Can the nation state safeguard democracy in the age of Europeanisation and globalisation? Can democracy as such be reconstituted in Europe, and if so, at what level?

RECON establishes three models of European democracy. Different options for democratic reconstitution in Europe are delineated and assessed.

• The first model depicts democracy as directly associated with the nation state, assuming it is only at a national level that trust and solidarity can be fostered. As such, the EU is accountable to the member states who can both authorise and confine EU operations.

• The second model establishes the EU as a multinational federal state with a sense of common identity and collective goals among European citizens. With democratic procedures and a common identity, decision-making and legislation would be legitimate at the federal state level.

• The third model is described as a European subsystem of a larger cosmopolitan order where citizen-sovereignty has replaced state sovereignty. This is a model for democracy beyond the state where democratic rule is configured in a multi-level structure of government.

RECON assesses which of these approaches to democratisation of the multilevel constellation that makes up the EU that is most viable. The aim is to identify strategies through which democracy can be strengthened and propose measures for rectifying institutional and constitutional defects in various policy areas.

Reconstituting Democracy in Europe (RECON) runs from 2007 to 2011 and focuses on the conditions for democracy in the multilevel constellation that makes up the EU.
Where is European democracy heading?

Democracy has historically developed at a national level but, with increasing internationalisation of politics, does the concept need re-working?

Having established three ideal type models of European democracy, RECON evaluates their viability as possible options for the EU - with the aim of identifying strategies to strengthen democracy and rectify deficits. This is undertaken by considering how they would establish democracy institutionally as well as through detailed analysis of a range of important EU policy areas.

Constitutional issues

The research highlights the political contestation over the many efforts to render the EU’s material constitution democratic. The Lisbon Treaty ratification process contained clearer traits of the first model than had the far more open Constitutional Treaty process. But in substantive terms, the Lisbon Treaty promises to move the EU closer to the third model. This means that, despite Lisbon, the EU continues to confront the intellectual and political challenge of devising a democratic constitution for a non-state entity.

Representation

EU citizens have two channels of democratic representation: through national parliaments and more directly through MEPs in the European Parliament. The EP is at home in RECON model 3. This also applies to the overall structure of representation in the EU which deviates from the standard two-channel system of federal states because of the distinct features of the EU system: the manner in which national parliaments are linked in with the European Parliament and the increased involvement of national parliaments in EU decision-making. This structure injects a distinct deliberative dimension but also brings up new and thorny questions of accountability.

RECON’s analysis of two pieces of gender equality legislation indicates that different EU institutions and processes incorporate democratic principles to different extents. Obviously the co-decision procedure (where both the EP and the European Council decide on legislation) and it also provides more spaces for consultation with stakeholders. Involvement of civil society representatives in the early stages of legislation ensures greater inclusion of those concerned and assists political equality.

Democracy from below

Civil society and a public sphere is an inherent part of any democratic order. RECON has conducted, among other empirical studies in this field, research on the role of the mass media – an important while far from unique actor in the ‘public sphere’. A media survey on the EU constitutional debate indicates that the patterns and dynamics of mass media tend to follow model 1, with its focus on national government actors and intergovernmental institutions. However, there is also evidence of model 3 in terms of overlapping public spheres. The media survey finds little empirical evidence for an unfolding European public sphere that would support a democratic order along the lines of model 2, which would require that the same issues would be debated at the same time under the same criteria of relevance.

Beyond a regulatory regime

RECON finds that the institutional as well as the civic conditions for a legitimate public justification process in the EU are not fully compatible with any one model. But the EU has been moving beyond model 1, and towards model 3 in some important areas. The EU is clearly more than a regulatory regime but less than a federation. Consequently, European post-national democracy remains an unrealized possibility. The system of representation is incomplete, although it also contains novel democratic possibilities, and the requirement of a European public sphere has not been met. One possible line of reform would be to bring the EU more in line with the prescriptions of model 3.

Read more

The Unfinished Democratisation of Europe, Erik O. Eriksen, Oxford University Press, 2009

Political Legitimacy and Democracy in Transnational Perspective, Rainer Forst and Rainer Schmalz-Bruns (eds), RECON Report 13, 2011

www.reconproject.eu

RECON’s website offers a comprehensive overview of research activities, publications, events and news.

Ongoing research from the project is published in the RECON Online Working Paper Series and RECON Report Series.

The website includes a searchable database with publications by all affiliated researchers.

In the press room, you will find brochures, leaflets, policy memos and the RECON Newsletter, as well as a collection of press clippings and media coverage

Sign up for RECON’s Newsletter or request print copies of reports and newsletters to:

admin@reconproject.eu

Research coordinator

Erik Oddvar Eriksen
ARENA - Centre for European Studies, University of Oslo
e.o.eriksen@reconproject.eu

RECON partners

ARENA, University of Oslo
Daniel Gaus, John Erik Fossum, Cathrine Holst, Christopher Lord, Espen Olsen, Anne Elizabeth Stie

Johann Wolfgang Goethe University
Heike List, Rainer Forst, Rainer Schmalz-Bruns

RECON’s work package 1 ‘Theoretical Framework’ leads the work of operationalising the three models, establishing indicators and linking them to the particular analytical challenges raised in the policy fields and issue areas addressed by RECON. The WP ensures overall coherence and integration of the project and develops an overarching theoretical approach to the study of European democracy.

More details and publications from this research, including reports and working papers, is available at:

www.reconproject.eu

Publication date: May 2011
RECON’s research highlights the political contestation over the efforts to render the EU’s material constitution democratic. Despite the ratification of the Lisbon Treaty, the EU continues to confront the intellectual and political challenge of devising a democratic constitution for a non-state entity. RECON has examined the constitutionalisation of the EU, the Europeanisation of national constitutions, and compared the EU with other selected entities.

**What constitutional future for Europe?**
**European constitutional pluralism and the EU constitution**

RECON’s research highlights the political contestation over the efforts to render the EU’s material constitution democratic. Despite the ratification of the Lisbon Treaty, the EU continues to confront the intellectual and political challenge of devising a democratic constitution for a non-state entity. RECON has examined the constitutionalisation of the EU, the Europeanisation of national constitutions, and compared the EU with other selected entities.

**Selected findings**

- The Lisbon Treaty has increased uncertainty and ambiguity about the EU’s constitutional character
- Further rounds of reform and citizens’ explicit consent are needed for the EU constitution to be legitimate and sustainable over time
- European integration has made national constitutions more transnational
- The ratification procedures used for EU constitution making remain determined at the domestic level
- The EU’s constitutional processes as Canada’s have been closed and executive-led; both have faced the challenge of how to render these processes more open and democratically accountable
- The ability of government parties to secure the support of their own constituencies is crucial in winning national referendums on EU Treaties

---

**Research coordinators**

Ben Crum  
*Vrije Universiteit Amsterdam*  
*bj.crum@vu.nl*

John Erik Fossum  
*ARENA - Centre for European Studies, University of Oslo*  
*j.e.fossum@arena.uio.no*

---

**RECON partners**

Spanish National Research Council  
Antonio Barroso, Julio Baquero Cruz, Carlos Closa, Patricio Galella

European University Institute  
Christian Joerges, Neil Walker

Université Libre de Bruxelles  
Paul Magnette

University of Bremen  
Tatjana Evas

University of León  
Flavia Carbonell, Fernando Losada Fraga, Agustín José Menéndez

Vrije Universiteit Amsterdam  
Eric Miklin

---

www.reconproject.eu
A new beginning for EU constitutionalism

RECON has analysed the EU’s constitutional developments and developed a theory of constitutional synthesis.

The theory captures the EU’s distinctive traits as a polity which aspires to be democratic. In a new book, it is explained why and how the European Communities were established as the first constitutional union of constitutional states wherein integration would be steered by constitutional law, not power politics or imperialism. Similarly, it presents the EU as one of the few examples of a polity that has transcended the paradigm of the nation state (and perhaps even that of the state).

The book offers the first history of European constitutional law that is both theoretically informed and normatively grounded. Locating the substance and process of Lisbon in its proper constitutional context, the book explains why this should be seen as a new beginning of the Union’s constitutional season, not its end.

Lessons from other instances of constitutional transfer

RECON has compared the constitutional process of the EU with that of Canada.

Both cases follow a pattern of a closed executive-led process, which fails to find agreement. There is then an opening and democratisation of the process, which also fails; thereafter the process is again closed, but the outcome is either rejected or significantly downscaled in constitutional symbolic terms. In both cases, the efforts to open the process took place within a framework of executive-led constitution making. These were complex and set up to harmonise the needs and requirements of multiple constitutional demos.

These processes show that the EU and Canada, both of which have highly complex systems of rule can hardly rely on a stable agreed-upon constitutional framework; instead, their viability hinges on a set of procedures that ensure ongoing accommodation of difference and diversity, in a manner consistent with democratic norms.

In the case of the EU constitution, there are weighty normative and empirical reasons for doubting that it will be sustainable, rather than defaulting to a traditional form of international cooperation, without securing the explicit consent of its citizens. In contrast, the Canadian polity and the balance of power on which it relies are much more likely to persist successfully on an informal constitutional basis.

Still national over transnational democracy?

The Europeanisation of national constitutions supplements and completes the unfinished process of constitutionalisation of the EU.

The EU has affected national constitutions. They have not merely responded to European integration in a defensive way; to some extent they have also been transformed to become more transnational in their content.

With regard to ratification procedures in EU constitution-making, they conform more to a view of democracy as associated with the national level: legitimacy derives from national processes of will formation; states (not citizens) are part of a contractual order; thus ratification procedures have to be determined domestically and their democratic quality assessed at the national level. Despite the involvement of citizens through referendums on the EU constitution, there is little evidence of more structured patterns of transnational discourse and deliberation.

Party-political behaviour in Treaty ratification

RECON has examined political party behaviour around the referendums on the EU Constitutional Treaty.

Domestic government-opposition dynamics were studied in those member states where a referendum was held or anticipated in 2005. With the exception of some right-conservative parties, all mainstream political parties endorsed the Constitutional Treaty. However, because opposition party supporters were bound to be divided on the issue, the ability of government parties to secure the support of their own constituencies was crucial in securing a majority in favour of EU Treaty ratification.

Read more


Party stances in the referendums on the EU Constitution, Ben Crum, European Union Politics, 2007

The Lisbon Treaty and national constitutions, Carlos Closa (ed.), RECON Report No. 9, 2009

Website: Europeanisation of National Constitutions

RECON has set up a website on the Europeanisation of member states’ constitutions. It includes information on EU member states, candidate countries and potential candidate countries. Information is provided on national constitutional provisions related to the EU as well as national parliamentary debates on the constitutional adaptation to the EU, case-law and selected bibliographies.

http://proyectos.cchs.csic.es/europeconstitution/

Additional research

Assessing the EU Constitutional Treaty, Ben Crum, Routledge, forthcoming

‘Martínez Sala and Baumbast: an institutional analysis’, Carlos Closa, and ‘European citizenship after Martínez Sala and Baumbast: has European law become more human but less social?’, Agustín José Menéndez, both in The Past and Future of EU Law, Maduro/Azoulai (eds), Hart, 2010

‘The Lisbon judgment, Germany’s Sozialstaat, the ECJ’s labour law jurisprudence and the reconceptualisation of European law as a new type of conflicts law’, Christian Joerges, in The German Constitutional Court’s Lisbon Ruling, Fischer-Lescano/Joerges/Wonka (eds), ZERP, 2010

Publication date: May 2011

The research is conducted within RECON’s work package 2 on Constitutional Politics. More details and publications from this research, including reports and working papers, is available at: www.reconproject.eu

RECON is an Integrated Project (2007-2011) supported by the 6th Framework Programme for Research
A European representative democracy?

RECON has examined European representative structures and practices from a variety of angles. The EU’s democratic qualities have been evaluated in a democratic audit and—the European and national parliaments’ cooperation and adaptation of practices and norms have been examined. RECON has further studied party programmes in the 2009 EP elections, debates in the EP, and the rise of agency governance.

Selected findings

• A large-scale redistribution of seats in the European Parliament is not needed to justify a larger role for the EP in the appointment of the Commission

• The quality of the debates in the EP compares well with that in national parliaments in spite of the challenge of deliberating in a supranational and multilingual setting

• Limited evidence is emerging that the representative behaviour of MEPs can influence their chances of re-election

• Relations between parliaments at the European and national levels do not depend on formal structures

• Decision-making in the EU’s ‘Multilevel Parliamentary Field’ is highly consensus-oriented and inclusive

• The complexity of representative practices in the EU pose problems for public control

• Whilst agency governance is on the rise, the EP has itself responded by creating new procedures of scrutiny and control

Read more on these findings on the flipside
A redistribution of seats in the EP?

RECON has participated in an investigation into the political equality of the apportionment of seats in the EP. The study examines the tension between the equal representation of each individual in the Union institutions and the equal representation of each democratic people. The study concludes with a suggestion for a limited reapportionment of seats, which would offer an improved trade-off of the two principles. That said, only a limited reapportionment would be sufficient in order to justify a larger role for the Parliament in the appointment of the Commission.

Read more


The democratic quality of the EU

RECON has developed a framework for evaluating the democratic qualities of EU institutions, through a Democratic Audit. The Audit tests are derived from normative reasons for wanting EU institutions to be democratic. Nonetheless, the Audit tests work across different understandings of democracy.

The audit examines existing data sets and also adds the following sources of new data:

- Turnout in European elections, using the RECON models
- Activities of Members of the EP
- Debates in the EP and debates on EU issues in national parliaments
- Process traces of how selected questions are handled by the EP and selected national parliaments

In spite of the challenge of deliberating in a supranational and multilingual setting, findings suggest that the quality of the EP debates compares well with that in national parliaments.

Read more

‘The politics of justification?’, Christopher Lord/Dionysia Tamvakis, RECON Online Working Paper 2011/03

‘Some indicators of the democratic performance of the European Union and how they might relate to the RECON models’, Christopher Lord, RECON Online Working Paper 2008/11

A full version of the Audit will be published as a book by Christopher Lord.

Website with Audit tests

The Audit is launching a website, which is to include discussions of different sources of information, samples of data, and room for comments.

www.reconproject.eu

Two representation channels

European citizens are represented in their national parliaments, in so far as the latter control the decisions their governments take on EU issues in the Council. They are also represented directly in the EP, which increasingly serves as a co-legislator on a par with the Council.

This challenges the traditional assumption that any given polity is to be represented by a single-institution. Instead, democratic representation in the EU should be conceived as the result of the interplay of a multiplicity of processes. RECON has investigated how far the EP and national parliaments have cooperated, and adapted their practices and norms, one to another. The research has expanded knowledge of informal contacts between parliaments at the two levels.

Findings suggest decision-making in the EU ‘multilevel parliamentary field’ to be of a highly consensus-oriented and inclusive character. The EP can play a leading role as a political clearinghouse. Differences in voting weights and formal institutions are of limited effect in the playing out of political relations. The ability of national parliaments to control the positions of their government representatives in the Council varies depending on the formal provisions in place and the public attention EU legislative proposals receive.

Read more


An edited book is being elaborated by Crum/Fossum, based on a workshop at the ECPR Joint Sessions in 2010.

Complex representation

The EU’s compound form of representation allows a wide-ranging spectrum of actors to claim to be representative.

The combination of representative practices hardly allows for ensuring public control with political equality. RECON has demonstrated that existing theories of political representation no longer provide an adequate framework in the modern political context. The emergence of new and powerful actors and fora, the increasing trend towards informalisation of decision-making and the rising importance of expert committees significantly shape the hitherto nation-based systems of representation. The multiplication of structures and opportunities for representation results in dazzling complexity, which blinds accountability structures.

Read more


‘Reconstituting political representation in the EU’, Emmanuel Sigalas/Monika Mokre/Johannes Pollak/Jozef Bátora/Peter Slominski, RECON Online Working Paper 2009/16

Agency governance

The delegation of policy-making tasks to EU agencies and their remarkable growth in number over the past 15 years mark a striking new development in the EU’s institutional make-up.

RECON researchers have collected a comprehensive dataset covering all currently operating EU-level agencies, providing information on their respective levels of formal institutional independence. Findings suggest that regulatory content and level of political uncertainty can to a certain extent explain agencies’ relative independence. Research also reveal how the EP has responded to the rise of agencies by innovating new procedures of scrutiny and control.

Read more

‘Credibility, complexity and uncertainty’, Arndt Wonka/Berthold Rittberger, West European Politics, 2010

A special issue of the Journal of European Public Policy is being edited by Rittberger and Wonka on this research.

The research is conducted within RECON’s work package 3 ‘Representation and Institutional Make-Up’. More details and publications from this research, including reports and working papers, is available at: www.reconproject.eu

RECON is an Integrated Project (2007-2011) supported by the 6th Framework Programme for Research.
Gender justice and democracy
Dream or reality for Europe?

How does Europe’s democracy fare when it is put under the gender spotlight? This is a major theme of RECON’s research on gender justice and democracy, which has examined the democratic practice in the European Union from a gender equity perspective.

Selected findings

• With the co-decision procedure, the quality of democratic decision-making is improved from a gender point of view

• The European Parliament is a more gender-inclusive institution than the Council

• The impact of gender equality claims are often countered and overridden by the claims of business-oriented groups

• Conformity by member states to EU law on gender equality may be superficial

• The transposition of a gender equality directive regularly results in domestic politics overriding the EU dimension

• Encouraging the inclusion of women’s civil society voices in the decision-making process would strengthen gender democracy in the EU

Read more on these findings on the flipside

© European Parliament

Research coordinator
Yvonne Galligan
Centre for the Advancement of Women in Politics (CAWP), Queen’s University Belfast
y.galligan@qub.ac.uk

RECON partners
ARENA, University of Oslo
Cathrine Holst
CAWP, Queen’s University Belfast
Sara Clavero
Eötvös Loránd University Budapest
Borbala Kriza, Nóra Schleicher, Róza Vajda
Jagiellonian University Kraków
Katarzyna ZIELINSKA

Sabanci University Istanbul
Nora Fisher-Onar, Meltem Müftüler-Bac

Other contributors
Yota Papageorgiou
University of Crete
Nora Gresch and Birgit Sauer
University of Vienna
A gender audit

RECON tests the state of EU democracy through a ‘gender audit’ of EU and member state decision-making processes.

The gender audit draws on the principle that open discussion between citizens and their representatives matters for a just democracy. It interrogates a democratic process along three dimensions:

**Representation:** The issue in question is critically examined by qualified and affected members of the community.

**Accountability:** The process takes place in a public site, typically a parliament.

**Responsiveness:** Appreciation for, and understanding of, the positions of the other participants are expressed by all.

In general, RECON finds that:

- **The representation of arguments for a social good – gender equality – by those ‘qualified and affected’ by the issue – women – risks being excluded and/or marginalised when economic, labour and business interests take part in the debate.** This highlights the political power of economic interests as against those representing social equity concerns.

- **The accountability of participants for their positions in the decision-making process was often weaker than expected in two respects:** reason-giving to other participants and explanation of position to supporters, members or constituents.

- **Because of inadequacies in representation and accountability, in part shaped by political and institutional practices, responsiveness to gender injustice is patchy.** A committed central authority (government, the Commission) can facilitate responsiveness, but only up to a point.

**Read more**
- ‘What would Gender Democracy look like in the European political order?’, Yvonne Galligan, in Rethinking Democracy in the EU, Eriksson/Fossum (eds), forthcoming

National practices

At member state level gender democracy varies according to the political arrangements, gender equality culture, and government commitment.

Studies of the transposition of the **Goods and Services Directive** in Austria, Greece, Hungary, Poland and Spain draw attention to the systematic exclusion of women’s advocates from the policy process.

In Hungary and Poland, decision-making was marked by institutional buck-passing. Gender equality was of marginal interest to successive governments, yet the insurance industry’s claims were taken seriously. This led to only a limited, legalistic transposition in line with the provisions.

Austria’s corporatist political arrangements framed the issue in labour market terms, thus restricting its scope. A culture strongly dominated by male interests among corporatist partners resulted in little meaningful inclusion of women’s groups and perspectives. The transposition of the Directive was used as a means of introducing wide-ranging policy changes, which shifted the law towards a conservative position.

In Spain, the government also used the implementation of this Directive as a vehicle for other issues. A wide-ranging gender equality law was introduced addressing other issues, such as gender quotas for political representation. Although the outcome could be described as advancing gender equality, the process itself fell short in aspects of gender democracy. While women’s views were represented through trade union and political party channels, women’s civil society spokespersons were less engaged in shaping the law.

The pattern of slow transposition of EU directives by Greece continued in this case. Institutional inertia led to a rushed process during which the government gender equality office and others sought to extend the directive to cover the media and education. Women’s civil society groups had little say in the formulation of the Act, which was pushed through to avoid proceedings in the European Court of Justice.

**Read more**
- Gender Democracy in the European Union, Yvonne Galligan (ed), RECON Report, forthcoming
  - Róża Vaja: ‘Squaring the circle: Gender democracy in Hungary’
  - Katarzyna Zielinska: ‘Assessing gender democracy in Poland’
  - Nora Greses/Birgit Sauer: ‘Gender “madness” in Austria’
  - Sara Clavero: ‘Assessing gender democracy in Spain’
  - Yota Papageorgiou: ‘Gender expectations and state paternalism: The case of Greece’

EU decision-making

RECON has compared the decision-making processes leading to two gender directives, the **Goods and Services Directive** and the **Recast Equality Directive**.

Findings suggest that the European Parliament is a more gender-inclusive institution than the European Council. The democratic quality of the EU’s decision-making is improved, from a gender point of view, under the co-decision procedure. Negotiation between the EP and the Council can result in policy gains for gender democracy. But the impact of gender equality claims are often countered and overridden by the claims of business-oriented groups.

**Read more**

RECON’s research on gender democracy highlights a number of challenges facing the democratic process:

- The extent to which EU norms of gender equality can be adopted by member states is questionable. Conformity to EU law in this instance is largely superficial.
- The process, as distinct from the outcome, highlights both the potential and limits to gender democracy in practice. Importantly, though, it identifies areas that can be strengthened, in particular the inclusion of women’s civil society voices in the democratic process.
- The transposition of a gender equality directive regularly results in domestic politics on this issue overriding the EU dimension.

**Additional research**
- ‘Gender justice in the EU’, Cathrine Holst, RECON Online Working Paper 2008/18
- ‘Gender identity in a democratic Europe’, Nora Schleicher, RECON Online Working Paper 2010/06

**Publication date:** May 2011
Democratising the EU from below?

For social stakeholders and policy-makers, RECON’s research on civil society and the public sphere offers fresh empirical insights into key questions of how European democracy is practiced, why it is contested, and to what extent it is communicated across different types of public spheres. The contentious EU treaty reforms (2004 – 2009) offered unprecedented opportunities for studying the democratisation of the EU ‘from below’.

Selected findings

- Euroscepticism is forcefully amplified through media debate

- Mainstream political parties do not oppose the European integration process itself, as radical parties do, but rather discuss how to mend the EU’s democratic deficit

- During the EU’s treaty ratification crises, the media demonstrated an unusual readiness to cover transnational normative and political debates

- Mass media cannot be blamed for the EU’s failed projects, but reflect shortcomings of national democratic practices

- Mass media not only inform readers about EU issues but also enable readers to frame them in democratic terms

- Civil society is more likely to support the legitimacy of the EU than are political actors, provided it is in line with a federal or cosmopolitan Europe

Research coordinators

Ulrike Liebert
CEuS - Jean Monnet Centre for European Studies, University of Bremen
liebert@uni-bremen.de

Hans-Jörg Trenz
ARENA - Centre for European Studies, University of Oslo
h.j.trenz@arena.uio.no

RECON partners

ARENA - University of Oslo
Pieter de Wilde, Asimina Michailidou

CEuS, University of Bremen
Alexander Gattig, Sandra Kröger, Aleksandra Maatsch, Sönke Maatsch, Katrin Packham, Ewelina Pawlak, Radostina Primova, Joanna Serdynska

Jagiellonian University Kraków
Magdalena Góra, Jacek Kołodziej, Zdzisław Mach, Jacek Nowak, Grzegorz Pozarlik

Université Libre de Bruxelles
Amandine Crespy, François Forêt, Justine Lacroix, Janie Pélabay

Eötvös Loránd University Budapest
Maria Heller, Ákos Huszár, Borbála Kriza, Agnes Rényi, Nóra Schleicher

Institute of Sociology, Academy of Sciences of the Czech Republic
Petra Guasti, Zdenka Mansfeldova

© Colourbox.com and European Parliament
Euroscepticism - a dominant frame in online media debates

Euroscepticism emerged forcefully from the media coverage of the 2009 EP elections, with online news media facilitating the debate on critical issues concerning the perceived lack of legitimacy of the EU.

RECON has analysed EU legitimacy contestation as this unfolded on some of the most popular mainstream news media websites and independent political blogs in 12 member states and transnational websites during the European Parliament elections in 2009.

Findings show that online media coverage of the EP elections reinforces citizens’ disconnect from the EU by framing the EU elections largely in the context of national politics and interests. At the same time, online mass media facilitated public debate on the EU’s legitimacy. Whereas a relative agreement was identified among the contributors to online debates that EU member states need to cooperate to solve common policy problems, the institutional design of the EU was heavily criticised. Some argued in favour of more integration to solve the current problems, whereas others saw less integration as a solution.

Citizens played a major role in the debates besides collective actors such as government officials, civil society and political parties. They overwhelmingly opposed the current structures of the EU and justified this criticism with concerns for democracy. Yet, it remains unclear how citizens’ discontent could be alleviated.

Read more

Media contribute to EU democratisation

Mass media have become a driving force of the democratisation of the EU.

Mass media give EU issues a prominent place on national public agendas and promote communication across national borders. Mass media not only inform readers about EU issues but, crucially, also provide the necessary framing that enables readers to evaluate EU issues in democratic terms.

Democracy has emerged as a salient topic in the media, and supranational or transnational democratic frames frequently occur. There are however considerable variations in the quantity and quality of news media coverage of EU issues across member states. These are largely attributable to the diverse national media spheres as well as issues linked with the national political systems.

Read more

New forms of civil society participation

Social actors are found to increasingly identify as representatives of ‘European civil society’. In this function they contest EU constitutional choices if these do not reflect their demands for the EU to comply with the universal criteria of justice, democracy and the rule of law.

Civil society activists favour a form of democracy that has both supranational and cosmopolitan elements. They support the European Commission and the allocation of decision-making power at the supranational level in areas such as social policy, anti-discrimination and environment. At the same time, civil society activists not only fail to seek, or get, access to media. They also tend to disregard the channels of representative democracy through parliaments as well as direct democracy through referenda.

Read more
‘The new politics of European civil society’, Ulrike Liebert/Hans-Jörg Trenz (eds), Routledge, 2010

Reforming or opposing the Union?

National parliaments play a key role in the democratisation of Europe. Their role depends on the transnational convergence by parliamentary party families in their stances on EU issues and how parliamentary discourses resonate in the public sphere, such as European election campaigns in the media.

RECON’s studies demonstrate that the EU’s legitimacy is contested among mainstream political parties. They tend to contest the institutional set-up of the EU or its democratic deficit, whereas radical left- or right-wing parties are opposed to the European integration process itself. Most mainstream parties favour a sharing of sovereignty between the member states and the EU, but to a different extent, depending on their party family.

Civil society representatives tend to be more open towards a federal or cosmopolitan model of European democracy than political parties. Findings also suggest that national public spheres and civil society are able to engage with EU issues in different ways and contribute to the EU’s democratic legitimacy. Increased politicisation may thus be part of the cure for the EU’s ills.

Read more
‘Between an intergovernmental and a polycentric European Union’, Aleksandra Maatsch, RECON Online Working Paper 2010/18

‘Where do we go from here?’, Aleksandra Maatsch, RECON Online Working Paper, forthcoming

‘Civil society, public sphere and democracy in the EU’, Ulrike Liebert, in Rethinking Democracy in the European Union, Eriksen/Fossum (eds), Routledge, forthcoming

Intellectual ideas

Public intellectuals frame the EU through very different ‘European stories’. Yet, common traits are emerging, especially when it comes to ideas of democracy.

The visions of the EU after 1989 can be clustered around three distinct normative models, and variants of these models can be found across national contexts, from the ‘founders’ and ‘joiners’ to the ‘returners’ and ‘outliers’ of the EU. Debates on European democracy are particularly contentious. They vary between a European communitarian vision cherishing democracy in collectivist terms and a liberal vision celebrating diversity, individual rights, and legal constitutionalism.

Read more
European stories: Intellectual debates on Europe in national contexts, Justine Lacroix/Kalypso Nicolaidis (eds), Oxford University Press, 2010

The research is conducted within RECON’s work package 5 ‘Public Sphere and Civil Society’. More details and publications from this research, including reports and working papers, is available at: www.reconproject.eu

RECON is an Integrated Project (2007-2011) supported by the 6th Framework Programme for Research.
Security beyond democracy?

What is the state of democracy in the realm of foreign and security policy? The EU’s foreign and security policy is formally conducted through intergovernmental agreements. But are national governments really free to decide on all matters pertaining to foreign, security and defence policy?

RECON has investigated if member states, in their search for an efficient and coherent European foreign and security policy, have de facto uploaded powers to the EU level. Institutions, policies and decision-making procedures have been analysed. Findings suggest that something that is beyond intergovernmentalism has developed at the EU level and requires legitimation. This cannot be ensured only through national procedures for accountability and authorisation.

Selected findings

- Executive dominance in the EU’s foreign, security and defence policy is on the rise
- Barriers between national and European levels of foreign policy making are eroded due to the institutionalisation of information exchange between the member states
- The establishment of the High Representative and the European External Action Service contribute to a fragmentation of national executive power in foreign and security policy
- Neither the European Parliament nor national parliaments are able to effectively control foreign, security and defence policy
- While public support for a common foreign policy is high, the desirability of a common defence policy is contested
- Turkey’s foreign policy is being ‘Europeanised’ due to the accession negotiations

Read more on these findings on the flipside
**Not so intergovernmental**

A Brussels-based machinery of foreign policy making has emerged. While representing national governments, actors and institutions such as the Political and Security Committee have considerable autonomy. This contributes to a fragmentation of national executives and makes it difficult to determine ‘who decides’. This creates problems for democratic control. Who should be held responsible, and to whom? Lines of authority and power may be further blurred due to the double hatting of the High Representative and the establishment of the European External Action Service.

While still formally in place, it is not uncommon to see the national veto sidestepped. Member states often opt to change their initial positions rather than become a lone obstacle to agreement on a particular issue. The integration of foreign policies is reinforced by the interaction within information exchange systems (the COREU/CORTESY network). Governments use it to find compromises and to reach common positions; to make decisions and not only to exchange information.

EU foreign and security policy does not merely promote member states’ perspectives. It is shaped with reference to the interests and values of the Union itself. A re-constitutionalisation of foreign and security policy may be needed in order to clarify lines of authority and power.

**The limitations to parliamentary involvement**

Parliaments play an indispensable role in the democratic control of government policies, including foreign, security and defence policies.

Because the prime responsibility for security policy has remained with the member states, national parliaments bear the main burden in ensuring parliamentary control. However, the effective exercise of this responsibility is hampered in two ways.

First, national parliaments differ considerably in their authority, ability and attitude towards scrutinising security and defence policy.

Second, although national governments have retained a formal veto power, the integration of the armed forces and the Europeanisation of decision-making have led to a democratic deficit in this issue-area. This democratic deficit has not been compensated by the European Parliament, which has few formal competences, especially on military missions.

RECON’s research suggests that neither national parliaments nor the EP alone will be able to ensure effective democratic control. Instead, inter-parliamentary cooperation may enhance parliamentary control.

**Contesting a common defence**

Public opinion data show that general support for a common foreign policy is high. The desirability of a common defence policy is however much more contested.

Member states are divided in one group of supporters of a common defence policy (mainly the founding members, excluding Germany) and one group of sceptics (especially Finland, Sweden, Denmark and the UK). Disagreements between the two groups focus especially on whether there should be common EU decision-making in the defence realm, and whether the EU should establish common armed forces.

The sceptics prefer an intergovernmental EU defence policy. But there are areas where a common EU security and defence policy would be acceptable even in generally sceptical countries: common EU efforts which are strictly focused on defending international law and human rights.

Further, a comprehensive study of media coverage of international conflict management in EU member states testify to an increased awareness of the EU’s role in external security affairs.

**The EU’s impact on candidate countries**

RECON has examined Turkish foreign policy and the impact of the EU accession process.

Significant changes in Turkey’s foreign policy in the last decade may be attributed to Turkey’s status as an EU candidate country. Turkey’s foreign policies towards Iraq and Syria are particularly revealing. RECON’s study suggests a gradual Europeanisation of Turkish foreign policy, with an increased use of diplomatic and economic instruments as opposed to the use of military instruments.

**The limitations to parliamentary involvement**

Parliaments play an indispensable role in the democratic control of government policies, including foreign, security and defence policies.

Because the prime responsibility for security policy has remained with the member states, national parliaments bear the main burden in ensuring parliamentary control. However, the effective exercise of this responsibility is hampered in two ways.

First, national parliaments differ considerably in their authority, ability and attitude towards scrutinising security and defence policy.

Second, although national governments have retained a formal veto power, the integration of the armed forces and the Europeanisation of decision-making have led to a democratic deficit in this issue-area. This democratic deficit has not been compensated by the European Parliament, which has few formal competences, especially on military missions.

RECON’s research suggests that neither national parliaments nor the EP alone will be able to ensure effective democratic control. Instead, inter-parliamentary cooperation may enhance parliamentary control.

**Contesting a common defence**

Public opinion data show that general support for a common foreign policy is high. The desirability of a common defence policy is however much more contested.

Member states are divided in one group of supporters of a common defence policy (mainly the founding members, excluding Germany) and one group of sceptics (especially Finland, Sweden, Denmark and the UK). Disagreements between the two groups focus especially on whether there should be common EU decision-making in the defence realm, and whether the EU should establish common armed forces.

The sceptics prefer an intergovernmental EU defence policy. But there are areas where a common EU security and defence policy would be acceptable even in generally sceptical countries: common EU efforts which are strictly focused on defending international law and human rights.

Further, a comprehensive study of media coverage of international conflict management in EU member states testify to an increased awareness of the EU’s role in external security affairs.

**The EU’s impact on candidate countries**

RECON has examined Turkish foreign policy and the impact of the EU accession process.

Significant changes in Turkey’s foreign policy in the last decade may be attributed to Turkey’s status as an EU candidate country. Turkey’s foreign policies towards Iraq and Syria are particularly revealing. RECON’s study suggests a gradual Europeanisation of Turkish foreign policy, with an increased use of diplomatic and economic instruments as opposed to the use of military instruments.

**Not so intergovernmental**

A Brussels-based machinery of foreign policy making has emerged. While representing national governments, actors and institutions such as the Political and Security Committee have considerable autonomy. This contributes to a fragmentation of national executives and makes it difficult to determine ‘who decides’.

This creates problems for democratic control. Who should be held responsible, and to whom? Lines of authority and power may be further blurred due to the double hatting of the High Representative and the establishment of the European External Action Service.

While still formally in place, it is not uncommon to see the national veto sidestepped. Member states often opt to change their initial positions rather than become a lone obstacle to agreement on a particular issue. The integration of foreign policies is reinforced by the interaction within information exchange systems (the COREU/CORTESY network). Governments use it to find compromises and to reach common positions; to make decisions and not only to exchange information.

EU foreign and security policy does not merely promote member states’ perspectives. It is shaped with reference to the interests and values of the Union itself. A re-constitutionalisation of foreign and security policy may be needed in order to clarify lines of authority and power.

**The limitations to parliamentary involvement**

Parliaments play an indispensable role in the democratic control of government policies, including foreign, security and defence policies.

Because the prime responsibility for security policy has remained with the member states, national parliaments bear the main burden in ensuring parliamentary control. However, the effective exercise of this responsibility is hampered in two ways.

First, national parliaments differ considerably in their authority, ability and attitude towards scrutinising security and defence policy.

Second, although national governments have retained a formal veto power, the integration of the armed forces and the Europeanisation of decision-making have led to a democratic deficit in this issue-area. This democratic deficit has not been compensated by the European Parliament, which has few formal competences, especially on military missions.

RECON’s research suggests that neither national parliaments nor the EP alone will be able to ensure effective democratic control. Instead, inter-parliamentary cooperation may enhance parliamentary control.

**Contesting a common defence**

Public opinion data show that general support for a common foreign policy is high. The desirability of a common defence policy is however much more contested.

Member states are divided in one group of supporters of a common defence policy (mainly the founding members, excluding Germany) and one group of sceptics (especially Finland, Sweden, Denmark and the UK). Disagreements between the two groups focus especially on whether there should be common EU decision-making in the defence realm, and whether the EU should establish common armed forces.

The sceptics prefer an intergovernmental EU defence policy. But there are areas where a common EU security and defence policy would be acceptable even in generally sceptical countries: common EU efforts which are strictly focused on defending international law and human rights.

Further, a comprehensive study of media coverage of on international conflict management in EU member states testify to an increased awareness of the EU’s role in external security affairs.

**The EU’s impact on candidate countries**

RECON has examined Turkish foreign policy and the impact of the EU accession process.

Significant changes in Turkey’s foreign policy in the last decade may be attributed to Turkey’s status as an EU candidate country. Turkey’s foreign policies towards Iraq and Syria are particularly revealing. RECON’s study suggests a gradual Europeanisation of Turkish foreign policy, with an increased use of diplomatic and economic instruments as opposed to the use of military instruments.
When the economy becomes political
The political economy of an EU in crisis

RECON analyses the relationship between the socio-economic order and democracy in Europe. The institutional design of a democratic polity and the design of its socio-economic system are closely interrelated. This research group has spelled out institutional designs and policy options with regard to the design of the internal market and the economic policy of the EU, including fiscal and tax policy. It has paid special attention to the ‘European social model’, critically focusing on the division of labour within families, and the supporting structures for the reconciliation of work and family life.

Selected findings

- Through the ECJ case law, primacy has been assigned to economic freedoms over socio-economic rights, reversing the postwar constitutional consensus in Europe.
- Judge-led transformation of Community law has led to a Europeanisation of socio-economic policies.
- The EU experiences an uneasy compromise between a formal preservation of national sovereignty in key fiscal policies and a substantive Europeanisation of national socio-economic orders.
- The eurozone crisis has revealed the unsustainability of the asymmetric coupling of a federal and depoliticised monetary policy and formally national and political fiscal policies.
- There is no single European model of welfare regimes, although forces of globalisation and the process of open coordination encourage convergence across member states.
- The choice is no longer whether or not to Europeanise personal taxation or social policy, but how.

Read more on these findings on the flipside.
Integration led by European judges

Tax powers are often said to be the last refuge of national sovereignty. This slogan does not, however, stand any empirical testing.

The creation of a single market entails redrawing economic borders. In Europe, this has been done by means of Europeanising customs duties and partially indirect taxes. Moreover, the fostering of the single market through mutual competition of legal systems, and the ensuing judicial empowerment of private actors, have unleashed forces that dramatically reduce the discretion of national legislatures to decide on tax systems. The question is therefore not whether to Europeanise taxes, but how: by judicial fiat or by political decision?

The European Court of Justice has moved from total self-restraint on tax matters, via a moderate form of review in the mid 80s and early 90s, to an aggressive review of the European constitutionality of national personal tax norms. The case law has systematically empowered transnational private actors, who are no longer fully subject to national tax systems. This has led to the erosion of national tax autonomy, and a convergence of tax systems towards the bottom. Even a potential renationalisation of tax powers presupposes a European framework with the help of which political institutions could reclaim powers from private actors.

Read more

The free movement of workers

The ECJ has adopted decisions seriously affecting the borders of welfare communities, and the terms defining the degree of solidarity expected by their members.

This Europeanisation of economic risk communities is mirrored by a limited and imperfect Europeanisation of political communities, legislative competences and institutional set-up. As a consequence, the communities of welfare are Europeanised by stealth, rendering European law *more humane*. However, in the process, welfare systems have come to be assessed by reference to constitutional standards (the four economic freedoms), which have an internal logical structure *very different* from that of national welfare policies.

Read more

‘European citizenship after Martínez Sala and Baumbast’, Agustín J. Menéndez, in *The Past and Future of EU Law*, Maduro/Azoulay (eds), Hart, 2010

EU’s responses to the financial crisis

Financial integration is much deeper in a single currency area than between economies of different monies. The risk of contagion in a financial run is also much higher.

The Financial Stability Facility is a temporary ad hoc measure. In order to ensure its sustainability, the monetary union will require a more permanent mechanism for ensuring that markets price the solvency risk of public debt and not liquidity defaults. The optimal answer to these problems would then be the provision of large-scale liquidity, rather than excessive budget consolidation. It is doubtful that the segregated national bond markets in Europe can provide the solution.

Read more

Nothing more political than economic policy

Current proposals for reform of European monetary policy fall short of its objectives. They are based on a false diagnosis of the problem, and result in applying the same failed recipes to sort things out.

The asymmetric Monetary Union combined federal and technocratic monetary policy with formally national and political fiscal and wage policy. This unprecedented coupling was matched by a series of ‘governance’ arrangements which were supposed to ensure the coherence of monetary and fiscal policy.

The structural roots of the present eurozone crisis are to be found not only in the inadequacy of the concrete coupling mechanisms (such as the coordination of fiscal policies and the excessive deficit procedure), but also in the expectation that discretionary policies (such as fiscal and wage policy) could be conducted by reference to tacit fixed rules, allegedly those of the Growth and Stability Pact. Fiscal policy cannot remain aloof of either efficiency constraints, as this would require not following rules, nor legitimacy constraints, as fiscal decisions have fundamental political consequences. Both legitimacy and efficiency thus require that these underlying considerations are part of the fiscal decision-making processes.

Read more
The *Sinews of European Peace*, Raul Letelier/Agustín J. Menéndez (eds), RECON Report 10, 2009

Pour la République Européenne, Stefan Collignon (with Christian Paul), Odile Jacob, 2008

European welfare regimes

There is no single European model of welfare regimes, although there has been a degree of convergence among the member states, assisted by the forces of globalisation and the process of open coordination in the EU. This convergence has moved them towards features that encourage efficiency and productivity.

Read more

Choice in health care

RECON analyses ongoing reforms of European welfare states that aim at increasing ‘choice’ for patients, clients and beneficiaries.

Cost-containment is a key consideration behind this development, but findings suggest that ‘choice’ is being promoted also for other reasons. ‘Choice policies’ tend to give rise to questions of labour market policy issues, both in terms of pressure on relatives to act as carers rather than taking part in the formal labour market, and in responding to the increasing demand for formal care in a home setting.

Read more

The research is conducted within RECON’s WP 7 ‘The Political Economy of the European Union’. More details and publications from this research, including reports and working papers, is available at: [www.reconproject.eu](http://www.reconproject.eu)

Publication date: May 2011

RECON is an Integrated Project (2007-2011) supported by the 6th Framework Programme for Research
European identity and enlargement

RECON investigates the changing nature of collective identity formation processes in Europe. With EU enlargements, collective identity formation may have changed, and a broad reconsideration of the concept is therefore necessary.

RECON has explored the old, new and prospective EU members’ perspectives on the changes of established identities. Moreover, the nexus between the changing collective identity formation and the political order and democracy in Europe has been scrutinised. RECON’s research uncovers underlying tensions in new member states and candidate countries.

Selected findings

• Collective identity in Europe is no longer a stable resource on which democracy can draw, but a shifting target that is contingent on the democratic process

• European identification interferes with national identification, resulting in changes and also a weakening of national identities

• Local and regional entities influence and shape social identities, we thus witness a transformation from an ethnic, homogeneous model of national identity towards a civil and plural one

• Structural and cultural changes in Central and Eastern Europe and in Turkey are closely related to values identified as European

• As Turkey increasingly moves towards the EU’s democracy standards, underlying anti-democratic tendencies and tensions in domestic politics come to the forefront

Read more on these findings on the flipside
Identity formation in Europe

The possibilities for establishing a democratic order in Europe is related to the absence of a European people. In one way or the other, democracy needs to be grounded in the collective will of the members of a political community.

Democracy can be claimed to be rooted in a popular subject, which is given substance in a historically and culturally distinct identity. This perception of identity as a cultural expression of the unity and diversity of a political community replicates that of the nation.

RECON’s approach is that a collective European identity is not simply considered as based on the preservation of existing plural identities. Identity transformation is perceived as a creative and open-ended process. This introduces an ambivalence into identity discourse, since the underlying constituents are no longer seen as fixed or homogeneous. It is sustained that cross-cutting public discourses linked to shifting allegiances can also generate democratic legitimacy. Types of identity and degrees of attachment may vary and must be constantly renegotiated through the democratic process. Collective identity is then no longer seen as a stable resource on which democracy can draw, but a shifting target that is contingent on the democratic process.

Reconstructing identity

Democracy depends on the strength and nature of tensions between local, national and European levels of identification.

Research on the changing identity of the so-called ‘new urban middle class’ in Poland reveal that distinct discourses are generated in cities, which significantly influence the processes of reconstruction of social identities. A transformation from an ethnic, homogeneous model of national identity towards a civic, plural one is identified.

Further, research on Polish students indicates that European identification changes collective identification. This results in a weakening of national identity and indicates a move towards a more transnational identification. However, research in Hungary suggests that a reference to the nation state is the most frequently recalled identification. This may be due to unfulfilled expectations of EU accession.

Anti-democratic tensions in Turkey

In Turkey, Europeanisation provokes debate about the relationship between a liberal model of an open democratic society, based on the Enlightenment values, and a traditional collectivist vision of the state being connected with religious heritage and ethnic nationalism.

Europe as a concept and European institutions as actors set new constraints for such debates. Struggles between modernisation vs. tradition and between preserving national sovereignty vs. the building of an open European society and polity come to the fore. A case study investigates the trade-offs between secularism and democracy, and the extent to which the EU’s political conditionality has made Islam more visible. As Turkey moves towards meeting the EU’s democracy standards, underlying anti-democratic tendencies and tensions in Turkish politics come to the fore. The paradoxical result is that the process of democratisation threatens the basis of individual rights and liberties in Turkey.

Read more


‘Hungarians and Europe’, Maria Heller/Borbála Kriza, in Collective Identity and Democracy, RECON Report 12, 2010


Gender as a test case

Gender aspects of collective identity formation have been studied in Poland and Turkey.

In Poland, the research focuses on the women’s movement after transformation and the discourse of feminists. The factors facilitating and inhibiting the development of the women’s movement have been investigated: the transitional context; the role of EU integration; and feminist intellectuals’ discussions on the nation state and society in the EU context.

As Turkey comes closer to EU membership, tensions regarding gender equality become more visible. Findings from a study examining to what extent Turkey has embraced ‘EU universal values’ reveal that whilst secularists of all ideological backgrounds agree with the European position, there is some ambivalence in Islamist perspectives regarding women’s rights and sexuality in Turkey.

Read more

‘Challenging the nation’, Katarzyna Zielinska, in Collective Identity and Democracy, RECON Report 12, 2010


NGOs as change agents

A study of women as well as lesbian, gay, bisexual and transgender NGOs shows how they push and contest boundaries of civic identity.

By challenging state policies and social attitudes on equality, human rights and the rights of sexual minorities, such NGOs foster the development of an open society and European identity. Although visible and effective, their efforts are complicated by limited support of local and state administrations, funding policies, and the general weak position of civil society.

Read more

‘Extending the boundaries of civic membership: Polish NGOs as change agents’, Beata Czajkowska (ed.), RECON Research Report, forthcoming

The research is conducted within RECON’s work package 8 ‘Identity Formation and Enlargement’. More details and publications from this research, including reports and working papers, is available at: www.reconproject.eu

RECON is an Integrated Project (2007-2011) supported by the 6th Framework Programme for Research
International trade
An area for conflict of laws?

Can democracy as we understand it in the constitutional state survive the postnational constellation, that is, both Europeansiation and globalisation? Is a democratisation not only of the EU but also of globalisation conceivable?

RECON has approached these questions from various perspectives: analysing the development of the EU and how it shapes up as a political entity; exploring the link between democratisation in Europe and globalisation in the wider international system; and considering the prospects for cosmopolitanism. This research group has contributed to the theoretical debate and also undertaken interdisciplinary research on issues of exemplary importance.

Selected findings

- The ongoing reform of the GMO regulatory framework is a positive step towards more decentralisation and flexibility, which could help to resolve current conflicts in the EU

- The EU could avoid new trade disputes in the WTO by coordinating its preferences on GMOs with its main trade partner, the US

- The Novel Foods Regulation is not the appropriate legal framework for regulating foods from cloned animals

- Recent labour-law jurisprudence of the ECJ reveal the tensions between trade liberalisation, economic freedoms and social protection

- In unsettled fields where internal market and trade policies are opened to non-trade issues, new legal patterns come to the fore

Read more on these findings on the flipside

Research coordinators
Christian Joerges
Centre for European Law and Politics, University of Bremen
christian.joerges@sfb597.uni-bremen.de

John Erik Fossum
ARENA - Centre for European Studies, University of Oslo
j.e.fossum@arena.uio.no

RECON partners
Vrije Universiteit Amsterdam
Ben Crum, Eric Miklin

ZERP, University of Bremen
Olga Baturo, Kolja Möller, Tommi Ralli, Florian Rödl

European University Institute
Poul F. Kjaer, Claire O’Brien, Neil Walker, Maria Weimer

Johann Wolfgang Göethe University
Rainer Nickel

European University Viadrina
Ulrike Ehling, Jürgen Neyer
Tensions between trade liberalisation, risk regulation and social protection

Is the institutional design of the EU with its emphasis on economic freedoms and control of anti-competitive practices and policies grinding its commitment to the social market economy? Is there space in WTO law, orientated towards trade liberalisation, for non-trade concerns? RECON has contrasted the institutional differences between the two regimes and explored their potential to respond to regulatory concerns and examined the criteria which they use to distinguish between protectionism and legitimate objectives.

GMOs and animal cloning

Enquiries on the regulation of genetically modified organisms (GMOs) and on animal cloning have been undertaken.

The controversies on the regulation of GMOs within the EU and the international trade system have been explored with an emphasis on ‘uncertain’ risks to health and the environment, and also the distributional implications of new technologies. The analyses focus on the EU’s precautionary principle and the impact of WTO law on European practices. The ongoing reform efforts of the legislative framework, which aim at granting the member states more autonomy on GMO cultivation, raise serious questions of EU and WTO trade law compatibility. However, they may also help resolving the current deadlocked situation in EU authorisations of GMOs.

The complexity of regulating animal cloning results from the associated ethical, health-related and environmental concerns, which require comprehensive regulatory frameworks. Animal cloning is politically sensitive and the legal competence of the EU to regulate in this area is not clearly established. Europe’s trade partners are closely monitoring EU policy developments, as they are getting ready for exporting products from cloned animals. Trade-restrictive EU regulations would thus represent a potential for new international trade disputes in the WTO.

The studies suggest that the EU should coordinate its preferences with the regulatory authorities of its main trade partner, the US. Moreover, the Novel Foods Regulation is not considered to be the appropriate legal framework for regulating foods from cloned animals. The ongoing reform of the GMO regulatory framework is considered to be a positive step towards more decentralisation and flexibility, which could potentially help to resolve the current multilevel conflicts in the EU.

European regulatory policies and WTO law

Communalities and differences between European regulatory strategies, transnational governance arrangements and WTO law are discussed in two books. Stronger global governance can be a chance for the EU to clarify its own raison d’être to the wider world. At the same time, the design of the European project is challenged by more assertive global structures which constrain its decisional autonomy, regarding the appropriateness of its content and its external effects.

Read more
Constitutionalism, multilevel trade governance and international economic law, Christian Joerges/Ernst-Ulrich Petersmann (eds), Hart, 2011
Karl Polanyi, globalisation and the potential of law in transnational markets, Christian Joerges/Josef Falke (eds), Hart, 2011

The regulation of chemicals

A study has been undertaken on the EU framework for chemicals regulation (REACH). The analysis seeks to understand the specific nature of EU and WTO trade law interaction, and the need for democratic oversight with broader social perspectives related to economic, environmental and health concerns.

Read more

Social protection in transnational markets and the EU

The study of risk regulation in and beyond the EU has been complemented by analyses of the tensions between trade liberalisation, economic freedoms and social protection. These studies include critical discussions of recent labour law jurisprudence of the ECJ.

Read more
Human rights and transnational corporations, Claire O’Brien, Hart, forthcoming

Legal conceptualisation

RECON has examined the legal conceptualisation of European and transnational governance. This has generated the ‘idea of a three-dimension conflicts law as constitutional form’. The objective is to present a new type of constitutionalism with democratic credentials, which reflects the specifics of the postnational constellation and has the potential to orient the legal assessment of European and transnational conflict configurations.

Read more
Conflict of Laws and Laws of Conflict in Europe and Beyond, Rainer Nickel (ed.), Intersentia, 2010

Habermas’ discourse theory of law

The ‘sustainability’ of Jürgen Habermas’ theory of democracy and his discourse theory of law in the European and international constellation has been studied in depth.

In a new book, his theory of law is placed in the context of his overall contribution to the theory of society, political theory and social philosophy. It focuses on the critical debate of Habermas’ theory, on the challenges posed by Europeanisation and processes of globalisation, and on particular strands within his work, such as genetic technology and religion.

Read more
Jürgen Habermas, Volumes I and II, Christian Joerges (with Camil Ungureanu/Klaus Günther) (eds), Ashgate, 2011

The research is conducted within RECON’s work package 9 ‘Global Transnationalisation and Democratisation Compared’. More details and publications from this research, including reports and working papers, is available at: www.reconproject.eu

RECON is an Integrated Project (2007-2011) supported by the 6th Framework Programme for Research