

☑ **ST-202, general information**

Course code: ST-202

Course name: The European Union - Institutions and Politics

Date: 11.05.2017

Duration: 09.00 - 14.00

Resources allowed: The use of bilingual dictionaries is allowed.

Notes:

This CLOSED-BOOK EXAM consists of three parts:

- I. 10 multiple choice questions (10% of final grade)
- II. 4 short and focused questions (40% of final grade)
- III. 1 essay (50% of final grade)

Please read the instructions carefully!

ALL answers should be given in English, with the only exception of the essay question (part III), which may be answered in Norwegian.

Good luck!

The professors sometimes ask for exam answers to be used for teaching purposes, but in order for this to take place, the university needs your consent.

Do you grant the University of Agder permission such permission?

Select one alternative

Yes

No

Besvart.

1 **ST-202, II. Short question/short answer**

Answer briefly, but in full sentences FOUR of the following five questions!

- 1) How important was the Marshall Plan to the post-war recovery of Europe?
- 2) How far can we still think of the EU as an international organization, and how far has it developed the features of a state?
- 3) Why was the Maastricht Treaty more controversial than the Single European Act, and why was it so central to the backlash against integration?
- 4) What are the costs and benefits of differentiated integration?
- 5) How do realism and idealism compare when it comes to explaining the global role of the EU?

Fill in your answer here

1) How important was the Marshall Plan for the post-war recovery of Europe?

The Marshall Plan was a US initiative to rebuild the economies of Western Europe. After the second world war, the Marshall Plan contributed to the recovery in several ways. On the one hand, it was an economic factor for the rebuilding of Europe. It as been argued that the funds were instrumental for reconstruction. However, critics

have said that Western Europe was already recovering from the war when the program started and was already at the same production level as before the war. Nevertheless, it also contributed psychologically, it made Europeans feel better about themselves. Lastly, it led to the establishment of the Organization for European Economic Cooperation (OEEC, later OECD) to manage the funds. It was one of the first steps towards regional integration which would in turn lead to economic prosperity and peace.

2) How far can we still think of the EU as an international organization, and how far has it developed the features of a state?

Since the end of the second world war, there has been a boost in the establishing of international organizations (IO). They can either be Intergovernmental - between states. Like UN or NATO. Or Non-governmental Organizations like Green Peace. If the EU is an IO, it falls into the first category. But there are a few important factors that make EU either look like a state and IO.

To name a few characteristics of an IO; Communal management: It has a shared responsibility in its governing. Unlike States, they cannot coerce or use force. Shared Interests: Unlike states that act on international interests, they have to identify shared interests and goals to work towards. They have limited autonomy: they can't act by themselves like states, they can only do what states want them to do.

States on the other hand have four features: Territory, sovereignty, legitimacy and autonomy. It is organized geographically with people living there. It has monopoly of legal power and the use of force. It is not under control of other states or organizations and is recognized as legitimate by other states and its own citizens.

The EU has gone further than a regular international organization, but at the same time it is not a superstate. It has supranational features and a lot more responsibilities than an IO. It has some degree of autonomy, but is still dependent on states. It can't act on its own and is dependent on the states directly through Council of Ministers and European Council (Communal management), but it does have legal authority and supranational institutions like the Commission, European Parliament and European Court of Justice (ECJ). However, the intergovernmental features still make it dependent on "shared interests". But EU also has a defined regional territory like a state and is considered legitimate - although eurosceptics would disagree. Nevertheless, since EU does share features with states, we can also use Comparative politics to understand the EU, even though there is no agreement on what it actually is. It can be understood as a regime, Multi Level Governance, Federal and Confederal. In conclusion, EU has characteristics of an international organization, but it can also be studied as a Political System in its own rights. Hence both IR theories and Comparative Politics can give insightful contributions to understanding the EU.

3) Why was the Maastricht Treaty more controversial than the Single European Act, and why was it so central to the backlash against integration?

The Single European Act (SEA) was less controversial because it was a relaunch of the goal of completing the single market (free movement of goods, capital, people and services). Even though a lot of customs, duties and tariff barriers were removed after the European Economic Community was established in 1957, a lot of other barriers remained. The goal of SEA in 1986 was thus to remove technical, fiscal and physical barriers. There were some worries about sovereignty as shown in the Danish referendum, but the problems were solved. Maastricht was a political project rather than a "technical" one. The new three-pillar structure was an important change where its work was not divided in the EC (single market), Justice- and Home Affairs and Foreign and security-policy. The developments coincided with the increase of euroscepticism - which were negative to integration. Was exemplified with Norway not joining the EU, Danish referendum and close votes in France. It was also talked about a democratic deficit where the gap between the institutions of the EU and the people - where they could not influence the institutions' decisions. Lastly, there was a backlash with the concept of "permissive consensus" - where it was felt that the elite exploited the little knowledge of the EU in the people, and pushed for change and integration without consulting its population.

5) How do realism and idealism compare when it comes to explaining the global role of the EU?

Realism sees the world as anarchical - without a global government. In such a world the most important features are: Self-help, States and Survival. The state is the important actor and can only survive through self-help - cooperation is difficult. To do this they need economic power and military power. Realism thus favours the concept of Hard power such as coercion or threat with use of force or economic sanctions. Realism thus overlooks the EU's role as a global power because 1) it does not have a common military, it is not a state and can not hold its own military 2) since it does not have hard power, the power is not visible like a show of the US airforce, 3) finally EU has not been able to show global leadership in many recent crises (Ukraine, Balkan Wars etc.) In conclusion, even though we move against a new multipolar world order, realism will overlook the EU's role.

Idealism on the other hand has a different view and is closely related to realism. Idealism focuses on the role of ideas and how it shapes international relations. It views realism's focus as outdated. Cooperation is possible in international relations even though there exists an anarchy. Finding areas to cooperate is easy and can mitigate

the anarchy. Multilateralism is then an important factor for EU. EU's power is civilian (non-use of military) such as economic investment and trade. It also has soft power through its ability to attract others and stand forth as an example for others to follow. Lastly, as a core concept of idealism, EU comes close to Immanuel Kant's (1795) thought on "perpetual peace". One of the conditions for peace are league of peace where the states exist together. He envisioned a global scale - but EU comes close with a regional peace. and this was recognized through the Nobel Peace Prize.

Besvart.

2 ST 202, I. Multiple choice

PLEASE NOTE: Only ONE alternative is correct.

1. When was the Treaty establishing the European Economic Community (Treaty of Rome) signed?

Select one or more alternatives

- 25 March 1948
- 25 March 1954
- 25 March 1957
- 25 March 1960



2. Who were the original parties signing the Treaty of Rome?

Select one or more alternatives

- Belgium, France, Italy, Luxemburg, the Netherlands, West Germany
- Belgium, France, Italy, Portugal, Spain, West Germany
- Belgium, France, Italy, Luxemburg, the United Kingdom, West Germany
- Belgium, France, Ireland, Italy, Luxemburg, the United Kingdom



3. What is the name of an EU law that is general, directly applicable and binding?

Select one or more alternatives

- Regulation
- Decision
- Directive
- Recommendation



4. Which theoretical approach has introduced the concept of 'spill-over'?

Select one or more alternatives

- Liberal Intergovernmentalism
- Neo-functionalism
- Governance
- Social constructivism



5. Qualified Majority Voting (QMV) is the voting system of

Select one or more alternatives

- The European Court of Justice
- The European Parliament
- The European Council

The Council of the EU



6. Which article from which treaty allows a European Union member state to withdraw from the Union?

Select one or more alternatives

Article 10 of the Maastricht Treaty

Article 50 of the Lisbon Treaty



Article 8 of the Treaty of Rome

Article 27.3 of the Lisbon Treaty

7. Who is the current president of the European Commission?

Select one or more alternatives

J.M. Baosso

M. Schulz

D. Tusk

J.-C- Juncker



8. Which of these is NOT a power of the European Commission?

Select one or more alternatives

Developing and making proposals for new EU laws and policies

Overseeing the implementation of laws and policies in member states

Passing the EU budget



Representing the EU in international trade negotiations

9. How is 'enhanced cooperation' best understood?

Select one or more alternatives

It describes the efforts made by the EU states to collectively improve the quality of their policy cooperation

States wishing to proceed more rapidly on cooperation within a particular policy area may do so within the EU legal framework without treaty changes



The idea that quality is better than quantity in the field of regional integration

The idea that elites could pursue their own plans for integration in the face of widespread lack of public interest

10. Which of the following was NOT a key goal of the Common Agricultural Policy (CAP)?

Select one or more alternatives:

- To reduce state management of agriculture
- To ensure reasonable prices for consumers
- To increase agricultural activity
- To stabilize markets



Delvis riktig. 9 av 10 poeng.

3 ST 202, III. Essay question

Answer in full sentences ONE of the following three essay questions.

- 1) Could the refugee crisis break up the European Union? Discuss.
- 2) According to Zimmermann and Dür (2016) there exists a fierce debate among European legal scholars on whether the European Court of Justice (ECJ) engages in wilful judicial activism and thereby violates the prerogatives of elected representatives. In your opinion, is the ECJ too powerful? Why?
- 3) Is there a democratic deficit inside the European Union? If so, how does the EU cope with it – if at all? Discuss.

Fill in your answer here

3) Is there a democratic deficit inside the European Union? If so, how does the EU cope with it – if at all? Discuss

The democratic deficit entails the gap between the EU institutions and the peoples ability to affect the decisions taken in the institutions. There are several different views regarding if the gap actually exist and what features can help to improve its democratic credentials. First i will provide the "yes" argument that there exist a deficit and it is important to solve. Finally I will present the other side of the argument where the deficit is less than what eurosceptics assume and there have been measures taken to improve the democracy of the EU.

Firstly, except from the European Parliament, there are no direct representatives of the people in the corridors or meeting rooms in the EU. These meetings are not open either to the public and there is thus a lack of control mechanism and accountability. Furthermore, if the EU wants to be better understood, more engaging and increase participation, the EU needs to understand what is at stake in the ingration process, this will not happen unless people get a say in membership and EUs decisionsmaking. Since there is also a lack of accountability of political leadership towards the EU as a whole and election and parties are focused on the states, the discussions in the EU will be on national issues instead of European. As a result there will be a disagreement on key issues, which in turn will reduce EUs credibility and global influence as an actor.

Even if the EU were to increase democratic aspects like EP not sharing power over budget and law process with Council of Ministers, increase its ability to scrutinize other institutions or giving it a parliamentarian powers where the "government" (Commission) of the EU has to come from the majority in EP, or appointing the judges on the The Court of Justice of the European Union (European Court of Justice/EJC) - there will still be a deficit. If we follow the "no demos" thesis, the input legitimacy will always be an illusion, and strenghtening these institutions will only increase the democratic deficit. This is due to the fact than the exist no european people, there will always be a lack of legitimacy because people feel more connected to their national identities as German, French etc. Thus the only thing to do is to keep the intergovernmental aspects and make decisions by consensus. This line of thought is supported by empirical evidence where people in surveys answer that they feel more connected to their national identities and the "european" one is only secondary. Furthermore, turnout for elections has rapidly been decreasing and is now around 50%. Elections are also considered secondary because the public and media are not as interested as in national elections, and the campaigns are fought over national interests instead of european. Lastly there is also a lack of "public sphere" due to no common language or pan-european media. On the other hand, one could argue that there exist a few similarities between people, like the ideological left-right axis in politics as reflected in the EP where people organize easily, or support for values like democracy, capitalism and human rights. However, these factors are too weak to overcome the political, economically and cultural divide between people. Conclusively, the democratic deficit

cannot be resolved.

Even though these arguments represent a compelling attack on EU legitimacy as a democratic institution. I think that the defence for EU is even stronger.

First off, the EU can be considered a confederal form of democracy. This implies that members come together to "pool" authority and resources. They cooperate, identify common interests and work towards common goals. The population in member states are thus represented through their governments, which are themselves democratically elected. Furthermore, the EP is directly elected and balances the government ministers in the Council of Ministers with co-power over budget and legislation where its possible to have three hearings. The EP can also pressure the Commission to create new proposals, remove them by "censure", approve president of the Commission, High Representative of the Union for Foreign Affairs and Security, leaders in European Central Bank and Court Auditors, control the post of Ombudsman, "Question-time" in EP, and the Commission, President of the Council of Ministers and Council members have to report to EP. These are important democratic features that evolved from the Common Assembly in the European Coal and Steel Community where it was only advisory, until Maastricht where the Ordinary Procedure was established (got the name with Treaty of Lisbon). EPs role was further strengthened through Procedure of Consent where it needs to approve new membership or associated membership with the union and member states wanting to leave, approve penalties and international trade agreement.

Through the different EU institutions the people also have direct and indirect representation through National governments whom are elected by their people, in the Council of Ministers and European Council, and through the Member states role in choosing a Commissioner and a Judge in ECJ and European Court of Human Rights (ECHR). The participation of the people is also secured through rights and proceedings in ECJ and ECHR, national referendums, citizen cause groups who lobby the EU and the newer alternative "citizen initiative". With regard to lobbying, the EU has increased transparency with creating a Transparency register where all lobbyists register, which is compulsory from 2017. Furthermore, Commissioners now also have to report their meetings with lobbyists.

The other side of the "no demos" thesis postulates that, indeed, there is no European people. But the strengthening of the institutions will create the European people. It is a Gamble of Endogeneity where the argument and result of creating the institutions is what justifies them to begin with. Furthermore, the input legitimacy is "anchored" in national democratic procedures. There are multiple channels of representation for the people and government, and EP elections are administered by member states and the candidates are drawn from national political parties.

Another side of the "no demos" arguments in support for the EU, is a representation "for" the people, instead of "of" and "by". EU is regulatory instead of redistributive and it is Pareto-Improving where everyone is better off, with no one being worse off. This has raised criticism due to the fact that no technical decisions are neutral, since it is binding law it should be under democratic control "by" or "of" the people, and negotiations behind closed door can lead to powerful majorities or minorities to unduly influence the policy. However, even though this can be damaging, there is a middle ground where the bureaucracy in EU actually can be enhancers of legitimacy. The administration is a large group, they come from the member states and they have a powerful influence over decisionmaking and policy. Research has shown that members of the Commission reflect the policy preferences of their constituencies - they are enhancers of legitimacy. To only focus input legitimacy as elections is to exclude other alternative ways of representations that improves the EU's democracy.

This indirect form of representation can also be argued through Eurolegalism. Eurolegalism is a judicial form of government where policies are affected by lawmaking. In European Integration, the Court have been important and changed the democratic form in EEC/EC/EU. It went from republican democracy to liberal democracy where securing peoples rights and access to justice have been crucial. Through its rulings is established the principles of "direct effect" (law directly and uniformly applies to members), "supremacy of EU law" (EU laws triumphs national laws) and "mutual recognition" (where access to goods and services cannot be denied in another EU country). These principles are instrumental to understand legal equality through EU. The court developed together with national courts where both became powerful due to increased responsibility. The development was first supported by the creation of the single market, where informal procedures got replaced by formal and transparent regulations. Then by political disintegration where the lawmakers - member states in EP and European council, could not control those who they had given authority - Commission and national administration. This increased the independence of the court and the function as a control mechanism. In this way the Court is an important mechanism of democracy where power is divided between the executive, lawmaker and judicial institutions. The arrangement is beneficial for all the institutions and member states, and it is thus legitimate. For the EP, it can enhance scrutiny of states through the development of laws and rights. For the Commission, it helps to set up proceedings against states and private actors can also help the Commission to see that states fulfill their obligation. The Council of Ministers has the most to lose, but they do not trust each other to fulfill their end of the bargain, so eurolegalism helps to check one another and secure uniform application. For the Court, it is in their interests to extend their power, and reach the goal of more integration.

The spread of Eurolegalism was visible in the increase of rights for the people through the Treaties (For example equality of the sexes), fundamental rights (law through the ECJ judgements) and secondary rights in the regular laws. There was an increased access to justice where people could take advantage of preliminary rulings and direct action. Nevertheless critics might say that this development is undemocratic because it is "counter majoritan" since it can overrule elected governments decisions. It is described as an "american disease". They also claim that judges are not neutral and follow vested interests, economic interests and privileged minorities. However, this is not true and there are two important ways in which we should view the court.

First, it should be seen as trustees "for" the people. They are creators and protectors of important citizen rights from majorities. An example can be drawn from history where facists and Nazis won election through democratic channels. Once they got elected they abolished important rights. After the War there was an increased focus on that this would not happen again, and in many countries, strong constitutional courts were established and institutions such as the Council of Europe were set in place to promote human rights and democracy. In the EU, states thus binds themselves to protect individual rights - even though it might be unpopular minorities they apply to. So when ECJ makes a judgement that is against the will of governments, they are just performing the responsibility they were given. Even though there has been more controversial cases, this is due to more controversial cases on the agenda for the EU. As was the case with the counter-judgement on the UN resolution on confiscating resources to listed terrorists. But also less seemingly controversial topics as healthcare spark important tensions.

Second, there is a degree of democratic input through the courts. As already mentioned judges are elected by member states governments. The candidates also have to be confirmed by a seven member panel of judges and lawyers, where one of them is from EP. Furthermore, the judges over time reflect different parliament majorities in member states and this also works as a control against future governments. A control against mismanagement is also present due to proceedings usually taking place in smaller chambers (3-7 judges) where one cannot dominate the other. Diversifying opinions among judges are also not public and supports the courts independence from governments. Due to the short time-span of positions in ECJ, it might cause judges to seek favourable judgements to their governments in cases to get reelected if their position was known. Thus, there is a balance of indirect representation through the governments choosing their judges, and the courts independency to secure a separation of power.

In conclusion, through the courts trusteeship for the people, democratic input and control mechanisms in the court, Eurolegalism strengthens democracy rather than weakening it. As previously argued in the "non demos" thesis, it is reason to believe that this process in the long run can lead to an european identity based on pan-european constitutionalism based on a liberal democratic model.

To summarise this essay, there are important arguments for and against the existence and degree of democratic deficit. In democratic theory, a democratic credentials should be evaluated with regards to autonomy - the ability to influence, and accountability - the ability to "check" the government. As seen in this essay, parliament has gained increasing power and can both influence and keep institutions accountable. The same applies for the ECJ that protects individual rights against "tyranny of the majority" and establishes a power divide between important institutions. The people have gained different options over time that increases influence and accountability, and representation should not be limited to elections alone.

Besvart.