

Danuta Hübner
Chair of the Committee on Constitutional Affairs, European Parliament

"What kind of European political system?"

*European Parliament Research Service roundtable discussion
24 February 2016, European Parliament, Brussels*

My dream is to see political trends for the future European Union being shaped on the basis of visions, strategies, common decisions rather than to see the Union drifting toward future solutions under influence of crises.

For a vision driven gradual evolution to become a path for change, it is fundamental to understand where we stand today, what is wrong with the Union today, why what we have today is not the best framework to achieve sustainable solutions. In this context it might be useful to identify once again factors behind the fragile unity of the European Union.

In response to the question on what are the major deficiencies of political stance today, a long list of issues comes to one's mind. It is certainly the complexity of crises, which mostly hit in the areas where community competences hardly existed lack of trust, lack of sense of urgency, public disappointment and fatigue, the fact that the crises have largely exhausted emotional support for reforms, inadequacy of technocratic responses to political challenges - technocratic and federal European solutions were introduced while social tensions at national level were growing, and last but not least path dependency in responding to crises.

Let me comment on some of these issues. A path toward new political future has to take into account already well identified weaknesses of the current model. The loss of trust and, both the input and output legitimacy, have been underestimated. Today, any further move toward deeper integration, will have to go hand in hand with greater democratic accountability. In particular, in the context of centralized solutions, the legitimacy provided by the European Parliament is a must. But it requires a change in the way citizens identify their interests with Europe. European level of legitimacy can be attributed to the interest of citizens in European solutions to the problems which do not respect national borders. European solutions are not a simple sum of national ones and therefore legitimacy can come only through the EP. Legitimacy at national level is about national institutions being held accountable while at European level it is about European institutions. However, existing differences among national situations can generate diverging visions and expectations when it comes to possible European solutions.

During our debate the issue of Europe's fragmentation has come up, a problem the Union has been facing for decades. We have to differentiate between the treaty or international agreement based fragmentation of different aspects of the functioning of the Union and the fragmentation which comes from the lack of well functioning mechanisms of convergence or from inadequate transposition of European law.

Fragmentation tends to produce political anxiety but it raises also institutional uncertainties.

Fear of further fragmentation leads to a situation where in order to keep fragile unity, European leaders do not talk about difficult issues, including treaty change. As a result what is being done is not what is needed but what is politically feasible. This in turn undermines output legitimacy.

National leaders do not seem to draw from the crises the legitimization for an action, rather for non-action, hence the idea of fixing what does not work through deep reforms of the Union is not an option. It is actually amazing that political leaders do not feel that the crises gave them legitimacy to move forward with the most difficult reforms. As a result, in spite of the crisis, EMU has not reached an acceptable equilibrium. And people follow populists who reject the existing reality.

National leaders continue to represent national interests at the European level and their legitimacy seems to be limited to the protection of national interests. They do not bring with them to the meetings of the European Council the legitimacy to act in a European way addressing common European interest. Also, when acting at home, they do not show capacity to think and act in a pro European way, to respect European obligations. European Council has not developed necessary features of a European institution in spite of having become one. It is an ineffective crisis management forum.

After nearly 60 years of European integration, we have not moved beyond the tradition of national democracy. This has been further undermined by the radicalization trends as well as reaching out to technocratic governments and international institutions making on behalf of Europe decisions affecting people's life. Too often big political decisions have been transformed into small technocratic moves by the way the Union has been implementing them.

One must not ignore the fact that increasingly mainstream parties absorb ideas belonging to radical parties. This phenomenon, probably more visible on the left side of the political stage, reduces the capacity of the European Council to build consensus around common European interest.

Any move forward on political reforms requires today legitimacy that can come from agreement on the new narrative responding to questions like: what Europe is for, why it makes sense to go deeper or what is our common European interest. Those responses do not come spontaneously, there is a need of a debate. The reality is that even during the elections to the European Parliament such debates do not come in a natural way. New narrative today will not play its trust building role unless it is conducive to the formation of European identity. For European Parliament to provide the legitimization for European decision making, there is a need to strengthen the European identity of citizens. Experience with the spitzen candidates has been a big step forward toward consolidating the European parliamentary system, stimulating European legitimacy potential of European institutions.

Any political move toward a more effective and a more accountable institutional set up would require addressing two issues.

First, a lack of clarity with regard to competences of the institutions where increasingly sharing of powers becomes a force of institutional conflict. In particular, the European Council is a good example of spontaneous, driven by events shifts in competences, sometimes raising legal doubts or at least a huge dose of uncertainty. There is a tendency to justify its intervening in the legislative process, including replacing the Commission in choosing the legal basis for legislation, by its facilitator role in decision making.

Second issue which requires further reflection in the context of institutional evolution is related to the capacity of European institutions to service subsets of member states. While legislator has envisaged this possibility in case of the Council and the Commission, it has not empowered the EP to move in this direction.

In general, the institutional setup will continue to produce problematic challenges as the unavoidable deepening of the integration, in particular within the EMU, will be shifting the proportions between such vehicles of changes as: coordination of national actions, European rule making and institutional change. A growing number of specific institutions related in particular to EMU and financial sector, but also CMU, digital single market, etc. will have cumulated impact on existing checks and balances. New legal frameworks will put new functions on the Commission which already today plays a growing role in the implementation process. Changing balance between legislative and soft, non legislative way of governance in different areas will also influence check and balances.