

THEORETICAL DEBATES AND POLITICAL APPROACHES REGARDING THE EUROPEAN UNION GOVERNING

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Abstract: The word 'politics' is typically associated with the business of governments and states, the sphere of public policy and questions of authority. The article discusses the perceptions of the European Union as a system of governance. In order to enable an enlarged European Union to function more effectively, the Lisbon Treaty is the latest attempt to reform its governing institutions and decision-making processes. The article also explores the multi-level governance which gives expression to the idea that there are many interacting authority structures at work in the global political economy. As a reaction to the EU's economic integration, OMC is a relatively new and intergovernmental means of governance in the European Union, based on the voluntary cooperation of its member states. Last, but not least, flexible integration considered as an avant-garde of the European integration shall remain only as a potential method, as politicians claim, unless specific initiatives of transposition into practice appear in several fields. In the meantime it remains a controversial method and a major challenge among the European Union states.

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1.1. Governing or Governance in the European Union

The Treaty of Lisbon did not change too much the institutional architecture of the European Union, even it clarified more than previously the duties of the community institutions and it split competencies, between the community actors situated at different levels, consolidating the principles of subsidiarity and proportionality. The Treaty delimitates with more accuracy *the exclusive competencies* (of the European Union), the *split ones* (of the European Union and the national states) and the *coordination, support or completion policies* of the member states' action. The European Union has not been and it is not yet a state and probably, as specified in the Treaty of Lisbon it shall evolve "with no federal superstate" since in the treaty it is avoided the word "Constitution" and by that everything we might consider as being the prerogatives of a federal superstate.

Although the European Union does not have an actual government, it is similar to a state of federal type not only through the application of subsidiarity principle, but especially through joint policies and decisions. This is why we cannot deny the existence of a specific governing system, which cannot be found with a specific state or the other, either of federal or confederal type, being specific to a supranational economic community of which operation is based on joint treaties and institutions.

The European Union development has extended the joint decisional process and the independence of the supranational institutions, by that being worn down the sovereignty of the national states. It is harder and harder for Governments to control the activity of the internal actors that act also at the international level. The evolution of the integration process has made that authority and the decisional influences should be divided between distinct levels of governing: subnational, national and supranational.

1.2. Governing at Distinct Levels

The European Board accepts the governing theory through more direct contacts between the European governing level and the national one, as well as the policies that developed around these contacts, thus being created the term of “*governing at multiple levels*” or “*governing at distinct levels*”.

The governing method at distinct levels provides the modality to achieve the arbitrage (settlement by arbitrage) between different interests, by means of the general interest filter (at the level of the European Board) and of the national interest (at the level of the Council and the Parliament)¹. Governing at distinct levels considers the fact that the national governments remain the most important community actors, and the starting point of this form of governing is represented by the large number of competencies occurring and being superposed at different levels of governing.

The governing system at distinct levels includes the following components:

- ***European Board***, an author and a promoter of the community programs and policies, in partnership with local governments and authorities;
- ***Governments***, represented in the European Union Council by the resort ministers who, under the pressure of local and regional authorities militate for a higher and higher budget and also redistributive one;
- ***European Parliament***, through the population’s manner of creation and representation represent a source of pressure over community and regional authorities;
- ***Local and regional authorities***, involved in the community arena through the Regions Committee, militate for a new dimension of the economic, social and territorial development;
- ***Community budget administrated*** by European Community, which shall include a significant part of incomes allotment to as to achieve the economic, social and territorial cohesion.

Governing at distinct levels does not deny sovereignty of the member states which are attracted through their leaders and through the subnational, national and supranational actors, to making decisions and establishing the economic policies. This governing manner stresses out the local policies, seeking to switch the attention from the central image of the

¹ Petre Prisecaru, *European Union Governance*, Economic Publishing House, Bucharest, 2005, p. 46-96.; Helen Eallace; William Wallace, *Political Process in the European Union*, ARC Publishing House, 2004, p. 34-35; Gabriela Dragan, *European Union between Federalism and Intergovernmentalism*, ASE Library, Bucharest, 2005, p. 5-50.

European Union (Brussels) to regions and the local authorities.

The permanent concern of the European Board in the direction of the governing perfecting has been concretised through the establishment of a set of principles, norms and instruments for the decision making process against the existence of several levels of action in the European Union²: the European institutions at the supranational level; national governments and parliaments at the level of the member states; local and regional authorities at the subnational level; groups of interests of the civil society. By consequence, the European Board considers that the multilevel governing supposes the coexistence and merge of a few levels of governance (supranational, national, subnational (regional and local authorities, civil society).

Multilevel Government is based on three *main characteristics*:

- ***Existence of the nonhierarchised institutional system*** which means that supranational institutions are not hierarchically superior to national states, and the latter and the regions within them are not subordinated to supranational institutions.

- ***Collective decisional process, consolidated by non hierarchic character of the decisions making process***, process which is *based* on negotiations between the main actors and on the principle of consensus and the majority vote.

- ***Dynamic spread of authority at several levels of competence***, between actors situated in different areas and territorial regions.

Therefore, governing at several levels has distinct particularities, in which the economic and social decision authority, but especially the political one is spread, split between the three territorial levels: community, national and subnational.

Since the European Union relies on a governing at several levels, the relationship between the European Union and the member states is in constant change. There gradually takes place a taking over of the member states' authority by the European Union and, at the same time, an agreement to jointly develop power exercise in different fields. In such optics of the state's role within the multilevel governing it is discussed about ***relational approach of the state's role in governing***. In such an outlook (thinking) the state is considered an assembly of institutions, organisations, social forces and activities organised for the purpose of adopting mandatory joint decisions for a certain political colectivity³. The State shall be analysed and its role shall be examined within a wider political framework, in its relationships with other institutional and functional systems, with the civil society.

The approach of the multilevel governing is ***focused on the existence of a plurality of states and of non-state actors at different levels which try to coordinate their activities***, the state's involvement becomes less hierarchical, less centralised and less guiding. The multilevel governance supposes hierarchies which are less clear and a complex interdependence.

The reconsideration of the state's role in the conditions of the multilevel governing system raises the issue of split (division) of responsibilities between the European Union, the member states and the regional (local) authorities. It is true that through treaties there are mentioned the policies that lie within the current European Union's attributions, being supposed that all the others remain in the authority of the member states, but there is no clear

² Petre Prisecaru, *European Union Governance and Integration Doctrines. Constitutional and Institutional Reform of the European Union*, Economic Publishing House, Bucharest, 2003.

³ Petre Prisecaru, *The European Union Governace*, Economic Publishing House, Bucharest, 2005, p. 63-71.

distribution between the exclusive and non exclusive competences.

1.3. The Open Method of Coordination, Instrument of Governing in the European Union

The White Papers regarding the European Governance (2001) give *the open method of coordination* (O.M.C.) as being the most suitable modality for the designing and creation of the future European Union.

The Open Method of Coordination as defined by the Strategy of Lisbon has as core ***coordination of macroeconomic policies and their multilateral supervision***, it is based more on political compromises between the governments of the member states participating in the negotiations, within which there can be reached the transfer of some new competences at the community level which can serve at the end the national governments.

The economic policies coordination can be made, first of all, at the supranational level, as it has been achieved the transfer of the monetary policy at the level of the Central European Bank. The monetary policy centralisation entailed the coordination of other policies as well, a process carried out through multilateral monitoring procedures of the member states' policies. ***Multilateral monitoring*** has turned in time into an instrument of coordination of the member states' policies.

O.M.C. is a statutory method consisting in ***the non mandatory and decentralised character of regulations*** and in the plurality of the actors involved. O.M.C. is completely different from the community method which supposes the transfer of sovereignty from the national level to the community one and the adoption of the joint policies by the Board, the Council and the Parliament, the European Board having the duty to draft, implement and monitor the manner to transpose into practice by the members states of the mandatory regulations.

Objectives can be established on short, medium or long term, with quantitative and qualitative targets, at the community or national level.

Monitoring at the level of the Board, of the implementation method and the rhythm of results evaluation varies from one policy to another, from one field to the other.

Role played by the different social partners (actors): community institutions, member states, regions, social partners, civil society knows major differences in relation with the policy which is aimed to be implemented and with the involvement level.

In essence O.M.C. proposes and helps the member states to develop their own policies and for that it is based on four essential elements:

- ***guiding lines at the level of the European Union***, accompanied by stages and schedules of policies implementation on short, medium and long term;

- ***performance indicators*** (quantitative and qualitative), considered as standards to comply with for states, sectors and regions;

- ***transposition of the guiding lines from the European Union level into national and regional policies*** which can be made up for purposes and goals for the national and subnational levels (regional and local) – taken into account the differences with regard to the level of the national and regional development;

- ***counting of monitoring, evaluation and analyse periodically achieved as a mutual learning process***, of conveying knowledge between the supranational authorities (the European Union) and the national and subnational ones (nations and regions).

O.M.C. is based on a few basic components such as: guiding liens, standardisation and assignment of the best practices, multilateral monitoring indicators, repetitive processes, implementation through the community and national legislation etc.

1.4. Flexible Governing Method (consolidated cooperation)

Extension of the European Union to the Central and Eastern Europe has made that this decade it should reach 27 states, with distinct levels of development which entailed inequalities in the process of attaining the integration objectives and difficulties in the economic, social and political governing.

The European Union evolution in this context has brought back to present the debates with regard to the ***differentiated integration and the flexible integration*** which shall have as result a European Union with variable geometry, with a hard core, with several speeds, or a Small Europe and a Large Europe.

The flexible integration has come back to present and it is partially mentioned in the treaties of Amsterdam and Nice and it shaped in the Treaty of Lisbon under the form of consolidated cooperation (reinforced cooperation). The flexible integration refers to all kinds of joint actions from a specific field, which do not involve all community states because of lack of political consensus or of their capacity to participate. The consolidated cooperation, allowed by the Treaty of Lisbon (title III, Provisions regarding institutions, art. 10). The consolidated cooperation forms would represent, for the current stage, one of the flexible integration forms.

Flexible integration, understood as award to certain countries (France, Germany) of the locomotive's role of integration shall not have as result the European Union division into small and large countries, the first ones wishing domination within the European Union, since the process of integration deepening, as politicians claim, shall stagnate.

Differentiated flexible integration must not affect the unity of the countries in the European Union, lead to governing systems having distinct degrees of involvement which should divide the Union into several communities, with differentiated economic and social performances. It needs to be sought for and accurately mentioned the due balance between the wish and the liberty of the members states to promote advanced forms of integration and governing and the need to keep the assembly integrity of the European Union. From here there is the need that the flexible integration should be accepted, and yet within certain limits allowed by the three principles of the differentiated integration: the arrangements should not affect the community acquis; flexibility should be judged within the community institutions; all the states, with no exception, should be able to have access to such forms of integration.

There are theoretical attempts, but also at the political level to argument and support the necessity of the differential integration:

- the large diversity of economic, political, social and cultural dimension between the community countries;
- it is not possible, and also not desirable, at least for the moment, a European Union which is monolithic and homogenous;
- integration flexibility requires the creation of a new type of functional jurisdictions

between the old and the new members, because countries in the centre and east of Europe are still facing difficulties in the transposition and implementation of the community acquis, in making compatible the economic and the community structures;

- flexible integration shall have to allow harmonising heterogeneous interests of the extended European Union, without damaging the previous achievements;

- flexible integration shall merge in the best manner the wish for a faster integration in certain fields of some members, by the firm commitment of all the members to a supranational purpose.

The economic potential differences between the European Union with 15 members and the European Union with 27 members require different levels of integration. This would imply that the community countries found in a favourable position should advance faster in the integration process, on the condition that all the countries should comply with the joint commitment as compared to the sole market requirements, on the other fields groups of countries being able to cooperate between them.

In tight connection with the flexible integration is *reinforced cooperation* supported by politicians from Germany, France, Belgium and the United Kingdom. The European Union enlargement stresses out the differences between the states and heightens heterogeneity within the European Union and it shall be required a small group of countries to play the role of avant-garde, a kind of centre of gravity, which actually means the intergovernmentalism consolidation to the disadvantage of supranationalism.

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