institution in the near future.

4. Mission goals

Representation of the subnational level is not the CoR's only task, though. The other one was expressed during the CoR's inaugural session by the EC's then-president, Jacques Delors: "the Committee of Regions is called upon to reinforce the democratic legitimacy of the Union... If one had to justify its creation in one sentence, it is this one I would put forward" (Defoort 2002, p. 6). Since this mission is given such a priority, it may be worth seeing, how it is carried out. But before doing that, one thinks about conditions that CoR should fulfil to enable one to say that this body is truly committing to strengthen the democratic legitimacy of the EU. The results of the empirical research will be later compared to those conditions.

As it was mentioned before, since the Treaty of Nice's entry into force, in order to be a member of the CoR (or alternate), one has to hold the democratic mandate at the regional or local level. Even before 2001 most of the members and alternates did fulfil this condition, although there was no obligation. Such construction of the CoR's membership is not only the chance for the EU institutions to be given the subnational input to the decision-making process, but at the same time it creates the opportunity for the citizens to make their voice heard at the European level. That is so because of several reasons. Firstly, the smaller some community is, the more room there is for participatory democracy (Held, 1987, p. 260). Hence, the subnational level has more to offer in that matter than the national or European ones. Secondly, since it is easier for the regional and local authorities to consult the citizens, the consultations are being conducted more often. Thirdly, the CoR's membership is not an issue limited only to CoR's members and alternates, but it affects the whole territorial self-government unit and its citizens. Therefore, there is no reason why the CoR's actions should not be a topic of the consultations. Fourthly, the citizens tend to trust the subnational authorities more than the European ones. The local and regional identity is stronger than the European one (Bellamy 2016, p. 66) This can be seen as a chance for the EU to strengthen itself through employing the subnational level. Finally, as the CoR is the part of the EU's institutional system, the results of the consultations could affect the work of the CoR itself and then the EU's decision-making process. What should be seen on the whole picture then is the situation where the CoR's members do consult their activity within the CoR with the citizens. Of course, it does not have to be done by every issue the CoR is focusing on – it can be limited to the most important issues. It can also involve the consultations with other democratically elected officials from the same territorial self-government unit, mainly the members of the regional or local legislative body. Since its members are also the representatives of the people, they can pass along the citizens' ideas to the CoR's members. Setting the technicalities aside, the most important thing at this point is to make the citizens feel that the CoR is the efficient way to make their voice heard at the European level.

The other prominent issue concerning CoR's task to reinforce the democratic legitimacy of the EU is the model of this body's functioning. This issue has been noticed by the other scholars. Both Piattoni (2012, p. 64-66) and Skawiński (2008, p. 161) reconstruct two models in that matter, which are, respectively, (1) political and functional and (2) democratic and expert. Every

of these models can be seen in terms of the output and input legitimacy. Functional and expert models belong to the output legitimacy, while political and democratic are part of the input legitimacy. What has to be stated at this point is the fact that if the CoR wants to fulfil its mission, its functioning has to be based on the input type of legitimacy. In that regard, the most important thing is the inclusion of the citizens and their opinions into CoR's work. But there are other significant elements as well. First of all, one should look at the role of the political groups and national delegations within the CoR. The members and alternates of the CoR have to hold the democratic mandate at the regional or local level – and their election is somehow connected to politics (Christiansen 1996, p. 100). Even if they are not members of any political party, they had to present some political programme during the election campaign. Therefore, their mandate is based on the political elements in some way. It leads to the conclusion that it should be the CoR's political groups which have the most influence within the CoR. On the other hand, the national delegations should remain only the loose form of the organisation of the members and alternates from the same member state. That is so because the national delegations bring together the people with different political backgrounds. Hence, the national delegations could be significant only if the political elements did not matter, which would lead to the output legitimacy (Weiler 2012, p. 830). In terms of the input legitimacy, the most important things should be the opinions of the citizens collected during consultations and the membership in the political groups.

Such state of affairs would have its consequences when it comes to reducing the democratic deficit in the EU. If the CoR's members and alternates consulted the CoR's activities with the citizens and later took their opinions into account, not only the citizens could feel empowered in terms of the EU decision-making process, but they also could start identifying with the EU and not treat it like something external anymore (Moravcsik 2004, p. 361). And the CoR itself, through the functioning based on the input legitimacy, could strengthen its own position within the EU's institutional system. As it would mean the reinforcement of the democratic element of this system, it would also lead to reduction of the democratic deficit.

5. Mission report

The fulfilment of the conditions set above seem to be necessary to state that the CoR is successfully committing to reinforcing the democratic legitimacy of the EU. In this part of a paper, these conditions will be confronted with the actual picture of the CoR's functioning, derived from the Author's own empirical research conducted among the Polish members of the CoR.

As it was stated earlier, the most significant thing is the involvement of the citizens into the CoR's functioning. There are several ways to do that, but what seems to be the most important is the opportunity for the citizens to express their opinions and demands that could be later transferred to the European level.

Table 1. Which of the following ways do you use to consult your activity within the CoR with the citizens of your territorial self-government unit?

Answer	%
I conduct the social consultations	7,7
I respond to the citizens' applications on access to the public information	30,8
I process the citizens' petitions	23,1
I organise open meetings with the citizens	15,4
I share the information about my activity within the CoR on the official website of my territorial self-government unit or its profile in the social media (facebook, twitter etc.)	84,6
I share the information about my activity within the CoR on my website or my profile in social media (facebook, twitter etc.)	76,9
I do not consult my activity within the CoR with the citizens	15,4
Other	0

Source: Author's own research.

The goal of consulting the citizens is about giving them the opportunity to express their opinions. This is a *conditio sine qua non*. Without it, the CoR is not able to help to reinforce the democratic legitimacy of the EU. Meanwhile, as the results show, the actual actions of the CoR's members do not leave much room for the citizens' involvement. The only options shared by the majority of the responders are sharing the information about their activity within the CoR using either the web profiles of their territorial self-government units or their own web profiles. Such

process of communication is only about the one-sided announcement that the citizens cannot respond to in a way that would mean the actual discussion. The role of the citizens is limited to be passive observers of the actions of the CoR's members, unable to react. This does not have much to do with the idea of participatory democracy. Another interesting thing coming from these results is the problem of classification of the petitions and applications on the access to the public information. In case of these methods, the citizens are the ones to start the interactions with the CoR's members, not the other way around. Hence, the fact that such tools are being used means that some of the citizens are interested in the CoR's work. On the other hand, if it were not for the citizens, the CoR's members would not have shared the information about their activity within this body. Naturally, it is good that they respond to the citizens' initiatives, but it does not seem to be enough - they have to come up with their own ones at the same time. The ways of consultation that – from the perspective of CoR's task to reinforce the EU's democratic legitimacy – should be common (social consultations and open meetings with the citizens), are being used by a very small minority of the CoR's members.

As it was mentioned before, the consultations could be conducted not only among the citizens themselves, but also among their democratically elected representatives. At some points it may be easier to do that, mainly because of the number of the representatives. Hence, the discussion would be more inclusive.

Table 2. Which of the following ways do you use to consult your activity within the CoR with the members of the legislative and executive bodies of your territorial self-government unit?

Answer	%
I am being given formal instructions which I have to follow	0
I report my activity within the CoR to these bodies	30,8
I hold the discussion on my activity within the CoR during the sessions of these bodies	61,5
I respond to interpellations and formal questions formulated by the members of these bodies	53,8
I do not consult my activity within the CoR with the members of these bodies	15,4
Other	0

Source: Author's own research.

First of all, no formal instructions are a sign that the CoR's members act in accordance with the Art. 300.3 TFEU, which states that they cannot be bound by any mandatory instructions. The purpose of this provision was to make the CoR's members independent from the national governments, but not only from them. Secondly, the state of the consultations with the citizens' representatives looks slightly better than with the citizens themselves. Majority of the CoR's members hold the discussions on their activity within the CoR with the members of executive and legislative bodies of their territorial self-government units. This gives the members of these bodies the opportunity not only to receive the information, but also to express their own opinions, which can be later taken into account during the CoR's work. When it comes to the interpellations and formal questions, it is the same case as with citizens' petitions and applications – the representatives also seem to be interested in the CoR's work and it is thanks to them that the information in that matter is made public. The general conclusion, based on the questions concerning the citizens and their representatives, is rather pessimistic. Without a doubt, it is good that the representatives are being consulted, but this kind of the consultations should play the subsidiary role compared to the consultations with the citizens. As one can see, that is not the case here – and it does not speak in favour of the CoR.

The results presented above concerned the consultations with the citizens and their representatives. However, they may be not the only ones to be consulted with the CoR's members. This question will be relevant regarding the character of the consultations.

Table 3. With whom of the following entities or persons do you consult your activity within the CoR?

Answer	%
The authorities of the other territorial self-government units	92,3
Local or regional media	7,7
Administrative staff of the represented territorial self-government unit	92,3
External experts	76,9
Committee of the Regions' alternate members	38,5
My activity is based mainly on my own knowledge and experience	30,8
Someone else	7,7

Source: Author's own research.

As it can be seen, the ones that are consulted the most are the authorities of the other territorial self-government units, administrative staff of the represented territorial self-government unit and external experts. The last two types of consultations are clearly more of a technical character, rather than the democratic one. There may be some doubts about the first type but seems to be the technocratic consultations as well. If the CoR's members do not consult their activity within the CoR with the citizens from their own territorial self-government unit, it would not make any sense if they discussed the needs of the citizens of the other territorial self-government unit with their representatives. Therefore, these consultations have to be about specific kind of knowledge that the other authorities have because of the fact that they are in power – for instance, the economic situation of the region. These results, combined with the previous ones, show what type of consultations is preferred by the CoR's members. They want to be given concrete expert information rather than hold the discussion with the citizens on their ideas to democratically legitimise the decisions of the CoR.

Members of the CoR prefer to receive the information of rather technical character. Since this is the case, it may be helpful looking at how much their choice is determined by the CoR's way of functioning.

Table 4. What, in your opinion, is the most important thing regarding the position of the CoR's members?

Answer	%
Factual knowledge of the individual members	61,5
The ability to compromise	46,2
Economic potential of the represented territorial self-government unit	15,4
Demographic potential of the represented territorial self-government unit	7,7
Economic and demographic potential of the member state, which the represented territorial self-government unit belongs to	15,4
Political group membership	76,9

Source: Author's own research.

The results may spark some confusion. On the one hand, the most significant thing regarding the positions of the CoR's members is – in the opinion of the responders – the political

group membership. This may be seen as the sign of supporting the democratic elements within the CoR. On the other hand, the majority of the members point out at the importance of factual knowledge, which leads a bit into the area of technocracy. Although political group membership was the option chosen the most times, this result does not seem to be in accordance with the earlier researches. As Büttner (2020, p. 21-33) found out, the political groups are responsible only for 1-30% of the amendment propositions to the CoR's opinions. The vast majority (70-90%) of such propositions comes from the national delegation. Moreover, as Piattoni (2012, p. 68) states, the CoR's members treat the national delegations as more important than the political groups. Having that in mind, the high percentage of the political group membership as a significant factor concerning the position of the CoR's members may be explained by the fact that the rapporteurs on the CoR's opinions and the composition of the commissions are chosen on the basis of political group membership. Hence, the responders may have identified the term "position of the CoR's member" in the formal way.

The last questions concern the way the political groups and the national delegations work their way to the common positions. They have been presented together because the joint analysis will be helpful in determining the importance of the democratic and expert elements.

Table 5. How does the political group decide on its stance on particular matters?

Answer	%
No such decisions are being made	0
By voting, usually by simple majority	38,5
By voting, usually unanimously	7,7
By reaching the consensus	53,8

Source: Author's own research.

Table 6. How does the national delegation decide on its stance on particular matters?

Answer	%
No such decisions are being made	0
By voting, usually by simple majority	53,8
By voting, usually unanimously	7,7
By reaching the consensus	38,5

Source: Author's own research.

What matters the most in this case is not the way the political groups and the national delegations decide, but rather the sole fact that they do that. It may be not surprising when it comes to the political groups – they bring together the people who share similar political beliefs, so it may not be very hard for them to find a common ground. Naturally, it does support the democratic way of the CoR's functioning. However, it loses importance in light of the fact that the national delegations are able to come together as well. As it was mentioned, the national delegation contains the people with different political backgrounds. Hence, if they are able to decide on the stance of the whole delegation, it either means that the issue that is being decided is not so important or it is more of the technical than political character. This is another argument against the strong position of the political groups as the actual decision-makers within the CoR. One could also wonder how the CoR's members would act if their political groups and the national delegations took the different positions. The Piattoni's findings mentioned earlier suggest that the priority would be rather given to the national delegations. That does not speak in favour of the democratic character of the CoR's functioning either.

6. Mission failed?

The results presented earlier show the actual state of affairs in the concrete areas, but – when put together – they also create the bigger picture concerning the functioning of the CoR. It becomes even more clear when compared with the theory. This part will bring the answers to the research questions set in the first part of the paper.

The first issue that has to be determined is the existence of participatory democracy within the functioning of the CoR and its members. As it was stated, the very idea of this type of democracy is based on the citizens' inclusion into the decision-making process. There are several levels of this inclusion, but in any scenario the citizens should at least be given the opportunity to express their opinions. However, as the results show, that is not the case when it comes to the CoR. The interactions between the CoR's members and the citizens are limited to sharing the information about their work within the CoR via webpages or social media. Such actions do not leave any space for the citizens' participation. In Arnstein's terms, the relations between CoR's members and the citizens are limited to the informing level, which is a part of

“tokenism” category. Even though there are some signs of the inclusion of the citizens’ representatives, it loses its importance when the citizens themselves are not involved. Finally, the consultations with others, such as external experts, shows that the CoR’s members actually prefer to hold the technocratic type of consultations. This may even lead to the conclusion that the engagement of the citizens’ representatives is also about obtaining specific kind of knowledge, and not about getting the democratic legitimacy for the actions of the CoR’s members within this body. All these reasons force one to state that the CoR and its members do not implement the idea of participatory democracy. Therefore, one cannot say that at this point the CoR is fulfilling its mission to reinforce the democratic legitimacy of the EU.

The second question was about the model of the CoR’s functioning. It was also mentioned that if the CoR wants to succeed in its task, its functioning must be based on the input legitimacy. However, several arguments actually prove otherwise. First of all, the fact that there is no inclusion of the citizens has its consequences not only in the matter of the participatory democracy, but also when it comes to the CoR’s legitimacy, making it closer to the output one. Secondly, by the output legitimacy, the effectiveness of the decision is more valued than the citizens’ involvement – the CoR’s members seem to agree with that, since they prefer to hold the technocratic type of consultations. The deciding thing in that regard is the role of the national delegations, though. The fact that they set their common positions, that they are the most active ones in terms of the amendment proposals as well as that they are considered more important by the CoR’s members themselves leads to the conclusion that the things that the CoR is deciding upon may not even need to be democratically legitimised. The only thing that would be in favour of the input legitimacy as the basis of the CoR’s functioning is the CoR’s member’s perception of the role of the political groups. However, it cannot overrule the factors listed above. Hence, it has to be stated that the CoR’s functioning is based on the output legitimacy.

The final issue is about CoR’s capability to reduce the EU’s democratic deficit. Reinforcing the democratic legitimacy of the EU would lead exactly to this point – if the first condition was met which is not the case in the actual state of affairs. The CoR’s way of functioning does not create a space for the citizens’ participation. One may even say that the CoR is suffering from the same problem that it should be the cure for. Moreover, since there is no inclusion of the citizens, the CoR does not commit to building the feeling about the EU as the community either.

As Sjögren (2011, p. 23) found out in the research conducted among the Swedish members of the CoR, the citizens barely realise that they are represented in the CoR. The actions of the CoR's members do not seem to lead to change that. Another principal issue by the democratic deficit is the "unpoliticisation" of the decision-making process. The actual significance of the national groups within the CoR is not fighting this problem, but rather fitting into it. Finally, the institutional side of the deficit – even though the CoR has the democratic legitimacy, it is still the advisory body with no guarantee that it can influence the decision-making process (Hooghe, Marks 1996, p. 75). The CoR may declare that it brings the citizens closer to the EU, but its actual functioning proves otherwise. Therefore, the CoR cannot take the advantage of its legitimacy to strengthen its position within the EU's institutional system. Overall, one must state that the functioning of the CoR does not lead to reducing the EU's democratic deficit.

Such conclusions seem disappointing. Hence, it may be helpful looking at the possible reasons of why the CoR does not act the way it was meant to do. One could point out at least five reasons in that matter. Firstly, it has to be remembered that the CoR's membership is the build-up element to the democratic mandate held at the local and regional level. The CoR's members' primary task is to govern their territorial self-government units, which is a very time-consuming task. Therefore, they may not have so much time to involve the citizens in the CoR-associated aspect of their work. If this was the case, it would mean a great paradox – what gives the CoR the democratic legitimacy, makes its functioning technocratic at the same time. The second possible reason concerns the election procedure of the CoR's members (Baçal 2021, p. 87). They are not elected directly by the citizens, but by the national governments (mostly with the involvement of the organisations representing the territorial self-government units)², so they may not feel the connection to citizens at all. Thirdly, it may be the matter of the CoR's position within the EU's institutional system. If there is no guarantee that even the CoR's opinion consulted with the citizens can influence the decision-making process, then – in CoR's members' opinion – it would not make much of a sense to seek the democratic legitimacy of

² Formally, it is the Council who elects the members and alternates of the CoR. However, the Council makes its decisions on the basis of the lists submitted by the national governments and does not interfere with the composition of the lists.

their actions (Trobbiani 2016, p. 9). Fourthly, since the functioning of the whole EU is based on the output legitimacy, the CoR is unable to overcome this situation and just has to adapt to it. Lastly, it may be connected to the type of issues that the CoR is working on. Most of them are more of a technical character, so it may be hard to involve the citizens. The reasons listed above may occur separately, but it might be the combination of them as well.

7. Conclusion

As the paper has tried to point out, the CoR does not reinforce the democratic legitimacy of the EU. Such state of affairs invokes the discussion about the future of the CoR. Since the CoR is not fulfilling one of its main tasks, one may even wonder if the CoR should be dissolved (Martinico 2018, p. 109-110). Another option would be going back to the form of the Consultative Council of Local and Regional Authorities. Also, the CoR could also stop pretending to be bringing the citizens closer to the EU (Smismans 2004, p. 131) and focus only on giving the EU decision-makers the technical info about the subnational level. In these two last scenarios, it would mean the transformation into the expert committee. Such propositions seem to be a bit far-fetched, at least by now. However, it does not mean that everything about the CoR's functioning can stay the same. If the CoR is truly committed to strengthening the democratic legitimacy of the EU, it must change the way it is acting. First and foremost, the citizens have to be involved. Not necessarily in every issue – there may be no time for that since the CoR's members have to govern their territorial self-government units at the same time. But at least when it comes to the most important decisions. It may lead to the change of the internal functioning of the CoR as well as to reducing the EU's democratic deficit. Since such changes could mean reinforcing the CoR's position within the EU's institutional system, the CoR itself could benefit from it.

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TRENDS ON THE COMPOSITION OF PERMANENT STRUCTURED COOPERATION PROJECTS AND RELEVANT EFFECTS ON EU STRATEGIC AUTONOMY: AN INSTITUTIONALIST APPROACH

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Abstract: *The EU has gradually institutionalised its defence structures aiming at strengthening its strategic autonomy. In this framework, Permanent Structured Cooperation (PESCO) projects appear to be the spearhead of the EU's efforts to enhance its military capabilities. In this framework, this article aims to shed light on the composition of the PESCO projects in order to identify potential path dependencies that may affect the EU's pursuit of strategic autonomy. For this purpose, member states' participation in the first three waves of PESCO projects is examined using descriptive statistics supported by network analysis. The subsequent findings are analysed through the lens of institutionalism to identify potential path dependencies. Against this backdrop, it is argued that existing arrangements and predominant views shape path dependencies that generate participation trends in PESCO projects and influence EU strategic autonomy. Notably, there are two forms of path dependencies with different dynamics. The one drives the composition of various PESCO projects. This form reveals specific trends concerning Member State's decisions to join or not a PESCO project, regardless of its scope and objectives. In addition, this form of path dependency reveals a subset of member states eager to project leadership and, this way, enhance the effectiveness of PESCO projects. On the other hand, the second form of path dependencies limits the EU's potential for strategic autonomy.*

Keywords: PESCO projects, NATO, Path dependency, Autonomy.

1. Introduction

Developments in the Common Security and Defence Policy (CSDP) seem accelerated in recent years. The pursuit of the EU's strategic autonomy has been declared by the EU Global Strategy (EEAS, 2016). Also, the establishment of the Permanent Structured Cooperation

(PESCO) in 2017 signalled EU efforts to boost cooperation on defence among those EU Member States (MS) who are capable and willing to do so. Ultimately, all the MS, except Denmark and Malta, joined PESCO and committed to developing defence capabilities through collaboration within the EU framework.

Against this backdrop, this article aims at researching how PESCO projects' composition may affect EU strategic autonomy. Notably, the article adopts an institutional approach to examine whether path dependencies exist concerning member states' participation in PESCO projects and, if yes, how they affect the EU's pursuit of strategic autonomy.

Institutionalism had been extensively used in political sciences. However, the rise of behaviouralism after the Second War pushed it back and left space for the *new institutionalism* (Hall and Taylor, 1996; Peters, 1999). Aspinwall and Schneider (2000) mention that the articles of March and Olsen (1983) and Scharpf (1988) paved the way for the development of new institutionalism, which "emphasises the relative autonomy of political institutions, possibilities for inefficiency in history, and the importance of symbolic action to an understanding of politics" (March and Olsen 1983, p. 734). Hall and Taylor (1996) differentiate three formations of the new institutionalism: *historical*, *rational choice* and *sociological*. However, they underline that the main research question of an institutional analysis focuses on how institutions affect individuals' behaviour. Following the variety of institutional approaches, there are various definitions of institutions. Particularly, institutions are often conceptualised as vague as to leave space for any research or article to adopt a somehow different definition. That is why many argue that new institutionalism faces a shortfall regarding a clear delineation of what institutions are (Steunenberg and Vught, 1997).

March and Olsen (2008, p. 3) define institutions as "a relatively enduring collection of rules and organised practices, embedded in structures of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and changing external circumstances". Saurugger (2014) tries to shed light on what an institution is by noting that institutions can be distinguished in formal/informal and organisations; the former set up the game rules while the latter delineates the players. Nevertheless, institutionalists agree that once an institution is established, it develops its own dynamic independently of the adopted definition. This article

adopts a broad definition in this framework -following historical institutionalism- by taking institutions as "formal or informal procedures, routines, norms and conventions" (Hall and Taylor, 1996, p. 938). Thus, PESCO projects are taken as an institutionalised process of defence cooperation. The principal assumption of historical institutionalism is that historical factors, such as past arrangements and institutionalised norms, intervene in politics. Therefore, actors' preferences result from their rational choice under constraints being imposed by past decisions. Precisely, past institutional arrangements and routines delineate the space in which actors move. In other words, their present activity is *path-dependent*. Krasner (1988) sketches how historical institutionalism enhances our understanding of evolutions related to a sovereign state and, more generally, social structures. This is because the imprint of past choices affects any political development, yet without excluding changes. To illustrate the point, once an actor subscribes to an institution or institutionalised process, it becomes difficult to go back on, at least without cost.

Having delineated the theoretical approach of this article, a question concerning the notion of *strategic autonomy* arises. Unfortunately, there is a lack of a clear definition. However, it can be more easily deduced what EU strategic autonomy *is not* from a Council's point of view (Council of the EU/General Secretariat, 2021):

- autarky, protectionism, isolationism, or unilateralism,
- mere rejection of NATO,
- limited to security and defence issues,
- constraints of EU values and interests,
- an absolute goal in itself.

Fiott (2018) discerns three different conceptual notions of strategic autonomy: autonomy as *responsibility*, autonomy as *hedging* and autonomy as *emancipation*. According to the first one, MS should take up a more significant share of the burden inside NATO. Thereby, this notion implies that MS should have the ability to carry out missions and operations autonomously without precluding other forms of dependencies on NATO and the US. However, it can be argued that as regards defence, strategic autonomy cannot be achieved as long as the EU does not develop capabilities that it owns and can autonomously decide to use.

The second notion, autonomy as *hedging*, responds to the argument above. Autonomy as hedging implies that the EU defence industry shall be forged to facilitate autonomous action on defence issues if –or when- the situations demand. At the same time, this notion does not reject dependencies on the diplomatic or economic sphere. Thereby, this notion can be seen “as a deft strategy to allow general alignment behind a hegemon, but with one eye on developing the capabilities needed for independent action” (Fiott, 2018, p. 3).

The third notion, autonomy as *emancipation*, bears maximalism connotations to some extent. This is because it suggests autonomy in all spheres. This way, this notion rejects any dependency that may constrain totally autonomous action. Therefore, it can be argued that the third notion is inconsistent with what strategic autonomy is not (Council of the EU/General Secretariat, 2021). Gray (2014) offers insights that can help someone define strategic autonomy accurately when the focus is turned to the sheer defence sector. Specifically, he suggests using the term *defence planning* to describe preparations for the defence of a polity. He argues that this is an inclusive terminology that incorporates both military and non-military aspects, design of strategies, cooperation with allies, assessments of future risks and relevant social, economic, and political activities. Therefore, *defence planning* has similarities with the notion of autonomy as *hedging* since it refers to the capability of a polity to defend itself, yet without excluding dependencies generated by cooperation with allies.

Against this backdrop, this article subscribes to the notion of autonomy as hedging because of two points. First, this notion is consistent with what strategic autonomy *is not*. Second, it leaves space for the main objectives of PESCO projects, which are defence capabilities development, research, acquisition and armaments in conjunction with enhanced operational capability (Article 1, Protocol 10 of the Consolidated Version of the Treaty on European Union). Moreover, strategic autonomy without a great range of owned capabilities available seems impossible. A credible and valued international actor can hardly stand without maintaining a full range of capabilities, following the argument of March and Olsen (1995, p. 93) that “hospitals without bandages cannot function as proper hospitals.”

In this framework, this article's primary goal is to research trends in the composition of the PESCO projects and answer whether such trends affect EU strategic autonomy, drawing on the concept of path dependencies. To this end, descriptive statistics and network analysis are used

to analyse data derived from the official site of PESCO (PESCO, 2020). Notably, data are first examined concerning each member state's overall participation. Afterwards, the focus is given to their participation regarding the distinct domain in which the PESCO secretariat has categorised the implemented projects. Finally, when deemed necessary, network analysis was utilised to examine PESCO projects' spectrum further and discover participation patterns.

However, although a state can be involved in a PESCO project as a) its coordinator, b) a full member, or c) an observer, the present analysis of the PESCO projects' spectrum focuses on coordinators and those with membership status. The parsimonious choice of focusing on PESCO member states (Pms) rather than including observers too intends to shed light on those states that could be more actively involved, at least in principle.

All in all, the PESCO projects' spectrum has generated a living community consisting of a) its participating member states and their interactions, b) the implemented projects and c) the interaction between Pms and these projects. In this regard, this article does not intend to assess how PESCO projects themselves contribute to EU strategic autonomy but instead to research path dependencies arising from –and revealed through– the composition of these projects and assess whether these dependencies affect autonomy's pursuing.

2. The Permanent Structured Cooperation

2.1 Data analysis and notable findings

The PESCO was introduced in 2007 by the Lisbon Treaty, in Articles 42.6, 46 and the attached Protocol 10. From 2017 to 2020, three waves of PESCO projects were set up, comprised of 47 projects, while the fourth wave was planned for November 2021. PESCO was planned as both a framework and a process to offer a fertile ground for the structured defence cooperation among those EU member states with the capability and willingness to do so through relevant projects. Thereby, it can be argued that a PESCO project aims at institutionalising collaborative activities on common interest issues by introducing commitments and offering opportunities to the involved states. Ultimately, PESCO should "enhance the EU's capacity as an international security actor, contribute to the protection of the EU citizens and maximise the effectiveness of defence spending" through this collaboration (PESCO, 2020).

However, PESCO's implementation took a different shape than the one initially provided by the Treaties (Fiott et al., 2017). This change on PESCO was made so as to make it more *inclusive* and every EU member state be in the place of joining if it is eager to do so. On the other hand, this change made the effectiveness of the PESCO projects more fragile, given that there are no provisions for consequences for those member states that fail to meet their commitments. Although this may be true, the mere participation of a MS in a PESCO project constitutes an institutionalised process, which may lead to later path dependencies. Moreover, an institution may alter an actor's preferences and, thus, change his/her stance within the institution (Thelen, 1999). In this regard, even if a Pms has not appeared to be very active in its commitments to a PESCO project hitherto, the dynamics of path dependencies, if they arise, may push it for a more energetic contribution.

At first glance, France seems to be the leading power of the PESCO, followed by Italy and Spain, according to each Pms total participation in the 47 PESCO projects (Diagram 1). However, the situation has not been the same concerning the first and the second wave. In general, there appears to be a trend of declining participation for most Pms¹. These results are similar to those previously reported by Blockmans and his colleagues (2019). As illustrated in Table 1, just French and Spain have overcome the average participation in each of the three implemented project waves so far².

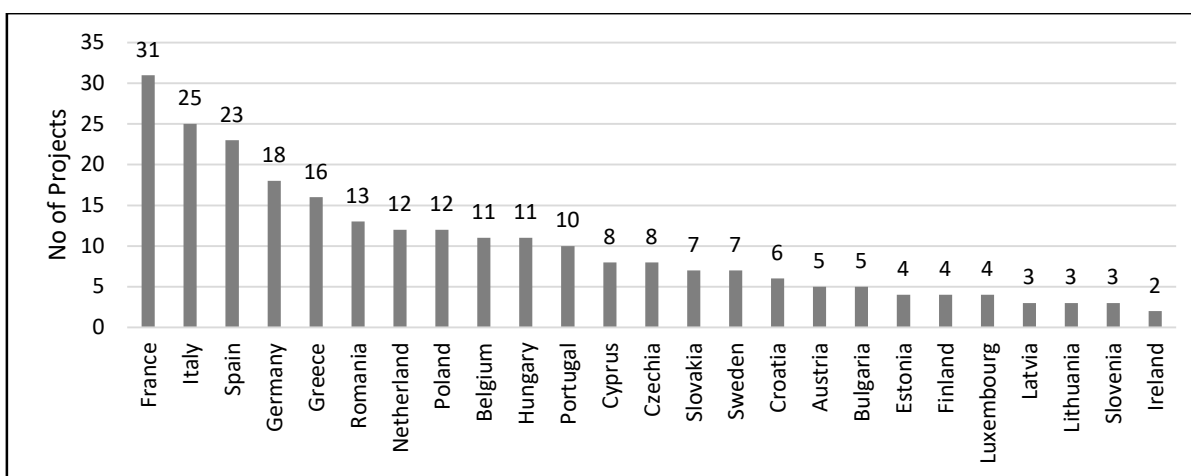


Diagram 1: Total participation in PESCO projects

¹ Comparison is between those member states that participate in more than ten projects in total, in order to exclude outliers.

² Bold gray color highlights those states that overcome the average participation per wave.

Member States	1st Wave	2nd Wave	3rd wave
France	9	12	10
Italy	15	6	4
Spain	11	5	7
Germany	7	8	3
Greece	10	5	1
Romania	5	3	5
Netherlands	7	3	2
Poland	7	2	3
Belgium	6	4	1
Hungary	5	2	4
Portugal	6	1	3
Average	8,1	4,9	4

Table 1: Participation per wave

The decreasing trend of participation across waves underlines the finite relevant resources. Generally speaking, any project needs resources: contribution in personnel and financing, inter alia. However, Pms have finite resources to offer and “no miraculous multiplication is possible” (Biscop, 2021, p. 5). These resources shall be simultaneously allocated in three levels: national, NATO (for those EU member states participating in the Alliance) and the EU. Even if these levels should avoid duplications, this does not always eventuate. For instance, different bureaucratic procedures exist for defence planning at each level; national procedures, NATO Defence Planning Process (NDPP) for members of the Alliance, Member States National Implementation Plans (NIPs) for the Pms.

Despite efforts to harmonise these procedures, they still differ in their nature and form. In that respect, every discrete level adds an extra workload for national bureaucrats. As the argument goes under Allison’s bureaucratic politics model (1969), these national bureaucrats having different views of what best serves their organisational and personal interests, may try to avoid extra workloads or direct their efforts to the level they perceive as most closely matches their views. This argument brings to the fore the capacity of an agent to act within a structure, especially within the PESCO projects where the norm of mandatory commitments’ fulfilment is deficient. The implication of this capacity is crucial for the effectiveness of any PESCO project, and in turn, in the EU’s strategic autonomy, given the institutional structures in which bureaucrats’ agency occurs. To be more precise, institutional arrangements concerning the PESCO push Pms -at a high political level- to join projects with an intention to undertake

mutually agreed commitments. However, the day-to-day development of a project is subject to national bureaucrats and specifically to military officers who often have to deal with other workloads and duties simultaneously. Moreover, they have to distribute their efforts – and the resources under their command- in the three levels stated above. The interconnection of institutional structures and agency dynamics within these structures may result in “dormant” participants, putting a project’s successful development at stake and negatively influencing the EU’s pursuit of strategic autonomy. At a later stage, national bureaucrats may become reluctant to suggest further participation in PESCO projects as long as minimum participation for their country exists. Hence, member states tend to decrease their participation in PESCO projects across waves. Nevertheless, Pms have acknowledged in the framework of the PESCO strategic review that merging or clustering existing projects may save resources by increasing synergies and preventing duplications, at least within the PESCO project’s spectrum (General Secretariat of the Council, 2020). Therefore, although Pms often have difficulties in allocating resources for their contribution to PESCO and national bureaucrats may face participation fatigue, existing arrangements push them to find viable solutions rather than abandon projects since their withdrawal cannot be without any cost. In that respect, path dependency can push for the substantive development of the existing PESCO projects, yet at a slow pace. On the contrary, opposing dependencies linked to the national and NATO level make national bureaucrats hesitant to suggest further participation in projects. Thereby, *participation fatigue* seems to slow up the pursuit of the EU strategic autonomy to the extent that autonomy prerequisites the development of various projects simultaneously. Moving to the coordinators’ sorting, France is first, followed by Italy, Germany and Greece (Diagram 2).

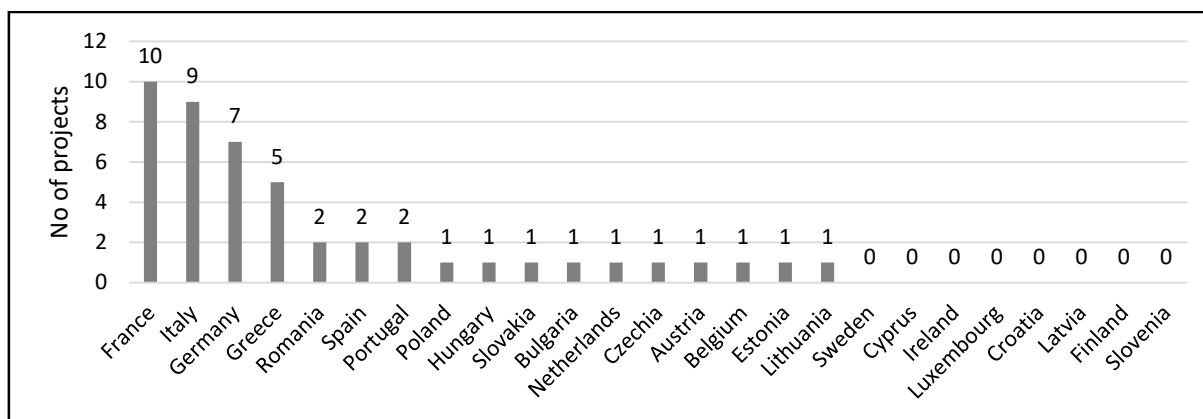


Diagram 2: Coordinators in No of PESCO projects

Nevertheless, an interesting view of the existing PESCO projects' spectrum comes to the fore when the focus is given on the number of projects that a Pms coordinates over the total number of projects in which this specific Pms participates. The following equation illustrates this ratio.

Equation 1: $rl_i = \text{coordinator in No of projects} / \text{Total participation number}$,
where i is a given state

These findings signify a transition concerning PESCO projects' leading power since Germany has the highest ratio ($rl_{\text{Germany}}=0.39$), whereas France falls back to fourth place. In the course of these findings, France appears to be more willing to join a project coordinated by another Pms, whereas Germany seems more approachable to other Pms to join her projects. Thereby, these findings offer a different view than the one presented by Blockmans et al. (2019), who focused more on the distinction between inclusiveness and level of ambition.

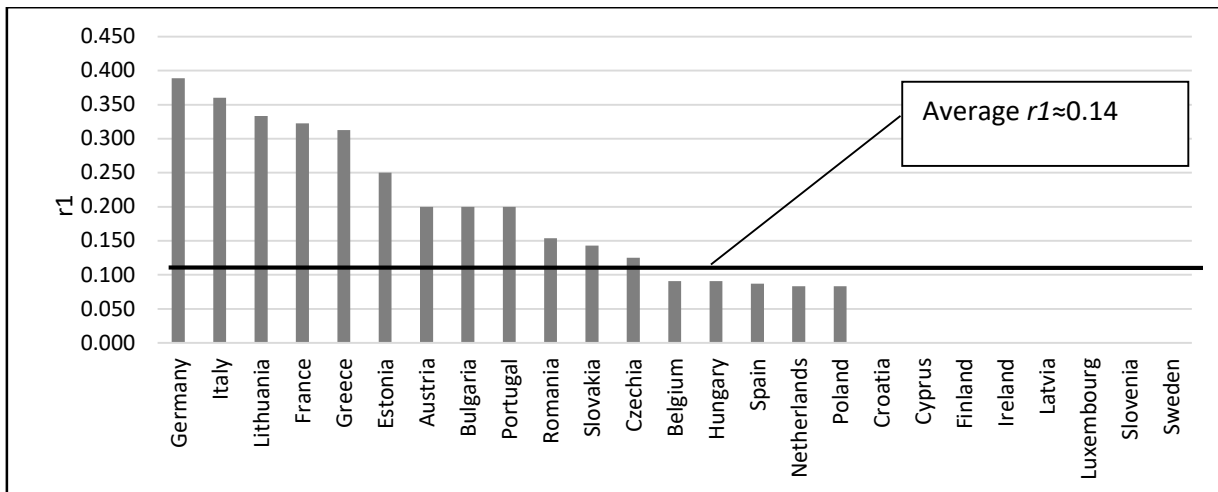


Diagram 3: Ratio rl

The above findings are corroborated by network analysis. Figure 1 offers a schematic representation of the interaction between Pms. This figure takes account of the coordinator of each project and its number of participants. In that respect, Germany, Netherlands and France are at the core of the composed network. Precisely, the closeness centrality³ of the nodes

³ Closeness centrality divides the number of nodes of the component by the sum of all distances from the analyzed node to all other nodes within the component. The node with the highest value is the most central node of its component (Berthold et al., 2008).

associated with these member states' coordinator role validates the above argument. Netherlands' node has a closeness centrality of 0.926, Germany's 0.871 and France's 0.765, whereas the average closeness centrality is estimated at 0.60. Further analysis of this interactivity was carried out to assign hub and authority scores to each node⁴ (Diagram 4). According to this, the Netherlands are placed on the top of the authority nodes, followed by Germany. The former is because the one and only project coordinated by the Netherlands, namely Military Mobility (MM), is the most populous. It is worth mentioning that the Netherlands and Germany are the only cases where their estimated authority scores clearly overcome their corresponding hub scores.

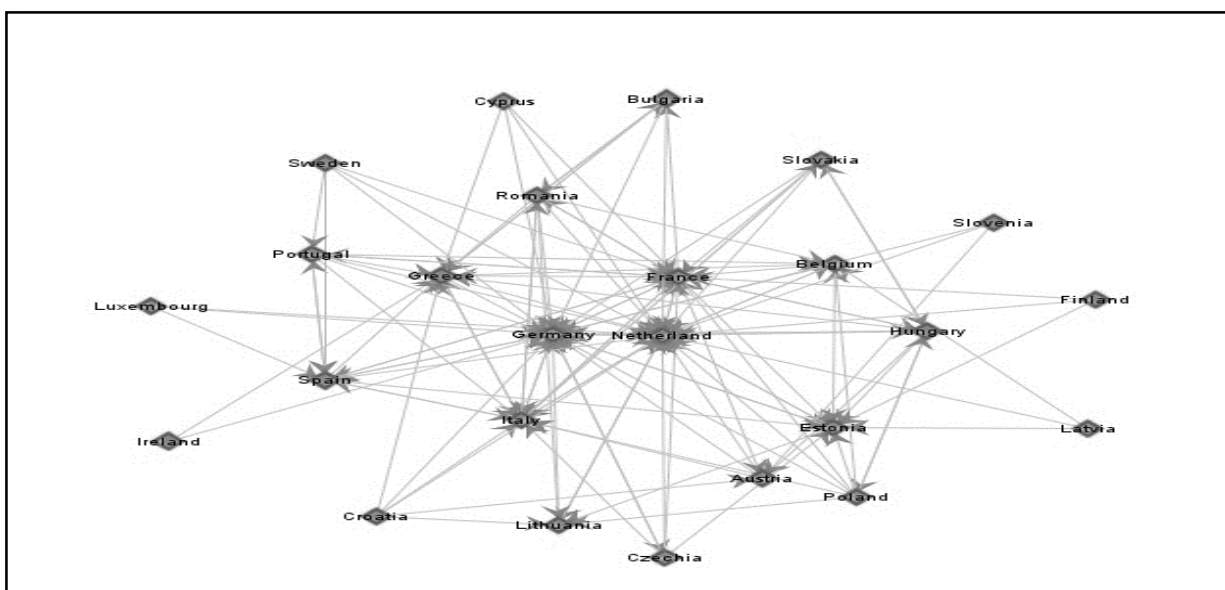


Figure 1: Member states interaction

In contrast, France's authority score is lower than her hub's. Differences in Germany's and France's scores can be attributed to the fact that a) France participates in more projects without being a coordinator than Germany does, and b) French nodes are less inclusive than those of Germany. Put it differently, projects coordinated by Germany are more likely to attract more participants than those coordinated by France, regardless of their objectives. Besides, all

⁴ The essential idea of this analysis is that a node constitutes a hub to the extent that it is linked to authority nodes. At the same time, it composes an authority to the extent that it is referenced by hubs (Berthold et al., 2008). In that respect, an authority node deems “leader” of a network, while a hub node deems “follower”.

the Pms, except Finland and Latvia, participate in at least one Germany project, indicating that Germany is perceived as a leader. The Netherlands' case sounds a little different since the Netherlands coordinate just one project, MM.

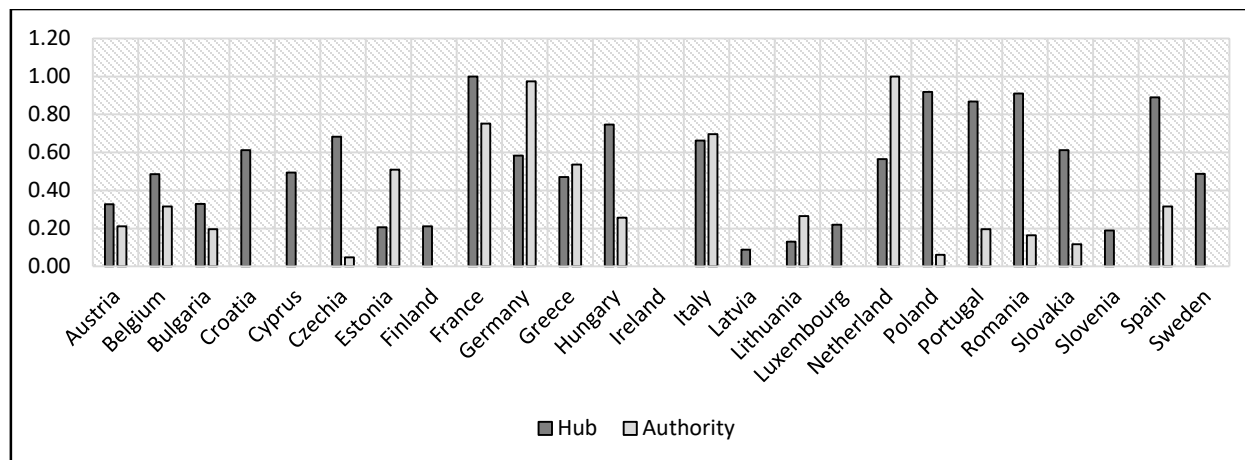


Diagram 4: Hub and authority score

A more detailed insight refers to the discrete domains in which the 47 PESCO projects are placed. These domains are:

- i) Land, which contains six projects;
- ii) Maritime, which contains six projects;
- iii) Air, which contains four projects;
- iv) Space, which contains two projects;
- v) Joint, which contains 11 projects;
- vi) Training, which contains ten projects;
- vii) Cyber-c4i, which contains eight projects.

Italy is in the first place regarding either her participation in land projects or the number of these projects that she coordinates (Appendix "A", Diagram A-1). Moving to the maritime domain, Greece is ahead of as she participates in five out of six, followed by France, Italy and Portugal (Appendix "A", Diagram A-2). When the focus turns on the coordinators, Italy precedes by coordinating two out of three projects in which she is involved. Participation in the maritime projects reveals that Mediterranean states, led by Greece, France and Italy, have an intense interest in maritime security issues. In a total number of four air projects, France and Spain are involved in three of them, followed by Czechia, Germany and Italy (Appendix "A",

Diagram A-3). The space domain consists of two projects coordinated by France and Italy. In conjunction with Germany, these two states are involved in both air projects (Appendix "A", Diagram A-4). The joint domain includes eleven projects. France precedes concerning the number of projects in which she is involved, followed by Spain (Appendix "A", Diagram A-5). The overall participation in this domain points out that most Pms are interested in joint operations. Moving to the training domain, France precedes once again, followed by Italy and Romania (Appendix "A", Diagram A-6). Greece and Romania lead the corresponding coordinator status order. Italy and Germany are found in the first place concerning participation in the cyber domain (Appendix "A", Diagram A-6). An interesting finding is the limited participation of both Estonia and Finland in the cyber domain projects, given the following factors. Regarding Estonia's case, her participation in just one project seems odd, considering her specialisation in this domain (OECD, 2019) and bearing in mind that the NATO Cooperative Cyber Defence Centre of Excellence is located in Tallinn. Regarding Finland's case, her low participation does not seem consistent with her dynamic presence in the field of hybrid threats, which are inherently linked to the cyber domain, since the European Centre of Excellence for Countering Hybrid Threat is located in Helsinki. Thereby, the cases of Finland and Estonia indicate that a project's objective may not be a primary concern when Pms decide to join or not projects.

The sectoral analysis reveals inconsistencies that limit the potential for EU strategic autonomy with attention to path dependencies arising from the composition of the existing projects. As long as the nature of modern warfare becomes complex and Revolution in Military Affairs (RMA) involves various dimensions, from land to space and cyber ones, strategic autonomy prerequisites consistent approaches across all the domains and the contribution of the experts in each field.

To put flesh on the bones of the interaction between the Pms, the focus is turned to the composition of the established projects regarding their coordinators (see APPENDIX "A", Table 1). In that respect, Spain occupies the first place in those programs coordinated by France, followed by Belgium. A vice versa examination is how member states distribute their total participation across the overall projects' spectrum. This reveals that Spanish participation in French projects covers 40% of Spain's total participation (see APPENDIX "A", Table 2). However, Belgium seems to be the most willing member state to participate in French projects

by distributing 60% of the Belgian participation. The latter indicates that participation in a PESCO project can be subject to geographic proximity. This can also be found in other cases, such as Cyprus and Greece; Czechia and Germany; Netherlands and France; Netherlands and Germany. In that respect, it can be argued that geographic proximity can shape shared views, which, in turn, may lead to common participation in a number of PESCO projects.

Italy is found in the second place regarding the number of projects she coordinates. Greece participates in 25% of Italian projects, while France follows by being present in 20 % of the Italian led projects' composition. Besides, Greece puts 45.5% of her total participation in Italian projects, and Italy drives 18.75% of her total participation in Greek projects. In the light of this relation, interdependencies and reciprocities are revealed. Reciprocity is also present in the relation between Germany and France. Thereby, a second factor for joining a project, regardless of its objective, seems to be reciprocity.

Transposing the inquiry, it is found that the total participation of Austria, Ireland, Lithuania and Luxembourg are consumed by 50% in German led projects. As for the composition of Germany led projects, France has the densest participation since she is involved in 11.3%, followed by both Italy (9.4%) and Spain. French participation in these projects is compatible with the French Strategic Review of Defence and National Security in 2017, which takes Germany as a “crucial partner in *furthering Europe’s defence and security ambitions* [italics added]” (Ministry for Europe and Foreign Affairs, 2019).

Returning to how Pms participate across the whole spectrum of the PESCO projects, there are some notable instances. For example, Belgium, Finland and Germany allocate almost half of their total participation in projects coordinated by France, similar to the case of Greece in Italian projects. This is also the case for Cyprus and Ireland concerning Greek driven projects. Against this backdrop, participation trends can be further attributed to other factors, apart from geographic proximity, reciprocity and the projects' objectives. Notably, historical bonds lead the relation between Cyprus and Greece; Belgium and Netherlands constantly collaborate, as their navies have been working together since 1948 (Royal Netherlands Navy, 2021). Furthermore, extended cooperation in other fields may have boosted participation in specific PESCO projects. This seems to be the case in Czech participation in German-run projects, as the Czech Minister of Defence Lubomír Metnar have stated that “Germany is the Czech Republic’s most important

trade partner and indeed a very significant partner in the defence sector” (Šindelář and Fajnor, 2019). Germany’s and Netherlands’ interconnection within the PESCO can be seen as part of their overall defence cooperation (Federal Ministry of Defence of the Federal Republic of Germany and Ministry of Defence of the Kingdom of the Netherlands, 2019).

In order to bring out more clearly the fact that a project’s objective is often taken as a secondary factor in Pms decisions to join projects, there is a look at the composition of two PESCO projects that have similarities concerning their objectives and sound mutually *supplemented*. The one is the “Cyber Threats And Incident Response Information Sharing Platform (CTIRISP)” coordinated by Greece, and the other is the “EU Cyber Academia And Innovation Hub (EU CAIH)” coordinated by Portugal. The former aims to “develop more active defence measures, potentially moving from firewalls to more active measures”, and the latter to create “an innovative web of knowledge for cyber defence and cybersecurity education and training” (PESCO, 2020). It sounds like these two projects are addressed to a common audience interested in cybersecurity issues, even if the CTIRISP belongs to the cyber sector while the EU CAIH to the training. However, the CTIRISP comprises Cyprus, Greece, Spain, Hungary, Italy and Portugal, whilst Spain and Portugal participate in the EU CAIH. Therefore, it seems that Cyprus, Hungary and Italy did not focus just on projects’ objectives when deciding to join the CTIRISP but not the EU CAIH. Profoundly, their decisions are amenable to other factors instead of the project objectives. Similar inconsistencies can be found in various other projects.

Taken together, these results suggest that various factors shape Pms' decision to join a PESCO project, regardless of the objective of the project itself. For example, geographic proximity, reciprocity, extended cooperation in other fields, and historical bonds intervene in Pms’ decisions to join projects, generating relevant path dependencies for the composition of a project. Moreover, national bureaucratic stances influence the decision of a Pms concerning its participation in PESCO projects.

2.2 Participation in PESCO projects and the pursuit of EU Strategic Autonomy

According to this article's findings, the Franco-German axis appears to be the leading power of PESCO projects; also, Italy primarily and Spain secondarily play a central role.

Germany's and France's leading role is deduced by the number of projects in which they are involved, in conjunction with the general overview of the PESCO project's spectrum since the network analysis reveals that both Germany and France constitute leaders. Nevertheless, these two Pms adopt different approaches. France projects her dedication to PESCO projects by participating in more projects (31) than any other Pms. Germany's central role in the PESCO projects' spectrum comes to the fore when someone considers the degree to which other member states participate in German led projects. When the focus is given on France and Germany's general stances vis à vis PESCO projects, France appears to be more inclusive as long as her participation extends almost to the whole spectrum of the projects, regardless of their coordinator and level of ambitions. On the other hand, Germany is more selective in her participation, given that she prefers to lead a project.

Also, differences between French and German participation exist in the sectoral analysis. French presence is constant across all the defined domains, whilst Germany is absent from the maritime domain. Therefore, assuming that this difference does not reflect any division of labour, France and Germany's participation across the seven domains does not signify relevant path dependencies that would positively affect the EU's capability to act in the full spectrum of future battles.

Be that as it may, France and Germany seem proactive within PESCO. In this vein, they compose "a subset of the PESCO states that takes the lead and *does things*", a crucial element for the effectiveness of the PESCO (Biscop, 2020, p. 3). In this regard, the Franco-German axis can motivate other Pms to become more active, especially following the Treaty of Aachen, signed by the French President and the German Federal Chancellor in 2019. According to Article 3 of this Treaty, Germany and France "shall deepen their cooperation in matters of foreign policy, defence, external and internal security and development while striving to *strengthen Europe's ability to act autonomously* [emphasis added]". Thus, the Treaty of Aachen offers a valid explanation of why these leading powers may exercise pressure to motivate their followers.

Moreover, even without formal rules for obliging a Pms to become more active and fulfil its commitments, relevant consultations are on the table. Notably, establishing measurable objectives with related progress indicators is examined, and provisions for closing projects have

been introduced (Council of the European Union, 2020). Hence, France and Germany will probably do their best to promote the effective implementation of the projects in which they participate, including their partners' motivation to avoid early closing of these projects. Besides, reputation, which will be at stake in such an early closing, shall not be ignored. In this regard, France's and Germany's central roles in several PESCO projects press them for the effective development of these projects in order to protect their reputation and be ready for potential measurable assessments. Thereby, their past choices for establishing or joining projects pave the way for realising their commitments to these projects, motivating their partners and, in doing so, boosting EU strategic autonomy to some extent.

Given the intergovernmental nature of the PESCO, the pursuit of EU funding for developing a project can be used as leverage for motivation. This way, a supranational aspect, the carrot of the co-funding from the EU's budget through the European Defence Fund (EDF), can be used to enhance the effectiveness of an intergovernmental project within PESCO and wake up "dormant" participants, if any. In general, from an institutionalist perspective, funding from the EDF to a PESCO project offers a fertile ground for later path dependencies, as long as a national industry that has gained EU funding will logically boost the development of a project and make the corresponding Pms more active. However, it shall not be neglected that the EDF does not cover the procurement phase, but it can fund up to the prototype's development stage.

The overall participation in PESCO projects reveals essential features. First, someone can find differences in how the Mediterranean states participate compared to the Central European states' participation. The second essential feature refers to participation across the three waves of projects. Third, there are significant differences between the levels of participation in the seven domains.

To begin with, findings point out that the Mediterranean states are more interested in joining PESCO projects since Italy, Greece and Spain, apart from France, have a significant presence in the whole spectrum of the existing projects. On the contrary, Central-Eastern member states have limited participation, except for Romania. This finding seems consistent with Zaborowski's (2020) argument. Notably, he mentions that these states do not truly invest in the CSDP as long as this policy does not encompass credible defence components tailored to territorial integrity. For this reason, these states have, in general, quite similar institutional

preferences concerning their defence. These preferences are oriented to NATO (Tardy, 2018) as long as they do not consider the EU "able to defend itself unaided" (Mauro and Santopinto 2017, 26).

On the other hand, the Mediterranean states' dense participation in PESCO projects can also be seen *vis-à-vis* their relations with NATO, especially concerning France and Greece. The former has always treated NATO with some caution. For instance, after the Paris terrorist attacks in 2015, France preferred invoking the TEU's mutual defence clause (Article 42.7) instead of the North Atlantic Alliances corresponding clause (Article 5). This case revealed once again France's support for an autonomous European defence policy. As for the case of Greece, her security concerns posed by Turkey, i.e. a NATO member, makes her willing for defence support by the EU and underlines the "participation problem", a well-covered issue in the literature (Smith and Gebhard 2017). In this framework, Greece's active involvement in PESCO projects, especially in the maritime domain, can be seen as a Greek aspiration for enhanced EU defence capabilities.

Taking stock of the above, one can argue that path dependencies shaping the composition of a PESCO project are linked to NATO. Notably, Central-Eastern member states' past arrangements concerning NATO drive their stances over PESCO. Similarly, although Greece's sheer security concerns are posed by her ally in NATO, i.e. Turkey, Greece remains dedicated to the Alliance due to existing commitments.

As regards the level of participation in the seven domains, someone can mention significant differences. It could be argued that there are no consistent path dependencies that would facilitate an enhanced EU strategic autonomy. However, a closer look at these domains reveals that the joint domain has attracted all PESCO member states except Ireland; the second more favourable domain is training.

In joint projects, the MM constitutes a positive paradigm of a PESCO project. This project, the most populous one, aims to simplify and standardise cross-border military transport procedures. MM seems a very successful project, given that it encompasses all the Pms except Ireland. Furthermore, as Blockmans et al. (2019) mentioned, it is essential to realise that MM is based on pre-existing initiatives from both the European Defence Agency (EDA) and NATO.

Therefore, the MM project constitutes a significant paradigm of collaboration between the EU and NATO.

The training domain offers fertile ground for developing common cultures, as long as education and training can be taken as prerequisites for building shared views. In that respect, the training domain may blunt existing cultural differences in the long term. Therefore, participation in the training domain reveals path dependencies that can enhance EU capabilities by facilitating shared views at the short-term operational level and bolstering common approaches to the long-term strategic level. Besides, shared views can make the collaboration of national bureaucrats easier, and this way, bridge their divergent stances and treat participation fatigue, at least partially. However, this domain has limited influence on EU strategic autonomy as hedging since it is difficult to directly contribute to defence-industrial autonomy.

The participation is limited to the rest five domains: land, maritime, air, space, and cyber. Remarkably, there exist fragmented participation in these five domains. This fragmentation can have a twofold causality. The first refers to the space and cyber domain, which are inherently linked to innovative technologies research. However, defence Research and Technology (R&T) spending levels continue to be insufficient for most member states (EDA, 2020). The second causality refers to the land, maritime and air domain. These domains co-formulate the traditional battlefield in which hard military capabilities are usually needed. As long as NATO remains the primary provider of hard defence, some Pms would rather not prefer to participate extensively in PESCO projects concerning these domains. In that respect, path dependencies stemming from membership in NATO and insufficient investments in R&T limit EU strategic autonomy.

Taking stock of the above, path dependencies with different dynamics exist. First, France and Germany's dedication, supported by Italy's and Spain's presence, seems to endow PESCO projects with a critical mass of willing and capable Pms. Nevertheless, concrete path dependencies that ensure autonomous action in every feature battle's theatre domain were not found. Also, various factors push Pms to join a project, regardless of its objectives. Geographic proximity, historical bonds and extended cooperation in other fields are among these factors, which may generate specific path dependencies for the composition of a project. However, these forms of dependencies did not comprehensively enhance EU strategic autonomy, as long as the objective of a project often seems to be considered complementary to other factors.

Concerning NATO, when its objectives are taken as overlapping with PESCO projects, institutional preference for the Atlantic Alliance often prevails. As a result, path dependencies linked with NATO limit the potential for EU strategic autonomy. However, when NATO is perceived as rather insufficient to deal with an ally's security concerns, as it is in Greece vis-à-vis Turkey, EU frameworks emerge as an appropriate alternative.

Different stances against PESCO projects following divergent considerations of NATO's ability to protect underline the crucial influence of the Alliance on the EU's pursuit of strategic autonomy. Also, it should not be neglected that the redefinition of the EU and NATO relations could reduce duplications and treat bureaucratic fatigue. As the argument goes, the EU shall redefine its relations with NATO to allow Union's member states to pass their path dependent choices primarily to the European defence edifice instead of NATO. Biscop (2019, p. 4) offers insight into how the EU should be placed in these relations by stating that it "should act with allies and partners whenever it can, but alone when it must". In this vein, an adaptation of Borrell's (2020) *Sinatra Doctrine* sounds to fit well with these relations' redefinition. Other stands for the *Europeanisation of NATO* to bolster EU strategic autonomy (Howorth, 2017). However, even if the EU and NATO relations are extensively covered in the literature (Smith and Gebhard, 2017), there still lacks a shared *normative* view for a mutually beneficial redefinition of this relation to un-stuck from the 1990s (Smith 2011). With these in mind, the ongoing Strategic Compass offers an excellent opportunity for the EU to deal with anything that may limit its strategic autonomy (Nováky, 2020), including its relations with NATO. Cladi and Locatelli (2020, p. 11) note that "future progress on the EU front will require an increased commitment to political cooperation and a clear conviction that gaining autonomy within NATO would not mean growing independent from it".

In any case, the pursuit of the EU's strategic autonomy should not ignore US perspectives. It is essential for both sides of the Atlantic to realise that the EU defence edifice shall be released from being adherent to American primacy within NATO. Biscop (2021) mentions a paradox: the US demands from its Allies to do more, but when the EU undertakes relevant initiatives, Washington pushes back in fear of losing its leading position in the Alliance. At the same time, the reality can make the demand for EU autonomy inevitable. As long as the USA's strategic trajectory continues turning to the Indo-Pacific area, the EU will emerge as the spearhead of NATO in Europe.

Against this background, Bull's (1982, p. 154) argument seems well timed:

"The Europeans have to recognise the force of the American claim that they should now be prepared to shoulder a greater share of the common burden of defence, while the Americans have to recognise that if this happens, they will no longer be entitled to the position of pre-eminence in decision-making which they have taken for granted in the past".

All in all, it is noticed that the Franco-German axis offers appropriate leadership for the effectiveness of the PESCO projects. However, Pms often consider various factors in joining a project, regardless of its objective. This trend has led to inconsistencies across the seven defined domains. This way, the EU becomes incapable of undertaking missions in the overall theatre of future battles, let alone developing extended technological autonomy for military purposes. These shortfalls can be attributed to the lack of central defence planning on the part of the EU, following Gray's definition. It shall be mentioned that such a defence planning could lead to the *brusselization* of the projects' design and requirements while leaving the Pms the choice of participating or not under clear commitments tailored. Also, a probable EU defence planning would facilitate the concept of EU strategic autonomy to become more precise and the relationship between the EU and NATO mutually beneficial.

4. Conclusions

The Franco-German Axis's ongoing dedication to PESCO projects seems inevitable due to their extended participation across the whole spectrum of projects. This participation creates path dependencies that can facilitate EU strategic autonomy to some degree, despite Germany and France's different approaches vis-à-vis PESCO projects. In this regard, Germany and France seem willing to project leadership, motivate their partners in PESCO projects and forge the EU defence edifice. However, despite the Franco-German Axis's dynamics for leadership and motivation, Pms often base their decision to join a project on various factors while partially disregarding its objective. This results from path dependencies that make Pms consider factors such as cooperation in other fields or cultural bonds and rather undervalue the project's objectives. In doing so, the potential for strategic autonomy is decreased. Moreover, even if the existing projects' spectrum flourishes, some domains will remain underdeveloped, according to the sectoral analysis.

Another essential path dependency arises from the existing context of the EU and NATO relations. Apart from the fact that duplications are not avoided, even if relevant efforts are being declared, many Pms see NATO as more capable of dealing with their security concerns than the EU. Notably, territorial integrity seems of vital importance for most of the EU member states. In this regard, many member states will keep on being reluctant to invest in the PESCO projects truly, until the latter becomes clearly able to contribute to their territorial protection. On the contrary, when NATO is perceived as insufficient to deal with national security concerns, a member state may resort to its European partners for support.

Taking stock of the above, it can be argued that the EU lacks of concrete defence planning – to the extent that it can be seen as a polity -, which could name threats, design means to deal with these threats and delineate relations with allies. On the condition of establishing an EU defence planning process, institutional pressures will boost Pms to adopt a more objective-oriented stance when joining projects, and the spectrum of the PESCO projects will become consistent with the notion of strategic autonomy as hedging.

For the moment, new PESCO projects shall be deemed modules added to existing projects, given the finite resources. Notably, the implementation of new projects shall be done in conjunction with merging or clustering existing projects. This way, available resources will be more effectively allocated as long as instances of duplications will be rarer, at least within the PESCO projects' spectrum. As a result, Pms will fulfil easier their existing commitments. Extended participation in the training domain can positively impact this process by building shared views and treating diverging bureaucratic perspectives. However, this domain can hardly enhance defence-industrial autonomy.

All in all, the EU has gradually institutionalised its defence structures aiming at strengthening its strategic autonomy. In this framework, PESCO projects appear to be the spearhead of the EU efforts to enhance its military capabilities. Nevertheless, Pms often seem to overlook the ultimate contribution of the projects in which they participate to the EU's strategic autonomy. Moreover, it shall not be neglected that path dependencies related to NATO constitute an inhibitory factor that shall be treated pragmatically. To sum up, the existing PESCO projects' spectrum generates specific path dependencies that can partially enhance the effectiveness of some PESCO projects by offering appropriate leadership, but it does not seem

able to forge the EU's capacity for autonomous action in the absence of concrete central planning. The ongoing Strategic Compass offers the EU the opportunity for such a comprehensive approach. Nevertheless, such an approach prerequisites political will so as ends and means to be clearly defined and agreed upon, thus, paving the way for path dependencies stemmed from the EU defence edifice and pushing it to the desired level of autonomy.

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APPENDIX "A"

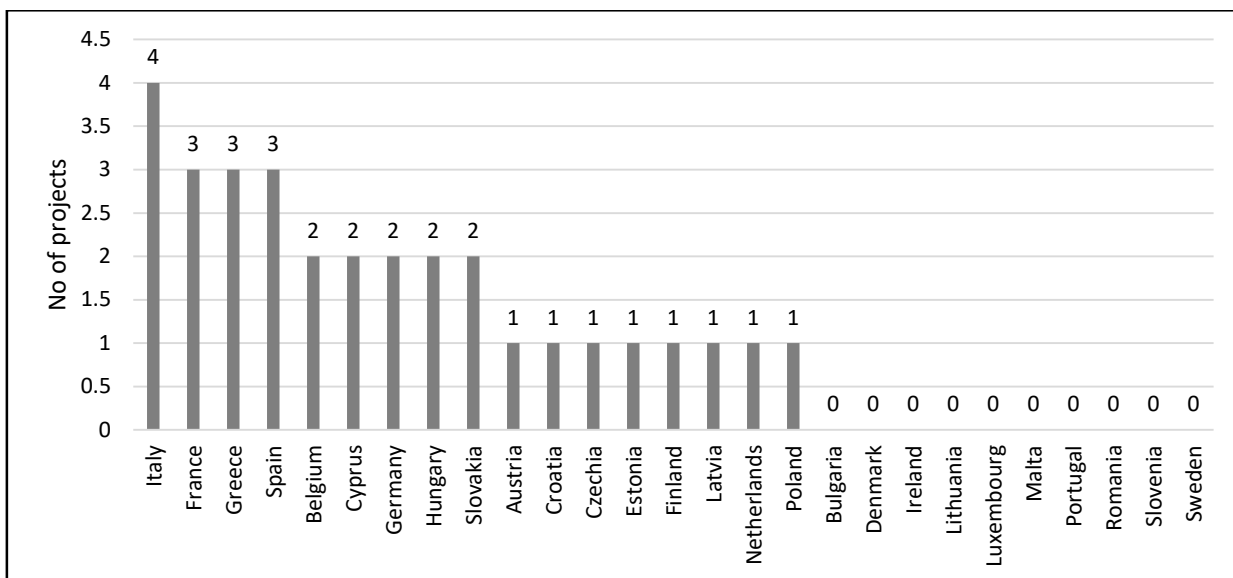


Diagram A-1: Participation in Land projects

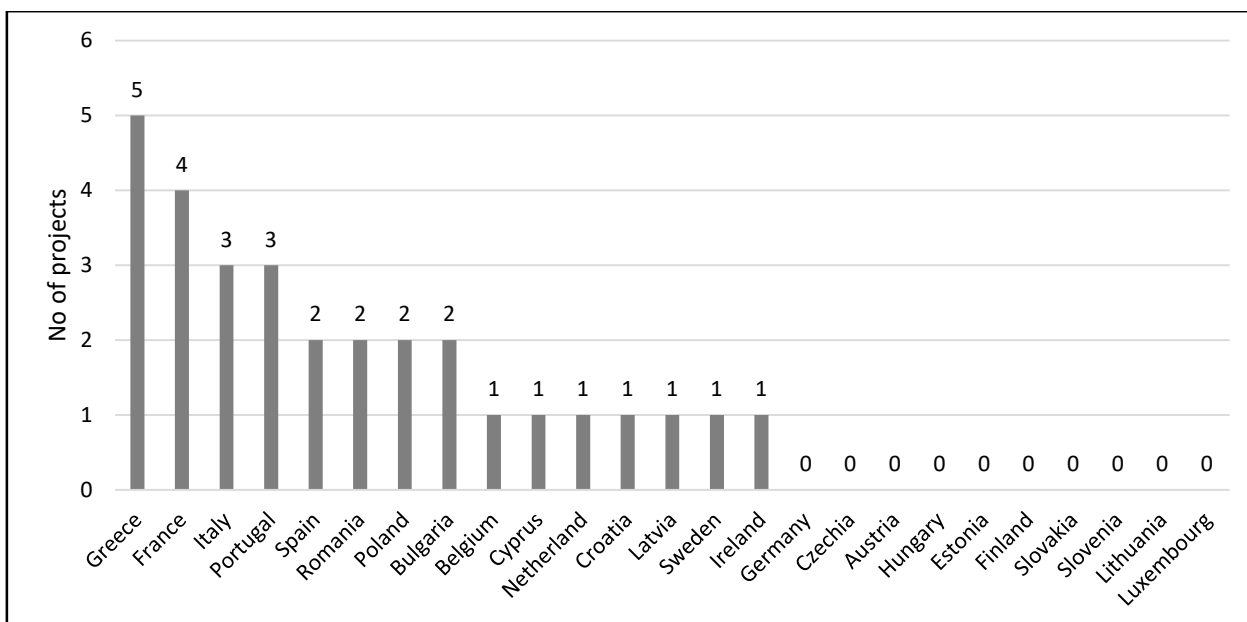


Diagram A-2: Participation in Maritime projects

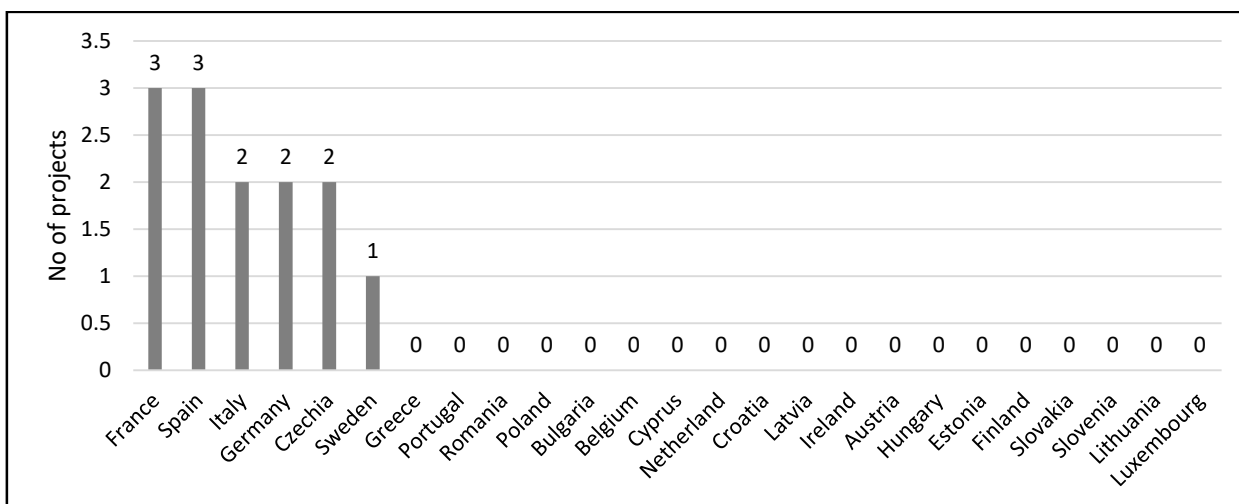


Diagram A-3: Participation in Air projects

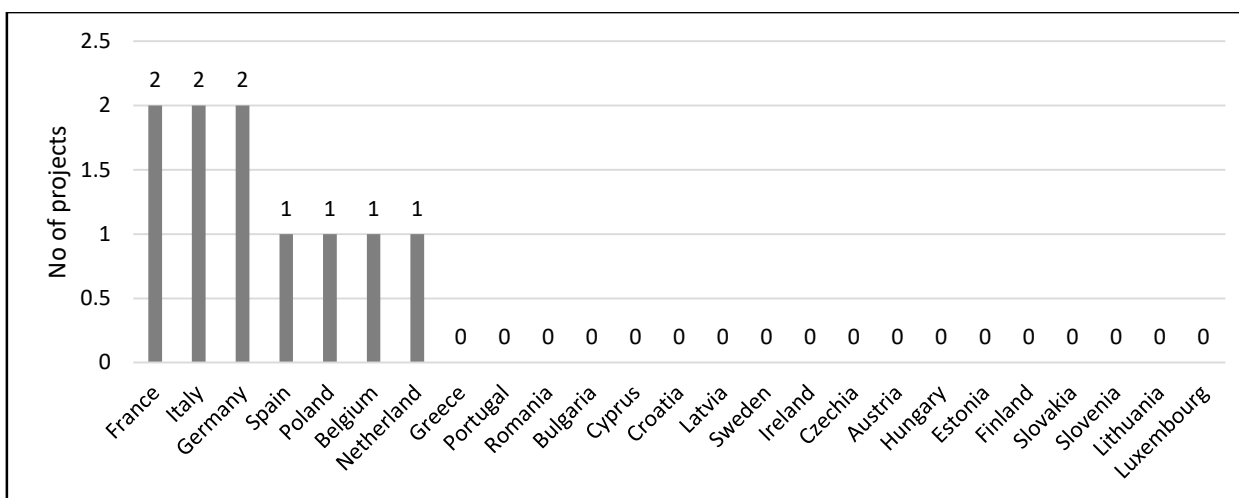


Diagram A-4: Participation in Space projects

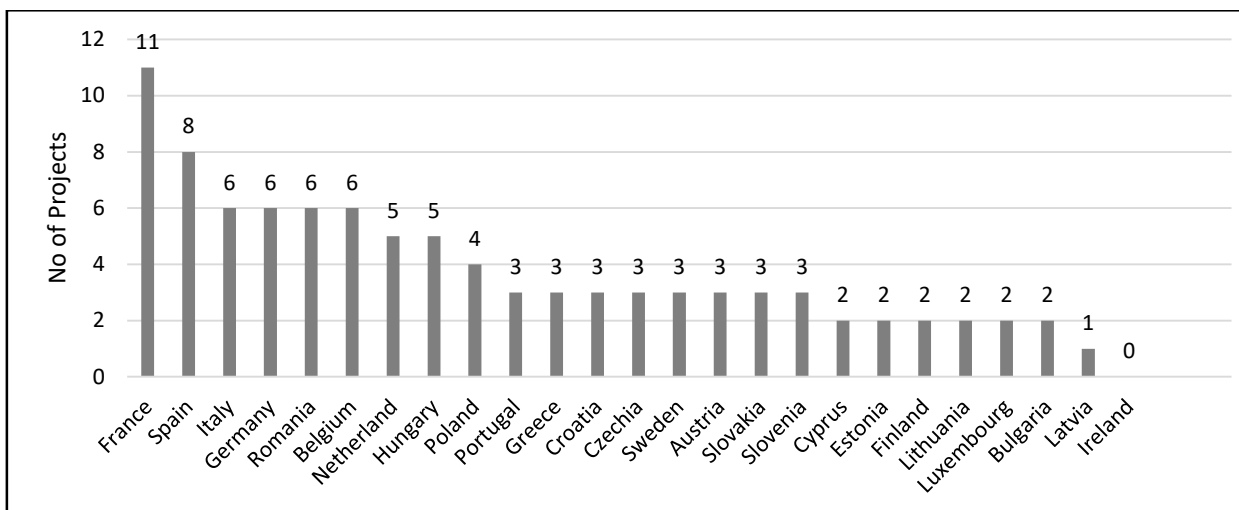


Diagram A-5: Participation in Joint projects

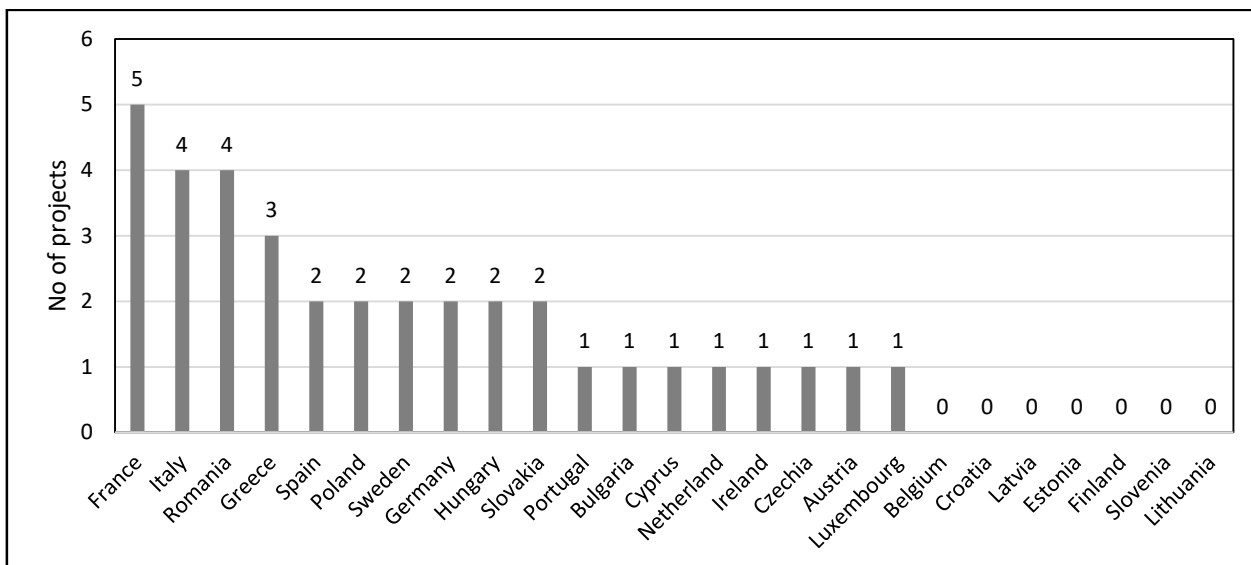


Diagram A-6: Participation in Training projects

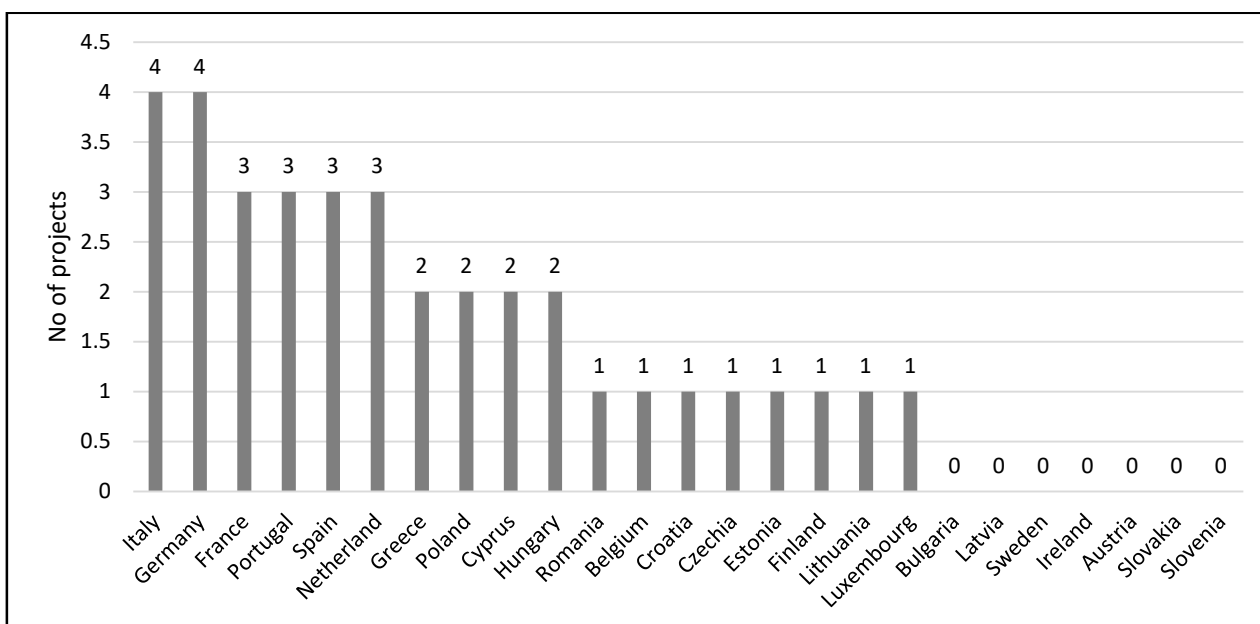


Diagram A-7: Participation in Cyber projects

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Participation	Coordinator																
	Germany	Italy	France	Greece	Romania	Austria	Belgium	Bulgaria	Czechia	Estonia	Hungary	Lithuania	Netherlands	Poland	Portugal	Slovakia	Spain
Austria	3.8%	5.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Belgium	3.8%	0.0%	14.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Bulgaria	1.9%	0.0%	0.0%	6.7%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Croatia	1.9%	5.0%	0.0%	6.7%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	20.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Cyprus	3.8%	0.0%	2.4%	26.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Czechia	5.7%	5.0%	2.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Estonia	1.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	20.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Finland	0.0%	0.0%	4.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
France	11.3%	20.0%	0.0%	6.7%	50.0%	25.0%	0.0%	33.3%	0.0%	10.0%	25.0%	0.0%	4.3%	0.0%	25.0%	0.0%	28.6%
Germany	0.0%	5.0%	12.2%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	10.0%	25.0%	0.0%	4.3%	0.0%	0.0%	0.0%	14.3%
Greece	5.7%	25.0%	0.0%	0.0%	0.0%	0.0%	16.7%	33.3%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Hungary	5.7%	0.0%	2.4%	6.7%	0.0%	25.0%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%	4.3%	100.0%	0.0%	50.0%	0.0%
Ireland	1.9%	0.0%	0.0%	6.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Italy	9.4%	0.0%	9.8%	20.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	50.0%	14.3%
Latvia	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	16.7%	0.0%	0.0%	10.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Lithuania	1.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Luxembourg	3.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	14.3%
Netherlands	7.5%	5.0%	7.3%	0.0%	0.0%	0.0%	16.7%	0.0%	0.0%	10.0%	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Poland	3.8%	5.0%	7.3%	0.0%	0.0%	0.0%	16.7%	0.0%	0.0%	10.0%	25.0%	20.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Portugal	1.9%	5.0%	4.9%	6.7%	0.0%	0.0%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	14.3%
Romania	5.7%	5.0%	4.9%	6.7%	0.0%	0.0%	16.7%	33.3%	0.0%	0.0%	0.0%	20.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Slovakia	3.8%	5.0%	2.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Slovenia	1.9%	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%
Spain	9.4%	10.0%	19.5%	6.7%	0.0%	0.0%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%	4.3%	0.0%	50.0%	0.0%	0.0%
Sweden	3.8%	0.0%	4.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	25.0%	0.0%	14.3%

Table A-1: The total composition of the PESCO projects per coordinator

Participation	Coordinator																
	Germany	Italy	France	Greece	Romania	Austria	Belgium	Bulgaria	Czechia	Estonia	Hungary	Lithuania	Netherlands	Poland	Portugal	Slovakia	Spain
Austria	50.00%	25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%
Belgium	20.00%	0.00%	60.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	10.00%	0.00%	0.00%	10.00%	0.00%	0.00%	0.00%	0.00%
Bulgaria	25.00%	0.00%	0.00%	25.00%	25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%
Croatia	16.67%	16.67%	0.00%	16.67%	0.00%	16.67%	0.00%	0.00%	0.00%	0.00%	0.00%	16.67%	16.67%	0.00%	0.00%	0.00%	0.00%
Cyprus	25.00%	0.00%	12.50%	50.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	12.50%	0.00%	0.00%	0.00%	0.00%
Czechia	42.86%	14.29%	14.29%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	14.29%	0.00%	0.00%	14.29%	0.00%	0.00%	0.00%	0.00%
Estonia	33.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	33.33%	33.33%	0.00%	0.00%	0.00%	0.00%
Finland	0.00%	0.00%	50.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%
France	28.57%	19.05%	0.00%	4.76%	9.52%	4.76%	0.00%	4.76%	0.00%	4.76%	4.76%	0.00%	4.76%	0.00%	4.76%	0.00%	9.52%
Germany	0.00%	9.09%	45.45%	0.00%	0.00%	0.00%	0.00%	0.00%	9.09%	9.09%	9.09%	0.00%	9.09%	0.00%	0.00%	0.00%	9.09%
Greece	27.27%	45.45%	0.00%	0.00%	0.00%	0.00%	9.09%	9.09%	0.00%	0.00%	0.00%	0.00%	9.09%	0.00%	0.00%	0.00%	0.00%
Hungary	30.00%	0.00%	10.00%	10.00%	0.00%	10.00%	0.00%	0.00%	0.00%	10.00%	0.00%	0.00%	10.00%	10.00%	0.00%	10.00%	0.00%
Ireland	50.00%	0.00%	0.00%	50.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Italy	31.25%	0.00%	25.00%	18.75%	6.25%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	6.25%	0.00%	0.00%	6.25%	6.25%
Latvia	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	33.33%	0.00%	0.00%	33.33%	0.00%	0.00%	33.33%	0.00%	0.00%	0.00%	0.00%
Lithuania	50.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	50.00%	0.00%	0.00%	0.00%	0.00%
Luxembourg	50.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	25.00%
Netherlands	36.36%	9.09%	27.27%	0.00%	0.00%	0.00%	9.09%	0.00%	0.00%	9.09%	0.00%	9.09%	0.00%	0.00%	0.00%	0.00%	0.00%
Poland	18.18%	9.09%	27.27%	0.00%	0.00%	0.00%	9.09%	0.00%	0.00%	9.09%	9.09%	9.09%	9.09%	0.00%	0.00%	0.00%	0.00%
Portugal	12.50%	12.50%	25.00%	12.50%	0.00%	0.00%	12.50%	0.00%	0.00%	0.00%	0.00%	0.00%	12.50%	0.00%	0.00%	0.00%	12.50%
Romania	27.27%	9.09%	18.18%	9.09%	0.00%	0.00%	9.09%	9.09%	0.00%	0.00%	0.00%	9.09%	9.09%	0.00%	0.00%	0.00%	0.00%
Slovakia	33.33%	16.67%	16.67%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	16.67%	0.00%	16.67%	0.00%	0.00%	0.00%	0.00%
Slovenia	33.33%	0.00%	0.00%	0.00%	0.00%	33.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	33.33%	0.00%	0.00%	0.00%	0.00%
Spain	25.00%	10.00%	40.00%	5.00%	0.00%	0.00%	0.00%	0.00%	0.00%	5.00%	0.00%	0.00%	5.00%	0.00%	10.00%	0.00%	0.00%
Sweden	28.57%	0.00%	28.57%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	14.29%	0.00%	14.29%	0.00%	14.29%

Table A-2: Distribution of each member state's total participation per coordinator

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LEGAL, POLITICAL AND ORGANIZATIONAL ASPECTS OF CYBERSECURITY IN THE EUROPEAN UNION

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Abstract: *The main objective of the article is to present the development and the current situation with regard to political, legal and organizational aspects of cybersecurity in the European Union. The European Communities entered the information society era later than the US and Japan did. Following the Lisbon Strategy, however, the European Union has been developing it dynamically, and one of the main elements of these activities is cybersecurity. It has been increasingly a crucial point of safety of the whole virtual environment since the rising and such rapid development of information and communications technologies. The article presents a short history of the development of the information, digital and gigabit society in the European Union according to its subsequent long-term strategies, emphasising on the analysis of the development of European Union activities as regards cybersecurity in the political, legislative and organisational aspects. Some Polish threads are included, too. The paper is a result of a longstanding observation by the Author of the development of the information society in the European Union, is based on the EU's official documents, national and international reports, visits, expert studies, and literature on the subject. The study shows that the activities implemented by the European Union are very often of a pioneering character on a world scale, apply system solutions, and are characterised by the logic of the sequence of endeavours made to ensure a high level of cybersecurity in its territory. These seem to be effective as shown by the high position of the European continent in cybersecurity rankings in the world.*

Keywords: Cybersecurity, European Union's activity and legislation on cybersecurity, European Union, Poland.

Introduction

Cybersecurity means to prevent, address and respond to network and information security problems. It means the ability of a network or information system to resist, at a given level of confidence, to accidental events or unlawful and malicious actions that compromise the availability, authenticity, integrity and confidentiality of stored or transmitted data and related

services offered by or accessible via these networks and systems (*Regulation*, 2004). Cybersecurity is a guarantor of the safety of a digital society and should ensure its proper functioning. To achieve this goal, technical, organizational, legal and political measures must be implemented. We have the bulk of research papers on technical aspects of cybersecurity as new threats come up continuously. This aspect of cybersecurity is a realm of engineering and will not be discussed here. The European Union, however, as a political and economic organization managing a huge common market of 27 Member States which gradually has been becoming digital, has taken serious steps to establish a system of cybersecurity using its main tool, i.e. the European Union's law. This unprecedented cybersecurity system has become a subject of this paper. Thus, firstly, the Council of Europe's and the European Union's official documents on cybersecurity in context of the development of the European information and digital society had been identified and ordered in chronological sequence, then analysed using the method of text analysis. It enabled to draw a picture of the European Union's cybersecurity system which has been built step by step systematically and consistently on both levels: of the European Union and of the Member States to ensure a high quality of digital safety. On this stage of the research systems analysis methodology became useful since the European Union's cybersecurity system consists of many institutions, organizations and networks of which cooperation and mutual relationships are crucial. It can be observed also that the whole structure, particularly in recent times, depends strongly upon political circumstances not only in the European Union but globally, that's why some political context can be noticed in the background. Finally, comparative and statistical data show that although the European Union's cybersecurity system is still under development, however, applied solutions are successful and trailblazing.

Apart from written sources, i.e. the Council of Europe's and the European Union's official documents, reports and the literature on the subject, a longstanding direct observation (international conferences and visits) of the development of the European Union's cybersecurity system in the context of the development of the information, digital, and, latterly gigabit society, became useful.

The concept of cybersecurity is closely linked to the emergence and development of information and communication technologies and the databases, networks, and information systems built based thereon. Poles are attached to the history of these technologies since it has

its roots in the achievements of Polish Cryptologists M. Rejewski, J. Różycki, and H. Zygalski. They were the ones who broke the German Enigma code, and a special role was played by engineer J. Ciężki - the fourth member of that group, whose contribution was the use of mathematical methods, not linguistic, as had happened before, to break military codes (Rejewski, 1980; Rejewski, 1981). The Polish cryptologists' discovery then travelled a long way to the United Kingdom, where, at the local decryption centre in Bletchley Park near London, the outstanding British mathematician Alan Turing built the first computer (Hodges, 2014). The technology subsequently made its way to the US, where scientists such as Ralph Hartley, Claude E. Shannon, Warren Weaver, and Norbert Wiener laid the foundations for the development of new disciplines: electronics, computer science, and electronic communications. Based on these sciences, a new type of society emerged, i.e., the information society. It should not be forgotten that there was a Japanese version of Enigma (Japan was Germany's ally during the Second World War). Those who have had the opportunity to visit the British decryption centre at Bletchley Park (Blethley, 2021) could learn about the Japanese Enigma and see the reason why the technology was transferred to Japan.

While in the United States of America, the first applications of new information technologies took place in the military, at universities, and, in the 1960s, in industrial work organisation. In Japan, however, they were mainly used in business and administration. In 1963, Japanese scientist Tadeo Umesao used the term "johoka shakai" for the first time, meaning "a society that communicates with the use of computers". It was also in Japan whereby the Japanese Ministry of Industry and International Trade began implementing programs known as "Technopolis" and "Teletopia", which aimed at connecting several Japanese cities and rural areas with electronic communication networks and transferring the work of administration, business, and citizens to the network (Kitagawa, 2021).

In view of the news about Japanese achievements in building a new type of society, the incumbent president of France, Valéry Giscard d'Estain, sent, in 1978, two of his advisers there, whose task was to prepare a report on the application of new information technologies in the Far Eastern country. Their names were Alan Minc and Simon Nora. The comprehensive report they brought home, entitled *L'informatisation de la société* (Nora, 1978) became the first description of a functioning information society available in Europe.

Europe reacted to these events with delay. Even though Alan Turing's achievements in the United Kingdom had been continued until the early 1950s, the war's destruction of the entire continent and the concentration of efforts and resources on its reconstruction set the issue of new information technologies aside. Europe, in the face of energy shortages and threats resulting from the development of the Cold War, was more interested in nuclear, aviation, and space technologies, and therefore a technological gap between the US and Japan versus the European Communities emerged in the field of information technologies, the aftermath of which is felt to this day. The reason behind it was also the relatively late establishment of research and technological development policy (*Single*, 1987), as well as industrial policy (*Treaty*, 1992) by the European Communities, which hindered the development of information technologies and their implementation in the pan-European dimension. The establishment of the European single market and actions taken in the field of trans-European networks, as well as European standardisation made it just possible to gradually overcome the technical difficulties and lay the foundations for the development of the European information society.

The development of the information, digital and gigabit society in the European Union

In the Brussels administration circles, Jacques Delors was the first to undertake the need to develop the information society in the European Union. His White papers - *Growth, competitiveness, employment. The challenges and ways forward into the 21st century. White paper* (Growth, 1993) probably was the first official document which indicated the need to build a new economic strategy for the European Union based on the rapid development of the information society. In a famous report published a year later (*Europe*, 1994; *Resolution*, 1994), Martin Bangemann, the then Telecommunications Commissioner, identified 10 key areas where new information technologies should be implemented first. In 1997, the *Green Paper on the Convergence of the telecommunications, media and information technology sectors and the implications for regulation. Towards an information society approach* (Green, 1997), heralded the convergence of all information technologies, and in 1999 the Information Society Directorate General was established. It was the time when the first long-term development strategy of the European Union emerged i.e., the Lisbon Strategy (2000-2010) (*Lisbon*, 2000). Its foundation was the initiative *eEurope - An information society for all* (*Communication*, 1999), implemented

in three stages: *eEurope 2002* (*Communication*, 2001) *eEurope 2005* (*Communication*, 2002) and *i2010* (*Communication*, 2005). Although not all objectives of the foregoing stages were achieved during the era of the Lisbon Strategy - most notably the one with regards to catching up with the United States of America and Japan - however significant progress was made in building the European information society and increasing awareness of its role in all activities of the European Union. In 2001, at the meeting of the European Council in Göteborg (*Presidency*, 2001), a decision to include 10 associated countries - the then candidates for the European Union membership, of which some were Central and Eastern Europe countries in those activities - was also adopted.¹ In 2005, in view of the increasing digitisation of the media, the name of the Directorate-General was changed to Information Society and Media and there was a clear shift in the terminology used in official documents from "information society" to "digital society". From 1st of July 2012, two Directorates General were created: DG Connect and DG for Communications, Networks Content and Technology.

The subsequent long-term development strategy of the European Union, *Europe 2020* (*Europe*, 2020), which set the three main objectives of smart growth, sustainable growth, and inclusive growth, also focused on the knowledge-based economy, and among the seven flagship projects, *A Digital Agenda for Europe* (adopted on 19 May 2010) directly referred to a digital society (*Communication*, 2010). It set out seven tasks, in particular, building a digital single market and over 100 detailed plans, the majority of which have already been completed. The implementation of these projects was managed by DG Digital Economy and Society, and the advantage of the method of implementing the entire *Europe 2020* strategy was the establishment of a monitoring mechanism in the form of the European Semester by the European Commission. It disciplined the Member States in implementing the set objectives and tasks. The Lisbon Strategy lacked such a mechanism. However, nowadays the EU average for the development of digital society in the world according to the I-DESI Index (International Digital Economy and Society Index) (*European*, 2021), which compares the European Union as a whole (EU-27) against other selected countries in the world in terms of the information society development,

¹ "Taking account of their particular situations, candidate countries are invited to translate the Union's economic, social, and environmental objectives into their national policies. The intention of candidate countries to adopt the eEurope+ initiative is a successful example. Starting from Spring 2003, the Commission will begin covering the candidate countries and their national policies in its annual synthesis report" p.2.

still places the EU at a lower level than the USA and Japan, even though some highly developed EU countries such as Finland, Sweden, the Netherlands, and Denmark meet the index criteria.

There is a new financial framework for the years 2021-202. The fundamental direction to be pursued has not changed. Leading further developments of the European Union towards digitisation and data economy is crucial. In view of the next technological leap of the 21st century and the emergence of an array of new information technologies such as Internet of Things (IoT), Big Data Analytics, Artificial Intelligence, Cloud Computing, Robotics, 5G internet, virtual and augmented reality, supercomputers, etc., the European Union faces a new challenge in building a European gigabit society (Grabowska, 2020).

Cybersecurity in the European Union during the Lisbon Strategy (2000-2010)

Cybersecurity in the development of the information society in the European Union has already appeared in a communication from the European Commission *Network and Information Security: Proposal for A European Policy Approach* (Network, 2001) and in the Council Resolution of 28 January 2002 (Council, 2002). However, a specific action plan was established only at the second stage of the implementation of the aforementioned *eEurope - An information society for all* initiative (Communication, 1999), which constituted the basis for the Lisbon Strategy. It was the *eEurope 2005 Action Plan* (Communication, 2002), whose objectives for the years 2003-2005 were adopted in Seville in June 2002. The plan indicated four key areas that should undergo prompt computerisation, i.e., eBusiness, eGovernment, eHealth, and eLearning. The need to build broadband connectivity in the European Union and to **ensure the cybersecurity** of the entire infrastructure indispensable to implement the plan was also emphasised. It was agreed that the infrastructure should be subject to constant security monitoring.

The most important achievement of the said objectives was the establishment of the European Union Agency for Network and Information Security in 2004 (ENISA) (Regulation, 2004) based in Heraklion, Crete (Greece). The Agency's task was to monitor the security of the entire EU information infrastructure, i.e., data transmission networks (cables, internet, radio waves, optical and magnetic carriers, satellite transmission, terrestrial networks, mobile

telephony networks, etc.), as well as overseeing information systems using computers, electronic communication, and digital data.

Undesirable phenomena in the digital world are consistent with two basic violations, i.e., technical infrastructure and social behaviour. These phenomena are called **incidents**. They can lead to intentional or unintentional crisis situations consisting of damage to technical infrastructure, improper use thereof, or even its complete disablement and destruction. They can also lead to harm to people as a consequence of using inappropriate content, which can result in the violation of human rights, the conducting of illegal activities including the theft of data or property, as well as conducting illegal commercial or terrorist activities. (Furnel, 2002)

The first mass cyber-attacks occurred in the USA in the late 1980s. Therefore, in 1988, at Carnegie Mellon University (Pittsburgh, Pennsylvania), the first group of specialists emerged under the name of the Computer Emergency Response Team (CERT) (Carnegie, 2021), which, being available 24/7, accepted incident reports in order to recognise and remove them. The idea of CERT spread around the world, including European Union countries, and to this day many CERT centres conduct such activities. There is also CERT-EU (CERT-EU, 2021) as well as CERT.PL (NASK, 2021). Anyone can report an incident there, even anonymously. The team's assistance is especially convenient at the national level. There are also specialised CERT teams working specifically for particular institutions, enterprises, or organisations.

Detecting and investigating incidents, however, does not put an end to a case. Database and information systems security is often insufficient. The main issue is to legislate and organise law enforcement and the judiciary in such a way that, once an incident is identified, it is possible to apprehend the perpetrators and bring them to justice.

The first piece of legislation on cybercrime in Europe was the Council of Europe's Convention adopted on 23 November 2001 in Budapest entitled the *Convention on Cybercrime* (Council, 2001) with ETS no. 185 and the European Court of Human Rights in Strasbourg as a judicial institution. The convention became the first international legal act investigating crimes committed in and with the use of computer systems, including *inter alia* violating the security of networks and computer systems, hijacking network information content, computer fraud, child pornography, or the violation of copyright. Although the Council of Europe's Conventions, apart from *The Convention for the Protection of Human Rights and Fundamental Freedom* (Council, 1950), are acts that may be applied voluntarily, their ratification, however, implies the obligation

to implement the content of the convention into national legislation. These conventions can also be ratified by non-member states of the Council of Europe. Among its Member, *Convention on Cybercrime* has not yet been ratified by Ireland (it plans to ratify the Convention in the nearest future) and the Russian Federation.

Poland ratified it after a long delay, in 2015, explaining that the delay was due to the preparations of relevant law enforcement and judicial authorities. Amongst the non-member states of the Council of Europe, the Convention has been ratified, for example, by the United States of America and Australia, but not by China. The Convention set the reference framework for the first works on European Union legislation in that field. These include *Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems* (Council, 2005) and the *Directive 2013/40/EU of the European Parliament and of the Council of August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA* (Directive, 2013). The foregoing documents addressed to the Member States indicated the need to take effective action in the harmonisation of criminal law as regards cybercrime, the establishment of law enforcement agencies, as well as the approximation of legal systems in that field. "Without right" conduct was defined there as "access, interference, or interception, which is not authorised by the owner or by another right holder of the system or a part of it, or not permitted under national law" (Directive, 2013). Member States were required to establish a network of 24/7 national contact points for the efficient prosecution and information exchange on cybercrime.

Cybersecurity in the era of the *Europe 2020 Strategy*

With the advent of the new multi-annual development strategy of the European Union, *Europe 2020* (Europe, 2020), the importance of cybersecurity increased. With a view to implement the objectives set out in *A Digital Agenda for Europe* (Communication, 2010), i.e. one of the 7 flagship projects of the *Europe 2020* strategy covering the issues of digitisation, including the development of the digital single market, interoperability of devices, databases and applications, completion of works related to the public administration and health sector digitisation, the development of electronic commerce and banking, and mobile telephony, as well as the urgent need to create a new generation network and increase the ICT potential in the

European Union, decisions to double the expenditure on research and innovation in the ICT sector and to strengthen **networks trust and security** were made.

For example, in electronic administration, and, in particular, in electronic public services, the secure electronic identification of citizens plays an important role. The European Communities launched the eID (electronic identification of citizens) and eIDAS (electronic identification of citizens for public administration) programs (*Regulation*, 2014). The European Commission assumed control of the electronic identification of citizens by gaining the exclusive right to designate units at the national level, which subsequently have the exclusive right to grant licenses and certificates to institutions and businesses in each country specialising in the creation of trusted profiles and electronic signatures. The units designated by the European Commission for these activities in the Member States are most frequently national banks, and this is also the case in Poland. It is the National Bank of Poland, namely The National Certification Centre (NCCert) operating at the Bank that, in the field of trust services and electronic identification (National, 2021), grants licenses and certificates to service providers and oversees the electronic identification system of citizens. In electronic systems of public services (in Poland it is the Electronic Platform of Public Services) (ePUAP, 2021), the so-called Trusted Profile is used, which is a type of electronic signature, solely effective on this platform. As opposed to a trusted profile, a qualified electronic signature is effective in any situation and has the power of a handwritten signature, mainly in the area of the digital single market. Both in eGovernment and in the business area, the following tools can also be identified: an electronic seal, electronic time stamp, website authentication, and electronic official delivery confirmation. Pursuant to EU legislation, these tools must also have certificates of the above-mentioned procedures and these actions should have been implemented in the Member States by 1 July 2020 (*Regulation*, 2014). Their service providers are required to use certain ciphers. The European Commission provides a platform encompassing all EU Member States, where one can check whether the foregoing electronic identification tools come from a legal source (CEF Digital, 2021).

Biometric data (fingerprints, facial images, the iris of the eye, or the vascular pattern of the hand) are specific instruments for identifying citizens. They are used more and more often, for example, in mobile phone systems, at border crossing points, in identity documents, etc. Biometric data could also be useful, in e-Voting procedures. However, due to difficulties with e-Voting (Park, 2021) and particularly in collecting this type of data from those entitled to vote

(the system must have data for comparison) and the costs associated with the installation of appropriate devices – so far this technology is still under development. Biometric data are successfully used rather with regard to specific groups of citizens only (e.g. passports or ID card holders who provided their biometric data when applying for them). The protection of personal data in IT systems is also a subject of particular concern for the Council of Europe since they are protected by the *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* of 28 January 1981 (Council, 1981) and the European Union law by means of the GDPR provisions (*Regulation*, 2016).

On 6 July 2016, another directive was adopted - *Directive (EU) 2016/1148 of the European Parliament and the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union* (*Directive*, 2016), which, in facing rapid acceleration in the area of digitisation, constitutes the beginning of new, comprehensive legislative activities of the European Union in cybersecurity. The NIS Directive (Network Information Service) replaced the above-mentioned Directive of 2013 (*Directive* 2013). Its main objective is to guarantee digital security of the so-called critical infrastructure in the Member States, the proper operation of which depends on networks and information systems. Critical infrastructure encompasses the following sectors: energy, transport, banking, financial markets, healthcare, potable water supply and distribution, as well as digital infrastructure supporting these sectors. Unfortunately, an increasing number of attacks on critical infrastructure in various regions of the world has been noted lately. Each EU Member State was obligated to draw up a list of Operators of Essential Services (OESs) and Digital Service Providers (DSPs), i.e., public or private entities providing services within the foregoing sectors. It should be noted that these services may be provided in one or more EU states by operators and suppliers from Member States, or they may be provided by operators and suppliers from outside the EU; in the latter case the provider's representative must register its activity in the European Union. Each Member State was obligated to establish national security strategies for their network and information systems, in particular those providing services in critical infrastructure sectors, i.e. designating competent national authorities for the security of network and information systems, designating a national single point of contact for the security of network and information systems in order to ensure cross-border cooperation and establish cooperation with law enforcement and national data protection authorities. As part of the digital infrastructure, the procedures for the

supply of DNS (Domain Name System – hierarchical and decentralised internet domain naming system) services, entities managing TLDs (Top-Level Domains) and IXP network objects (Internet Exchange Points) enabling connections between more than two autonomous systems, are subject to mandatory checks. The following three categories of digital services are also subject to security requirements: online marketplaces, search engines, and cloud computing services. The Directive also obligates Member States to establish one or more Computer Security Incident Response Teams (CSIRT), which form a network (The Network of CSIRT's) coordinated by ENISA in the European Union. Its task is to cooperate with national, European, and international law enforcement agencies including Eurojust, Europol, or the European Cybercrime Centre (ECC) (Europol, 2021) established within Europol, in order to mainly combat cross-border incidents and, along with other institutions and international organisations, i.e. NATO and the OSCE, to ensure cybersecurity. Operators of essential services and digital service providers should immediately (within 24 hours) report to CSIRTs centres incidents that could jeopardise the continuity of service provision. Such reports should include, *inter alia*, information on the number of users affected by the incident, its geographic scope, and the projected ramifications of the incident. The legal provision also provides for the need to inform the public about the incident, should it be justified. At the EU level, the Support Group was launched to monitor and analyse the activities of the CSIRTs network in order to exchange good practices and set strategic goals.

In connection with the NIS Directive, Poland adopted *the Act of 5 July 2018 on the national cybersecurity system (Ustawa, 2018)* as the first legal act in our country regulating that matter. The cybersecurity management scheme adopted in *the Act* is fairly complicated: the "Cybersecurity Strategy" is adopted by the Council of Ministers by way of a resolution, the cybersecurity competent authorities are the ministers of individual ministries listed in *the Act*, the coordination of activities and implementation of the government's cybersecurity policy is entrusted with a plenipotentiary, appointed and dismissed by the Prime Minister, and a Council at the Council of Ministers which acts as a consultative and advisory body on cybersecurity. The minister responsible for computerisation, following the Ministry of Digitisation's decommission on 7 October 2020 in relation with government reconstruction, is currently located in the Chancellery of the Prime Minister, acting as the Secretary of State, Government Plenipotentiary for Cybersecurity. This official prepares a "Strategy" together with ministers, and following its

adoption by the Council of Ministers, submits it to the European Commission, with which it cooperates and, *inter alia*, runs a Single Point of Contact. Currently, the Cybersecurity Strategy for 2019-2024 (Uchwala, 2019; Ministry, 2019) is being implemented in Poland, and was prepared at the Ministry of Digitisation and adopted by the Council of Ministers on 22 October 2019. On the basis of *the Act*, three Computer Security Incident Response Teams were established in Poland, namely: CSIRT.GOV, run by the Internal Security Agency (ABW) under the supervision of the Government Plenipotentiary for Cybersecurity (CSIRT, GOV, 2021), CSIRT.MON, run directly by the Ministry of National Defence (MON) (CSIRT, MON, 2021), and CSIRT.NASK, run by the Scientific and Academic Computer Network - National Research Institute (CSIRT.NASK, 2021). The latter also encompasses the aforementioned CERT.PL centre, which has been operational since 1996 and supported the general public in dealing with incidents and implementing a number of cybersecurity projects that allow for the forecast of threats in IT infrastructure systems of central and local government offices. It examines also the security of protected locations. *The Act* came into force at the end of 2018. It should be added that Poland is not among the leaders in the fight against cybercrime, yet the number of cyberattacks is not insignificant, therefore the need to promptly implement the EU Directive will certainly accelerate Polish activities in that regard.

Other technological leaps in ICT, took place at the beginning of the 21st century, and pointed to the emergence of a number new technologies, such as: Cloud Computing, Big Data Analytics, augmented and virtual reality, artificial intelligence, robotics, the internet of things, industry 4.0., and the next-generation electronic communications network (5G) - indispensable in the face of the rapidly increasing number of devices that will be connected to the Internet. They all has made cybersecurity ever more difficult. Another strategic EU cybersecurity solution is the introduction of certification of devices, software and digital services throughout the entire European Union. Certification is a strictly defined procedure in which an authorised third party (e.g., a specialised laboratory), as a result of an agreed procedure, issues a certificate stating that a product, service or process meets certain compliance conditions, most often with certain standards or technical specifications. And it is precisely what the new *Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity*

certification and repealing Regulation (EU) No526/2013 (Cybersecurity Act) (Text with EEA relevance) (Regulation, 2019) requires. This Regulation is known as *the Cybersecurity Act*.

It should be remembered that the European Union has initiated certification activities in various areas for a long time. A positive result of the certification process conducted by the European Union authorises a product manufacturer, service provider or process organiser to apply the widely-recognised CE marking. Pursuant to the Regulation, cybersecurity is included into this process. This task is entrusted to ENISA, whose name and organisational structure have changed under the Regulation (now it is the European Union Agency for Cybersecurity)², and which becomes the EU's cybersecurity centre. The Regulation states that ICT products, services, and processes related to the critical infrastructure sectors listed in the abovementioned Directive will be subject to certification first.

The task, however, is complex mainly because in order to issue certificates, uniform European standards and technical specifications must be in place in a given area, and, in a number of cases, they should also comply with the relevant international standards. The European Union has a sizeable output in standardisation implemented by the European standardisation organisations, namely CEN, CENELEC and ETSI. However, in the new area of cybersecurity, it will be necessary to begin with establishing EU assurance levels for ICT products, services, and processes, and developing the concept of a European cybersecurity certificate, respectively. Subsequently, once the relevant standards and technical specifications have been adopted, it will be necessary to appoint national accreditation bodies, entities assessing compliance with EU requirements, as well as to adopt principles of conformity assessment. Due to the rapid development of ICT, these activities will be continuous. The Regulation, therefore, establishes a European framework as the basis for cybersecurity certification with the aim of creating a single market for ICT products, services, and processes that meet specific cybersecurity requirements throughout their entire life cycle. The European Commission is preparing a Union rolling work program for European cybersecurity certification, and, as part thereof publishing lists of ICT products, services and processes that will be covered by the European certification procedure. ENISA was obligated to develop relevant legal provisions in that regard, coordinate national cybersecurity certification programs and run a website on the

² The acronym ENISA remains unchanged.

European cybersecurity certification program. Individual Member States as well as various private organisations have previously implemented ICT certification initiatives, but they had a local effect only, and these certificates were not always interchangeable. The level of cybersecurity also varies in individual Member States. The EU's objective is to introduce uniform European certificates for ICT products, services, and processes, which will significantly facilitate the interoperability of information systems and increase their security at large.

The Regulation adopted three so-called European assurance levels in ICT products, services, and processes, 1. basic, 2. substantial, and 3. high. Within each level, procedures for granting European certificates corresponding to the forecast risks of their application have been established. The 'basic' level is reduced to a review of technical documentation, including design documentation, by a body assessing compliance with European cybersecurity requirements in order to determine the absence of vulnerabilities of a given ICT product, service, or process to cyber-attacks known as 'basic'. At the 'substantial' level, in addition to meeting the requirements of the 'basic' level, the ICT product, service, or process should be subject to a security functionality test in accordance with the adopted requirements, thereby limiting cyber-attacks carried out by people with limited skills and resources. The 'high' level, however, encompasses - in addition to meeting the requirements of the 'substantial' level - effectiveness tests confirming the proper implementation of modern security functionalities for advanced cyber-attacks carried out by people with significant skills and resources. "Conformity self-assessment" is also recommended, i.e., assessment by the manufacturer or supplier themselves, which is currently recommended under cyber-hygiene. The manufacturer or supplier should prove that ICT products, services, or processes incorporate the indispensable elements of cybersecurity in their concept (design). However, "conformity self-assessment" by a manufacturer or supplier, and not by an assessment body, can only be regarded as 'basic'. In such cases, manufacturers and suppliers also assume full responsibility for their statements and the consequences resulting therefrom. Pursuant to the Regulation, cybersecurity certification in the European Union will be voluntary for the time being, but with regard to specific ICT products, services, or processes, it may become mandatory.

All these activities lead to the gradual regulation of the European market of ICT products, services, and processes with regard to cybersecurity, i.e. control of introducing as well as the safety degree of IT infrastructure elements introduced to the European Union. This is extremely

important from the vantage point of each Member State and the entire European Union, especially in regard to critical infrastructure which is not effectively protected these days, and is especially visible, for example, in the progressive convergence of operational technologies (OP) and information technologies (IT), i.e. the collaboration of production processes with IT support (combining industrial automation and IT) (Fournaris, 2018). Due to the rapidly advancing computerisation process in various sectors of the economy, vulnerabilities arise at the intersection of these two technologies which can be exploited by cybercriminals. Industroyer malware can act as an example which, in 2016, cut one fifth of Kiev, Ukraine, off from the electricity grid for an hour (Dragos, Inc., 2021) and similar crimes in other parts of the world. Banking systems and cloud solutions also have gaps. The number of attacks on research centres' resources, government agencies, or military facilities, as well as on various network-connected devices (computers, mobile phones, etc.), has become rampant. The situation was exacerbated during the COVID-19 pandemic, when more camera images, data, and various new applications appeared on the net, which betrayed the fact that the IT environment is not secure. The European Union implements such sensitive solutions as smart homes, cities, or unmanned transportation, and they all have to be safe and secure. ICT products, services and processes certificates will be issued for a specified period of time, after which their re-certification will be required. A European cybersecurity certificate issued in one Member State will be valid in the entire European Union. The Regulation also establishes The European Cybersecurity Certification Group (ECCG), which encompasses representatives of national cybersecurity certification authorities. The Group is chaired by the European Commission with the support of ENISA. The key provisions of the Regulation will enter into force on 28 June 2021.

Pursuant to the requirements of the Regulation in question, ENISA has already launched a website on cybersecurity certification (European, 2021) and a preliminary draft of the procedure in that regard has been developed, which is currently subject to public consultation. It is included in *the Cybersecurity Certification document. EUCC, a candidate cybersecurity certification scheme to serve as a successor to the existing SOG-IS*³ (European, 2020). At the

³ "The SOG-IS agreement was produced in response to the EU Council Decision of 31 March 1992 (92/242/EEC) in the field of security of information systems, and the subsequent Council recommendation of 7 April (1995/144/EC) on common information technology security evaluation criteria." [SOG-IS - Home \(sogis.eu\)](https://sogis.eu) (accessed 25/04/2021)

beginning of 2021, the European Commission also requested ENISA to prepare the candidate cybersecurity certification scheme on 5G networks (European, 2021), compliant with the Regulation in question. ECCG, a group representing the NIS directive, representatives of European standardisation organisations, and experts in the field of 5G technology will be invited to collaborate. Taking such actions in view of the crucial role of the 5G network for the development of the European digital economy means introducing a thorough security check of the entire infrastructure of this network in the European Union. It should be added that some European countries have already taken steps to protect their national 5G networks, such as the United Kingdom, which in July 2020 decided to remove all Huawei devices from its network by 2027 (GOV.UK, 2020), or Sweden, which ordered similar actions in relation to Huawei and ZTE by 2025 (CNBC, 2020). One has to mention that China has not ratified the European *Convention on Cybercrime* (Council, 2001). The introduction of ICT devices, services, and processes certification in the European Union will certainly increase the level of cybersecurity. In Poland, national cybersecurity certification services have already been provided by NASK in collaboration with national laboratories in Warsaw and Katowice, and once the Regulation (EU) 2019.881 enters into force, they will be continued there.

Cybersecurity in the new development perspective of the European Union for 2021-2027

We are currently witnessing the efforts of the European Union related to the ratification of the new development perspective for 2021-2027. There are two funding sources in that perspective: the Multiannual Financial Framework 2021-2027 (NFF) and Next Generation EU (NGEU). A part of it is *Digital Europe* with a fund of 7.5 billion euros (in current prices), mainly from the MFF under the general Single Market Innovation and Digital program. A total of 143.4 billion euros was allocated to the latter (European, 2021). The main objectives of *the Digital Europe* are the development of supercomputers, artificial intelligence, **cybersecurity level enhancement**, digital skills, and the strengthening of eGovernment in the European Union, as well as improving the interoperability of systems. 2 billion euros have been earmarked for cybersecurity. The following objectives in that regard were listed: cybersecurity of the European industry, financing the latest cybersecurity infrastructure, and acquiring relevant skills and knowledge in the field. The new term "cyber defence" emerges as a much broader term compared

to the already-used "cyber security" one: it means combating threats not only by reacting to incidents in the network, but also by building mission assurance. Such activities encompass comprehensive threat forecast and their proactive prevention in accordance with our values. The term "proactive" means taking the initiative and intentionally acting in advance, thus enabling the achievement of specific objectives in line with the adopted values. The opposite is, of course, the word "reactive", meaning, in a way, "let things happen" and reacting afterwards. The term "cyber defence" applies not only to the reactive protection of governmental, corporate, and other bodies within the European Union, but also refers to possible threats from outside especially when we are already living in the age of hybrid warfare (cyberwarfare) In this approach, the term "cyber defence" means shifting the burden of responsibility to a greater extent to the power of the country, and, if necessary, to the military spheres in order to maintain security in cyberspace. Examples of such activity in the European Union include *Commission Recommendation (EU 2019/534 of 26 March 2019 Cybersecurity of 5G networks (Commission, 2019)*, which recommended advance actions in the area of 5G network security, and is expected to underpin the development of digital economy in the European Union, or, the *Prague Proposals* adopted on 3 May 2019 in Prague (the Czech Republic) in cooperation with the USA, whereby Prime Minister of the Czech Republic A. Babiš said: "We need to get 5G right and show responsibility to our citizens and companies alike. 5G is not a one-time business competition. It is a process, where cybersecurity must be a priority from the outset" (Hartman, 2019). NATO's activities also fall into this model of operation in cybersecurity.

However, a major breakthrough in cybersecurity may happen very soon with the development of new information technologies, i.e., quantum technology and optical communication. These technologies can guarantee ultra-secure communications, otherwise referred to as Quantum Internet, throughout the entire European Union, especially in long-distance data transmission, providing quantum computers are connected to satellite systems. Quantum computing was developed on the grounds of quantum physics and engineering, as a result of which quantum computers were created. The term "quantum computing" was forged by American physicist P. A. Benioff as a result of a new approach to information science (information theory) that is quantum information. He proposed the quantum model of the Turing machine (Benioff, 1980). The theory uses a unit called a qubit, i.e., a quantum bit, which is the smallest and indivisible unit of quantum information (as a 'bit' is in traditional information

theory). A qubit, however, is spatial, which makes it possible to appear in a superposition of any two quantum states, and between these states there is quantum entanglement. It allows one to determine information about the state of one of them knowing the state of the other without the need to measure the former and without the need to send information about the latter. A superposition, therefore, is a list of states and the probability that an object (e.g., a photon) is in a certain state. The selection of one of these states automatically determines the other. An important element of this reasoning is the fact that a specific state, which may be changeable, is not determined but probable. Quantum computers using the principles of quantum mechanics are indispensable for the analysis, processing and transmission of information comprehended in this way. This means that in addition to the traditional values of 0 and 1, as is the case in classical computing, these computers allow you to manipulate intermediate states and make a variable selection of one of them. Their computing power must therefore be much greater. A qubit can store and carry significantly more information than a bit, therefore the qubit is more efficient. Quantum computers in cooperation with satellite systems can create Quantum Communications Infrastructure (QCI), which, together with the Quantum Key Distribution (QKD) cryptographic technology, can constitute ultra-secure communications used, for example, in the exchange of sensitive data between governments and research laboratories, and is indispensable in industry 4.0, smart cities, unmanned transportation, etc. Any attempt to intercept an entangled state modifies the entire system, thus revealing an attempted break-in (Furnkranz, 2020). If, in addition, there is direct contact between two parties involved in the information process, excluding the participation of any third party (such as in blockchain technology), that may be the super-secure internet. Quantum technology has other applications as well, e.g., in medicine, biotechnology, metrology or simulations of complex systems, which, due to the possibility of applying superposition to the latter, may take our imagination even further, i.e., towards ... teleportation (Furusawa, 2011).

In 2019, the EU project Quantum Flagship was launched, for which over 1 billion euros was earmarked, and its implementation has been scheduled for 10 years (European, 2021). The project brings together groups of scientists, industries, entrepreneurs, and politicians, and it is one of the most ambitious future endeavours of the European Union. The initiative was taken by Spain and six other European Union member states. Later, other member states joined in. Pursuant to *the Digital Europe's* objectives, the project will be continued in the current

development perspective of the European Union. The application of quantum technology in cybersecurity may be profitable due to the fact that the costs incurred in the fight against cybercrime and the damage caused thereby can be reduced, and the security of data and information can be guaranteed.

Threat monitoring

There is a number of cyberspace threat monitoring centres. The literature on cyber threats offers various categories of these phenomena, ranging from massive attacks on an international scale to minor ones, such as, the breaking into government bases of different countries or international organisations, election interference, the penetration of banking systems, disrupting the operation of critical infrastructure systems, extorting information from individual citizens, etc. The following are also somewhat significant: lack of attention, ignorance and human gullibility, as well as inadequately secured equipment and ICT links. The implementation of extensive legislation in combating cybercrime does not obviously guarantee the elimination thereof, just as the implementation of criminal law has not and will not eliminate crime. At present, the CSIRT centres in the EU Member States conduct constant monitoring of cybercrimes and issue a warning against any detected trends. Up-to-date reports, analyses, and alerts can be found on those centres' websites. It is worth emphasising that there is already at least one CSIRT (CERT) in every country of the European Union, where an ordinary citizen can report an incident that caused damage to digital ecosystem or any spotted threats. Specialists employed in those centres will conduct an analysis, find a solution, and in some situations refer the case to law enforcement agencies. Due to the fact that information technologies currently represent a very advanced level of development, and an average citizen is not equipped with sufficient knowledge to effectively recognise and overcome a threat or harm, it is best to use the help of these specialists. The problem, however, is that there is little knowledge of these publicly available services among citizens, so they need to be disseminated. In Poland these services are provided by CSIRT.NASK (CSIRT.NASK, 2021). The incident reporting form available there is simple and requires only the incident to be described. There is also a possibility to report by SMS. In life threatening events (e.g., resulting from terrorist activities on the Internet), there is a

path to be followed in a critical situation. NASK publishes annual reports *The Security Landscape of the Polish Internet*; the latest report published for 2019 (NASK, 2019) registered over 6,000 incidents, a significant growth compared to previous years. The most common incidents are phishing, malware, offensive and illegal content including spam, a growing number of ransomware infections, bomb threats targeting schools, hospitals and offices, etc. Detailed analyses of individual phenomena are also published, which constitute valuable educational material.

FIRST - Forum on Incident Response and Security Teams (FIRST, 2021) is a global forum for monitoring, analysis, information exchange, and the prevention of cyberthreats reported from various places and regions of the world. This organisation was established in 1989. At present, FIRST has 570 members (5 of whom are from Poland) and they all cooperate in the field of cybersecurity on a global scale.

In turn, ITU - International Telecommunication Union - runs the Global Cybersecurity Index (GCI), under which it publishes cybersecurity assessments of individual countries pursuant to five criteria: 1. legal measures (cybercrime, cybersecurity and spam reduction legislation), 2. technical measures (the functioning of CERT/CSIRT bodies, the application of standardisation in cybersecurity, the use of cloud computing for combating cybercrime, mechanisms for protecting children against cybercrime, technical mechanisms for limiting spam), 3. organisational measures (national cybersecurity strategy and national institutions supervising the implementation of this strategy and cybersecurity monitoring and assessing mechanisms), 4. capacity building measures (building public cybersecurity awareness, organising academic courses and other educational programs in the field, having an accreditation system for cybersecurity specialists, implementing research programs, building incentive systems encouraging raising the level of cybersecurity in the country), 5. cooperation measures (bilateral and multilateral agreements in cybersecurity cooperation, participation in international organisations and forums dealing with cybersecurity, functioning mechanisms of public-private partnership and cooperation of various stakeholders, as well as implementation of good practices). , A general cybersecurity assessment of individual countries and regions of the world is then presented.

The last report for 2018 published in 2019 (International, 2019), shows that in the category of individual countries, out of the 175 listed, the highest scorers are: the United

Kingdom, United States of America, France, Lithuania, Estonia, and Singapore. Subsequently, Japan is 14th, Germany is 22nd, the Russian Federation is 26th, China is 27th, and Poland is 29th. Hungary took 31st and India 47th place. The most distant European Union's Member State on the list is Malta on 82nd position. Considering all the above-mentioned indicators according to this report, the European continent unquestionably leads in individual indicators as well as in the overall assessment of world regions. The summary of the report even points to the impressive leap that has been made on the European continent in improving the level of cybersecurity. The consistent policy of the European Union in combating cybercrime as well as EU's support of the process of equalising the cybersecurity level by means of legal, financial, standardisation, and organisational instruments throughout its territory have undoubtedly impacted upon progress.

Conclusions

Cybersecurity in the European Union is an important element of its functioning. Even though the Community entered the era of information society development with a certain delay as compared to the United States or Japan, its activities in that regard have significantly accelerated, starting with the Lisbon Strategy. The development of the information society, and, subsequently, the digital society, has also underpinned the following multi-annual strategies of the European Union, i.e., *Europe 2020* and, the new perspective for 2021-2027. Cybersecurity has been an important element of these activities in recent years. Examining the stages of cybersecurity improvement as a fundamental element in the functioning of the EU's information and digital society proves that these activities constitute a strategic and logical sequence of decisions which have placed this part of the world in first place when it comes to digital security. Establishing ENISA, creating a network of CERT/CSIRT centres, activities aimed at ensuring the security of the EU's critical infrastructure, standardisation and certification of IT devices, services and processes as well as legislative activities in the field of human rights, personal data and intellectual property, facilitating law enforcement and justice systems operation, and finally ensuring cybersecurity level equality in the member states – all these stand for exceptional legal and organisational achievements of the European Union in the field of combating cybercrime. The fight, however, is not over yet, but teamwork offers a better chance of winning.

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FROM PORTUGUESE SOCIAL POLICY TO THE SOCIAL EMPLOYMENT MARKET IN THE AUTONOMOUS REGION OF THE AZORES

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Abstract: *This work aims to present, in a concise and systematised way, through bibliographic research, an analysis of the implementation of the public policy, the Social Labour Market in the Autonomous Region of the Azores. Contextualising this policy in the wider framework of social policies implemented in Portugal, considering that public policies are responses of the public authorities to social problems, presenting themselves as strategies that institutionalise a set of systematic actions to achieve certain goals considered to be of public interest. The formulation and implementation of public policies depend on and are the result of the interaction of numerous logics of actors, be they individual or collective, be they public or private. In this sense, the present work develops a theoretical conception of policy analysis, as a study methodology, comprising the categories: actors, content, context and process, where in the latter, the processes of agenda building, policy formulation and implementation are specified. Finally, contributions will be made to the review of this public policy.*

Keywords: Social employment market, Public policy, Social exclusion, Azores.

Introduction

Public policies are constituted as responses to certain social problems, formed from intentions, demands and tensions generated by social actors. They result from social problems with enough social relevance that allows placing them on the agenda of priorities of a particular government agency, with capacity to decide and promote policies (Sampaio, 2006). One can observe in the formulation and implementation of a public policy several issues that come into play, both of a practical nature, related to equipment, public services, provision of resources, among others, and of a theoretical nature, such as conceptions of social actors, political disputes, interests and strategies.

In an attempt to think about these issues, we propose an analysis of public policies, focusing on the implementation of the Social Labour Market in the Autonomous Region of the Azores. Our research resorts to the qualitative method in its documental analysis strand. The methodology used to analyse the works of several authors is based on a critical hermeneutics. The works are the object of analysis and are interpreted within a theoretical and determined context. It is essentially an analysis of a formal, analytical and conceptual nature. In effect, the theories and categories of the various authors are presented from an interpretation and critically evaluated.

The aim is to highlight and analyse the economic, social and political contexts and processes that have guided the various stages of development of the Social Labour Market in the Azores. We developed a qualitative systemic analysis based on contributions from the sociology of organisations, political sociology and political science. Without claiming to be exhaustive, our methodology comprises several categories: actors, context, content, process, where the different logics of the actors present are analysed and the processes of agenda building, formulation and implementation of this public policy are made explicit.

This work is structured into four parts: the first part seeks to present the different contributions of the specialised bibliography in order to understand the various meanings and concepts attributed to Public Policies; the second part seeks to contextualise the evolution of the various social policies in Portugal and in the Azores; the third part seeks to analyse the formulation and implementation of the public policy of the Social Labour Market in the Autonomous Region of the Azores; and the fourth part presents proposals that may contribute to the legislative revision of this public policy.

1. Public Policies: defining concepts

Public policies can be defined as being public because they have public interests and purposes, and may or may not be implemented by the state power. Although they are regulated by the State they may be implemented by other entities such as non-governmental organisations. In which the logic of delegation of services in the 3rd sector, according to an instrumental rationality of the state, allows to move, according to Casimiro Balsa (2011), from the concept of public policy to the concept of public or collective action.

The non-production of public policies can also be seen as a public policy, that is, "the deliberate non-production of public policies becomes, already of itself and in precisely determined cases, a public policy" (Pasquino, 2010, p. 291). We can understand all governmental action, as well as what is inaction by governments as public policy (Balsa, 2011).

According to Jean-Claude Thoenig (1985), a public policy is a set of concrete measures, i.e., a set of processes to achieve certain objectives, which emanate from one or more public actors, comprising decisions of a more or less authoritative nature, in which coerciveness is always present, implicitly or explicitly. By assuming prescriptive characteristics and being inscribed in a general framework of action, it allows us to distinguish a public policy from isolated measures. However, it may be difficult to understand the general framework of a policy, whether it is constructed a priori by the decision-maker or constructed a posteriori by the researcher. Still according to Thoenig (1985) public policies always define objectives and always have publics that are affected by them, which may be individuals, groups or organisations.

This view, according to Gianfranco Pasquino (2010, p. 291), proves to be somewhat inaccurate, because it is reductive and even deviant. Because it does not make explicit which are the public actors, at the same time that it eliminates other actors besides the public who can participate in the production of public policies; and, finally, deviant because it focuses attention on a certain group of actors, leaving behind many others who play equally relevant roles.

According to João Bilhim (2008), public policies and their measures, structuring political and social life, result from the interactions of different groups and organisations, different ideas and interests. From this pluralist conception of the political, not one society is conceived but societies. From the complexity of the groups, each one presents itself with a set of activities and fluctuations at the level of individual memberships. There is a plurality of decision-making centres, of small powers with complex characteristics and articulations. Thus, it no longer makes sense to analyse public policies solely as the result of a government's decision-making process (Bilhim, 2008, p. 4). The government does not cease to be an actor of great importance, but complex interactions of many interest groups intervene in the policy design process, which still shows relevance in the researcher's analysis.

Indeed, one of the most significant contributions of the study of public policy to political science is the extension of interest to the activities, competencies and power of a whole range of actors beyond the public, elective or institutional (Pasquino, 2010: 291).

2. Identification of the problem that led to the formulation of the public policy

2.1 The national context in Portugal in the 1980s: Poverty and social exclusion

In the mid 1980s the first studies aiming at understanding the phenomenon of poverty and social exclusion appeared in Portugal. The first studies on poverty in Portugal in general was developed by Manuela Silva in 1982 and Alfredo Bruto da Costa in 1985, and together they studied urban poverty in the cities of Lisbon, Porto and Setúbal in 1989. Other studies followed conducted by José Pereirinha (1988), João Almeida (1992), Leonor Ferreira (1995) and Luís Capucha (1998), among others. The reason why they appeared at this time can be explained by the combination of several factors:

- The great political openness brought about by the 1974 revolution allowed for greater sensitivity to social issues and inequalities originating from the previous regime, which encouraged research into these situations;

- The increase in unemployment, poverty and social exclusion in various regions of the country in the late 1970s and early 1980s, due to the effects of the international economic crisis, the economic and political ruptures that occurred in Portugal after 1974 and the austerity measures imposed by the IMF, made it imperative to analyse and study the social impact and seek solutions;

- Portugal's entry into the EEC is an external factor of great influence since it led to a greater awareness of the principles and intervention methods already implemented at European level in the fight against poverty (such as the European Programme for the Fight Against Poverty - PELCP), which stimulated studies and the use of already tested theoretical models.

After the April 1974 revolution several social policy measures were introduced, such as the introduction of the national minimum wage, the widening of Social Security benefits, the increase of social facilities, a national health service accessible to all citizens, new family allowance schemes, the minimum pension and the social pension, the replacement of the systems until then in force by an integrated Social Security system and the general improvement of working conditions, should have had a positive impact at the level of poverty reduction. However, the evolution after 1977, for the reasons already analysed, reversed this trend and thus the phenomenon of poverty was clearly present in the Portuguese society of the 1980s (Costa, 1985).

We can summarise the main characteristics of poverty and social exclusion in Portugal in that period as follows (Bureau, 2003, p. 38-44):

- In the first half of the decade there was an increase and worsening of poverty situations, due to the deterioration of socio-economic conditions in an unfavourable international environment, with an estimated 25% of Portuguese families living in poverty;
- Poverty situations were more prevalent in agricultural regions in the south (Alentejo), in the Lisbon metropolitan area, in mono-industry regions undergoing restructuring and in peripheral rural regions in general;
- Isolated elderly people, pensioners, agricultural workers, single-parent families, people with low education and the unemployed are the most affected by poverty;
- New poor people are emerging as a result of industrial transformations, the precariousness and instability of the labour market, as well as the weakening of family and social ties.

The need then arises to respond to these problems in a consistent way, based on the available studies.

2.2. The Fight against Poverty and Social Exclusion from the 80's onwards - European programmes and guidelines:

The concerns and guidelines translated into public policies only began in Portugal in a consistent way after the April 1974 revolution, which allowed the establishment of democracy and, more gradually, the social state. From 1976 onwards, with the application to join the then European Economic Community (EEC), Portugal began a process of convergence and European integration. Therefore, our methodological option will be to articulate the development of social policy in Portugal with the process of European integration.

The first community action linked to poverty and social exclusion appeared with the First European Programme for the Fight Against Poverty – Poverty I (1975-1980), essentially directed towards research with a view to understanding the phenomenon of poverty and exclusion that despite the economic growth had not disappeared and was even manifesting itself in new forms. Its expression in Portugal was reduced, with only the first research works by Manuela Silva (1982) and Bruto da Costa (1985), as we have seen. Only in 1986, with Portugal's integration in

the then EEC - European Economic Community and with the Poverty II (1985-1989) in which Portugal had already participated, there was a direct influence of new ideas and principles of action, with the setting up of transnational teams to discuss and apply new methodologies in the intervention against poverty.

According to the National Observatory for the Fight Against Poverty (ONLCP, 2021) Poverty II implemented a programme to combat poverty, developing positive measures to support the most disadvantaged and identifying the best means both to combat the causes of poverty and to mitigate its effects. To this end, the programme includes financial support for (i) the development of pilot projects to test and develop new methods to support people experiencing or at risk of poverty, developed with the participation of those concerned, addressing problems that are shared by more than one Member State; and (ii) the dissemination and sharing of knowledge, including the coordination and evaluation of measures to combat poverty and the transfer of innovative approaches between Member States. Poverty II differs from Poverty I especially in this second orientation, more directed towards intervention and the transfer of "innovations" in the resolution of social problems.

Also the term social exclusion was introduced in the institutional discourse, which provided a greater openness for a deeper analysis of the complexity of the poverty and social exclusion phenomena, through the articulation of its varied dimensions and cumulative effects (Bureau, 2003, p. 45).

Following these two programmes, the III PELCP was implemented (1989-1994), abbreviated to Poverty III, with a budget of 55 million ECU. It was much more ambitious than the previous programmes, both in terms of the financial resources mobilised and in terms of the objectives, which were essentially five (ONLCP, 2021): to guarantee the coherence and impact of the community actions; (ii) to contribute to the definition of preventive measures in favour of the groups of people at risk of poverty, as well as of actions-solutions to respond to their needs; (iii) to create, in a multidimensional perspective, innovative organisation models aimed at the socio-economic integration of the addressees; (iv) to develop an action of information, coordination, evaluation and exchange of experiences at community level; (v) to continue the analysis of the characteristics of the groups of people in a situation of socio-economic disadvantage. According to data from the ONLCP (2021), Portugal applied for 60 projects and 4 were approved. These first projects were developed in an urban context in deprived

neighbourhoods in Lisbon and Porto and one in the development of the rural world in Almeida (Comissão das Comunidades Europeias, 1993, p. 57).

In order to fulfil these objectives, three guiding principles were established: the multidimensionality of poverty and exclusion problems; the partnership work (congregating a set of diverse interests around these problems) and the participation of the population covered. Besides these principles, the methodology of action research was privileged, so that through the collection and analysis of information and of new practices it was possible to propose new policies and intervention strategies (Bureau, 2003, p. 47).

After the first social policy measures adopted by Portugal, using funds from the European Communities (FEDER, FEOGA and FSE), namely the Setúbal Emergency Plan, the Integrated Development Operations and the Vocational Training Programmes, the adoption of the National Programme for the Fight Against Poverty - PNLCP represented a more consistent, organised and innovative commitment at the level of planning, methodologies and practices, breaking with the assistentialist, reduced and occasional tradition of interventions in the social action area.

The PNLCP emerges from the confluence of internal and external factors. On the one hand, from the observation and mediatisation of the serious social problems of the 1st half of the 80's, from several studies published about poverty and social exclusion and the need to give answers to the problems of deprivation and disadvantage that several social groups were facing and, on the other hand, from the possibility and encouragement to develop these answers, based on the European experience of the PELCP, of the expectations created, of the new European methodologies and directives, which made viable and founded, or even demanded, the creation of that programme (Bureau, 2003, p. 59-68; ONLCP, 2021).

2.3 Poverty and social exclusion in Portugal in the 1990s - characterisation of socio-economic progress:

The evolution of the international economy was characterised by instability, alternating between favourable (1990 and 1995-98) and unfavourable (1991-94 and 1999-2001) times, due to the small size of our economy and its open nature, the consequences of these cycles have always been keenly felt, despite some dampening, given the strong link to the European economy.

One of the main levers of economic growth was the set of structural funds from the European Union - EU, due to the investments they financed in physical infrastructure (roads, ports, schools, hospitals, health centres and social facilities), vocational training programmes and various social and economic development and restructuring projects.

The deepening of European integration had different consequences on the Portuguese economy, such as (Bureau, 2003, p. 70-71): greater exposure of the Portuguese economy to the outside world, mainly to EU countries; (ii) improvement in most macroeconomic indicators, with relative real convergence towards the European averages, in addition to the nominal convergence required for the single currency; (iii) improvement in income levels, consumption and average material well-being of Portuguese families, however, with some risks of excessive indebtedness; (iv) an initial worsening, followed by an improvement, in the unemployment situation, with an increase in the weight of the long-term unemployed, female unemployment and youth unemployment, and a greater flexibilization and precariousness of employment conditions.

Between 1987 and 1991, Aníbal Cavaco Silva led the first Government that fulfilled the full four-year mandate, creating the conditions for economic and budgetary policy stability and contributing to an environment of economic growth.

According to the Report of the Committee on the Dating of Portuguese Economic Cycles (2021), the trend would be interrupted by the 1992-1993 recession. The dark clouds over the economy first came from outside: in 1990, the first Gulf War broke out, with the invasion of Kuwait by Iraq, leading to an armed intervention led by the USA. The conflict led to a rise in oil prices, and the US went into recession for the first two years of the decade.

The growth of the Portuguese economy slowed down in the 1990s, with the average real GDP growth rate (%) falling from 6.20 in the 1960-90 period to 1.90 in the 1991-95 period (Pordata, 2021). At the same time, a restrictive budgetary policy was implemented, with greater restraint in the growth of State expenditure and investment, in order to reduce the deficit in public accounts.

The structural fragilities evidenced in the weak modernisation of the productive system, the low productivity and general qualification of the workers, the precariousness of the labour market, the shortcomings of the health, education and housing systems, are all still relevant. Thus, regional disparities increased, poverty pockets persisted and social inequalities increased.

However, throughout the 1990s, the poverty intensity rate (%) decreased in Portugal, from 28,0 in 1994 to 22,0 in 2000 (Pordata, 2021). This is also related to the introduction of a new cycle of public policies.

In 1995 a political change occurred, with the victory of the Socialist Party in the legislative elections, discontinuing an eight-year period of governance of the Social Democratic Party in Portugal. This new government was influenced by various specialists and researchers linked to the studies carried out in the 1980s on poverty and social exclusion, which somehow gave rise to new attitudes towards the social problems existing in Portugal, and the consequent need to respond to them in a systematic and coherent way, through the adoption of a systematic set of social policies that started to frame, in a constant way, the fight against poverty and social exclusion.

Among the various social policy measures adopted, the most significant are listed below.

In 1996, the Guaranteed Minimum Income (*Rendimento Mínimo Garantido* – RMG) was created following the Recommendation 92/441 of the European Council in which Portugal was one of the last Member States to implement through Law n° 19-A/96 of 29th June. This measure immediately showed a change of attitude towards poverty and social exclusion on the part of the State, the institutions and society in general. This policy measure recognises a citizenship right independently of the contributory career and promotes the participation of beneficiaries, reinforcing their competencies with a view to their autonomy (MTS, 2001, p. 50).

Another important measure was the creation in 1996 of the Social Labour Market through the Resolution of the Council of Ministers n° 104/96, of July 9, with the objective of promoting employment among socially disadvantaged groups through various programmes with beneficiaries of the RMG: School-Workshops; Occupational Programmes, Insertion Enterprises, Protected Employment and Insertion Employment.

In 1997, the Local Social Networks were created through the Resolution of the Council of Ministers n° 197/97, of 18th November, and Declaration of Rectification n° 10-0/98, of 30th May. According to the Government, it would be "a structuring programme and a fundamental instrument in the process of local development, through the implementation of territorial strategic planning processes at the municipal level, as a basis for social intervention. This methodology requires the carrying out of participatory Social Diagnoses, the implementation of Local Information Systems and the realisation of Social Development Plans" (MTS, 2001, p.

51). The consolidation of these Networks presupposes the creation of effective and dynamic partnerships as a powerful tool to fight against poverty and social exclusion.

From 1998 onwards, following the directives of the European Employment Strategy, National Employment Plans were drawn up, focusing on the professional and social insertion of the most disadvantaged, which brought more consistency to social policies to fight poverty and social exclusion (Bureau, 2003, p. 77).

Finally, the approval of the National Action Plan for Inclusion (PNAI, 2001-2003) was of great relevance as a way to articulate and give coherence to the various measures and programmes already existing in the social field. Its main objectives are (MTS, 2001, p. 7-8): to promote participation in employment and access for all to resources, rights, goods and services; to prevent the risks of exclusion; to act in favour of the most vulnerable and to mobilise the active participation of the people concerned. The PNAI advocates, besides these somewhat vague objectives, the achievement of concrete goals such as (MTS, 2001, p. 19): to reduce the poverty rate, which was of 23% in 1995, to 17% by 2005, equalling the European average; to eradicate child poverty and the implementation of other measures and national programmes aiming at promoting inclusion.

The Autonomous Region of the Azores was not uninvolved, nor did it fail to be influenced by the European and Portuguese mainland dynamics of creating social policies. From 1996 to 2003, 26 Projects to Fight Poverty were implemented in the Azores (Bureau, 2003, p. 226). Estes projetos foram implementados em diferentes ilhas e localidades do arquipélago: Angra do Heroísmo, Faial, Flores, S. Miguel e Terceira, Graciosa, Inter-Ilhas, Lagoa, Ponta Delgada e Angra do Heroísmo, Ponta Delgada, Praia da Vitória, Rabo de Peixe, Ribeira Grande, Ribeira Quente – Povoação, S. Miguel e Terceira, Vila Franca do Campo, Vila do Porto (Lourenço, 2005, p. 126). Eight of these projects were insertion enterprises, representing the highest percentage of implementation of these initiatives in the set of regions of the country. The first cooperatives and insertion companies appeared, some of them still persisting today, such as Kairós, Eco-Sol, Sementes de Mudança and Aurora Social. These experiences allowed the theorization and practice of sheltered employment and solidarity economy alternatives which were the basis for the formulation and implementation of the Social Labour Market in the Azores, as we will see below.

3. Public policy formulation and implementation in the Azores: the Social Employment Market

The formulation of a policy is a theoretical process insofar as it corresponds to the moment when one thinks and defines what will be achieved, while various political interests, pressures from numerous actors and social groups and the very conceptions and experiences of administrative technicians and rulers are present. As Pasquino (2010, p. 292) summarizes: "politicians and rulers never produce public policies alone", which brings us to the importance in the analysis of understanding the different logics of the actors present.

The existence of a significant number of solidarity economy microcompanies, created within the scope of Poverty Reduction Projects, with productive capacities but with difficulties in entering the market and, in parallel, the promotion and socio-professional integration of people in situations of exclusion. As well as the need to use financial resources from the social support areas in active job creation measures (according to directives and taking advantage of European Union resources) and the contribution of new methodologies to combat social exclusion, such as through job creation allied to training, led to the creation of a favourable climate for the creation of solidarity economy projects and the need to associate these various projects and ensure their development. Between 1999/2000 the PNLCB was implemented in the Azores: IDEIA - Initiative for the Development of Insertion Enterprises (Inter-islands), a project that was promoted by the Social Action Institute, a public organism, with the management of several non-governmental actors, for the creation of a programme for the development of socio-professional insertion enterprises in the Azores. This initiative incubated CRESAÇOR - Cooperativa Regional de Economia Solidária, CRL. This cooperative represents in the region the Solidarity Economy Network of the Azores, composed by 22 institutions and is the founder of the Social Responsibility Network of the Azores, composed by 23 entities (CRESAÇOR, 2010).

As the policy is constituted in the tension and "interaction between what it is proposed to execute and what is actually executed" (Sampaio, 2006, p. 7), the moment of formulation of a policy also includes the concerns regarding the implementation and evaluation, in a dynamic process and taking into account the theoretical contributions, one can analyse the construction of public policies through various stages, according to several authors. According to Balsa (2011) after the formulation of a social problem, with enough importance to place it on the Public Agenda, the result of different logics and interests of various actors, we move to the field of policy

decision, to the so-called "black box" according to the systemic analysis of David Easton (1965). This is where the decision process takes place, "through the processes of converting demands and supports into decisions" (Pasquino, 2010, p. 288), the transformation of inputs into outputs and outcomes. The latter, the expected and unexpected effects of the implementation of a public policy, which should constitute new inputs, in a logic of public policy evaluation that would serve for an eventual reformulation or termination of the same. This decision-making process is not always clear, hence the expression "black box" of the policy production system.

Once the policy is enacted, as we will see, it is important to highlight how the conception an implementation of the public policy: Social Labour Market can assume different contours in function of reelaborations and reinterpretations, depending on the different interests and levels of implementation.

Identifying the public policy from the normative, it is verified that through the Regional Regulatory Decree no. 29/2000/A, the Social Labour Market was created in the Autonomous Region of the Azores, through the Regional Secretariat of Education and Social Affairs. This initiative was established four years later than the Portuguese mainland, and it emerged from the confluence of several interests and strategies already listed and reflected in the preamble of the Law that frames the public policy: "Through the creation of projects to fight poverty and of micro enterprises aimed at the integration in the world of work of RMG beneficiaries, disabled people and other unemployed with very low employability, it was established in the Autonomous Region of the Azores a network of entities dedicated to the promotion of active employment strategies. This network gradually constitutes a true social employment market that must be recognised and valued" (Regional Regulatory Decree No. 29/2000/A). This policy is defined as a set of initiatives aimed at the socio-professional integration or reintegration of unemployed persons of difficult employability; it regulates the support to be granted to the functioning of the social employment market and intends to contribute to the solution of employability and socio-professional training problems, focusing on the fight against poverty and social exclusion (Article 1 of Regional Regulatory Decree No. 29/2000/A).

This policy establishes a set of support measures to several alternative initiatives of job creation, which were being tested since the first Projects of Fight Against Poverty in the Azores and that by pressure of several social actors are formulated according to the following modalities: support for the creation and operation of insertion companies; fostering the integration in the

employment market of disabled workers; development of occupational programmes aimed at unemployed people with low employability or without social protection in unemployment; support for socio-professional training actions aimed at the professional qualification and social integration of people who are in a situation of social exclusion and support for local job creation initiatives (Article 3 of Regional Regulatory Decree No. 29/2000/A). The beneficiaries of this policy are repatriated and deported persons; alcohol and drug addicts in the process of recovery; beneficiaries of the RMG; disabled persons able to enter the labour market; ex-prisoners able to reintegrate into active life; persons with psychiatric disorders in the process of recovery; homeless persons and other social groups to be defined, according to Article 5 of the same Law.

Public policies are formulated by actors who have theoretical knowledge and understanding of the issue in question, often different from the actors who actually implement them. Some authors have already drawn attention to this often existing disconnection as one of the main difficulties encountered in policy practice. This dichotomy points to a fragmented, centralised, non-democratic and consequently not very effective way of policy making (Sampaio, 2006, p. 10). In the case of the Social Labour Market in the Region there does not seem to have been such a disconnection, with strong relationships established between three main groupings of actors: interest groups; bureaucratic and administrative services and parliamentary committees. According to the thesis of the existence of "Iron Triangles" (Jordan, 1981 in: Pasquino, 2010, p. 295-296), configuring the type of relationship between the main actors involved in the design and implementation of this public policy, we perceive that there is no boundary between the formulators and the implementers of this policy. By characterising this relationship as being of "iron triangles" we intend to highlight the solidity of the relationship established between the three groupings of protagonists, as well as their capacity to assume the commitments undertaken. Specifically, we witnessed the promotion of solidarity economy and sheltered employment strategies in the Azores by public (Instituto de Acção Social) and non-governmental (Instituições Particulares de Solidariedade Social) actors, who, with the help of several theoreticians (see Amaro, 2009), contributed, substantiated and even demanded the creation of a public policy able to promote the sustainability of these strategies.

The Social Labour Market is constituted in its typology as a redistributive policy, withdrawing resources from some groups to give them to others (Pasquino, 2010, p. 311). This type of policy can generate conflicts, for example, in the tension between the conventional

economy and the solidarity economy, since the latter, being economically supported by the Government, still moves in the same competitive market as the conventional economy.

The Social Employment Market has been effectively implemented through various programmes for the promotion and maintenance of jobs, 100% support for the replacement of pregnant women, support for the creation of self-employment, support for the hiring of people with disabilities and the development of occupational and internship programmes. After a new model of regional public policies to support job creation came into force in the Autonomous Region of the Azores, approved by the Regional Government Council in November 2017, it is important to know the available results and evaluate the effectiveness of this public policy. Its main objectives bring together, essentially, three strands: job creation, being an objective of quantitative nature; reduction of precarious employment, with a more qualitative nature; and improvement of labour income and employment qualification.

Of the measures in force as of 2018, two - the CPE-PREMIUM and the Support for self-employment of people with disabilities - are aimed at supporting the creation of self-employment or the creation of their own company, while the others - ELP, FILS, Employment +, INTEGRA, PIIE, AGRICULTURE +, INVESTIR-AZORES, Insertion Companies and Incentives for hiring people with disabilities - are geared towards supporting hiring.

The information provided by the Regional Directorate for Employment and Professional Qualification (DREQP) does not cover the support measures for the functioning of the social employment market, since their development and monitoring is the responsibility of the Regional Commission for the Social Employment Market.

From Report No. 05/2019 - FS/SRATC, resulting from the Audit of this public policy by the Court of Auditors, we have access to data regarding the implementation of the programmes in the 1st semester of 2017 and 2018. It can be seen that the total number of approved jobs in the 1st semester of 2018 amounted to 712, 63 less than in the same period. Compared to 2017, 341 fewer jobs were approved through the hiring support programmes, which corresponds to a decrease of 20%. Regarding the contribution of supported jobs to more stable job creation, there was an increase of 369 jobs compared to 2017. In the same period, regarding the employment support programmes, 84 self-employment creation projects were supported. The special distribution of the approved applications shows a high concentration of support on the islands of São Miguel and Terceira, where most of the population is concentrated.

Since the reformulation of this policy in 2018, the unemployment rate in the Region has decreased from 9% in 2017 to 8.6% in 2018 (Employment Survey, SREA), also verifying that in this period there was a reduction of 11%, which represents 959 less (Monthly Statistics, IEF), of the unemployed registered in the Employment Services, recipients of these active measures, pointing to some success of the main objective of the model in question, i.e. the promotion of labour stability and autonomisation of individuals.

This success of the public employment policy has an impact in the current context, by reducing the number of unemployed eligible for the measures and by highlighting the mismatch between demand and supply of skills. Therefore, an analysis based only on the comparison of jobs created through hiring support programmes, in different economic and, consequently, employability cycles, does not translate at all the impact of the new model in the stabilisation of assets in the labour market.

The same Court of Auditors Report (2019, p. 44) concludes that the new model encourages the creation of precarious jobs, in continuity with the previous model, but including some measures aimed at creating more stable employment, namely the ELP programme and the support for self-employment. In most of the programmes, the value of the support is linked to the qualification of the workers targeted, being higher if the qualification required is higher, which can contribute to the objective of improving employment qualification. When dealing with disabled people with a devaluation equal or superior to 60%, the hiring support is increased in 20%. However, no geographic, gender or criteria related to the structure of the employing entities or to the profile of the beneficiaries were considered for the increase of support, although some of these aspects were included in the evaluation criteria of the applications, namely in the analysis of relative merit.

4. Contributions to the review of the Social Employment Market in the Azores

Twenty years after the implementation of this public policy, it seems important to evaluate it, listening to the collective and individual actors to whom the policy is addressed, making them participate in the policy reformulation process. At the level of the actors involved, problems arise as to the economic viability of various solidarity economy enterprises, which have developed in a logic of local development and valorisation of knowledge, not always viable

in the free market logic in which we live. We have also verified that apart from the solidarity economy enterprises set up mainly in the 1990s, few others have been created in the Azores, which reveals the social and economic fragility of these initiatives.

Regarding the inclusion in the labour market of people with disabilities, who are the most vulnerable, there is no public data available on their employability in the Azores, but if we look at the findings of the latest report "PEOPLE WITH DISABILITIES IN PORTUGAL: INDICATORS OF HUMAN RIGHTS 2018" by the Observatory of Disability and Human Rights of the Higher Institute of Social and Political Sciences, we see that in 2017 the activity rate of people with disabilities in Portugal was much lower than that of people without disabilities (66.7% and 85.7%, respectively). On the other hand, the same report indicates that registered unemployment decreased by 19.3% between 2016-2017 in the general population, but only 2.0% among the disabled population. Between 2011-2017, it decreased by 34.5% among the general population, but increased by 24.0% among people with disabilities.

Considering these data, we realize that there is still a long way to go for the social inclusion and employability of people with disabilities. In this sense, the Regional Government of the Azores launched the AQI programme - Evaluate, Qualify and Insert, which has, created with the aim of fostering the social and professional inclusion of people with disabilities in the Azorean community. To this end, it has outlined an action plan, to be implemented between 2018 and 2020, included in the I Action Plan to Combat Poverty and Social Exclusion 2018-2019, published in Official Journal I Series - Number 107, 22 August 2018 and which aims to:

Evaluate the social responses aimed at people with disabilities, their users and level of satisfaction, in order to assess the quality and effectiveness of services provided, as well as their conformity with the potential and needs of their users; this evaluation has already resulted in a Characterisation and Evaluation Study of the Occupational Activity Centres (CAO's) of the Autonomous Region of the Azores (RAA), and the Global Report is available on the Government Portal. It is also planned to carry out an Evaluation Study of the Satisfaction of Users of the CAO's in the Azores Region, as well as a Characterization Study of the Residential Homes in the Azores Region.

Qualifying those same social responses, both at physical (by providing them with better conditions) and organisational level, as well as their technical and auxiliary staff, adjusting them to the new profile of users. From the Study of Characterization and Evaluation of the CAO's in

the Region, the priority areas for training were identified as Sexuality and techniques of containment and management of aggressive behaviours, and the operationalization of the way in which this training will be made available to professionals of the valences in the Disability area throughout the RAA, through a partnership with the National Institute for Rehabilitation (INR).

Integrate disabled people into society both socially and professionally, through pilot projects in the field of socially useful activities, employability and accessible tourism.

Afterwards, based on the evaluation of the impact and effectiveness of these projects, the Government of the Azores hopes to propose changes to the legislation within the scope of the Social Employment Market that are deemed relevant for the greater social and labour inclusion of people with disabilities.

Here we think that within the scope of training and qualification, it is important to guarantee that it is made available in a form and with contents adjusted to people with disabilities. As far as hiring incentives are concerned, it is important to foresee a differentiation of support according to the verified capacity to work. After the hiring incentives have been in force and in the case of open-ended contracts, we propose a co-funding system whereby the employing entity ensures the salary in the percentage corresponding to the capacity of the person in question and the Regional Government of the Azores would pay the remaining percentage, equivalent to the proportion of incapacity.

Evaluating this policy in a more general way, and again resorting to the Report of the Court of Auditors (2019, p. 45), it is important to note, positively, that the observations made led to a favourable assessment of the adequacy of the management support instruments, monitoring and control procedures, as well as the IT applications used in the operationalisation of the support programmes for job creation. However, no instruments were created to support the evaluation of the measures, by defining the indicators to be used and the targets to be achieved for each of the programmes or for all the programmes of support for job creation.

Conclusion

The analysis of the public policy, the Social Labour Market, allows us to understand the process in which it is proposed, its objectives and effects, in addition to highlighting the various interests, rationalizations and power games involved. With the contribution of this theoretical

construction we can understand the design and implementation of the policy, making explicit some invisible determinants, as well as some difficulties, which may contribute to the reformulation of new interventions. This work tried to make explicit the relevance of socio-cultural factors and to establish a bridge between objective and subjective factors in the implementation of a public policy. A qualitative systemic analysis was sought, in the perspective of distinctive logics of action at each moment of the public policy production chain.

Thinking about the public policy of the Social Labour Market implies a broad reading of several social, political, economic and cultural factors that are present and delimit the actions and measures of such policy. This is because the implementation of the Social Labour Market in the Region was the result, in a complementary perspective, of a vast set of social policies implemented in the country. This highlights the complexity and articulation of the various social policies.

Given the structural backwardness of Portugal in relation to most European countries, with the establishment of democracy in Portugal in 1974, and subsequently with the process of European integration, being prepared since 1976 and culminating in accession in 1985, it was possible to consistently study and develop social policy in Portugal in an unprecedented way, thus emerging the first public policy responses to the problems of poverty and social exclusion.

The importance of structural measures such as the creation of the national minimum salary, a national health service accessible to all citizens, new family allowance schemes, the minimum pension and the social pension, and the replacement of the systems until then in force by an integrated Social Security system, should be highlighted.

Another important measure was the creation in 1996 of the Social Labour Market in the Portuguese mainland and in 2000 in the Autonomous Region of the Azores, with the aim of promoting employment among socially disadvantaged groups through various programmes with GMI beneficiaries: School-Workshops; Occupational Programmes, Insertion Enterprises, Protected Employment and Insertion Employment.

From 1998 onwards, following the directives of the European Employment Strategy, National Employment Plans were elaborated, privileging the professional and social insertion of the most disadvantaged, which brought more consistency to the social policies to fight poverty and social exclusion.

From the reform operated in 2018 it was possible to improve the policy in some aspects, however, it is important to create evaluation mechanisms, because the absence of instruments to support the evaluation of the new model prevents the proper exercise of DREQP's powers on this matter.

Twenty years after the implementation of the Employment Market in the Azores, it is important to review this public policy, an intention that has already been demonstrated by the Regional Government. Mainly in relation to the inclusion of people with disabilities we realise that this law can be improved. At this moment this goal is on the political agenda of the Azores and it is hoped that significant steps will be taken towards the inclusion of these people.

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LEADERSHIP STYLES IN PUBLIC SCHOOLS OF EUROPEAN UPPER SECONDARY SYSTEM: THE CASE OF ALBANIA

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Abstract: *School leadership plays an essential part in school the performance and productivity. The leadership style of a school leader is the one that makes the difference in the success of a school as a result of the encouragement, motivation and care shown by all acting actors of school, and especially by teachers. This paper intends to examine leadership styles displayed by public high school principals in Albania and highlight negative aspects of leadership styles practiced by school leaders. For the fulfilment of this work, the standardized questionnaire Multifactor Leadership Questionnaire, Form 6-S (Bass & Avolio, 1992) was used to highlight the leadership styles, implemented to a sample of 78 public school principals of the upper middle system in the country. The questionnaire was translated into Albanian and adapted from the original considering also the specific Albanian culture. The results of this research demonstrate that school leaders show confusion about the use of their leadership style, stating that they often use all the three leadership styles from the most positive to the negative one as described in the Model of transformational leadership*

Keywords: Leadership style; public high schools; transformational leadership; education style.

1. Introduction

The Albanian pre-university education system has often been criticized for its leadership style. According to the National Strategy for Pre-University Education (2014-2020), the teaching staff of a school resembles a community of professionally isolated individuals, rather than a professional organization that shares responsibilities and jointly seeks and finds out solutions for

quality achievement of the students. Professional assistance to teachers by school leaders is negligible. As a result, since 2018, school leaders of the pre-university system must be certified by the School of Principals, established with the aim of improving the management quality of pre-university education institutions, although there is still a dilemma today whether the school director should be a leader or a manager.

According to Anderson, Ford, and Hamilton, the combination of management and leadership is needed to transform an organization and the people in it. According to them, management and leadership should be developed and integrated all together due to constant changes the society is experiencing in all human aspects and the leader should know how to manage in order to appropriately respond to such changes (Anderson, Ford & Hamilton, 1998).

The educational institutions management has a direct impact on improving performance, motivating, and increasing the teachers' professional capacity, as well as creating a cooperative and positive climate in the school environment. It is therefore important for the director as a leader to be equipped with leadership skills, to choose the right job, the guaranteed and applicable curriculum, to set challenging goals, to include parents and the community in a safe and systematic environment of collegiality and professionalism (Marzano, Waters & McNulty, 2005).

The main tasks of school leadership, according to Hargreaves and Fink, are divided into two major roles: the teaching and the leadership role. The teaching role focuses on educating and training students through motivating and challenging activities, aiming to raise productive children for the society (Hargreaves & Fink, 2003).

2. Literature review

Various paradigms have been used to describe its direction and effectiveness, changing over the past decades to move from a traditional leadership to what is defined as the new leadership. According to Hoy and Miskel (2001), leadership styles are categorized into two major theoretical groups.

The first set of theories deals with traditional direction, which is categorized on bases of personality, behavior, or situation. The second set of theories deals with new approaches to leadership, which are characterized by a charismatic (inspiring) and transformative leadership (Hoy & Miskel, 2001).

The term “transformational leader” was first used by Downton in 1973 (Downton, 1973). Transformational leadership is a process that changes and transforms the individuals. It is a process focused on assessing the motivation of followers, and the satisfaction of their needs by considering them above all human beings. Transformational leadership is one of those approaches emphasizing the emotional and charismatic aspects of leadership.

The model of interactive and transformational leadership was addressed in 1987 by the political sociologist Burns in his book *Leadership*. Burns proposes that Leadership be treated as a more realistic and sophisticated form of understanding power and exercise of self-belief, exchange, and the transformation emanating from it (Burns: 1987).

In the same period that Burns book came out, House published his theory on charismatic leadership, often described as apparently similar to the transformational leadership (House, 1976). Originally the concept of charisma was used to describe a special gift that characterized the individuals possessing it and gave them the ability to carry out extraordinary things.

In 1985, Bass, known as the Leadership Continuum, followed in Burns footsteps by expanding and redefining Transformational Leadership. Bass (1985, pp.11-13) applied Burns conceptualization to organizations and developed a new leadership model which identifies three leadership processes, namely transactional, transformational, and *laissez-faire*.

According to Bass, Transformational Leadership motivates followers to do much more than they expect of themselves by putting into practice the following: a) increasing the level of followers’ awareness on the importance and values of the expected objectives; b) encouragement of followers to go beyond their personal interests in interest of the group and organization, and c) invitation to followers to deal with needs of a high level.

Bass Model of Transformational and Transactional Leadership

<i>Transformational Leadership</i>	Transactional Leadership	Non-Leadership
First Factor <i>Idealized influence and charisma</i>	Fifth Factor <i>Contingent reward and constructive transactions</i>	Seventh Factor <i>Laissez-faire and non-transactional</i>
Second Factor <i>Individualized consideration</i>	Sixth Factor <i>Management-by-exception, active and passive, and corrective transactions</i>	

Third Factor		
<i>Intellectual stimulation</i>		
Forth Factor		
<i>Inspirational motivation</i>		

Source: *Model of the transformational leadership approach* (Northouse, 2004). *Leadership Theory and practice*. Sage Publications.

Transformational Leadership

First Factor, *idealized influence and charisma*. Leaders present a strong role model for subordinates (Winkler, 41). The leader embraces high moral and ethical values and reinforces pride, respect, and faith among followers. (Flynn, 2009:3) Through their enthusiasm, they become a source of inspiration and charismatic identification (Bass, 1985).

Second Factor, *individualized consideration*. Leaders allow followers to grow through personal challenges, through the process of delegated authority, and pay attention to those who seem less involved in the group. They develop a particular kind of relationship with the followers, in which their concerns and needs are understood and shared (Bass & Avolio, 1990).

Third Factor, *intellectual stimulation (stimulation)*. Leaders encourage followers to challenge their conventional problem-solving abilities and explore other opportunities in order to stimulate deeper and innovative thinking (Barling, Comotis, Gatien, Kelloway and Kelly, 2003:163). They are supported in questioning their beliefs, assumptions, and values (Bass & Avolio, 1990).

Forth Factor, *inspirational motivation (inspiration)*. Leaders use appropriate symbols and images (Bass & Avolio, 2001) to help others focus on their work, and try to make them feel that their work is significant. This includes developing and communicating an appealing vision (Bass & Avolio, 1994).

Transactional Leadership

Fifth Factor, *contingent reward and constructive transactions*. Leaders tell others what to do in order to be rewarded, emphasize what is expected from them to recognize their accomplishments and avoid punishment (Bass, 1985). Success criteria are agreed upon by both parties with the achievement being either rewarded or punished.

Sixth Factor, *management-by-exception, active and passive, and corrective transactions*. Leaders are not inclined to establish standards and put new systems in place and assume that the status quo is acceptable. They use corrective criticism, give negative feedback, and negative reinforcement (Northouse, 2001).

Laissez-Faire

Seventh Factor, *laissez-faire and non-transactional*. Leaders are happy to let things go on their own and allow others to do their own job. They make no attempts to motivate followers or satisfy their individual needs. Leaders avoid responsibilities and decision-making (Bass, 1998). It is also viewed as an avoidance of leadership responsibilities which could result in a lack of direction for the organization.

3. Methods of research

Research site

This research focuses on the leadership styles displayed by leaders of public upper secondary schools in Albania. The main objectives of this paper are the following: a) Studying the leadership styles applied by high school directors for their leadership style; b) Identifying the leadership styles used mostly by directors of public high schools in Albania; c) Identifying whether school directors use the negative leadership styles without being aware of their use.

For the completion of this work, quantitative methods based on the interpretive paradigm were used, to describe and analyze the leadership styles in public pre-university education system through the standardized *Multifactor Leadership Questionnaire*, form 6-S (Bass & Avolio, 1992).

Instruments

The instrument used in this study was a standard questionnaire composed of two parts. Over the last two decades, the *Multifactor Leadership Questionnaire* (MLQ) has been developed and validated (Avolio & Bass, 2004).

Further, it was utilized in several empirical researching works, particularly those concerned with the relationship between leadership styles and other factors. This scale consists of 21 items answered by the subordinates using a five-point Likert scale. The scale points are: 0 = not at all,

1= once in a while, 2 = sometimes, 3 = fairly often, and 4= frequently, if not always. The original version of this scale consists of two parts: the first one describes the information of the respondents, and the second one measures the three styles of leadership. For purposes of the preset study, the focus is on the second part that reflects three styles of leadership.

The 21 items of MLQ are grouped into 3 sub-scales, and each sub-scale describes a behavior of leadership (transformational, transactional, and *laissez-faire*). The Transformational Leadership includes the following: Factor 1. Idealized influence (Item 1, 8 & 15), Factor 2. Inspirational motivation (Item 2, 9 & 16), Factor 3. Intellectual stimulation (Item 3, 10 & 17), Factor 4. Individualized consideration (Item 4, 11 & 18). The Transactional Leadership includes: Factor 5. Contingent reward (Item 5, 12 & 19); and the Passive/Avoidant Behavior includes: Factor 6. Management-By-Exception Passive (MBEP) (Item 6, 13 & 20) and Factor 7. *Laissez-faire* (Item 7, 14 & 21).

The questionnaire was translated into Albanian language and adapted from the original taking in consideration the Albanian culture.

Participants

Population of this research are principals of high public school in Albania. Population is 382 (Instat, 2019, p.73). Participants consist of 78 principals of high public school in Albania (20.4 % of population). It included 20 (24.6%) male and 58 female (74.4%) principals. Of these, 48.7% have a MA / MSc and 42.3 a bachelor's degree, a small percentage 6.4% have completed doctoral studies and only 2.6% have a high school diploma.

Figure.1

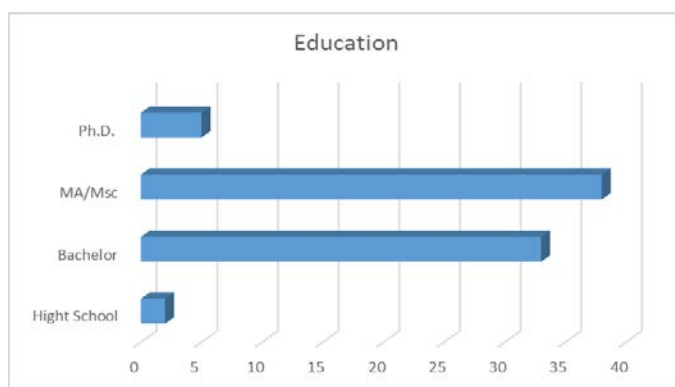
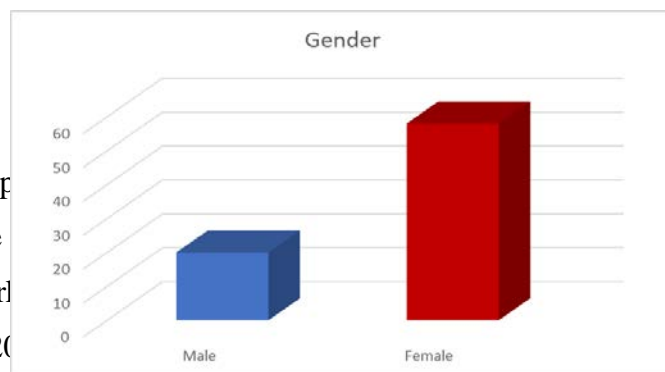


Figure. 2



Statistical Analysis

The measuring instrument was coded to facilitate data registering and the analysis process. Once the data collection was completed, they were analyzed using the IBM SPSS version 20.0 statistical package and the data were interpreted based on descriptive analysis.

Table 1. provides measures of central tendency and dispersion of the leaders' responses to the 21 questionnaire items.

Table 1: Descriptive Analysis: Measures of central tendency and dispersion

Items	No	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
Q1	78	3.6282	.06854	.60537	.366	-.331	.272	.005	.538
Q2	78	3.7692	.05137	.45365	.206	-1.723	.272	2.042	.538
Q3	77	3.5974	.05626	.49364	.244	-.405	.274	-1.886	.541
Q4	77	3.6104	.05594	.49086	.241	-.462	.274	-1.835	.541
Q5	76	3.4737	.06616	.57674	.333	-.537	.276	-.663	.545
Q6	78	3.7179	.05443	.48073	.231	-1.343	.272	.661	.538
Q7	76	3.2105	.11132	.97044	.942	-1.518	.276	2.680	.545
Q8	78	3.3462	.07705	.68047	.463	-1.576	.272	6.167	.538
Q9	76	3.5132	.06621	.57720	.333	-.693	.276	-.490	.545
Q10	78	3.3846	.06638	.58622	.344	-.329	.272	-.689	.538
Q11	77	3.5714	.06250	.54841	.301	-.782	.274	-.471	.541
Q12	77	3.3506	.06859	.60189	.362	-.327	.274	-.634	.541
Q13	75	2.7067	.12983	1.12434	1.264	-.623	.277	-.372	.548
Q14	77	2.6883	.10169	.89236	.796	-.705	.274	.870	.541
Q15	75	3.07	.077	.664	.441	-.926	.277	2.390	.548
Q16	75	3.4933	.07912	.68524	.470	-1.270	.277	1.387	.548
Q17	77	3.2338	.08651	.75909	.576	-.608	.274	-.385	.541
Q18	77	3.4416	.07277	.63853	.408	-.710	.274	-.469	.541
Q19	78	3.5000	.07468	.65959	.435	-.975	.272	-.163	.538
Q20	76	3.7105	.06160	.53705	.288	-1.713	.276	2.113	.545
Q21	73	3.2055	.12636	1.07959	1.166	-1.445	.281	1.297	.555

Table 2: Frequency distribution of leadership behaviors

Leadership style	Not at all	Once in a while	Sometimes	Fairly often	Frequently	Missing	Total
Idealized influence	0	0	2	47	26	3	75
	0%	0%	2.6%	60.3%	33.3%	3.8%	96.2%
Inspirational motivation	0	0	1	34	49	4	74
	0%	0%	1.3%	30.8%	62.8%	5.1%	94.9%
Intellectual stimulation	0	0	0	42	34	2	76
	0%	0%	0%	53.9%	43.6%	2.6%	97.4%
Individualized consideration	0	0	0	32	44	2	76
	0%	0%	0%	41%	56.4%	2.6%	97.4%
Contingent reward	0	0	1	37	37	3	75
	0%	0%	1.3%	47.4%	47.5%	3.8%	96.2%
Management-By-Exception Passive	0	0	3	38	32	5	73
	0%	0%	3.8%	48.7%	41.1%	6.4%	93.6%
Laissez-faire	0	3	12	35	21	7	71
	0%	3.9%	15.4%	44.8%	26.9%	9.0%	91%

Table 2 provides measures of central tendency and dispersion of the leaders' responses to the 21 questionnaire items frequency distribution of 7 factors of leadership style.

For Transformational Leadership, the first factor, *idealized influence and charisma*: 60.3% of the leaders say, they use it fairly often. Second factor, *individualized consideration*: 62.8% of the leaders say, they use it frequently. Third Factor, *Intellectual stimulation (stimulation)*: 53.9% of the leaders say, they use it fairly often. Also in the case of forth factor, *inspirational motivation (inspiration)*, 56.4% of leaders say, they use it frequently.

Table 3: Frequency distribution of Transformational leadership factors

Factors	No	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
Idealized influence	75	3.34	.049	.423	.179	-.271	.277	-.399	.548

Inspirational motivation	74	3.59	.047	.406	.165	-.876	.279	.154	.552
Intellectual stimulation	76	3.40	.047	.408	.167	-.103	.276	-1.039	.545
Individualized consideration	76	3.52	.042	.363	.132	-.489	.276	-.445	.545
Transformational leadership		3.40		.400		-.434			

In Table 3, for all four transformational leadership factors, the mean is 3.40, and the standard deviation 0.400. Skewness represents the value -.434, which means that leaders held the view that they exhibited transactional leadership fairly often. This was also a relatively high level of transformational leadership shown by the 78 leaders who correctly completed the questionnaire.

Table 4: Frequency distribution of Transactional leadership factors

Factors	No	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
Contingent reward	75	3.44	.046	.400	.160	-.437	.277	-.364	.548
Management-By-Exception Passive	73	3.36	.050	.426	.181	-.527	.281	-.236	.555
Transactional leadership		3.40		.413		-.482			

In table 2 is shown that for the fifth factor of Transactional Leadership, contingent reward and constructive transactions, 47.4% of the leaders say, they use it fairly often, and 47.5% of the leaders say, they use it frequently, while for the sixth factor, management-by-exception, active and passive, and corrective transactions, 48.7% of the leaders say, they use it fairly often.

In table 4, for both transactional leadership factors, the mean is 3.40, and the standard deviation 0.418. Skewness is represented by the value -.482, which means that leaders held the view that they exhibited transactional leadership fairly often.

Table 5: Frequency distribution of Laissez-Faire leadership factor									
Factor	No	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error
Laissez-faire	71	3.03	.082	.689	.475	-.953	.285	1.092	.563

Table 2 shows that for the *laissez-faire* and nontransactional factor, 44.8% of leaders say they use it fairly often.

In Table 5, for *laissez-faire* leadership type, the mean is 3.03, and the standard deviation 0.689. Skewness represents the value -.956, which means that leaders held the view they exhibited laissez-faire leadership fairly often.

4. Conclusions

In 1990, in their book *Handbook of leadership, Theory, research and managerial applications*, Bass and Stogdills stated that leadership is conceived as the focus of group processes, as a matter of personality, as a matter of inducing compliance, as the exercise of influence, as a particular behavior, as a form of persuasion, as a power relation, as an instrument to achieve goals, as an effect of interaction, as a differentiated role, as initiation of structure, and as many combination of these definitions (Bass and Stogdills, 1990).

Avolio and Bass proposed that transformational leadership would be most highly correlated with effectiveness followed by transactional and passive style of leadership (passive management by exception and *laissez-faire* leadership (Avolio & Bass, 2004).

The results of quantitative study showed that the level of transformational leadership is more or less the same as the level of transactional leadership, as leaders exhibited these styles of leadership fairly often.

Also, Laissez-Faire leadership data are more or less the same as the level of transformational leadership and transactional leadership data. It is clear from the data results that school leaders show confusion and uncertainty about the leadership style they apply in high school.

Currently in Albania, based on Law no. 48/2018 “On some additions and changes to Law no. 69/2012, ‘On the pre-university education system in the Republic of Albania’”, as amended, article 14:

“The candidate for director and deputy director of educational institution must possess at least the category “Qualified teacher” and be equipped with the certificate of head of pre-university educational institution. The certification of the candidate for director and deputy director of educational institution is performed after the development of obligatory preparatory training in the School of Directors, for the management of the educational institution...”

A training process that may serve in the future for school leaders to clarify their perceptions of leadership style they apply, to improve the quality of performance of the management of pre-university education institutions and to acquire the necessary competencies by displaying universal characteristics of effective leaders, such as: sense of vision, ability to set goals and planning, personal charisma, strong communication skills, strong sense of self and personal convictions, relationship and empathy skills, and the ability to motivate and influence others (Sample, 2002).

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