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Towards a Genuine European Executive Power: from Governance to Government

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Abstract :

With the crisis the debate over the “governance” of the European Union has resurfaced in various shapes and form: in particular the crisis has brought the deficit of European political and executive leadership to light, likewise the need to reform European “governance” so that “true European economic government” can be built. In this context this paper attempts to analyse the imbalances that typify European governance as it stands and to define the conditions that might foster the emergence of a capacity for action and decision making on a European level that is both effective and legitimate – in short true European executive power, the keystone to the transition from governance over to government.

The economic crisis has raised a challenge in terms of the leadership, coherence and effectiveness of European governance [1]. In this time of crisis, which demands that the European Union and its Member States respond to the problems they face, the populations of Europe have discovered, to their frustration, the limits of European governance and its “executive deficit” [2]: weak European executive power; the polyarchic nature of the community institutions and its corollary – a lack of clear political leadership; competition between the institutions and the States; the slowness and unpredictability of the negotiation process between Member States etc ...

However, as Tommaso Padoa-Schioppa brilliantly put it in the most recent text published just before he passed away: “*In the European Union as it stands today, and as in each of its States, democracy is suffering the same ill: an increasing difficulty for any power, whether it be central or local to respond to the requirements of the people which it has the obligation to satisfy (...). The hiatus between the requirements of Demos and the modus operandi of Kratos is one of the greatest threats to the survival of democracy as a form of government based on the principles of responsibility, autonomy and equality (...). Democracy has only been achieved in part, not because European Demos is lacking (...) but because there is no Kratos. The ability to take decisions is lacking likewise the means to implement those decisions* [3].”

In this context this paper will put forward an analysis of the imbalances which typify European governance today and define the conditions that might foster the emer-

gence of an effective, legitimate European capacity for action and to make decisions – in short - true European executive power, the keystone to the transition from governance to government.

A COMPLEX AND FRAGMENTED EUROPEAN EXECUTIVE POWER WHICH IS INEFFECTUAL IN THE FACE OF EXCEPTIONAL CIRCUMSTANCES

With the crisis the debate over the “governance” of the European Union has resurfaced in various shape and form: in particular the crisis has revealed a lack of European “political leadership” and an “executive deficit”, as well as a need to reform European governance so that true “European economic government” can be created [4], in terms of the eurozone at least.

Prior – even rapid – clarification of these different terms is vital if we aim to engage debate on a clear basis. The vague and imprecise term “governance” was first developed nationally and internationally in the 1980’s, notably within the business context. It was applied to the European Union to take on board the complicated articulation of the various levels of government in a polycentric decision-making system in which coordination and regulation methods prevailed to the detriment of clear concepts of political authority and government [5]. The term “government”, in spite of its apparent simplicity, can mean several things: on the one hand, it means the holder – either individual or collegial – of the executive function;

1. This text is part of a body of work that was started several years ago on the question of “Political Union” undertaken by/ at the Robert Schuman Foundation and the CERI (Centre d’Etudes et de Recherches Internationales de Sciences Po). This work has led to the publication of several studies, notably: T. Chopin “Europe and the Need to Decide: is European political leadership possible?” in the Schuman Report on Europe: State of the Union 2011, Springer, 2011; “A Political Union for Europe”, European Issues, Policy Paper by the Robert Schuman Foundation (with J.-F. Jamet and F.-X. Priollaud), n°252, 24th September 2012; “Political Union: from slogan to reality” in the Schuman Report on Europe: State of the Union 2013, Springer, 2013. I would especially like to thank Jean-François Jamet for his careful re-reading of the first draft of this text and for his suggestions which are always priceless. Of course I alone am responsible for the opinions expressed in this paper.

2. We have borrowed this expression from Nicolas Véron “The Political Redefinition of Europe”, Opening Remarks at the Financial Markets Committee (FMK)’s Conference on “The European Parliament and the Financial Market”, Stockholm, June 2012, n°141, Spring 2013. See also N. Véron, “Challenges of Europe’s Fourfold Union”, Hearing before the US Senate Committee on Foreign Relations: Subcommittee on European Affairs, on “The Future of the Eurozone: Outlook and Lessons”, August 2012; and Peter Ludlow, “Executive Power and Democratic Accountability”, Quarterly Commentary, Eurocomment, September 2012.

3. Tommaso Padoa-Schioppa, « Demos et Kratos en Europe », in Commentaire, n°129, Spring 2010. This argument refers to the demand that was formulated by the Founding Fathers of the American Constitution; cf. Alexander Hamilton: “A feeble Executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government.” and “energy in the Executive is a leading character in the definition of good government” in The Federalist Papers, n°70.

4. See J.-F. Jamet, L’Europe peut-elle se passer d’un gouvernement économique ?, La documentation française, 2e édition, 2012

5. Cf. for example Simon Bulmer, “The Governance of the European Union : A New Institutional Approach”, in Journal of Public Policy, 13(4), 1994, p. 351-380; see also S. Saurugger, Théories et concepts de l’intégration européenne, Presses de Sciences Po, 2009, chap. 7.

on the other hand it refers more widely to "the means of government", in other words, to the type of political regime (*politeia* to the Ancient Greeks), i.e. to the way different powers are exercised: "in this sense it means a decision making process based on arbitrage, understood as a discretionary decision that is made either by the majority vote within a collegial body – "government by the cabinet"– or by the leadership exercised by the "head of government", who accumulates (or not) his post with that of Head of State." [6]

It should first be stressed that "European executive power" already exists. But an attempt to describe it requires much more complex analyses than those applied on a national level where its exercise is almost totally the responsibility of the governments whose power can easily be distinguished from the legislative power of the Parliament and from the judicial power of the "judges" in a wide sense of the term. This complexity, which is both technical and legal, results from the high fragmentation of the organisations, be they community or intergovernmental, which compete for the exercise of the European Union's executive power. It is also due to the disparity in types of execution since executive power – which might be defined as "the power to make something effective or to implement" includes some quite different realities, ranging from the production of standards (which refers mainly to the adoption of decisions that aim to provide a precise definition to the content of EU directives and regulations) to administrative and budgetary management, notwithstanding, the adoption of international positions [7].

Furthermore a more modern definition of executive power also includes "the ability to manage and provide impetus". In theory in "normal" circumstances, matters might seem quite clear; however in reality the mode of European governance is already extremely complex [8].

We should recall the idea behind the Lisbon Treaty:

- the President of the Commission, with the support of the European Parliament, should exercise political leadership over the Union's internal policies with a monopoly of initiative;
- the European Council has a role to provide political impetus and is there to define the EU's main strategic guidelines. Its President will facilitate consensus between the heads of State and government and will work in support of the coordination of national policies guided by com-

munity goals and the conclusion of major international venues [9].

But the crisis, which has been affecting the European Union, its Member States and its populations since 2008 raises the key question: who decides in exceptional circumstances in the European Union? What is the EU doing? What are its Member States doing? What is the respective role of the various levels of government in managing the crisis? And who is responsible for what, answering to whom in terms of initiatives and the decisions taken as well as their implementation? With hindsight the only community institution that has played a decisive role in the crisis has been the European Central Bank. Although the European Commission is extending its prerogatives at the moment thanks to the strengthening of the supervisory mechanisms of States' economic policies, it has temporarily lost a great share of its authority because a community instrument that allows for the implementation of a Europe-wide contra-cyclical budgetary policy, is lacking [10]. This weakness has made it dependent on the goodwill of the European Council, the only institution that is competent to create ad hoc instruments (EFSF, ESM, and increase in the EIB's capital). This has gone together with a lack of legitimacy in the face of accusations launched at the Commission because of its focus on deregulation prior to the crisis. Although the European Parliament has legislated over the last few months on the programme that aims to reform budgetary and financial supervision ("six pack", "two pack"), as a "deliberative" institution it has not, by definition, been in a "position" nor has it kept pace in order to manage the crisis. Amongst the European institutions only the ECB – which is a federal institution but not a "political" one, since its legitimacy is based on its independence – has been able to respond rapidly and manage the crisis in exceptional circumstances. It is also remarkable that the crisis has strengthened the role of the ECB, which is the only European institution that has an immediately available contra-cyclical instrument. Its role as lender of last resort alone was sufficient to reassure the markets in spite of the limits set on its remit.

Beyond that it was the States within the European Council which exercised real political leadership and drafted European responses to the crisis. However, many observers, and some of the best informed accused the Union, early

6. Jean-Louis Quermonne, "Gouvernement et gouvernance", in S. Mesure and P. Savidant (dir.), *Dictionnaire des sciences humaines*, PUF, 2006.

7. Cf. Julien Jorda, *Le pouvoir exécutif de l'Union européenne*, Aix-en-Provence, Presses universitaires d'Aix-Marseille, 2001; we might also refer to Y. Bertoincini and T. Chopin, *Politique européenne. Etats, pouvoirs, citoyens*, Presses de Sciences Po – Dalloz, coll. "Amphis", 2010, chap. 8.

8. As far as we know there are no other examples of executive power that is shared between several institutions at different levels of government, even within federations. In terms of the way it functions this makes the EU like traditional international organisations.

9. Alain Lamassoure, "L'Europe peut-elle fonctionner sans leader?", in N. Gnesotto, M. Rocard (dir.), *Notre Europe*, Paris, Robert Laffont, 2008, p. 224-235.

10. The size of the European budget (1% of the GDP) prevents the implementation of a budgetary stabilisation policy Europe wide.

on in the crisis “of having moved too slowly without the response and decisiveness that were necessary to calm the markets and prevent deterioration in the situation and the contamination of other economies.” [11] The procrastination and hesitation on the part of some Member States, notably Germany, regarding the aid mechanisms to Greece have indeed further weakened the Union’s response to the debt crisis. More recently we have notably seen that the solution which the EU finally found in response to the Cypriot crisis in March 2013 (protection of savings guaranteed, bail-in by the banks’ securities holders and major depositors) came after a great deal of prevarication which was similar to that about Greece at the beginning of 2010.

From this point of view the crisis illustrates that the extremely complex nature which typifies the European political system has a price not only in terms of efficacy but also of legitimacy. The complexity of the European machine, as well as the heterogeneity of national interests and preferences makes decision making and the implementation of joint projects difficult. To date the EU has proven that it can draft rules and is typified by a difficulty in making discretionary choices for various reasons: mistrust about European discretionary policies due to moral hazard [12] or the transfer of political sovereignty, which might go with them, a lack of any true European executive power; the polyarchic nature of the community institutions and its corollary, a lack of clear leadership; competition between the institutions and the States; and also a reciprocal desire for control on the part of the Member States. In particular, the slow negotiation process between Member States seems to affect the efficacy and legibility of the decision making process in the work to define strategies to settle the crisis.

IMBALANCED GOVERNANCE IN EXCEPTIONAL CIRCUMSTANCES: NATIONAL DIPLOMACIES VS EUROPEAN DEMOCRACY

The pre-eminence of national governments in terms of decision making has had ambivalent effects on European governance during crises [13]. Of course in exceptional circumstances crises can affect Europe positively, to the point of lending credence to the idea that “*European integration often moves forward thanks to crisis*” [14]. The potentially positive aspect of crises is linked to the fact

that they lead to exceptional political action at the highest level within the Member States, in other words on the part of political leaders who have the ultimate legitimacy to take strategic decisions and to make compromises on particularly complex and sometimes exceptionally major financial issues. It is also because emergencies call for decisions that would be more difficult to take at a normal pace and according to usual procedures.

However the pervasiveness of diplomatic logic can lead to negative consequences that are all the more damaging in times of crisis: difficulty for the Union to speak with one voice and to act quickly and effectively; the neutralisation of the Member States which then leads to uncertainty on the markets whose effects are very dangerous in times of crisis.

There is an increasing gulf between the way the European institutions function at present and the demands of the crisis. Diplomatic negotiations time is too slow and the feeling has gradually emerged that Europe is always one step behind the crisis.

Furthermore this functioning method causes anxiety and destabilises: the outcome of the negotiations is always uncertain, the governments’ various positions seem regularly subject to national (and even regional) electoral agendas, the decisions taken by the governments can then be challenged on the national level especially in a context in which many governments have been politically weakened in their own country. The resulting uncertainty greatly increases investors’ perception of economic risk and reduces the credibility of European commitments.

In addition to this the present functioning method, which notably gives primacy to the Council over the European Parliament, creates a problem of legibility and legitimacy for the citizens of Europe: not one democratic debate takes place in which the decisions to be taken on a European level to settle the crisis are explicitly debated. National debates do not allow actors to commit firmly in that the decision will in fact be the result of negotiations between other heads of State and government. Hence there is no real debate over the issues of budgetary federalism and economic policy, notably austerity measures and structural reforms [15].

Lastly, and the recent crisis in Cyprus has revealed this point in a quite exemplary way, if a decision is the result of a unanimous negotiation – in which various opinions are expressed – it will only be taken at the last minute,

11. Tommaso Padoa-Schioppa, “La crise de la dette dans la zone euro : l’intérêt et les passions”, *Les brefs de Notre Europe*, n°16, 2010.

12. In line with the approach developed by the founding article by F. Kydland and E. Prescott, “Rules rather than Discretion : The Inconsistency of Optimal Plans”, *Journal of Political Economy*, 1977.

13. Cf. Y. Bertoincini and T. Chopin, *Politique européenne*, op. cit., chap. 12.

14. We find a traditional expression of the theory where by crisis cycles are consubstantial with European integration in the article by J-P Olsen, “Coping with Conflict at Constitutional Moments”, in *Industrial Corporate Change*, vol. 12, 2003.

15. As Nicolas Véron points out, European leaders do not have a « European political mandate »: « Taken individually the members of the European Council have a mandate given by their respective electorates, but the aggregation of these national mandates which are often incompatible with each other do not provide a European political mandate », in « The Political Redefinition of Europe », op. cit.

16. In the case of the Cypriot crisis the ECB said on Wednesday 20th March 2013 that it would stop providing emergency liquidities to the Cypriot banking system if a solution was not found before Monday 25th March. The agreement was signed in the night from 24th to 25th March.

17. "Political responsibility" refers to the following requirements: (i) the ability to take decisions based on a confirmed popular mandate (this is neither the case for national governments which have to come to a compromise on a European level, nor for MEPs who enjoy extremely limited authority over the budgetary policy whether it is European or national – since the European Parliament does not have the last word over the revenue chapter which is key); (ii) answerable to the electorate in terms of decisions taken (which is not the case either because: a/ national governments can say "this is not what I wanted" and thereby blaming their partners or the need to come to a compromise in a system governed by unanimity; b/ the Parliament can blame the Council because there is no common majority political colour/approach).

18. See Jean-François Jamet, "Union européenne : trop de diplomatie tue l'économie", *touteurope.fr*, 28th May 2010.

19. Here we are reminded of the Carl Schmitt's famous sentence which opens his *Political Theory* (1922): "Sovereign is he who decides on the exception" ("Souverän ist, wer über den Ausnahmezustand entscheidet").

20. Cf. J.-P. Fitoussi, *La règle et le choix. De la souveraineté économique en Europe*, Paris, Le Seuil, coll. "La république des idées", 2002; see also S. Goulard and M. Monti, *De la démocratie en Europe. Voir plus loin*, Flammarion, 2012, p. 202-205. Locke defined executive power as being "the power of the prerogative" saying that it is a "discretionary power" ("the power to act at the discretion of and for the public good (...) is what we call the prerogative"), in *Second Treatise of Government* (1689), chap. 14.

21. See Jean-Louis Quermonne, "De la gouvernance au gouvernement : l'Union européenne en quête de gouvernabilité", in P. Favre, J. Hayward, Y. Scheméil (dir.), *Etre gouverné*, Paris, Presses de Sciences Po, 2003, p. 315-332.

just ahead of the established "deadline"; and as long as the latter is not credible it can be challenged, forcing everyone back to the negotiation table [16]. Hence the feeling of "Russian roulette" of the inability to decide and of time wasting. This has nothing to do with the constitutional system of democracy which drafts and provides the tools necessary to take decisions in a context of divergent political preference: voting by the majority together with constitutional rules that protect the minority. Again as illustrated so well by the Cypriot crisis, this notably raises the issue of the legitimacy and efficacy of the Eurogroup and of its decision making methods: in reality it is a European institution whose decisions can be suspended according to the will of a tiny minority and which can take a decision that none of its members then defend in a completely irresponsible political context [17].

From this point of view European governance is suffering an imbalance between national diplomacies and European democracy [18]. Although the States still believe themselves to be sovereign and the arbiters of last resort in terms of the decisions to be taken in a time of crisis [19], the weaknesses of European governance as revealed by the crisis lead us to an analysis of the terms of European political leadership. Although the Union is of course a Union of States it is also a community of citizens and the creation of true European leadership necessarily includes the strengthening of the unity of the European political environment if we agree that popular will is the basis of the legitimacy of power within our democratic regimes. The EU is not an exception to this rule. However what do we see other than a lack of democratic competition in the appointment of the main European leaders? For the time being there is no political competition in the appointment of the President of the Commission; the election of the President of the European Parliament is undertaken on the basis of a bipartisan consensus; and last but not least, the appointment of the President of the European Council is not organised according to minimal democratic rules which we might have the right to expect in the appointment of the holder of such a position: putting oneself forward as a candidate, competition between several candidates, public, transparent debate. True European political leadership supposes stronger popular legitimacy, the base on which it must rest. The issue at stake lies in transferring – even partially – the source of the Europe States' legitimacy over to the citizens. This

additional democratic legitimacy, as matters stand today, would help to enhance European political leaders' ability to act and take decisions in the face of national political leaders and ultimately create true European executive power if certain conditions were fulfilled.

WHAT CONDITIONS ARE REQUIRED TO MAKE A EUROPEAN EXECUTIVE POWER POSSIBLE?

First of all the software used in designing decisions has to be changed and, the balance between "the rule" – which results after a long, complex process – and the "choice" [20] – which has to be easily identifiable on the part of the citizen: although the management of some common policies naturally calls for the use of regulation (the fight to counter anti-competitive practices for example), the nature of the problems faced by the Union is such that a great number of issues that need to be addressed urgently, are more about "government" method rather than simple "governance" [21], for example in terms of the budget where "discretionary" power is vital. Furthermore European political leadership has to be clarified in terms of the rivalry between institutions and the Member States within post-Lisbon polyarchic governance, a prior condition for effective, legitimate decision making. Indeed regarding the exercise of executive power, divergence can be damaging, from a general point of view, but this can be worse in exceptional circumstances. Whilst dissension can foster a balanced choice within a legislative body, since it encourages the debate of arguments and positions, it can be detrimental to the exercise of executive power [22] notably when decisions have to be taken in times of crisis. From this point of view a fragmented or plural executive power is not optimal [23] and in the case of the European Union, the European Council sometimes considered as a "collective executive power" cannot, in reality, undertake the executive function effectively.

Furthermore a democratic system supposes the ability to answer the question "who is doing what?" a condition of the political responsibility of those who govern. But the fragmentation of power on a European level (expressed in "troika", "task force", "group of 4" – to define the Presidents of the European Council, the European Commission, the Eurogroup and the European Central Bank – are striking formulations ...) can only lead to a dilution of poli-

tical responsibility that must now be clarified. Again it is striking to recall the terms used by the Founding Fathers of the American Federation to describe this danger. Indeed they insisted that not only could a plural executive not act or decide effectively, but it also impeded the efficacy of responsibility mechanisms: "one of the most powerful objections to plurality in the Executive (...) is its tendency to mask errors and destroy responsibility."^[24] From this point of view, solving the European "executive deficit" entails creating clearer, more legitimate, more responsible leadership. To do this the presidency of the Commission would have to be merged with that of the Presidency of the Council in order to strengthen the European Union's political legibility and democratic legitimacy – this would also help Europe to speak with one voice only. The Lisbon Treaty allows for this innovation: it was to enable this possibility that the ban on holding more than one national mandate was maintained, whilst the ban on holding another European mandate was withdrawn. The European Council would simply have to appoint the same person to two posts. This would strengthen the political legitimacy of the title holder of this presidency who would enjoy community and intergovernmental legitimacy and be politically responsible to the European Parliament. Hence the President of the Commission would head the European Council. This single president might be elected by direct universal suffrage, as put forward by the CDU during its Leipzig Congress in November 2011. This would provide the President of Europe with direct democratic legitimacy and also a clear political mandate. Alternatively, and this option seems to be more realistic, he might be appointed by the European Parliament – as planned for in the Lisbon Treaty – based on the result of the next European elections, since he would be the lead candidate. This would be election by indirect universal suffrage according to the model in application in most EU Member States (parliamentary democracy model). In expectation of this reform, the European Council should commit to appointing the candidate to be put forward by the party or the majority coalition in the European Parliament to the post of President of the Commission and possibly of the European Council.

In addition to the possibility (using the existing treaties) of merging the presidency of the Commission with that of the European Council so that the political legibility and the democratic legitimacy of the European Union

are strengthened it is vital to place the Eurogroup under the supervision of the European Parliament by creating a Vice-President of the Commission and the Council responsible for the euro and economic affairs ; this would lead to the creation of the post of European Finance Minister as suggested by Jean-Claude Trichet ^[25] and Wolfgang Schäuble. This person would jointly ensure the role of Economic and Monetary Affairs Commissioner and of President of the Eurogroup – who would then answer to the European Parliament. He would hold the position of Vice-President of the Commission and of the Council. He would use the Eurogroup to prepare and follow-up euro zone meetings and the Economic and Financial Committee in view of meetings involving all EU Member States. Reporting to him would be a General Secretariat of the Treasury of the eurozone whose range of tasks would depend on the goals of the budgetary union now being created, (notably via insurance mechanisms and existing budgetary instruments).

Jean Pisani-Ferry has pointed to the danger linked to this merger, asking "is it possible to have a Commissioner who would demand sanctions against a State and who would then chair the Council during which this proposal would be validated or rejected?" ^[26] In reality a similar situation exists in terms of Competition: the European Commission investigates and decides, under the supervision of the EU's Court of Justice. However Jean Pisani-Ferry puts another solution forward, which might also be possible: the creation of an independent budgetary committee which would lead to the "outsourcing of the monitoring of excessive deficits, granting this role to an authority that is separate from the DG for Economic and Financial Affairs (ECFIN), (...), over which the Commission would have no authority. The introduction of an independent budgetary committee like this would free the commissioner of his role of prosecutor and then enable him also to take on the role of President of the Eurogroup."

The Vice-President of the Commission and the Council responsible for the euro and economic affairs would be the euro's political "face" and "voice". He would be responsible for communicating the Eurogroup's decisions (spokesperson) and for representing the eurozone externally within the international financial institutions. He would be responsible for explaining how the eurozone Member States' budgetary or structural policies form a

22. Cf. Harvey C. Mansfield Jr, *Taming the Prince. The Ambivalence of Modern Executive Power*, Harvard University Press, 1989, chap. X.

23. Hamilton maintains that we should "not to be enamored of plurality in the Executive" and that "the ingredients which constitute energy in the Executive are, first, unity", because it enables decision making in "the most critical situations" when a decision is "more than necessary" in *The Federalist Papers*, n°70, op. cit.

24. Ibid. ; as David Epstein says, "the Republican genius (...) of multiple leaders makes each of them invisible", in *Political Theory of the Federalist*, Chicago, University of Chicago Press, 1984, p. 174-175.

25. Cf. Speech by Jean-Claude Trichet, the then President of the European Central Bank, during the award of the Charlemagne Prize 2011 in Aachen on 2nd June 2011.

26. Jean Pisani-Ferry, "Assurance mutuelle ou fédéralisme : l'euro entre deux modèles", *Bruegel*, 8th October 2012 - <http://www.bruegel.org/nc/blog/detail/article/911-assurance-mutuelle-ou-federalisme-la-zone-euro-entre-deux-modeles/>

coherent mix with the ECB's monetary policy. Finally, he would have to communicate regularly with the national parliaments and within the conference that will bring together (as part of the implementation of article 13 of the Budgetary Pact [27]) the representatives of the European Parliament and national parliaments' economic committees.

The qualities of the Vice-President of the Commission and Council responsible for the euro and economic affairs might be laid out in a Protocol on the Eurogroup.

and enable the emergence of populism and extremes. In fine, it is a question of introducing a "mixed government" [29] thereby satisfying demands for democratic legitimacy and responsibility, a capacity to respond and to take political decisions in exceptional economic circumstances – even in times of crisis – and also in order to respond to the political requirement *par excellence*: defining a goal and making European public action make sense.

CONCLUSION

When Max Weber, tried to define the conditions for "a clear, detached decision making spirit" he said that this required "a small number of decision makers and an unequivocal responsibility vis-à-vis each other and also vis-à-vis the governed" [28]. If a government system is to function there must be political leadership, an ability to take decisions and democratic responsibility. If European citizens continue to think that political, economic and social problems can only be solved by their democracies as part of a complex system of governance involving the EU and its States then these will continue to grow weaker

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27. Article 13 of the TSCG stipulates that "the European Parliament and the national Parliaments of the Contracting Parties will together determine the organisation and promotion of a conference of representatives of the relevant committees of the national Parliaments and representatives of the relevant committees of the European Parliament in order to discuss budgetary policies and other issues covered by this Treaty."

28. Max Weber, *Parliament and Government in a Reconstructed Germany. A Contribution to the Political Critique of Officialdom and Party Politics*, 1918.

29. This theory is part of the tradition of the « mixed constitution » which can be found in texts from Polybe to Montesquieu and also the Italian Renaissance authors notably Machiavelli and Guicciardini; cf. Norberto Bobbio, « Governo misto », in N. Bobbio, N. Matteucci, G. Pasquino (eds.), *Dizionario di politica*, Milano, UTET, 1990. For the premises of the implementation of this concept in the EU see Mario Telo, « Pertinence et limites des thèses fédéralistes : vers une constitution mixte ? », in F. Esposito and N. Levrat (eds.), *Europe : de l'intégration à la fédération*, Geneva University, Academia Bruylant, 2010, p. 163-175.

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