

**Summarizing report of the Jean Monnet Centre of Excellence Conference**

**“The EU and its Citizens”**

**Thursday, 5<sup>th</sup> July 2012, 9am – 4pm, Seminarzentrum, Freie Universität Berlin**

Since 2009, the Jean Monnet Centre of Excellence (JMCE) "The EU and its Citizens" links the expertise and research activities on European integration at Freie Universität Berlin. Several scholars from four different disciplines (political science, law, sociology, and communication science) have explored the relationship between the European Union (EU) and its citizens as one of the major challenges of European integration. The Centre is mainly focusing on research and teaching regarding civil societies and their development. This includes issues like the values and attitudes of citizens, the Europeanization of public spheres, and questions of EU citizenship and rights empowering civil society organizations.

The aim is to sustain and further strengthen the outstanding position of Freie Universität Berlin in EU Studies, but also to disseminate the cumulative knowledge produced by joint activities to the academic community, practitioners, and the wider public. Civil society groups have been systematically included into the activities of the Centre. Moreover, all activities of the Centre have made special efforts toward outreach activities with regard to the media and to non-governmental organizations. In doing so, the Centre has been open to practitioners and to civil society organizations, but also to schools within the Berlin/Brandenburg region, thus bringing the EU closer to its younger citizens.

After three successful years of interdisciplinary examination and research on the topic, the JMCE invited scholars, academic staff, students, representatives of public authorities and interested civil society to a conference at Freie Universität Berlin. In five panels, the academic members of the JMCE presented their research results and discussed it with competent external discussants and the audience.

**Panel I: „Why do states (not) comply with law – compliance in the EU”**

***Panelist and Discussant***

Prof. Dr. Tanja A. Börzel is the academic coordinator of the JMCE and the director of the Center for European Integration at Freie Universität Berlin. She is working on the presented research project which focuses on Compliance in the EU together with Prof. Dr. Carina Sprungk who unfortunately could not attend the conference. The results will be published in 2013.

Prof. Dr. Diana Panke holds a professorship for Systems of Multi-Level Governance at the University of Freiburg since July 2012. As research associate Diana Panke was involved in the presented project in its beginnings.

### *Main Arguments*

The presented research project on compliance examines the conditions under which EU member states comply or do not comply with EU laws. How can the great variance of member states' performances concerning the compliance of EU law be explained? The main argument is that it depends on a combination of mainly two factors: political power of the respective member state within the EU and its administrative capacities. Other explaining factors considered are party political preferences, a member states' behavior during legislative processes as well as transaction costs of compliance (economic, political, administrative). The project combines qualitative and quantitative research methods. It includes the development of a unique database containing all treaty violation proceedings of the EU-15 members between 1987 and 2007. Besides, comparative case studies of selected countries and EU regulations are conducted to add on the empirical insights from the database. The qualitative and quantitative analyses have shown that the most significant factor determining compliance is a member state's administrative capacity. The more efficient the administration, the better the state complies with EU law (e.g. Denmark). Against it applies, the more power and the less capacities a member state possesses, the less it complies with EU law (e.g. Italy or France). Concluding, Tanja A. Börzel notes that the EU Commission is a comparatively small institution with limited capacities. Therefore, it is reliant on the concept of the active EU citizen. Consequently, the EU provides various forms of participation. Everyone can access information on the EU websites, participate in designing EU law, or report incompatibilities with a provision or a principle of EU law.

### *Discussion*

Diana Panke commends the added value of the project combining quantitative and qualitative research. Besides, unlike other research projects in this field, the presented project theoretically combines the "Enforcement School" (arguing there is a lack of political will for compliance) and the "Management School" (arguing non-compliance always happens due to inadequate capacities).

In the further discussion, the audience focuses on the theoretical as well as methodological frame of the project. Another observation is that the norm within the EU is compliance rather than non-compliance. However, no possibility exists to determine the de facto non-compliance. Summarizing, Tanja A. Börzel states that power after all is one of the most influential factors as non-compliance is always related to higher costs. Those countries that are most powerful within the EU can more easily handle that risk. Another point of interest is finally the actual role of citizens concerning treaty violation processes. Citizens' complaints are often not the responsibility of the EU. A lack of knowledge about the various EU regulations and its implications can be an explanation for the rather low number of initiatives of serious requests from EU citizens.

## **Panel II: "Multilingualism in Europe and language politics of the EU"**

### *Panelist and Discussant*

Prof. Dr. Jürgen Gerhards is the chairholder of the Chair of Macrosociology at Freie Universität Berlin.

Prof. Dr. Wolfgang Mackiewicz has been director of the Language Centre of Freie Universität Berlin for many years. Today he supports the university as Commissioner for the European cooperation of universities, EU-Commissioner of the Executive Board of Freie Universität Berlin, and honorary professor. Wolfgang Mackiewicz is the president of the European Language Council that promotes multilingualism and individual language skills.

### *Main Arguments*

From a sociological point of view Jürgen Gerhards presents the advantages of a European lingua franca which would be English. In the current ongoing Europeanization and globalization processes, transnational linguistic capital (TLC) becomes a central resource of participation. Possession of TLC is likely to improve the personal resource contingent (income, education, inclusion) and life chances. Thus, it constitutes a source of social inequalities. However, the language politics of the EU are rather focused on plurality. All national languages are accepted as official EU languages and the EU actively promotes minority languages, linguistic diversity, and the language competences of its citizens. Jürgen Gerhards provides four main arguments criticizing these politics: (1) The English language is becoming more dominant within the EU. De facto, more and more people do speak English and this cannot be influenced politically. (2) A common language would considerably contribute to an improved communication as well as to the political objectives of the EU like increased mobility or improved political participation. (3) The commonly believed disadvantages of a European lingua franca are overrated. English would be an add-on and cultural and linguistic diversity are largely decoupled. (4) Social injustices generated with the privilege of one foreign language can be compensated.

### *Discussion*

Wolfgang Mackiewicz advocates the European language politics. On the one hand, he argues, it is nearly impossible to change the European language regime on a political level. On the other hand it has to be considered that English is a very difficult language and that language skills are related to education policies which are still within the competences of the nation states.

The discussion focuses on the economic benefit of a lingua franca on the one hand and the identity advantages of language diversity on the other. The importance to distinguish between a lingua franca as a means of communication between private persons or within companies and a lingua franca in the academic arena or on international conferences is stressed. Another point considered is the relation between the EU language regime and migration, concretely the handling of minority languages of migrants in the EU as well as the role language plays for integration.

## **Panel III: „The future of the euro area“**

### *Panelist and Discussant*

Prof. Dr. Philipp Engler is Junior Professor for Monetary Macroeconomics at Freie Universität Berlin.

Dr. Sandra Eckert works as assistance researcher and lecturer at the University of Osnabrück.

### *Main Arguments*

The main outcome of the research presented is the proposition of a transfer mechanism for a monetary union. Philipp Engler and his colleague Simon Voigts from the Humboldt-Universität zu

Berlin take the recent development from crises in the euro area (banking and sovereign debt crises) to crisis of the euro as their starting point. Despite much progress, economic integration of the euro area member states remains incomplete. The two scholars argue that a solution has to be found because macroeconomic volatility will be high and volatility usually is regarded as a risk for "welfare" in economics. While discussed answers to the crisis as an increased economic integration and the reduction of the level of indebtedness are rather long-term steps to be taken, Engler and Voigts propose a transfer mechanism across member states that reduces volatility more effectively than national fiscal policy. The advantages on a theoretical level would be that the Ricardian equivalence effects would not matter. On a practical level, this mechanism would have no effect on countries' sovereign debt, while on a political level it would not imply net payments on average because the transfers would be related to relative output gaps rather than to relative output levels.

### *Discussion*

Sandra Eckert tries to link the economic approach with a political science dimension. The presented model intends to control the cyclical fluctuations and functions like an insurance system by distributing capital. So questions arise concerning the practical implementation and political use of this mechanism: Where does the capital come from? Should new taxes be introduced and new spending competences be agreed upon? Are there any bargaining possibilities? And what would be the actual effect of this transfer mechanism? Would it really reduce structural asymmetries?

Of most concern is the practical institutional implementation of the proposal as well as its implications for EU citizens. Philipp Engler argues that the model resembles the mechanism of unemployment insurances. Such an automatic mechanism is of high advantage as these transfers have to be activated within short time periods. This could not be ensured if new negotiations remain the prevailing procedure. Moreover, de facto we already practice transfers as the example of Greece currently shows. The researcher proposes to use an automatic mode rather than doing it in an ad hoc way.

## **Panel IV: "The EU-crisis: with solidarity towards a European identity?"**

### *Panelist and Discussant*

Prof. Dr. Thomas Risse is director of the Center for Transnational Relations, Foreign and Security Policy at the Otto Suhr Institute of Political Science at Freie Universität Berlin.

Dr. Daniela Schwarzer is head of the research division "EU Integration" at the German Institute for International and Security Affairs.

### *Main Arguments*

Thomas Risse explores the causal relation between solidarity among European member states and a European identity. He argues that the causal mechanisms may work in both directions and mutually reinforce each other. Identities are always socially constructed and there is no European identity but rather an Europeanization of collective identities. As data of the Eurobarometer show, the majority of EU citizens perceives itself as national citizens, while solely a minority sees itself as European citizens. In elite discourses, mainly two images of Europe are distinguished: an open, liberal Europe against a nationalistic, exclusive Europe. Thomas Risse empirically tested the degree of solidarity among EU countries: Against an expected north-south divide the results show that Scandinavian

countries are the most solidary countries, followed by Germany and Southern European countries in the middle field and Eastern European countries as the least solidary ones. Thomas Risse concludes that solidarity among foreigners is possible but conditional. With the European crisis the politicization of European issues has increased dramatically. At the bottom line this has a positive effect on a European identity as politicization increases the visibility of the EU and strengthens the identification with Europe.

### *Discussion*

Daniela Schwarzer comments from her perspective as a political consultant. For two reasons the question of solidarity is very relevant for the daily political business: (1) National parliaments are directly engaged in decisions and (2) the EU is constantly deepening and increasing on an institutional level. Solidarity, which is mainly expressed financially or through respect of regulations, can be based on the following sources: the principle of security or the idea of a welfare state, the principle of responsibility and self-protection. Schwarzer draws an antithesis of the causal relation between solidarity and identity as a vicious circle and asks whether an erosion of trust within the EU can be observed. She further argues that one basic condition of identity is not given: a consensus of common values.

The audience's main interest concerns the definition of solidarity. Can we really speak of solidarity if de facto the interest in self-protection is the strongest motivation to act solidary? A more crucial dimension seems to be reciprocity. Another question is who is solidary towards whom (states, EU institutions, citizens). Both, Daniela Schwarzer and Thomas Risse, stress that the data in this field are very unsatisfying. Moreover, the political will is rather weak as the recent intransparent and inadequate political communication about EU decisions and discussions in the German public shows.

## **Panel V: „Rule of law in the new EU and civil rights of European citizens“**

### *Panelist and Discussant*

Prof. Dr. Christian Calliess is professor for public and European law, as well as director of the Institute for Public Law at Freie Universität Berlin. Since 2009 he has an ad personam Jean-Monnet-Chair for European Integration.

Dr. Claudio Franzius is a lecturer at the Faculty of law at Hamburg Universität.

### *Main Arguments*

Christian Calliess focuses on the question of EU citizenship rights which belong to the rule of law. There can be distinguished formal and material rule of law whereof material rule of law comprises subjective rights of an individual. The European Court of Justice acknowledged the basic rights of EU citizens in a landmark decision in 1963. The court ruled that the Community constitutes a new legal order, the subjects of which consist of not only the member states but also their nationals. In another case (1964) the court ruled that member states had definitively transferred sovereign rights to the Community and Union law could not be overridden by domestic law. A person is regarded as a EU citizen if he or she has the citizenship of one member state. Another more functional status is that of a market citizen who derives his/her rights from his/her purchasing power. Therefore, three concepts stand next to each other: rights of the market citizens, EU citizen rights and the Charter of Fundamental Rights of the European Union. Christian Calliess points out three implications: (1) A

mixing of laws/ rights can be observed. (2) With the EU Court of Justice decision the fundamental freedom has been politicized. (3) The rights within the EU should be brought into new order as the EU citizen rights out the law plurality.

### *Discussion*

Claudio Franzius basically shares Callies's points of view. He argues that European Law approximates International Law. The EU executes political authority with direct relation to the EU citizens taking its legitimation from the Treaty of Maastricht. But what is the exact function of the status of an EU citizen? Franzius mentions the possible intention of compensating democratic deficits with the creation of union citizen rights.

### **Concluding Remarks:**

Summarizing, the conference was a great success. The very mixed audience followed the panels with high interest and participated actively in the discussions. Positive feedback has been received in the aftermath of the conference. The academic members of the Jean Monnet Centre of Excellence gave each other valuable and insightful comments. Two special guests, Myriam Rancon and Franco Burgio, from the European Commission Education, Audiovisual and Culture Executive Agency attended the conference as they came for a monitoring visit to the JMCE of Freie Universität Berlin. Moreover, several academic members and the director had interviews before and after the conference to present the work of the Berlin Jean Monnet Centre of Excellence "The EU and its Citizens" to a wider public.

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