Contents

Preface vii

Series Editor's Foreword ix

Introduction **1**

The limits of the domestic analogy 1
Understanding cooperative sovereignty 4

1 Europeanization and its Limits **11**

The founding compromises 12
The Maastricht moment 19
The uneven vectors of Europeanization 23

2 Policy-making in a Union of States **30**

In which spheres does the EU matter? 31
How are the Union's policies made? 37

3 Cooperation and Conflict: the Union and its States **48**

How the states control the Union 49
The states under the Union's control 58

4 Competing for Leadership: Commission vs. Council **64**

What is the Community model? 64
The governments' omnipresence 69
Why the Commission cannot be a European government 74
What does the Commission do? 83

5 Building Compromise in a Divided Polity **89**

The Council and the logic of conflict avoidance 89
The Commission's spirit of collegiality 99

6 Representation and Accountability: a Semi-parliamentary Regime **106**

The rise and stagnation of the EU's Parliament 107
Forging consensus in a divided assembly 111
The logic of co-decision 117
The spirit of compromise 123

7 In the Shadow of the Law: Politics and the Court **127**

Why a Court? 127
Judges facing political actors: prudent audacity 129
Politicians vs. judges: voluntary servitude 136
The Court and the future of EU politics 140

8 Politics and the People: a Fragmented Public Sphere **146**

The polyphony of interests 148
Embryonic parties 157
Unstructured opinions 163

9 Participation and Citizenship: Towards a Transnational Democracy? **167**

The EU's democratic deficit: a powerful myth 167
Parliamentary tropism 171
From parliamentary government to democratic governance 174
Beyond pluralism 183

10 Conclusion: the Union, its Nature and Value **189**

Rethinking sovereignty 190
Why the EU cannot become a state 195
Towards a regime change? 198

References 205

Index 220

Introduction

More than a decade after stormy debates over the ratification of the Maastricht Treaty, the nature of the European Union remains sharply contested. In the ten new member states which joined the Union in May 2004, the satisfaction of having been accepted into the club of rich and westernized nations has not put an end to the fears of seeing their (recently regained) sovereignty dying out in a Union often seen as a 'new Moscow'. This is also true for the older member states. The countries along the Union's Atlantic shoreline (the United Kingdom, Ireland, Denmark and Sweden), which had hesitated for a long time before joining the Union, constantly lament the loss of their sovereignty. Even in the Union's founding nations (France, Germany, Italy and the Benelux countries) and in countries that enthusiastically joined it after having rid themselves of authoritarian regimes in the 1970s (Greece, Spain and Portugal), a mistrust of Brussels – or disappointment with it – has been regularly gaining ground. After half a century of existence, the European Union is still perceived as a 'foreign' power, destabilizing political balances that had been patiently established since the postwar period.

The limits of the domestic analogy

Attempting to clarify the nature of the European Union, several scholars have argued in recent years that it is best understood as an ordinary 'political system', closer to national regimes than it might seem at first sight (Hix 1999; Lijphart 1999). Without denying the originality of its institutional organization, proponents of this approach underline its formal resemblance to federal systems, the similarity between national and EU policies, the increasing role played by political parties within it and the classic ideological cleavages which tend to 'normalize' European politics (Marks et al. 2003).

According to this viewpoint, the disconnection of the Union from its citizens is likely to be but a passing phenomenon: when European voters understand the stakes in terms familiar to them, they will consider the EU to be as legitimate as their own national democracies (Habermas 2001). Indeed, any new centre of power tends to prompt this type of hostile reaction in its early stages. For centuries, the political history of European nations has been marked by sharp criticism of the domination of the 'centre', just as Washington is still looked on with suspicion by American citizens. Seen in this way, Euroscepticism is just a European version of a universal phenomenon. The fact that the initial basis of European integration was the creation of a common market has fostered hostility and suspicion. By its very nature, the Union erodes boundaries and speeds up the circulation of people, goods, services and money. In this process, it is inevitably seen as an agent of the reform of labour markets and of the restructuring of public services and social protection mechanisms. And in endeavouring to regulate the single market it has created, it often upsets old traditions and patterns of life. Its strictures seem all the heavier and less legitimate as they come from remote and anonymous authorities: the Commission in Brussels, whose members' faces are familiar to few people; conclaves of ministers locked away behind heavy Council doors; the judgement of the Luxemburg-based court, cut off from the rest of the world on the Kirchberg plateau; or the decisions of the central bankers scrutinizing monetary Europe from atop their Frankfurt towers, not to mention an array of agencies and committees whose exact functions and numbers are a mystery even to EU insiders.

But while an approach that stresses what brings the Union closer to national political systems may help us understand some elements of its politics, it also tends to paint a picture of greater political coherence than really exists. It can be demonstrated statistically that the European political parties' manifestos are based on common cleavages; that European public opinion is, on the whole, shaped by a left–right opposition; and that this opinion is largely reflected in votes in the European Parliament. The fact remains, however, that this statistically verified coherence is not perceived by the citizens nor indeed by politicians.

This is the reason why other scholars argue that the Union should be seen as an international organization – albeit a sophisticated one – rather than as a 'political system'. In their view, European integration is primarily about coordinating national economic policies to adapt to an increasingly interdependent world market (Milward 1992). Citizens' and national opinion leaders' concerns with the 'democratic deficit' of the EU or its 'lack of legitimacy' are the result of misperceptions (Moravcsik 2002). If the Union was seen for what it is – a strongly developed international organization depending essentially on member states – citizens and political leaders would realize that it does not pose any serious challenge to politics as it has been practised in Europe for two centuries.

This book follows this latter view. It argues that the best way to understand the EU's structures and functioning is to see it primarily as an intergovernmental organization. Its institutional system, its decision-making procedures, the behaviour of the actors involved in European cooperation, all bear the marks of the EU's intergovernmental origins. The EU is not a federal state in the making, destined to absorb its member states. It is a set of institutions and rules designed to strengthen the European states by encouraging them to cooperate. This is what makes it so unusual: unlike classic international organizations, it is not confined to a specific function, but on the contrary induces the member states to coordinate almost all their policies; and unlike other international regimes, it is not based on strictly diplomatic and executive cooperation, but involves most of the states' organs and personnel (Slaughter 2004). On the other hand, in contrast to a federal state, the EU is very seldom based on constraint, authority and hierarchy. As one observer noted in the 1960s: 'It is in this fashion that the Community authority develops, rather as authority containing but a small element of constraint and a large element of consent' (Axline 1969:242). European institutions are not 'foreign' organs imposing their views on national authorities. They are 'frameworks' or 'networks' within which national actors seek to coordinate their interests and visions. The EU is not about depriving the states of their sovereignty. Rather it is about encouraging them to exercise their prerogatives in new and more cooperative ways.

Understanding cooperative sovereignty

It is precisely because cooperative sovereignty of this kind is so original that it arouses so much concern and so much misunderstanding. Some, stressing the 'constraints' cooperation entails, fear losing their national autonomy. Others, aspiring to more uniformity and more power on the international scene, regret the EU's lack of autonomy. Four centuries of state independence have accustomed us to think in absolute terms: either the state is fully independent or it is absorbed in a wider polity. We are still finding it hard to think simultaneously of sovereignty and of cooperation – with all the concessions the latter implies. But in a world where boundaries are agreed to be eroding, where the flow of people, material, cultural and financial goods between states is intensifying from year to year, the old concept of sovereignty is somewhat outdated. It evokes a political era which is coming to an end.

Yet, consciously or not, the language of the state and sovereignty continues to have a profound effect on our minds. Even if we are aware of the weakening influence of the state, and the increasing impact of globalization (for want of a better term), we continue to think in terms of sovereignty. Formed at the dawn of the modern age, this concept has profoundly shaped representations of politics – so much so that it is virtually taken for granted. In essence, it expresses the desire for a collective autonomy cherished by the classics of modern political theory, as epitomized by Rousseau's formulation of 1755: 'I should have wished, then, that no one inside the State could have declared himself to be above the law, and no one outside it could have imposed any law which the State was obliged to recognize' (Rousseau 1997a:115). The classic language of sovereignty encompassed two aims: within the state, subjecting any form of power to the rule of law; outside the state, accepting no form of domination.

This dichotomy has fundamentally shaped subsequent thinking on international relations, both among legal and political thinkers and in the everyday discourse of rulers and citizens. Since the seventeenth century, legal theorists have repeated that only two forms of union between states are possible: either the confederation, born of an international treaty concluded between sovereign

states, where all decisions are unanimously adopted by state representatives; or the federal state, established by a constitution, where the law voted on by a bicameral parliament applies directly to the citizens. *Tertium non datur*. There is no third way. Either the state joins together with others to form a common state in which all are dissolved; or it preserves its sovereignty by establishing only loose forms of international cooperation.

Anything not falling into these two categories is merely an 'anomaly' and inevitably transient. A hybrid union will be dissolved, or it will be centralized, which, sooner or later, will give it the form of a state. This is what the political scientist Stanley Hoffman wrote, almost forty years ago:

> Between the cooperation of existing nations and the breaking in of a new one there is no middle ground. A federation that succeeds becomes a nation; one that fails leads to secession; half-way attempts like supranational functionalism must either snowball or roll back. (Hoffman 1966:909–10)

In these, classic, political terms, the European Union is, strictly speaking, inconceivable.

This explains why it remains difficult to conceptualize the European Union. Admittedly, nothing in principle prevents us from overcoming the intellectual deadlock of this dichotomy by creating a new concept able to account for its hybrid character. Creating a third term would allow one to make the Union's originality (irreducible to historical precedents) understood. The concept of a 'Federation of States' (seemingly an oxymoron) has recently been unearthed to this end (Beaud 1993; 1995). Its great merit is to recall that federalism is not reducible to the formation of a federal state. Understood in a wider sense, federalism defines modes of relations between political entities based on peaceful cooperation and legal arbitration. For the eighteenth-century philosophers, Rousseau and Kant in particular, federalism constituted the logical extension of the formation of the state. In the language of that period, this amounted to the view that, just as individuals in the 'state of nature' had ensured their safety and liberty through a social contract to establish public control, states in turn should adopt a 'federal pact'. But

this pact would be different from the one which gave birth to the state. It would not be a *pactum subiectionis*, erecting an authority with the power to impose its decisions on the states. It should rather be a *pactum societatis*, civilizing their relations without abolishing their sovereignty. It would mean using law and cooperation instead of force, and not dissolving the states into a European Leviathan. It would mean, in other words, establishing democratic values and habits not only within but also among nations (Bobbio 1995).

Federalism was, for the thinkers of the eighteenth century, the corollary of the making of the state. In *The Social Contract* of 1762, Rousseau resolved to show 'how the external power of a great People can be combined with the simple administration and the good order of a small State' (Rousseau 1997b:116) by establishing a federal link, while warning his readers that 'The subject is entirely new and its principles have yet to be established' (ibid.). Kant revived this idea a generation later, in his reflections on *Perpetual Peace*.

But it was outside Europe, on the other side of the Atlantic, that the theory of federalism was finally to be developed in a systematic way. Perhaps it is this historical circumstance that best explains the lasting misunderstanding of the federal doctrine in Europe. In the first half of the nineteenth century, Europeans observed the United States of America with a mixture of fascination and scepticism: the young federation claimed to have resolved the dilemma over sovereignty by 'dispersing' it, but it was undermined by divisions. De Tocqueville was one of the rare European voices to praise the virtues of this new form of separation of powers. After the American Civil War, when legal and political constraints were imposed on the States by the federal government, the Europeans considered their first impression to be confirmed: a federation can only be maintained by its setting itself up as a single state, in which the constituent states lose their autonomy. But far from having invalidated the standard dichotomy, the American experience had powerfully exemplified it. It showed that federalism is a form of state organization, rather than another way of creating political ties among sovereign states.

Historically, the European Union has followed a different route from that which led to a federal state in the United States,

Germany or Switzerland. Undeniably there are similarities between the four cases: in each the formation of a common market was the first stage, and many constitutional characteristics of these four regimes show an indisputable family likeness (Nicolaïdis and Howse 2001). It is, therefore, unsurprising that contemporary theoreticians often tend to refer to these historical precedents in examining the EU's experience (Lijphart 1999; Habermas 2001). But the contrasts are at least as outstanding as the similarities. Without even dwelling on the size differences and on the linguistic and cultural diversity of contemporary Europe, two major elements of the European experience can explain its peculiarity. First, the long interval between state formation and integration, and secondly, the presence or absence of an 'initial design'.

The EU was constructed a very long time after the European states were created. In the United States, only one decade separated the declaration of independence of the former colonies from the adoption of the Federal Constitution; in retrospect, the two events are best understood as two stages of a single revolution (Wood 2002). The two levels of power were born at practically the same time, whereas in Europe, the Union was formed by the reconciliation of pluri-secular states, which had developed a national awareness, a vast bureaucratic machinery and a large set of public policies in the course of the nineteenth and twentieth centuries. In these circumstances, the balance between the states and the Union in Europe cannot be comparable to one governing a federal state born in the eighteenth or nineteenth centuries.

No doubt this is where the 'fundamental fact' lies (to use the language of de Tocqueville). This difference is crucial in understanding the singular nature of the EU. No issue raised more debates in the postwar years and in the founding negotiations than that of preserving the states within the Union; and no issue had more impact during the succeeding enlargements. The British, like the Danes and Swedes, are still haunted by the idea that, by joining the Union, they have sacrificed a former independence. Today, in central and eastern European countries which have just joined the Union, fear of the Empire is resurgent.

Analysis of the successive treaties establishing powers and arrangements within the Union confirms that this is really

the 'focal point'. One cannot but be struck by the extravagant precautions regarding the definition of the Union's competencies and the prerogatives of its institutions, and the care taken to balance the states' influence within them. All aspects of the Union's regime, and its daily functioning, are marked by this subtle balance.

The pace of European construction itself also differs from other forms of federal construction. The histories of the United States, Switzerland and the Federal Republic of Germany are punctuated by a succession of phases of centralization and, more rarely, of reflux (MacKay 2001). All three also have in common that each had a definite 'constitutional moment', which fixed the great institutional balances and contributed to bringing out a common political meaning. The EU, on the other hand, has experienced half a century of partial and continuous constitutional reforms. Its structure proceeds more from an experimental process and continuous adjustments (Laffan et al. 2000) than from a comprehensive plan devised through public deliberations. Again, these circumstances may explain some aspects of the Union's political regime. In the absence of an 'initial design', the construction of Europe has been characterized (much more than the other federal formations) by ambiguities and persistent misunderstandings, whose mark it still continues to bear. In the United States, the debate between 'federalists' and 'anti-federalists' remained lively up to the last decades of the nineteenth century, and has never completely disappeared. But the constitutional doctrine, nurtured by the inspiration of the Founding Fathers, channels this conflict (Ackerman 1991). There is no equivalent in Europe. Some, mainly seeing it as an international organization with an essentially commercial end, considered and still consider the Union from the point of view of international law; others, bearing in mind the project of a political union, conceived it and conceive it in federal terms. This initial ambivalence, and the fact that it has never been completely settled, explains why, in a way, the designers of Europe re-invented federalism – or at least invented a new variant of federalism, resolutely distinct from the American experience. What one calls the 'community method', is precisely this unlikely balancing point between supranationality and intergovernmental cooperation (Quermonne 2004).

Of course, federal states all experience conflicts between the states, cantons or *Länder* and the federal government; they all bear the mark of the fundamental ideological disputes between federalists and anti-federalists. But tensions between them never reach the same intensity as in the EU. The recent European Convention (2002–3), composed of ordinary politicians from 27 European states, was given the task of reflecting on the impact of European integration and its eventual destination or end state (its '*finalité*' to use the much more concise and evocative French expression) – and of re-conceiving its policies and institutions accordingly. But its debates have once again illustrated the weight of these ambiguities. After half a century of the Union's existence, European leaders continue to espouse radically contrasting interpretations of their common endeavour. As remote as their visions may seem from the reality of European integration, they remain widespread and influential.

Probably this stems from the fact that a debate has never fully taken place on the nature of this common endeavour. Historians of European construction have clearly established that the negotiations from which the first treaties ensued were driven by an openly utilitarian logic. Each government aimed above all at promoting its own economic and commercial interests, and integration always stopped where clashes of interest began (Milward 1992; Moravcsik 1998). Visions, ideas and principled reflections on Europe's future played only a limited role in these founding and re-founding moments. Europe might have a 'constitution', but it remains a 'constitution without constitutionalism' (Weiler 1999).

Without going back further over the historical and intellectual roots of this process (Magnette 2000), the rest of this book focuses on its consequences for the EU's institutional arrangements and decision-making, and for the perceptions of political actors and citizens. In other words, its central concern is with understanding the *regime* of the EU. The first three chapters focus on the nature of the 'Union of States' it comprises. A necessary first step in understanding the EU's political regime is an assessment of the dynamics of the process whereby national policies were progressively Europeanized, and what limits these dynamics came up against (Chapter 1). The coexistence of two major levels of power is one of the main features of any

'federal' entity, and one of the most outstanding dimensions of its political life. The way in which relations between the Union and its states are regulated on a daily basis and the mechanisms established to prevent or settle conflicts are part and parcel of its regime (Chapters 2 and 3).

The next section of the book is more directly concerned with analysing the Union's decision-making mechanisms. We will show how the rules governing the composition of the institutions and defining their prerogatives and relations all derive from this subtle balance established between the states and the Union. The famous 'Community method' conveys this peculiar form of synthesis between intergovernmental negotiation and supranational mediation (Chapters 4 to 6). Despite being the major decision-maker in the Union, the 'institutional triangle' formed by the Council, the Parliament and the Commission is not the end of the story. Upstream, the sphere of administrations facilitates joint decisions, while, downstream, jurisdictional control must allow for the management of conflicts or even for their prevention (Chapter 7).

Moving from internal decision-making mechanisms within the Union's machinery to the 'public space' surrounding it, the remaining chapters look at the way in which opinions and participating groups are affected by the formation of this new space of power. Representations and political attitudes cannot be formed *ex nihilo*; they are made up in relation to a given context. In the case of the EU, this process may be understood as the adaptation of pre-existing identities. We will see why the usual proponents of liberal democracy – political parties and trade unions – remain unstructured at the scale of the EU, and how the massive presence of pressure groups and thematic interests gives the European public sphere a very scattered morphology. We will look at how public opinion, formed at the national level, tends to become Europeanized in a still very relative way (Chapter 8). Analysing the different moves towards democratization that today are being debated in political and intellectual circles within the EU, Chapter 9 has adopted a more wide-ranging and resolutely more normative approach.

Index

Ackerman, B., 8
Adenauer, Konrad, 66
Advocates-General, 138
agencies for governance, 175–8
agriculture, changes in, 149–51
Alliance of Liberals and Democrats for Europe, 113
Allott, P., 172
Alter, K., 129
Amato, Giuliano, 77
Amsterdam, Treaty of, 22
  co-decision in, 119
  commission, appointment of, 77
  committees, decision making by, 87
  and decision making, 44
  democratic requirements of nations, 35
  parliament, increased role of, 108
  social agenda of, 155–6
  and subsidiarity principle, 55
Anderson, C.J., 165
Aristotle, 19
Armstrong, K. A., 179
asylum issues, 162
Austria, 93
Axline, J., 3

Balme, R., 156
Bangemann, Martin, 80
Barber protocol, 140
Barroso, Jose Manuel, 78–9, 80, 81, 82, 101, 202, 203
Beaud, O., 5, 192
Belgium
  favouring common market, 16
  votes held by, 93
Bell, D., 158
Bellamy, R., 192
Belot, C., 164
Bergman, T., 173
Berlusconi, Silvio, 159
Bestock, D., 90
Blair, Tony, 158
Bobbio, N., 6
Bomberg, E., 24, 38
Bosmans judgement, 143
Bradley, K. St C., 144
Branch, A.P., 156
Braudel, F., 191
Brittan, Leon, 80
Brunell, T. L., 134
Bulgaria, 93, 96
Burley, A.-M., 136

Castiglione, D., 192
Cautrès, B., 164
centralized regulation method of policy making, 45–7
Chabanet, D., 147, 156
Charter of human rights, 144
Chirac, Jacques, 109
Christian Democrat and conservative parties, 101, 111, 112–13, 157, 159
Christiansen, T., 86
Cini, M., 75
civic apathy in EU, 181–2
civil rights of EU citizens, 193
civil service (EU), 58–9, 146
civil society, 153
  institutions for, 179–80
  interest in, 178–83
  and the state, 178–83
co-decision in European Parliament, 117–23
  definition, 118
  and national governments, 118–19
  phases, 119–23
Cohen, J., 177, 182, 183
collective action in EU, 146–8

collegiality in European Commission, 99–105
negotiation, 104–5
neutrality of, 100–4
comitology, 86
commissioners
numbers of, 102
portfolios, allocating, 81–3
selecting, 79–81
committees
on agriculture, 150–1
of Commission, 86–8
of European Parliament: co-decision process, 122–3; roles of, 112
Committee of Independent Experts, 99–100
Committee of Permanent Representatives (COREPER)
co-decision process, 120
collective action in, 146
decision making by, 90–1
leadership of, 97
role of, 73–4
Committee of the Regions, 68
Common Agricultural Policy, 36–7, 150
community method of policy making, 8–9, 40–1, 64–9, 106
competencies of policy making, 31
distribution of, 31, 64, 184
extent of, 153
and political parties, 160, 162
competition policy, 22, 85–6
Conference of European Affairs Committees, 68
Conference of Parliamentary organs, 174
conflict avoidance, 89–98
diplomacy, 90–1
divisions, 91–2
qualified majority voting, 92–7
rotating leadership, 97–8
Constantinesco, V., 99
constitutional treaty, 71
consumer protection
complaints over, 60
and interest groups, 153
Union's role in, 154
Convention of the Union's future, 70
Corbett, R., 107
Costa, O., 65, 113, 134, 174
Council of Europe, 13
co-decision process, 119–20
conflict avoidance, 89–98; diplomacy, 90–1; divisions, 91–2; qualified majority voting, 92–7; rotating leadership, 97–8
and European Commission, 76, 84; competition between, 87–8
as 'head of state', 65
presidency of, 201
role of, 69–71
rotation of commissioners, 102
Council of Ministers
and MEPs, 169
role of, 72
Court of Auditor, 68
Court of First Instance, 68, 134, 136, 144–5
criminal policy, 70, 168
polarization over, 162
culture, Union's role in, 50
Cyprus, 93
Czech Republic, 93

Dahl, R., 170, 183, 185
de Bùrca, G., 54
De Gasperi, Alcide, 66
de Gaulle, Charles, 75, 171, 196–7
De la Mare, T., 139
De Schutter, O., 175
de Zwaan, J., 90
decision making, 37–47
centralized regulation, 45–7
by committees of Commission, 86
community method, 40–1
by European Court, 128
and intergovernment cooperation, 41–3; and Commission, 68–9
by national governments, 171, 173
open coordination, 44–5
and states, 148
Defrenne judgements, 135
Dehaene, Jean-Luc, 77, 78
Dehousse, F., 66
Dehousse, R., 17, 54, 138, 172
Delorme, H., 149
Delors, Jacques, 78, 155, 159, 190
Delwit, P., 158

democracy
  and political parties, 183–4
  requirements of membership, 35
democratic deficit, 27, 167
  and enlargement, 171–2
  and European Parliament, 171–4
  as myth, 167–71
  and parliamentary government, 174–83
  and pluralism, 183–8
democratic governance and parliamentary government, 174–83
democratic pluralism, 183–8
Denmark
  and democratic deficit, 172
  public opinion on EU, 164
  votes held by, 93
Dewey, J., 182
Dinan, D., 13
diplomacy and conflict avoidance, 90–1
Dubois, V., 15
Duchesne, S., 165
Dulong, D., 15

Economic and Financial Committee, 87
Economic and Monetary Union, 70
Economic and Social Committee, 68, 179, 180
economic liberalization, 18–19, 26
education
  and identity policies, 33–4
  and national governments, 168
Edwards, D., 75
elections
  absenteeism from, 167
  see also qualified majority voting; voting
Elias, N., 189, 191
Engelmann-Martin, D., 66
enlargement of EU (2004), 102, 199–200
environmental issues
  complaints over, 60
  and interest groups, 153
  Union's role in, 50, 57, 154
equality of men and women, 135, 141
  and interest groups, 153
Estonia, 93
Euro zone, 35
Eurobarometer, 189
European Central bank, 11, 44, 46, 47
European Coal and Steel Community, 14–15, 74, 112
European Commission, 15, 28
  co-decision process, 119–20, 123
  collegiality in, 99–105; negotiation, 104–5; neutrality of, 100–4
  commissioners: appointing, 76–83, 104; portfolios, allocating, 81–3; profiles, 80–1
  committees of, 86–8
  competition with other organs, 65
  complaints to, 59–60
  and Council of Europe, competition between, 87–8
  decision making by, 43, 44–5, 178
  economic liberalization, 18–19, 26
  functions of, 83–8; indirect leadership, 83–4; limitations, 83–4; policies, managing, 84–8
  as guardian of treaties, 59–61
  interest groups, support for, 152–3
  lobbyists, role of, 149, 151
  negotiation in, 104–5; and compromise, 124
  not a European government, 74–83, 174
  numbers of commissioners, 102
  President of, choosing, 77–9, 107, 201
  regulation by, 85
  role of, 75–6
  social agenda of, 155–6
  voting in, 104–5
European Convention
  and constitutional treaty, 71
  and democratic deficit, 174
  policy making, 31, 38, 42, 47
  on qualified majority voting, 95
  reform of Commission, 101
  and subsidiarity, 57–8
  transnational mobilizations of public opinion, 165–6
European Council *see* Council of Europe

European Court of Justice, 11, 28
acceptance of, 131
and charter of human rights, 144
collaboration within, 131
in community method, 68
as constitutional jurisdiction, 129
and decision making, 45
duties and functions, 128–9
formalist attitude, 137
future of politics, 140–5
as guardian of treaties, 59–61, 68, 130
as international jurisdiction, 129, 134
jurisprudence, changes in, 140–5
and national governments, 136–9; interference by, 139; submitting observations, 139
and politicians, 136–40
powers of, 50, 51
pressure groups, 135
prudent audacity of, 129–36
and public opinion, 143
reasons for, 127–9
and subsidiarity principle, 54
Van Gend en Loos case, 131–3
European Defence Community, 16
European Democrats, 112, 114
European Economic Community, 15
founding principles, 65–6
European Free Trade Association, 16, 34
European integration
convergence on, 26–7
and European Court of Justice, 142–3
political methods of, 14–15
positive and negative, 15–19
pressures on, 25–6
public opinion on, 164
and relations with states, 193
scenarios of, 22–3
and Single European Act, 17
vectors of, 23–9
European Parliament
and civil society, 180
co-decision, 117–23
commissioners, appointment of, 76–7
committees of, 112
compromise in, 123–6
consensus in, 111–17
and democratic deficit, 171–4
and European Commission, 76, 152
and European Court of Justice, 144
party groups: development of, 157–8; distribution of seats, 112–13; roles of, 112–17
petitions to, 166
President, appointment of, 79–80
regulation issues, polarization over, 162
rise of, 107–9
stagnation of, 109–10
voter participation and absenteeism, 116
European People's Party (EPP), 78, 101, 158–9
as group, 112–14
voting by, 115
European politics
decision making by, 43
and technocracy, 14–15
European Trade Union Confederation (ETUC), 155
European Union
accountability of, 170
balance of powers, 7–8
breach of law, remedies for, 59–60
as civilian superpower, 198
compromises at foundation, 12–19
conservatism of, 165
as democracy, 196–7
development aid from, 197–8
enlargement of (2004), 102, 199–200
as federation of states, 192
institutions, 27–9
as international organization, 3
as military power, 197
political regime: analysis of, 1–3; cleavages in, 2–3; evolution of, 200–1
powers of attribution, 49
regime, changes in, 198–204
roles of, 49–50
and states: compromise with, 125, 186–7; control of, 58–63; different agendas, 175; EU not as, 174, 195–8; financial sanctions, 61–2; new powers, 52;

European Union – *continued*
rivalries and tensions between, 193–4; sharing powers, 50–1; vertical confrontation between, 195–7
as welfare state, 195–6
Euroscepticism, 2, 189

federalism, 5–7
Ferry, J.-M., 177, 193
Finland, 93–4
Fischler, Franz, 103
Fisher, Joschka, 77
foreign policy, 72
tasks, 70
Forêt, F., 34
Fouchet Plan, 16
France
and European Court of Justice, 139
and European Parliament, 109
and supranationality, 17
votes held by, 93, 95
Franklin, M., 165
free market doctrine, 15
Frognier, P.-A., 165

Gabel, M. G., 162, 165
Gellner, E., 33
General Affairs Council, 72
Germany
constitutional court in, 127
and European Court of Justice, 139
and European Parliament, 108
favouring common market, 16
public opinion on EU, 164
and subsidiarity principle, 54
votes held by, 93–5
Gerstenberg, O., 177
Gerstlé, J., 161
Giscard d'Estaing, Valéry, 69, 137
Gobin, C., 155
governance
agencies for, 175–8
interest in, 178–83
multi-level, 38–9, 190
and parliamentary government, 174–83
governments *see* national governments
Grabbe, H., 36
Greece
membership of international organizations, 35
votes held by, 93
Green parties, 101, 113, 159
voting by, 115
Greenwood, J., 149
Grewe, C., 36
Grogan judgement, 140
Gustavsson, S., 170

Haas, Ernst, 66
Habermas, Jürgen, 2, 65, 170
Hague Conference (1948), 13
Hall, P., 26
Hansen, R., 32
Harding, C., 134
Harlow, C., 135
Haughton, T., 36
Hayes-Renshaw, F., 69
Héritier, A., 176
High Authority, 45, 128
role of, 67, 74, 75
Hix, S., 1, 108, 115, 116, 117, 157, 162, 163, 173
Hobsbawm, E., 25, 33
Hoffman, S., 5
Hoogh, L., 162, 163
Howse, R., 7, 198
human rights, charter of, 144
Hungary
and European Parliament, 109
votes held by, 93

identity policies, 33–4
Imig, D., 147
immigration issues, 162
implicit powers, 51
Independence and Democracy group, 113
institutional policies, 34–6
integration *see* European integration
inter-institutional relations, 143–4
interest groups
in agriculture, 149–51
in decision making, 39, 177
and European Court of Justice, 135
and governance, 177

interest groups – *continued*
growth of, 149
influence of, 152
intergovernmental cooperation method of policy making, 41–3
intergovernmental conference (2003–4), 95, 101
intergovernmental federalism of EU, 192
intergovernmental negotiations, 96
intergovernmentalism, 23–4, 191
in future of EU, 201, 202–3
International Monetary Fund (IMF), 13
Ioannina compromise (1995), 96
Iraqi crisis, 25, 43
Ireland
and European Court of Justice, 140
votes held by, 93
Italy
constitutional court in, 127
and European Court of Justice, 139
favouring common market, 16
political parties, 111
public opinion on EU, 164
votes held by, 93

Joana, J., 75, 80–1, 103, 105
justice issues, 162

Kagan, R., 198
Kant, Emmanuel, 5–6, 19, 181
Kassim, K., 90
Keating, M., 36
Keeling, R., 133
Kenny, S.J., 138
Kirchner, E., 86
Kohler-Koch, B., 26, 109, 153
Kreppel, A., 113, 117
Kuhn, T., 24
Külahci, E., 158

Laffan, B., 8
Lagneau, E., 147
Lamy, P., 186
Lane, J.-E., 90
Latek, M., 174
Latvia, 93
Le Galès, P., 36
Lefébure, P., 147
Leibfried, S., 37
Lenaerts, K., 140
Lequesne, C., 36, 99
Lewis, J., 90
Liberal Federalist parties, 101
as group, 112, 113, 159
voting, 115
Lijphart, A., 1, 7, 65, 125
Lippert, B., 36
Lithuania, 93
lobbyists, 149, 151
local authorities, 153
Lord, C., 92–3, 115, 117, 157, 158, 163, 175
Luxembourg
favouring common market, 16
votes held by, 93–4

Maastricht Treaty (1992), 19–23
co-decision in, 119
commission, appointment of, 77
committees, decision making by, 87
and European Court of Justice, 136, 139
extension of Union's roles, 50
and fall of communism, 25
and foreign policy, 21
impact of, 11, 21–3
intergovernmental decision making, 41–2, 44
parliament's initiatives, 83, 107–8
and single market, 20–1
subsidiarity principle in, 53–5
Machiavelli, N., 19
MacKay, D., 8
MacMullen, A., 80
MacNamara, K., 46
MacRae, K., 25
Maduro, M., 37, 142
Magnette, P., 65, 159, 173, 181, 193, 194
Mair, P., 159
Majone, G., 46, 47, 100, 175
Malova, D., 36
Malta, 93
Mancini, G., 133
Manners, I., 198
Mannheim, K., 187
Mansfield, H. C., 200
Mansholt, Sicco, 150

Marin, Manuel, 80
market regulation policies, 36–7, 154, 175
  competition among national governments, 168
  complaints over, 60
  and political parties, 162, 163
Marks, G., 1, 39, 162, 163, 190
Marquand, D., 172
Mattila, M., 90, 94
Mattli, W., 136
mediation, role of, 28
Menon, A., 65, 192
Meynaud, J., 15
Mill, John Stuart, 106
Millon-Delsol, C., 53
Milner, H., 181, 186
Milward, A., 3, 9, 16, 23, 24, 65, 66, 191
monetary and economic policies, 36–7
  role of European Parliament, 110
Monnet, Jean, 13–15, 58–9, 66, 67, 69, 74
Montesquieu, C. de, 19, 127
Moravcsik, A., 3, 9, 23, 28, 167, 169, 198
Muller, P., 26
multinational enterprises, 153

national governments
  and decision making, 41–3, 59, 169
  and European Commission, 108–9; compromise with, 125, 186–7; different agendas, 175
  and European Court of Justice, 136–9; interference by, 139; submitting observations, 139
  and European Parliament, 108
  and Europeanization, 24–5, 26
  functions controlled by, 168
  omnipresence of, 69–74; commissioners, appointment of, 76; and Committee of Permanent Representatives, 73–4; and Council of Europe, 69–71; and Council of Ministers, 72
  see also states
nationality, 32
negative integration, 15–19
negotiation
  in decision making, 168–9
  in European Commission, 104–5
  and compromise, 124
Netherlands
  favouring common market, 16
  votes held by, 93
neutrality of European Commission, 100–4
Nice, Treaty of
  co-decision in, 119
  commission, appointment of, 77
  European Court of Justice, 136
  portfolios, allocating, 82
  qualified majority voting, 94
Nicolaïdis, K., 7, 198
non-discrimination principle, 193
Noury, A., 117, 162
Nugent, N., 75, 104

oil shocks, 25
Olsen, J., 27, 34
Ombudsman, 68
open coordination method of policy making, 44–5
Organization for Economic Cooperation and Development (OECD), 34

Papadopoulos, Y., 166
Paris, Treaty of (1951), 45, 74
  competition policy, 85
  and European Court, 128
parliamentary government
  and democratic governance, 174–83
  and democratic pluralism, 183–8
  for EU, 201–2
  model of, 35
party groups in European Parliament
  development of, 157–8
  distribution of seats, 112–13
  roles of, 112–17
Party of European Socialists (PES), 78, 101
  as group, 113–14
  voting by, 115
Percheron, A., 164
persuasion, role of, 28

Pescatore, P., 59, 128, 129
Peterson, J., 24, 38
Pierson, P., 24, 37
Poland, 93, 95
polarization of political parties, 161–3
policy making, 30–47
  by Commission, 84–8
  limits to, 50–1
  procedures, 37–47; centralized regulation, 45–7; community method, 40–1; intergovernment cooperation, 41–3; open coordination, 44–5
  spheres of, 31–7; identity, 33–4; institutional, 34–6; market regulation, 36–7; security, 31–3
political parties, 111–17, 157–63
  cleavages between, 2–3
  and democracy, 183–4
  formal organization of, 157–8
  functions exercised, 160–1
  groups, 112–14
  limits to development of, 158–61
  polarization of, 161–3, 184, 185
  and public opinion on EU, 163–6
  regulation issues, 162
  strengthening of, 185–6
Pollack, M., 28, 29, 46
Portugal
  membership of international organizations, 34–5
  public opinion on EU, 164
  votes held by, 93
positive integration, 15–19
pre-emption, 51
President of Commission
  choosing, 77–9, 107, 201
  and European Parliament, 77, 79–80, 107
  role of, 97
Prodi, Romano, 71, 78, 82, 101, 103
proportionality principle, 55–6
Przeworski, A., 181
public health, 168
  complaints over, 60
  Union's role in, 50, 154
public intervention, 15
public opinion
  and European Court of Justice, 143
  and national governments, 163–4
Putnam, R. D., 183

qualified majority voting, 22
  in community method, 67–8
  in conflict avoidance, 92–7
  and decision making, 40
Quermonne, J.-L., 8, 192

Radaelli, C., 15
Ranger, T., 33
Rasmussen, H., 134, 137
Raunio, T., 112, 173
Rawlings, C., 135
Rawls, J., 183, 194
Reding, Viviane, 81
Rehn, Olli, 81
Reynié, D., 163
Ricouer, P., 187
Risse, T., 66
Rittberger, B., 109
Rivaud, P., 99
Roemetsch, D., 87
Rokkan, S., 31
Roland, G., 162
Romania, 93, 96
Rome, Treaty of, 16
  competition policy, 85
  and European Court, 128
  as framework treaty, 74
Roosevelt, Franklin D., 137
Rosenau, J., 190
Ross, G., 75
Rousseau, J.-J., 4–6, 19, 193
Rozenberg, O., 173
Ruiz-Fabri, H., 36

Sabel, C., 177, 182
Santer, Jacques, 78, 82
Sartori, G., 116
Saurugger, S., 153
Scharpf, F., 17, 29, 40, 42, 142, 196
Schmidt, Helmut, 69
Schmidt, V., 26, 170
Schoutheete, P. de, 91
Schröder, Gerhard, 78, 158
Schuman, Robert, 66, 128
security policies, 31–3
Seiler, D.-L., 161

self-regulation, 57
sex equality, 135
Shapiro, M., 138, 140, 141
single currency, 20, 35
  motives for, 25
Single European Act (1986), 17, 69
  co-decision in, 118–19
  and European Court of Justice, 139
  and single market, 155
single market, 20–1
  regulation in, 18
Slaughter, A.-M., 3, 131, 136, 192, 198
Slovakia, 93
Slovenia, 93
Smismans, S., 177, 180
Smith, S., 75, 80–1, 103, 105
social law, established, 135
social market economy, 26
social policies
  integration, 155
  national governments on, 168
  role of European Parliament, 110
social rights of EU citizens, 193
Socialist group of parties, 113, 157
Sorensen, V., 24
sovereignty, 4–10, 190–4
  language of, 4–5
  and political parties, 162
  and supranationality, 12–14
Soviet Union, collapse of, 199
Spaak, Paul-Henri, 66
Spain
  membership of international organizations, 34–5
  public opinion on EU, 164
  votes held by, 93, 95–6
Spence, D., 75
Spinelli, A., 66
Stability Pact, 11, 103
states
  and commissioners' appointments, 99
  as cornerstone of EU, 191–3
  and EU decision making, 148
  EU not as, 174, 195–8
  and European laws, 58–9
  formation of, 31
  primacy of, 195
  prosperity of, 191
  and union: compromise with, 125; control of, 49–58; new powers, 52; rivalries and tensions between, 193–4; sharing powers, 50–1; subsidiarity, 53–8; vertical confrontation between, 195–7
Stein, E., 131, 133
Stevens, A., 58
Stevens, H., 58
Stone Sweet, A., 23, 131, 134, 140
subsidiarity, 53–8
  co-decision process, 120
  and European Court of Justice, 144
  filtering process, 154
  impact of, 56–7
  and interest groups, 151–2
  and proportionality, 55–6
supranationality and supranational institutions
  and European Commission, 75
  and European integration, 23, 203–4
  and mediation, 29
  role of, 171
  sovereignty and, 12–14
  suspicions of, 17
Surel, Y., 153, 173
Sweden
  jurisprudence, 35
  public opinion on EU, 164
  votes held by, 93

Tallberg, J., 46
Tarrow, S., 147
Taulègne, B., 69
taxation, 168
  complaints over, 60
technocracy
  and governance, 177
  and politics, 14–15
technocracy in European politics, 14–15
Telò, M., 198
Thorn, Gaston, 76
Tocqueville A. de, 6, 7, 187–8
trade unions, 155
Turkey
  application for membership, 33
  membership of international organizations, 35

Union for Europe of the Nations (UEN), 101, 113
United Kingdom
  and democratic deficit, 172
  and European Court of Justice, 139
  and European Parliament, 108
  jurisprudence, 35
  public opinion on EU, 164
  and subsidiarity principle, 54
  votes held by, 93
United Kingdom Independence Party, 113

Van de Walle, C., 158
Van Der Eijck, C., 165
Van Gend en Loos case, 131–3
Van Miert, Karel, 80, 82
Verhofstadt, Guy, 77, 79
Vilvoorde crisis, 146–7
voting
  in European Commission, 104–5
  functions of, 169–70
  by political parties, 115
  see also qualified majority voting

Wallace, H., 69, 171, 180
Wallace, W., 192
Weil, P., 32
Weiler, J. H. H., 9, 11, 26, 130, 131, 136, 138, 141, 192, 194
Weisbein, J., 180
Wessels, W., 87
Westlake, M., 107
Weyembergh, A., 33
Wilson, C.J., 162
Wood, G., 7
workers, free movement of, 135, 141, 143, 155–6
World Bank, 13

Young, A. R., 180
Yugoslavian crisis, 25