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Constitutionalization of the EU
Direct effect: EU law as the law of the land for national citizens
Supremacy: EU law as the higher law of the land
Integration through law and economic constitutionalism
State-like properties: external sovereignty and internal coercion

Kompetenz–Kompetenz: judicial review of competence
Penetration of EU Law into National Legal Systems
Quantitative: national courts’ use of ECJ preliminary rulings
Qualitative: national courts’ acceptance of the EU legal system

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Chapter 1

Introduction: Explaining the EU Political System

The Institutional and Policy Architecture of the EU
What Is the EU? A Political System but not a State
Two Theories of EU Politics
Structure of the Book

The European Union (EU) is a remarkable achievement. It is the result of a process of voluntary integration between the nation-states of Europe. The EU began in the 1950s with six states, grew to 15 in the 1990s, enlarged to 27 in the 2000s, and is likely to grow even further. The EU started out as a common market in coal and steel products and has evolved into an economic, social, and political union. European integration has also produced a set of supranational executive, legislative, and judicial institutions with significant authority over many areas of public policy.

But, this book is not about the history of ‘European integration’, as this story has been told at length elsewhere (for example Dedman, 2009). Nor does it try to explain European integration and the major turning points in this process, as this too has been the focus of much political science research and theorizing (for example Moravcsik, 1998; Wiener and Diez 2009). Instead, the aim of this book is to understand and explain how the EU works today. Is the European Commission a runaway bureaucracy? How powerful is the European Parliament? Does the European Court of Justice (ECJ) favour some member states over others? Why do some citizens support the EU while others oppose it? Is there a ‘democratic deficit’ in the way the EU works? Why are some social groups more able than others to influence the EU? Is the EU single market deregulatory or re-regulatory? Who are the winners and losers from expenditure policies? Does economic and monetary union work? Has the EU extended citizens’ rights and freedoms? Can the EU speak with a single voice on the world stage?

We could treat the EU as a unique experiment, which of course in many respects it is since no other continent has progressed so far in the process of supranational integration. However, the above questions could be asked of any ‘political system’, whether domestic or supranational. Also, political science has an array of theoretical tools to answer
exactly these sorts of questions. Instead of a general theory of how political systems work, political science has a series of mid-level explanations of the main processes that are common to all political systems, such as public opinion, interest-group mobilization, legislative bargaining, delegation to executive and bureaucratic agents, economic policy-making, citizen–state relations, and international political and economic relations. Consequently, the main argument of this book is that to help us understand how the EU works, we should use the tools, methods, and mid-range theories from the general study of government, politics, and policy-making. In this way, teaching and research on the EU can be part of the political science mainstream.

This introductory chapter sets the general context for this task. It provides some basic background information about the policy and institutional architecture of the EU, and explains how the EU can be a ‘political system’ without also having to be a ‘state’. The chapter then reviews some of the basic assumptions of political science, and discusses how these assumptions are applied in the two main theories of EU politics.

**The Institutional and Policy Architecture of the EU**

When six European states decided in the early 1950s to place their coal and steel industries under collective supranational control, few would have expected that this would have led within half a century to a new continental-scale political system. Box 1.1 lists the key stages in this process. A few of the stages are worth highlighting. In the 1960s, Western Europe became the first region in the world to establish a customs union, with an internal free-trade area and a common external tariff, and also the first genuinely supranational public spending programme: the Common Agricultural Policy (CAP). The pace of integration then slowed until in the mid-1980s the then 12 member states agreed to the launch the programme to create the first continental-scale ‘single market’ by the end of 1992; which involved the removal of internal barriers to the free movement of goods, services, capital, and labour, a single European competition policy, and a single European currency (the euro). As a consequence of the single market, in the 1990s the new ‘European Union’ adopted common social and environmental policies, common policies on the movement of persons between the member states and across the EU’s external borders, and began to coordinate national macroeconomic, justice and policing, and foreign and security policies.

The EU does not have a ‘constitution’ in the traditional meaning of this term: a single document setting out the basic rules and principles of the organization. A ‘Constitutional Treaty’ was agreed in 2004, but was rejected by referendums in France and the Netherlands in 2005. Even
without the Constitutional Treaty, though, the EU Treaty, and the practices and norms that have evolved around how the EU works, can be thought of as the basic ‘constitutional architecture’ in that they have established a clear division of policy competences and institutional powers in the EU.

There are five main types of EU policy:

1. **Regulatory policies**: these are rules on the free movement of goods, services, capital and persons in the single market, and involve the harmonization of many national production standards, such as environmental and social policies, and common competition policies.

2. **Expenditure policies**: these policies involve the transfer of resources through the EU budget, and include the CAP, socio-economic and regional cohesion policies, and research and development policies.

3. **Macroeconomic policies**: these policies are pursued in European Monetary Union (EMU), where the European Central Bank (ECB) manages the money supply and interest rate policy, while the Council pursues exchange rate policy and the coordination and scrutiny of national tax and employment policies.

4. **Interior policies**: these are rules to extend and protect the economic, political, and social rights of the EU citizens and include common asylum and immigration policies, police and judicial cooperation, and the provisions for ‘EU citizenship’.

5. **Foreign policies**: these are aimed at ensuring that the EU speaks with a single voice on the world stage, and include trade policies, external economic relations, the Common Foreign and Security Policy (CFSP), and the European Security and Defence Policy (ESDP).

Box 1.2 describes how these policies fit together in a ‘catalogue of competences’. The EU level has exclusive responsibility for creating and regulating the single market, and for managing the competition, external customs and trade policies that derive from this task. The EU level is also responsible for the monetary policies of the member states whose currency is the euro, the CAP and the common fisheries policy. In these areas, the EU governments no longer have power to make policy at the national level.

Next, a range of policies are ‘shared’ between the European and national levels, where EU policies generally supplement existing or ongoing policies at the national level, for example in the areas of labour market regulation, regional spending or immigration and asylum. The third area of policies is best described as the ‘coordinated competences’, in that these are policies where primary competence remains at the national level, but the national governments have accepted that they need to coordinate their domestic policies collectively at the European level because there are spill-over effects on each other from keeping
these policies at the national level. For example, for the states with a single currency there is a need to coordinate macroeconomic policies, and with the freedom of movement of persons there is a need to coordinate some policing and criminal justice policies. Finally, all the major areas of taxation and public spending, such as health care, housing, welfare provision, and pensions remain the exclusive preserve of the member states, with very little EU interference in how these policies are managed.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 February 1951</td>
<td>Belgium, France, Germany, Italy, Luxembourg, and the Netherlands sign Treaty of Paris, launching the European Coal and Steel Community</td>
</tr>
<tr>
<td>23 July 1952</td>
<td>Treaty of Paris enters into force</td>
</tr>
<tr>
<td>1 January 1958</td>
<td>Treaties of Rome enter into force, establishing the European Economic Community and the European Atomic Energy Community (Euratom)</td>
</tr>
<tr>
<td>30 July 1962</td>
<td>CAP starts</td>
</tr>
<tr>
<td>5 February 1963</td>
<td><em>Van Gend en Loos</em> ruling of the ECJ, establishes the ‘direct effect’ of EEC law</td>
</tr>
<tr>
<td>15 July 1964</td>
<td><em>Costa v. ENEL</em> ruling of the ECJ, establishes the ‘supremacy’ of EEC law</td>
</tr>
<tr>
<td>29 January 1966</td>
<td>Luxembourg compromise, which effectively means Council must decide unanimously</td>
</tr>
<tr>
<td>1 July 1967</td>
<td>Merger Treaty, establishes a single set of institutions for the three communities</td>
</tr>
<tr>
<td>1 July 1968</td>
<td>EEC ‘customs union’ stars</td>
</tr>
<tr>
<td>1–2 December 1969</td>
<td>Hague Summit, governments agree to push for further economic and political integration</td>
</tr>
<tr>
<td>1 January 1973</td>
<td>Denmark, Ireland, and the United Kingdom join</td>
</tr>
<tr>
<td>27 October 1970</td>
<td>Governments start foreign policy cooperation (European Political Cooperation – EPC)</td>
</tr>
<tr>
<td>10 February 1979</td>
<td><em>Cassis de Dijon</em> ruling of the ECJ, establishes ‘mutual recognition’ in the provision of goods and services in the common market</td>
</tr>
<tr>
<td>13 March 1979</td>
<td>European Monetary System (EMS) begins</td>
</tr>
<tr>
<td>7–10 June 1979</td>
<td>First ‘direct’ elections of the European Parliament</td>
</tr>
<tr>
<td>1 January 1981</td>
<td>Greece joins</td>
</tr>
<tr>
<td>26 June 1984</td>
<td>Margaret Thatcher negotiates the ‘British rebate’ from the annual budget</td>
</tr>
<tr>
<td>1 January 1985</td>
<td>First ‘European Communities’ passports are issued</td>
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<tr>
<td>1 January 1986</td>
<td>Portugal and Spain join</td>
</tr>
<tr>
<td>19 May 1986</td>
<td>European flag used for the first time</td>
</tr>
<tr>
<td>1 July 1987</td>
<td>Single European Act enters into force, launching the single market programme</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>13 February 1988</td>
<td>First multi-annual framework for the EU budget agreed</td>
</tr>
<tr>
<td>9 November 1989</td>
<td>Berlin Wall falls</td>
</tr>
<tr>
<td>1 January 1993</td>
<td>Single European Market starts</td>
</tr>
<tr>
<td>1 November 1993</td>
<td>Maastricht Treaty enters into force, launching the EU and the plan for EMU</td>
</tr>
<tr>
<td>21 July 1994</td>
<td>European Parliament rejects a piece of EU legislation for the first time</td>
</tr>
<tr>
<td>1 January 1995</td>
<td>Austria, Finland, and Sweden join</td>
</tr>
<tr>
<td>1 January 1999</td>
<td>EMU starts</td>
</tr>
<tr>
<td>1 May 1999</td>
<td>Amsterdam Treaty enters into force, starting the ‘area of freedom, security and justice’</td>
</tr>
<tr>
<td>15 March 1999</td>
<td>Santer Commission resigns before a censure vote is held in the European Parliament</td>
</tr>
<tr>
<td>24 March 2000</td>
<td>European Council agrees the ‘Lisbon strategy’ to promote growth and productivity</td>
</tr>
<tr>
<td>1 January 2002</td>
<td>Euro notes and coins replace national notes and coins for 10 member states</td>
</tr>
<tr>
<td>1 February 2003</td>
<td>Nice Treaty enters into force, launching defence cooperation and reforming the institutions in preparation for enlargement</td>
</tr>
<tr>
<td>1 May 2004</td>
<td>Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia join</td>
</tr>
<tr>
<td>26 October 2004</td>
<td>European Parliament blocks the election of a new Commission</td>
</tr>
<tr>
<td>29 October 2004</td>
<td>Treaty establishing a Constitution for Europe signed</td>
</tr>
<tr>
<td>2 December 2004</td>
<td>First EU military operation, in Bosnia and Herzegovina</td>
</tr>
<tr>
<td>29 May and 1 June 2005</td>
<td>Constitution rejected in referendums in France and the Netherlands</td>
</tr>
<tr>
<td>1 January 2007</td>
<td>Bulgaria and Romania join</td>
</tr>
<tr>
<td>1 December 2009</td>
<td>Lisbon Treaty enters into force, establishes inter alia a permanent President of the European Council</td>
</tr>
</tbody>
</table>

Turning to the institutions, Box 1.3 describes the institutional set-up. Most regulatory policies as well as some expenditure policies, macro-economic policies, and interior policies (on asylum and immigration) are adopted through supranational processes: where the Commission is the executive (with a monopoly on policy initiative); legislation is adopted through a bicameral procedure (the ordinary legislative procedure) between the Council and the European Parliament (and the Council usually acts by qualified-majority voting – QMV); and law is directly
effective and supreme over national law and the ECJ has full powers of judicial review and legal adjudication.

Meanwhile, most macroeconomic policies and foreign policies and some expenditure policies (the multiannual framework programme) and interior policies (on police and judicial cooperation) are adopted through intergovernmental processes: where the Council is the main executive and legislative body (and the Council usually acts by unanimity); the Commission can generate policy ideas but its agenda-setting powers are limited; the European Parliament only has the right to be consulted by the Council; and the ECJ’s powers of judicial review are restricted.

Turning to politics in the EU, there are two main types of intermediary associations that connect the public to the EU policy process. First,
political parties are the central political organizations in all modern democratic systems. Parties are organizations of like-minded political leaders who join forces to promote a particular policy agenda, seek public support for this agenda, and capture political office in order to implement this agenda. Political parties have influence in each of the EU institutions. National parties compete for national governmental office, and the winners of this competition are represented in the Council. European Commissioners are also partisan politicians: they have spent their careers in national party organizations, owe their positions to nomination by and the support of national party leaders, and usually seek to return to the party political fray. Members of the European Parliament (MEPs) are elected every five years in ‘direct’ elections to the European Parliament. Once elected, the MEPs sit as transnational ‘political groups’ in the European Parliament, which promotes political organization and competition in the EU legislative process.

Second, interest groups are voluntary associations of individual citizens, such as trade unions, business associations, consumer groups, and environmental groups. These organizations are formed to promote or protect the interest of their members in the political process. This is the same in the EU as in any democratic system. National interest groups lobby national governments or approach the EU institutions directly, and like-minded interest groups from different member states join forces to lobby the Commission, Council working groups and MEPs. Interest groups also give funds to political parties to represent their views in national and EU politics. In each policy area, public office holders and representatives from interest groups form ‘policy networks’ to thrash out policy compromises. And, by taking legal actions to national courts and the ECJ, interest groups influence the application of EU law.

The quasi-constitutional policy and institutional architecture is highly stable. To understand why consider Figure 1.1, which plots the approximate location of the major EU treaties on two dimensions: (1) the x-axis represents the degree of policy integration resulting from a treaty, in terms of the number and significance of the policy competences that have been handed to the European level, either as exclusive competences, or shared competences, or coordinated competences; and (2) the y-axis represents the extent of supranational decision-making resulting from a treaty, in terms of the proportion of EU policy competences that are governed by supranational decision-making procedures, where the Commission is the agenda-setter, the Council decides by QMV, the Council shares legislative authority with the European Parliament, and the ECJ has jurisdiction.

The Treaty of Rome aimed to be a highly supranational treaty, but after the 1966 Luxembourg compromise between the heads of government of the then six states, in practice the policies that were contained in
the treaty were adopted via unanimous agreement between the heads of government rather than via supranational decision-making. The Single European Act (SEA) was a major step on the other dimension. Rather than adding many new competences, the main innovations in the SEA were on the institutional side: the delegation of new agenda-setting powers to the Commission to initiate over 300 pieces of legislation to

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**Box 1.3 Institutional architecture of the EU**

**Council of the European Union, and the European Council (Brussels)**
The Council of the EU is composed of ministers from the member states’ governments. The Council is a *legislative and an executive body*. On the legislative side, the Council adopts EU legislation and the budget. On the executive side, the Council coordinates the broad economic policy goals of the member states, concludes international agreements of the EU, coordinates CFSP and police and judicial cooperation, and proposes reforms to the EU treaties. On most legislative issues the Council decides by a system of weighted majority voting (QMV), whereas on most executive issues the Council decides by unanimous vote. The highest meeting of the Council is the European Council, which brings together the heads of state and government of the EU and meets four times a year. The Presidency of the Council rotates every six months between the member states, but the President of the European Council is a two-and-half-year appointment, renewable once. Herman Van Rompuy became the first President of the European Council in December 2009.

**European Commission (Brussels)**
The Commission is composed of one member from each member state and is the *main executive body* of the EU. The Commission is responsible for proposing EU legislation, managing and implementing EU policies and the budget, enforcing EU law (jointly with the ECJ), and representing the EU on the international stage (for example in the WTO). The administration of the Commission is divided into Directorates-General, each of which is responsible for a different area of EU policy. Approximately 25,000 people are employed in the Commission’s administration. Following each European Parliament election, the Commission President is nominated by a qualified-majority vote in the European Council and accepted or rejected by a simple-majority vote in the European Parliament. The other members of the Commission are then nominated by each EU government and approved by a qualified majority in the European Council and a simple majority in the European Parliament. José Manuel Barroso, the conservative former Prime Minister of Portugal, was re-elected for a second five-year term as Commission President in 2009.

**European Parliament (Brussels, Strasbourg, and Luxembourg)**
There are 736 MEPs, who are elected every five years by the EU citizens, and organize together in transnational political groups. The Parliament is
half of the EU’s legislative authority (jointly with the Council). The Parliament amends and adopts EU legislation and the budget, and monitors the work of the other EU institutions. The Parliament has the power to approve or reject the nominated Commission President and the team of Commissioners, and also has the right to censure the Commission as a whole (by a two-thirds majority vote). The Parliament holds committee and party meetings in Brussels and plenary sessions in Strasbourg and Brussels, and part of the Parliament’s secretariat is in Luxembourg.

European Court of Justice (Luxembourg)
The ECJ, together with the national courts, is the judicial authority of the EU. The ECJ ensures that EU legislation is interpreted and applied in the same way in all member states and undertakes judicial review of the treaties, secondary legislation, and tertiary instruments of the EU. The ECJ is composed of one judge per member state, however it rarely sits as the full court, but instead sits as a Grand Chamber of 13 judges or in chambers of 5 or 3 judges. The ECJ is assisted by 8 advocates general. The judges and advocates general are appointed for a renewable 6-year term by the EU governments. The President of the Court is chosen by the judges to serve for a renewable 3-year term. Vassilios Skouris (from Greece) has been President of the Court since 2003. To help the Court cope with the large number of cases brought before it, it is assisted by the Court of First Instance (CFI).

Other institutions
The European Central Bank (Frankfurt) is responsible for monetary policy, including setting interest rates for the European single currency (the euro).
The European Court of Auditors (Luxembourg) checks that EU funds are properly collected and spent legally, economically, and for their intended purpose.
The Committee of the Regions (Brussels) represents regions and local authorities in the member states in the EU policy-making process.
The EU also has more than 35 other agencies, which include the European Investment Bank (Luxembourg), the European Environment Agency (Copenhagen), the European Food Safety Authority (Parma), the European Medicines Agency (London), the European Monitoring Centre on Racism and Xenophobia (Vienna), the European Defence Agency (Brussels), and the European Police Office (The Hague).

complete the single market; the extension of QMV in the Council; and new legislative powers for the European Parliament, under the new ‘cooperation procedure’.

The Treaty on European Union (TEU, or the Maastricht Treaty), consolidated the SEA. The new policy competences in the treaty included a three-stage plan for Economic and Monetary Union (EMU), and new
frameworks for policies on Justice and Home Affairs (JHA) and CFSP. However, this time, the institutional rules in these new policy areas were predominantly intergovernmental, with weak agenda-setting powers for the Commission, decision-making by unanimity in the Council, consultation rather than legislative powers for the European Parliament, and weak or no judicial review powers for the ECJ. The Maastricht Treaty also replaced the cooperation procedure with the co-decision procedure, which further increased the powers of the European Parliament.

The Amsterdam Treaty focused on institutional rather than policy reform: extending supranational decision-making in the new ‘area of freedom security and justice’, which covered many of the policies on the free movement of persons that were under the intergovernmental JHA pillar in the Maastricht Treaty; and reforming and extending the co-decision procedure, which significantly increased the legislative powers of the European Parliament.

Figure 1.1  Progress towards equilibrium?

Note: The ‘degree of policy integration’ is an approximate measure of the number and significance of the policy competences that are covered by the EU. The ‘extent of supranational decision-making’ is an approximate measure of the proportion of EU policy competences that are governed by supranational decision-making procedures; where the Commission is the agenda-setter, the Council decides by QMV, the Council shares legislative authority with the European Parliament, and the ECJ has jurisdiction.
The main objective of the Nice Treaty was to reform the EU institutions in preparation for the accession of 12 new member states from Central, Eastern, and Southern Europe. Nevertheless, the institutional changes in the Nice Treaty were relatively modest, relating mainly to how QMV worked in the Council. Meanwhile, on the policy side, the Nice Treaty added defence policy as an EU competence for the first time, as part of the new ESDP. As with the CFSP provisions, however, decision-making in this area remained intergovernmental.

Finally, the Lisbon Treaty, compared to the previous treaties, is relatively insignificant in terms of institutional or policy reform. On the institutional side, the Nice Treaty simplified the voting system in the Council, introduced a new permanent President of the European Council, and created a new position of High Representative for the Union in Foreign Affairs and Security Policy. The Lisbon Treaty also made the co-decision procedure the ‘ordinary legislative procedure’, which is now used for adopting most EU laws. However, unlike the previous EU treaties, these institutional reforms aimed to improve the efficiency of the institutions rather than change the balance of power between the main institutions. For example, the Amsterdam Treaty extended the powers of the European Parliament and QMV in the Council into more policy areas than the Lisbon Treaty.

On the policy side, the Lisbon Treaty incorporated the Charter of Fundamental Rights into the EU Treaty for the first time. However, the ECJ already referred to the Charter before its incorporation by the Lisbon Treaty. The Lisbon Treaty extended supranational decision-making in the area of interior policies, mainly on asylum and immigration. And, in the area of foreign policy, the Lisbon Treaty established a European diplomatic service: the European External Action Service. However, these are relatively modest policy changes compared to the SEA, the Maastricht Treaty and the Amsterdam Treaty, and the only genuinely new policy competence in the Lisbon Treaty is in the area of space exploration!

In sum, every time the EU embarked on a new set of treaty reforms, there were expectations (or fears) that a new agreement would be a major step towards further European integration. The truth is rather different. Broadly speaking, every new treaty has ended up being less ambitious than the previous one. The reason for this is quite simple: the EU has gradually got closer and closer towards a ‘constitutional equilibrium’. The basic policy architecture of the EU now has a certain coherent logic. First, the EU level is responsible for creating and regulating a single market on a continental scale, while taxing and spending remain mainly at the national level. Second, the EU governments coordinate a range of policies (from foreign policies, to economic policies, to immigration policies) that affect the free movement of goods, services, capital, and labour in the single market and their collective interests as a continental-scale
polity. In the former policy areas, supranational mechanisms, via an independent Commission, QMV in the Council, and the checks and balances of the European Parliament and the ECJ, are the most effective way of making policies for the single market. In the later policy areas, intergovernmental mechanisms ensure the protection of national interests in the adoption of highly salient policies (such as tax issues) and in the coordination of domestic economic and security policies.

As new member states have joined the EU it has become more and more difficult to reach unanimous agreement on which new policies should be added to the EU or how the balance of power between the EU institutions should be changed. However, even if there were fewer member states, the new institutional and policy architecture would be highly stable, as almost no member state wishes to change the basic balance of power between the EU and the member states or between the EU institutions in any major way. As a result, the focus of the EU in the next decade is likely to shift from treaty reform to what can be done within the established institutional and policy framework.

**What is the EU? A Political System but not a State**

Having described the EU’s institutions and policies, what exactly is the EU? Is it an international organization, like the United Nations or the World Trade Organization (WTO), or is it a federal state, like the United States of America? The EU does not fit either of these categories very well. Unlike other international organizations, the EU has delegated significant independent executive, legislative, and judicial powers, rather like a state. However, unlike federal states, the member state governments remain the sovereign signatories of the EU Treaty, the budget of the EU remains small, the EU relies on the voluntary compliance of the member states for the enforcement of EU law, and the member states remain sovereign in many areas of policy, including the ability to sign international treaties.

Thankfully, there is another category we can use to conceptualize the EU: as a political system. Gabriel Almond (1956) and David Easton (1957) were the first to develop formal frameworks for defining and analysing political systems. They defined a political system as having four key characteristics:

1. There is a stable and clearly defined set of institutions for collective decision-making and a set of rules governing relations between and within these institutions.
2. Citizens seek to realize their political desires through the political system, either directly or through intermediary organizations such as interest groups and political parties.
Collective decisions in the political system have a significant impact on the distribution of economic resources and the allocation of values across the whole system.

There is continuous interaction between these political outputs, new demands on the system, new decisions, and so on.

The EU possesses all these characteristics. First, the degree of institutional stability and complexity in the EU is far greater than in any other international regime, as we have discussed.

Second, as the EU institutions have taken on these powers of government, an increasing number of groups attempt to make demands on the system – ranging from individual corporations and business associations to trade unions, environmental and consumer groups and political parties. The groups with the most powerful and institutionalized position in the EU are the governments of the member states. At face value, the centrality of governments in the system makes the EU seem like other international organizations. However, the governments do not have a monopoly on political demands. As in all democratic polities, demands in the EU arise from a complex network of public and private groups, each competing to influence the EU policy process to protect their own interests.

Third, EU decisions are highly significant and are felt throughout the EU. For example:

- EU policies cover a wide range of areas, including market regulation, social policy, the environment, agriculture, regional policy, research and development, policing and law and order, citizenship, human rights, international trade, foreign policy, defence, consumer affairs, transport, public health, education, and culture.
- Approximately 150 pieces of legislation pass through the EU institutions every year – more than in most other democratic polities.
- Primary and secondary acts of the EU are part of the ‘the law of the land’ in the member states, and supranational EU law is supreme over national law.
- The EU budget may be small (at about 1 per cent of total EU GDP) compared with the budgets of national governments, but several EU member states receive almost 5 per cent of their national GDP from the EU budget.
- EU regulatory and monetary policies have a powerful indirect impact on the distribution of power and resources between individuals, groups and nations in Europe.
- The EU is gradually encroaching on the power of the domestic states to set their own rules in the highly contentious areas of taxation, immigration, policing, foreign, and defence policy.
In short, EU outputs have a significant impact on the ‘authoritative allocation of values’ (Easton, 1957) and also determine ‘who gets what, when and how’ in European society (Lasswell, 1936).

Finally, the political process of the EU political system is a permanent feature of political life in Europe. The quarterly meetings of the heads of government of the member states (in the European Council) may be the only feature of the system that is noticed by many citizens. This can give the impression that the EU mainly operates through periodic ‘summitry’, like other international organizations. However, the real essence of EU politics lies in the constant interactions within and between the EU institutions in Brussels, between national governments and Brussels, within the various departments in national governments, in bilateral meetings between governments, and between private interests and governmental officials in Brussels and at the national level. Hence, unlike other international organizations, EU business is conducted in multiple settings on virtually every day of the year.

What is interesting, nevertheless, is that the EU does not have a ‘monopoly on the legitimate use of coercion’. The EU is not a ‘state’ in the traditional Weberian meaning of the word. The power of coercion, through police and security forces, remains in the hands of the national governments of the EU member states. The early theorists of the political system believed that a political system could not exist without a state. As Almond (1956, p. 395) argued:

> the employment of ultimate, comprehensive, and legitimate physical coercion is the monopoly of states, and the political system is uniquely concerned with the scope, direction, and conditions affecting the employment of this physical coercion.

However, many contemporary social theorists reject this conflation of the state and the political system. For example, Bertrand Badie and Pierre Birnbaum (1983, pp. 135–7) argue that:

> the state should rather be understood as a unique phenomenon, an innovation developed within a specific geographical and cultural context. Hence, it is wrong to look upon the state as the only way of governing societies at all times and all places.

In this view, the state is simply a product of a particular structure of political, economic, and social relations in Western Europe between the sixteenth and mid-twentieth centuries, when a high degree of centralization, universality, and institutionalization was necessary for government to be effective. In a different era and context, government and politics could be undertaken without the classic apparatus of a state.

This is precisely the situation in the twenty-first century in Europe.
The EU political system is highly decentralized, is based on the voluntary commitment of the member states and its citizens, and relies on sub-organizations (the existing nation-states) to administer coercion and other forms of state power.

Table 1.1 provides some basic political data about the EU member

### Table 1.1 Basic data on the EU

<table>
<thead>
<tr>
<th>Member state</th>
<th>Date joined</th>
<th>Pop’n, 2009 (mil.)</th>
<th>GDP, ppp, 2008 ($bn)</th>
<th>GDP/cap, ppp, 2008 ($)</th>
<th>Council votes</th>
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<th>MEPs</th>
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Sources: Compiled from United Nations, Eurostat, and World Bank.
As the data show, no member state is either physically, economically, or politically powerful enough to dominate the EU.

**Two Theories of EU Politics**

There are two broad theoretical frameworks for understanding EU politics. The first theoretical framework is known as **intergovernmentalism** (especially Hoffmann, 1966, 1982; Moravcsik, 1991, 1993, 1998; Moravcsik and Nicolaïdis, 1999). The core assumption of this framework is that EU politics is dominated by the member state governments, in general, and the governments of the ‘big’ member states, in particular (especially Germany, France, and Britain). The governments of the member states have clear ‘preferences’ about what they want to achieve at the European level in each of the main policy areas of the EU. In the ‘liberal’ version of this approach, developed by Andrew Moravcsik (1991, 1998), member state preferences can vary across policy areas and over time: for example, a member state can be in favour of more EU policy in a particular area in one period, yet opposed to more EU policy in another area in the same period, or in the same area in a different period. The governments also have substantial resources at their disposal, via their large domestic bureaucracies, and so have good information about the positions of the other actors in EU politics and also what is likely to happen as a result of a particular EU decision.

One of the main propositions of intergovernmentalism is that the member states are careful in what they delegate to the three ‘supranational’ institutions: the Commission, the European Parliament, and the ECJ. Delegation to these institutions only occurs to further the collective interests of the governments. For example, the governments delegate agenda-setting to the Commission to resolve coordination problems in the adoption of policy, legislative power to the European Parliament to improve the legitimacy of EU decisions or to present a check on the Commission, and adjudication power to the ECJ to resolve a collective action problem in the implementation of EU law. Moreover, because delegation is a conscious and careful process, the supranational institutions are in effect ‘agents’ of the EU governments rather than powerful independent actors.

Another proposition is that every member state is on average a winner from the process of European integration and EU politics. This does not mean that every member state does equally as well out of the EU. Power balances between the member states are asymmetric, and the member state with the most to lose on a particular issue tends to get what it wants. However, this proposition does suggest that if a member state expects to lose from a treaty reform or a policy decision it would either not agree to
that decision or would demand compensation (a side-payment) through some other EU policy, such as the EU budget.

The second theoretical framework is perhaps best labelled the supranational politics approach (see Kohler-Koch and Eising, 1999; Marks et al., 1996; Stone Sweet et al., 2001; Stone Sweet and Sandholtz, 1998). This approach encompasses a wide variety of theoretical traditions and ideas in the study of European integration and EU politics, all of which share a central proposition which pits these ideas collectively against intergovernmentalism: that the governments of the member states do not have it all their own way in the EU.

There are three key interrelated reasons why the governments are not all powerful. First, as the early neo-functionalists argued (e.g. Haas, 1958; Lindberg, 1963), the supranational institutions are not simply passive ‘agents’ of the governments. Instead, the Commission, the European Parliament, and the ECJ have their own institutional interests, policy preferences, and resources and powers. Private interest groups also play a role in shaping the EU policy agenda, bypassing national governments and going straight to Brussels to provide vital information and support to Commissioners, MEPs, and judges (e.g. Sandholtz and Zysman, 1989).

Second, derived from the rational choice institutionalist approach in political science, ‘institutions matter’ (e.g. Franchino, 2007; Jupille, 2004; Pollack, 2003; Tsebelis and Garrett, 1996, 2001). What this means is that the rules governing decision-making in the EU shape policy outcomes, sometimes in the way governments can predict and at other times in ways they cannot predict as easily. For example, if QMV is introduced in a particular policy area, the set of policies that can be adopted is increased significantly, and governments can then find themselves unexpectedly on the losing side on a key issue. Similarly, extending the legislative powers of the European Parliament under the co-decision/ordinary legislative procedure, gives new veto- and agenda-setting power to a majority in the European Parliament. This majority may sometimes support the Commission against the governments, at other times might support the governments against the Commission, and at other times still oppose both the Commission and the governments.

Third, actors’ positions and the nature of the bargaining space can vary issue by issue, even within the same policy area (Thomson et al., 2006). For example, all the actors in EU decision-making – whether governments in the Council or political parties in the European Parliament – not only have preferences over the speed and nature of European integration but also have views about the political direction of EU policy outcomes. And these political views are perhaps better captured by the ‘left–right’ dimension of politics than the standard ‘national sovereignty vs. European integration’ dimension of the traditional intergovernmentalist approach (see Hix, 1994).
Putting these ideas together, a key empirical proposition of the supranational politics framework is that as a result of the autonomous interests and powers of the Commission, the Parliament and the ECJ, and how the decision-making rules and policy bargains play out over time, EU policy outcomes can be different from the original intentions of the governments. For example, the EU single market has led to more environmental and social regulations than some right-wing politicians expected when they signed the SEA. Put another way, the supranational politics approach predicts that a range of factors produce ‘unintended consequences’ from the delegation of powers to the EU institutions or from the adoption of new policies at the European level (e.g. Pierson, 1996).

A second proposition deriving from these ideas is that the EU has a ‘democratic deficit’ (e.g. Føllesdal and Hix, 2006). This deficit results from the fact that as the governments have delegated powers to the European level, policy-making in Brussels has become isolated from domestic public opinion and national parliaments, which has led to a degree of ‘policy drift’ away from the preferences of some notional European wide average citizen. This proposition is disputed by intergovernmentalists, who argue that there is a close connection between the preferences of citizens and EU policy outcomes because the governments are elected by their citizens, and it is the governments who run the EU and keep a tight rein on the EU institutions (e.g. Moravscik, 2002).

The differences between these two approaches to EU politics can easily be overemphasized. Both approaches borrow assumptions and arguments from the general study of political science. Both also share a common research method: the use of theoretical assumptions to generate propositions, which are then tested empirically. As a result, deciding which theory is ‘right’ is not a case of deciding which approach’s assumptions about actors, institutions, and information are closest to reality. How good a theory is depends on how much and how efficiently it can explain a particular set of facts. Some theories are more efficient, some are more extensive, and all tend to be good at explaining different things. For example, intergovernmentalism uses some simple assumptions, and from these assumptions produces a rather persuasive explanation of the major treaty bargains. But, this theory seems less able to explain the more complex environment of day-to-day legislative politics in the EU. Meanwhile, supranational politics uses a more complex set of assumptions and seems more able to explain specific policy outcomes. Consequently the power of the theories can only really be judged where they produce clearly identifiable and opposing sets of predictions about the same empirical phenomenon.

This may seem a rather arcane debate. However this overview of the main theoretical positions in EU politics is essential for understanding the intellectual foundations of the more empirically based research covered in the following chapters.
Structure of the Book

The rest of this book introduces and analyses the various aspects of the EU political system. Part I looks at EU government: the structure and politics of the executive (Chapter 2), political organization and bargaining in the EU legislative process (Chapter 3), and judicial politics and the development of an EU constitution (Chapter 4). Part II turns to politics: public opinion (Chapter 5), the role of elections, political parties, and the question of the ‘democratic deficit’ (Chapter 6), and interest representation (Chapter 7). Part III focuses on policy-making: regulatory policies (Chapter 8), expenditure policies (Chapter 9), economic and monetary union (Chapter 10), interior policies (Chapter 11), and foreign policies (Chapter 12). To create a link with the rest of the discipline, each chapter begins with a review of the general political science literature on the subject of that chapter. Finally, in Chapter 13 the underlying arguments and issues in the book are brought together in a short conclusion.
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