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MORE EUROPE TO OVERCOME THE CRISIS

MOREEU ECE NEWS - III, 2



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I – Editorial

EUROPEAN DEMOCRACY: WHAT ARE THE NEXT CHALLENGES?

Hamza Abbas, Jacques Delors Institute

The “democratic deficit” of the European Union is a hackney catch-all term well known to the disdainers and sceptics of European construction and as well to some promoters of a more transparent and participatory EU, partisans of direct elections for all institutions or of the simplification of relations between institutions, etc. At a time when the democratic divide between the EU and its peoples is being denounced as one factor of the breakdown of the European project, it is necessary to shed full light on the debates surrounding many of the democratic features of this hybrid construction, which sometimes struggles to be described as representative of and listening to its citizens. As part of the project “More Europe to overcome the crisis”, the Jacques Delors Institute, in partnership with the Sant’Anna School of Advanced Studies in Pisa, the University Institute for European Studies in Madrid, the Faculty of Law at the NOVA (New) University of Lisbon and the University of Warsaw, is organising a day of debate on June 26, 2017 at the French National Assembly in order to provide constructive insights into these issues and draw concrete proposals for improvement.

1. Democracy in Europe

How can democracy in Europe be addressed without reminding that this form of governance by the people was born in Greece? It is by departing from this etymological and historical definition that participants of the various round tables stressed that the European Union and its member states have promoted democracy as the core value of the European integration and governance. The Union has constantly managed to put democratic tools into place which, even if they have not always seemed to be functional, led to the election of members of the European Parliament by direct universal suffrage since 1979, to the creation of European and national consultative tools and synergies between the European and national parliaments, promoting notably numerous citizens’ initiatives. One example of democratic capabilities that can be extended beyond the national sphere and developed at the European level is the European Citizens’ Initiative, which still does not exist on a practical level in France. This option available to civil society can be leveraged for

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actual citizen involvement, thereby raising another voice than that of European decisionmakers. The participants have, of course, underlined the functional limits of the ECI, but pointed out nevertheless the necessity for such a tool to exist. In addition, the participants discussed many factors required for effective democracy which is not restricted to simple arithmetic but is a system in which each citizen's voice can be heard. Emphasis was placed on the need for an efficient education system, solid institutions, real equality among citizens and effective social mobility. These factors are also part of democracy, ensuring that it is not distorted by falsehoods which can be spread particularly easily via digital and social media, as the experience of recent years shows, resulting in a large proportion of the population believing untrue ideas

2. Representative democracy in Europe

What is understood by representative democracy when addressing European affairs? This question is often asked, given the "faraway" nature expressed by Europeans when it comes to European democracy. However, Danielle Auroi, Chairwoman of the European Affairs Commission of the French National Assembly, felt the need to state that even on a national level, more attention is given to the eight commissions of the French National Assembly without referring to her commission, thereby considering European affairs to be less important than the other commissions. While European issues are relegated in France to the second parliamentary division, there is good reason to believe that changing old habits nationwide would indubitably have an effect on the perception of the European Union without having to move mountains. Representative democracy must therefore be present on all levels to be effective, and is possible in more than one form. Francis Cheneval, professor at the University of Zurich, broke down its characteristics. The first form of representative democracy which is often quoted is direct democracy. This form is considered to be fundamentally representative but includes procedures through which citizens obtain the right to take part and to make collective decisions which are binding for us all. Two rights make up the basis of direct democracy: • the right to decide, to propose a constitutional or legal text • the right to refuse a piece of legislation proposed by representatives, via votes or referenda This democratic system may be called semi-direct, as it is a representative system with direct democracy "add-ons". Direct democracy is not opposed to representative democracy, it is a part of it. Direct democracy is not a phenomenon solely found in Switzerland. It has become a European feature on an increasingly widespread scale due in particular to European integration which raises new sovereignty issues. There are, however, some nuances, such as the issue of plebiscitary democracy, which is a vote triggered by leaders. This practice has existed since Ancient Rome and was used several times in France by Napoleon. It is an instrument often used by authoritarian regimes to consult the people, rather than a citizen right. It is for advisory purposes and is not binding for leaders. European leaders opted for plebiscitary democracy for the European constitution. The participants believe that the use of plebiscitary democracy by European leaders for European construction was felt by many to be of diminished legitimacy following the new successive votes in Ireland or the decisions to the contrary following the Greek vote on the continuation of austerity measures. In France too, the issue of the Treaty of Lisbon covering parts of the draft constitutional treaty was viewed as delegitimising politics and the question of direct democracy. There are some nuances that must be made, however, such as the fact that special guarantees were granted to the Irish government prior to the second vote (such



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as the securing the “one country = one commissioner” rule), and that this “democratic ping-pong game” will ultimately have been beneficial for all, and has enriched the end text.

3. Referenda and their limits

Since 1972, 59 referenda have been held on Europe-related issues in Europe. Often, referenda are not part of a direct democracy system on all levels of government. The major risk when citizens are consulted is that they do not answer the question asked on the ballot paper but rather project all the emerging frustrations with a national power considered to be ineffective and deserving of sanctions, whether it is a national or European issue. This is the case in France, where, as Patrick Le Hyaric, French MEP, noted, the constitutional text of 2005 was excessively complex for citizens, who made a connection between the rejection of national politicians and the complex nature of the text. Yet the procedure should not determine the result. On a European level, votes on an entire treaty with many articles may aggregate the different oppositions while leaving little room for an analysis of the whole text. A distortion towards a negative vote may be the result of this, as put forward by Yves Bertoncini, director of the Jacques Delors Institute, in his address. In addition, the referendum raises the issue— on a European level – of a decision which is binding for the entire EU, as was stressed by Yves Bertoncini with the Irish vote on the Treaty of Lisbon. Although Ireland only has 4.60 million inhabitants, alone it could block a process involving 28 member states. However, to counter the number of limitations, Francis Cheneval raised the possibility of a common vote in all member states with double majority (a majority of citizens and a majority of States) in order to create a common voting culture.

4. National democracies and European democracy

Reference is frequently made to the articulation which the European democratic architecture must take. This concerns the role of the European Parliament, itself regularly questioned due to the involvement of the Commission and the Council in the legislative initiative, and the role of national parliaments. The debate is raging in governments on the importance of the European Union in the legislative process. First of all, it is important to stress that the respective abstention rates in our member states are extremely high both on a national level but above all for European elections, as Patrick Le Hyaric stated. European construction is all too often viewed in our collective perception as an “organised breakdown of the social model”. This must be countered with results in order to avoid the distortion between the European promise and social progress, by giving the EU another vision and another direction, moving towards increased social cohesion. The panellists naturally remarked that voters stay away from the ballot box due to dissatisfaction. Some feel that the European Parliament is useless, others with less categorical views believe that its power is much less than that of the two other institutions that are the European Commission and the European Council. Lastly, the lack of information only worsens a situation which is already critical. More than 40% of French citizens do not know that Members of the European Parliament are elected through direct universal suffrage. Our panellists advise that this should ring alarm bells and become a central concern for leaders and civil society, so that the European Parliament and democracy in general may recover the legitimacy that we have seen reduced in recent years. The role of member states and that of national parliaments has very clearly appeared



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to be more proactive than detrimental in recent years. The main idea developed and welcomed by Danielle Auroi and Alain Lamassoure, French MEP, concerns a “green card” system in addition to orange and red cards. These “green light” cards on legislation studied by the European Parliament differ from the only sanction sent by national parliaments which express their disapproval. This working method, which is increasingly common in the various levels of democracy, would not suffice alone in “instilling new European hope”. Citizens must be better informed, concur our panellists, and all democratic levels must take part in the task.

CONCLUSION: A EUROPE WITH HETEROGENEOUS GEOGRAPHY BUT HOMOGENEOUS DEMOCRACY

In France as in Europe, the population regularly expresses its doubts and fears concerning democracy. For votes of protest or abstention, the alarm bells have been rung for our leaders, who must now respond with concrete results to breathe life into the European project. The European Union is often described as technocratic and distanced from its citizens. It is absolutely essential today to apply reforms to give the Union a direction which directly and visibly benefits citizens. The many votes on European issues throughout the continent prove the extent to which politicians must improve education and information, while simplifying and making the very architecture of the EU more efficient. As regards the role of civil society, political elites or more directly citizens, the avenues proposed by our panellists express clear positions on the reduction of bureaucracy, in order to have a clear executive power with the legitimacy and leadership required. for the cooperation between the various strata of European democracy. Elections must be understood against this backdrop and called sparingly, in order to give them the full legitimacy they need. This should not, however, result in a denial of democracy, when a member state’s vote may prevent others from moving forward. At each level of power, from local authorities to the EU, each body has to shoulder its responsibilities concerning the dissemination of information to citizens and the actual execution of its jurisdiction. In this way, European democracy will finally become what it should have always been, clearly, visibly and firmly in place to serve Europeans.

II - Our initiatives

Scuola Superiore Sant’Anna, Pisa:

1) **New projects:** From October 2017 the Scuola Superiore Sant’Anna and/or its startup Cesue will coordinate and/or contribute to three new European projects dedicated to European Civic Education: EUPath, EUNews and AwarEU.

<http://www.cesue.eu/progetti/progetti-in-corso.html>

University Institute for European Studies. CEU San Pablo University, Madrid:

1) **Master programmes 2017 - 2018**

Master in European Union

The European Union Master’s Degree is an official postgraduate program organized by the Institute for European Studies within the University CEU San Pablo.



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It's official, bilingual and provides specific training in areas that analyze European integration from a multidisciplinary perspective. It is a leading program in Spain with a high level and international faculty and both a professional and research vocation. Optional internships in private and public bodies are available to complete the training and connect students with the labour market.

More information: <https://goo.gl/z2rMG6>

Master in International Relations

The International Relations Master's Degree is an official postgraduate programme organized by the Institute for European Studies within the University CEU San Pablo. This programme is pioneer in Spain and leads the ranking in academic research within the domains of International Relations. It's official, interdisciplinary and bilingual.

More information: <https://goo.gl/cJ7u08>

2) Call for Papers/Abstracts: 18th Global Conference on Environmental Taxation

This year the conference's focus is 'Innovation Addressing Climate Change Challenges: Local and Global Perspectives'. The conference will explore the following topics:

- Climate change policy, biodiversity protection, environmental stewardship, pollution control, water conservation, land degradation, renewable energy, mining and rehabilitation.
- Market instruments such as carbon pricing, emissions trading schemes, other environmental taxes, subsidies, direct action or spending programs and tax concessions both positive and perverse.

May 2017. More information: <https://goo.gl/FkuCP42>



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3) Marcelino Oreja Aguirre, President of the University Institute for European Studies, awarded the Carlos V European Award

By granting him the award the jury wished to acknowledge "his lifelong contribution to the process of European construction and integration, something to which he has dedicated his efforts in the various posts he has occupied both in national and European organisations: including Spanish Minister for Foreign Affairs, Secretary General of the Council of Europe, and European Commissioner. His contributions in the fields of academia and civil society have been equally active and fruitful. Also of note is his tireless work in promoting the concept of Europe and praising European values, especially those related to European cultural diversity and the protection of human rights".

May 2017. More information: <https://goo.gl/VeDcvH>

4) Presentation of the '2016 Annual Report on the implementation of the European Union's instruments for financing external actions in 2015'

This Annual Report 2016, covering actions in 2015, shows how the European Union maintained its commitment to promoting its core values worldwide and continued working for a common future: from the MDGs to the SDGs.

May 2017. More information: <https://goo.gl/JGz5eU>

5) X Hugo Grotius International Conference

Mr. Alexis Mourre, renowned international arbitrator, President of the ICC International Court of Arbitration, presented the paper "Soft Law and the Future of International Arbitration".

May 2017. More information: <https://goo.gl/u3yGSS>

6) Debate on 'The Future of the European Union'

Marcelino Oreja Aguirre, President of the University Institute for European Studies, Raimundo Bassols Jacas, Ambassador of Spain, and Enrique Barón Crespo, former President of the European Parliament (1989-1992) had a debate on the future and challenges of the European Union.

May 2017. More information: <https://goo.gl/kJfFWM3>



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7) **Presentation of the book 'State Aids, Taxation and the Energy Sector'**

This book is the result of the Jean Monnet Project ETSA – CE. This project aims to contribute to EU priority objectives by a new and original way to address traditional legal research on environmental taxes: through the EU State aids control perspective.

June 2017. More information: <https://goo.gl/5dVN3x>

8) **International Seminar on European Legal and Political Studies**

Intensive high-level international course on legal and socio-political matters which has been particularly thought for those wishing to deepen their knowledge of European integration towards the development of a diplomatic career or who are interested in working for intergovernmental organizations, law firms, departments of international companies, etc.

June 2017. More information: <https://goo.gl/AsqAAF>

9) **Federal Committee Meeting of the Union of European Federalists in Spain**

CEU San Pablo University welcomed the Federal Committee of the Union of European Federalists, including speech by Elmar Bork, President of the Union of European Federalists, and Pablo Faura, President of the Union of European Federalists in Spain.

June 2017. More information: <https://goo.gl/d3w8zD>

10) **Seminar on 'La Contratación Pública y el Compliance'**

The University Institute for European Studies organized an interesting workshop on 'Competencia, transparencia y corrupción'.

- Panel 1: Proyecto de Ley de Contratos del Sector Público, Transparencia, ISO 37001 y Compliance en el Sector Público
- Panel 2: Los cárteles, la contratación electrónica y la corrupción

June 2017. More information: <https://goo.gl/UZYE7M>

11) **Conference on '¿Cómo construir una Europa mejor?'**

This lecture was given by José María de Areilza, General Secretary of The Aspen Institute in Spain.

June 2017. More information: <https://goo.gl/2hKkCt>

Nova Law School , Lisbon:

1) Brief courses

Personal data protection

26-30 June

<http://www.fd.unl.pt/Anexos/11607.jpg>

Law of the sea

3-7 July

<http://www.fd.unl.pt/Anexos/11606.jpg>

IV Course on consumer law and alternative dispute resolution

3-7 July



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<http://www.fd.unl.pt/Anexos/11604.pdf>

2) Conferences

MoreEU Conference: The Federal Experience of the European Union – Past, Present and Future

22-23 May

<http://federalismconference.cedis.fd.unl.pt>

Does effective judicial protection still exist?

25 May

<http://www.fd.unl.pt/Anexos/11582.png>

End of life care

26 May

<http://www.fd.unl.pt/Anexos/11610.pdf>

Time of work legal framework in Portugal in the light of European and international law

30 June

<http://www.fd.unl.pt/Anexos/11692.png>

Jacques Delors Institute, Paris:

1) *MoreEU Conference: European Democracy : what are the Next Challenges ?*, Paris 26 June 2017.

<http://www.delorsinstitute.eu/011-25492-Paris-26-juin-2017-Democratie-europeenne-quels-nouveaux-defis.html>

III – Publications

José María Beneyto y Jerónimo Mailló. *Tratado de Derecho de la Competencia (Segunda edición)*.

Bosch - Wolters kluwer. Madrid, 2017. More information: <https://goo.gl/tzyuj3>

Izabela Daleszak. *Brexit: How did the UK get here?* Instituto Universitario de Estudios Europeos – CEU

Ediciones. Madrid 2017. Download: <https://goo.gl/rYDsgf5>

Miguel Moltó. *Los nuevos instrumentos y los objetivos de política económica en la UE: efectos de la crisis sobre las desigualdades*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid

2017. Download: <https://goo.gl/NGGPQC>

Carmen Moreno Quintero. *Las ONGD españolas: necesidad de adaptación al nuevo contexto para sobrevivir*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2017.

Download: <https://goo.gl/7RZ2tY>



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José A. Rozas. *The Role of the Polluter Pays Principle and others Key Legal Principles in Energy Taxes, on an State aid Context.* Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2017. Download: <https://goo.gl/Ie1vTq>



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Guido Savasta. *The European refugee crisis and the EU-Turkey deal on migrants and refugees*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2017.

Download: <https://goo.gl/cFdYLx>

Marta Villar Ezcurra. *State Aids, Taxation and the Energy Sector*. Thomson Reuters Aranzadi. Madrid, 2017. More information: <https://goo.gl/hTf4ym>

Themis, ano XVIII, n.º 32, 2017: 221

<http://www.fd.unl.pt/Anexos/11721.pdf>



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