



## CEUR workshop

# 'The centrality of the European Council and the Council in EU decision-making'

*Central European University*

*Center for European Union Research (CEUR)*

*Nador u. 11., ground floor, room 004*

*November 28, 2014*

*Registration is required for participating in this event. Places are limited and the workshop is not open to the general public. Please e-mail the CEUR coordinator Katalin Harskuti ([harskutik@ceu.hu](mailto:harskutik@ceu.hu)) if you want to register for this event.*

## PROGRAM

09.00-10.15

Sergio Fabbrini  
**Executive power in the European Union: The implications of the euro crisis**

Coffee

10.30-11.45

Andrew Glencross  
**The European Council: Constitutional agency in a moment of crisis?**

Coffee

12.00-13.15

Petya Alexandrova (co-authored paper)  
**Agenda convergence between the European Council and member states' executives**

Buffet lunch

14.00-15.15

Edoardo Bressanelli (co-authored paper)  
**Legislating in the shadow of the European Council: empowering or silencing the European Parliament?**

Coffee

15.30-16.45

Stéphanie Novak and Maarten Hillebrandt  
**Does transparency undermine efficient decision-making? Analysing the case for the "space to think"**

Coffee

17.00-18.15

Adina Maricut and Uwe Puetter  
**New intergovernmentalism and communitarization: The role of the European Council and the Council in justice and home affairs governance**

19.00-

Workshop dinner at Café Kör  
Address: Sas u. 17. Web: <http://www.cafekor.com/>

## **ABSTRACTS**

### **Executive power in the European Union: The implications of the euro crisis**

*Sergio Fabbrini*

There is no questioning the fact that the EU has a dual executive consisting of the European Council and the Commission, with the two respective presidents representing a two-faced Janus. The institutionalisation, with the Lisbon Treaty, of the European Council has been a key condition to advance the integration process in sensitive policy areas. With the election of the permanent president of the European Council, the latter has irreversibly been transformed into a decision-making institution. The euro crisis has thus accelerated the transformation of the European Council into an executive institution. Indeed, between 2011-2014, the European Union has become more and more a European Council-based organizations. Which inter-institutional dilemmas has, this development, raised? The paper will discuss the systemic dilemmas of a European-Council based executive power, in its relations with the Commission, the Council and the European Parliament. The argument of the paper is that the European Council is here to stay, but the current institutional architecture of the EU is unable to guarantee effectiveness and legitimacy to its role.

### **The European Council: Constitutional agency in a moment of crisis?**

*Andrew Glencross*

This paper examines the actions of the European Council during the euro-zone crisis through the lens of political constitutionalism (Bellamy 2007; Goldoni 2012). This theoretical model proposes that the legitimacy of constitutional change is an essentially political construction dependent upon mobilization or representation of the public. In particular, the paper applies the concept of politicization as a means of enhancing EU legitimacy (Glencross 2014) to analyse the kind of constitutional agency the European Council has been responsible for when reconfiguring economic and monetary union. To this end, the paper studies the politicization of the Council's response to an emergency situation occasioned by an external shock (White 2014), both within and across member states. Hence this approach looks beyond the binary model of supranationalism/intergovernmentalism to question the legitimacy of constitutional change arising from the actions of the European Council.

## **Agenda convergence between the European Council and member states' executives**

*Petya Alexandrova and Arco Timmermans*

Agenda convergence, the process of different policy agendas becoming more similar over time, is a new research topic in EU studies. In this paper we study convergence between agendas at the highest level of policy making in two different but interlinked polities – the EU and its member states. The analysis is based on new large scale datasets of European Council Conclusions and executive agendas in five member states over a 33-year period (1975 – 2007). We find no evidence of steady convergence of the two agenda types over time but rather a medium to high level of correspondence recurring throughout the entire period. While the agendas of the five countries mostly follow a similar pattern of development when related to the European Council agenda, more marked differences exist for individual policy fields.

## **Legislating in the shadow of the European Council: empowering or silencing the European Parliament?**

*Edoardo Bressanelli and Nicola Chelotti*

Because of the limited powers of the EU's supranational institutions on economic and fiscal policies, the new economic governance of the Union has been largely characterized by its intergovernmental nature, with the dominant role of the European Council and the Council of Ministers (Fabbrini, 2013; Puetter, 2014). Yet, the important issue of strengthening fiscal surveillance and monitoring for the Euro-area member states was addressed through two legislative packages (the 'Six Pack' and the 'Two Pack') adopted with the ordinary legislative procedure. This paper therefore asks: to what extent has the European Parliament been able to impact on the new economic governance of the EU? Assuming that the conditions for parliamentary influence in this policy field are particularly demanding (the general framework is established by the European Council, and the modus operandi is largely intergovernmental), we will process-trace if and, in case, how the EP impacted on the final legislative outcome. In this vein, the paper will analyse the ordinary legislative procedure under a particular mode of governance – when decisions are taken under the shadow of the European Council. Moreover, as the inter-institutional agreement was the product of informal negotiations, the paper will further investigate if the informal arena allows the EP to extract more concessions from the Council (Haegel & Kaeding, 2007).

## **Does transparency undermine efficient decision-making? Analysing the case for the “space to think”**

*Stéphanie Novak and Maarten Hillebrandt*

In various public decision-making settings, it is commonly argued that transparency diminishes the efficiency of decision-making; the Council and European Council are no exception to this conventional wisdom. However, the assertion is more often advanced in an intuitive, rather than an analytically rigorous manner. For purposes of empirical verification, such an intuitive approach to the relation between transparency and efficiency is inadequate, as it obfuscates the premises underlying this commonly perceived trade-off. Instead, these premises need to be rigorously dissected to clarify its status and coherence. This article provides the analytical ground work for a more detailed and nuanced approach to the interaction effects between transparency and efficiency of decision-making, and illustrates the usefulness of this approach in relation to the Council and European Council.

## **New intergovernmentalism and communitarization: The role of the European Council and the Council in justice and home affairs governance**

*Adina Maricut and Uwe Puetter*

The European Council and the Council have been identified as being positioned at the centre of European Union (EU) policy-making within the new areas of policy activity which emerged on the EU agenda at Maastricht or beyond. The decentralized character of areas such as economic governance, foreign and security policy, as well as social and employment policy coordination gave rise to an increased demand for high-level consensus seeking in the absence of central enforcement and policy initiation mechanisms. As argued by deliberative intergovernmentalism this demand prompted a process of profound institutional change aimed at enhancing the consensus generation potential of core intergovernmental decision-making bodies in charge of governing the new areas of EU activity. The domain of justice and home affairs (JHA) puts this argument to a test. While being a new area of EU activity which originally evolved on the basis of policy coordination arrangements, it has been brought gradually under community method decision-making procedures. However, given the sovereignty-sensitive nature of the issues it covers – most of them being directly related to the internal security of member states – JHA is far from functioning as a standard field of community method governance. By examining the active role of the European Council in setting the JHA agenda in the post-Maastricht period, this paper illustrates the significant influence of heads of state and governments in policy initiation, often taking over the Commission’s increasing prerogatives over secondary legislation. Simultaneously, it is argued that the continuous centrality of the JHA Council in decision-making, despite the gradual communitarization, demonstrates an important blend of the new intergovernmentalism into revised community method procedures.

## BIOGRAPHIES

**Petya Alexandrova** holds a PhD from the University of Leiden after defending a dissertation on Agenda Setting in the European Council in September 2014. Earlier, she earned a Bachelor's degree in International Politics and History from Jacobs University Bremen and graduated cum laude from the collaborative Master's programme on Contemporary European Studies after studying at the University of Bath, Charles University, Prague and Humboldt University Berlin. As a PhD candidate Petya received training from the Netherlands Institute of Government and participated at the Winter School in Social Science Research Methods at the University of Limerick. During the last four years she taught courses in public policy, EU policies and research methodology at Leiden University and contributed to the activities of the Montesquieu Institute in The Hague. Petya's research has been published in the European Journal of Political Research, European Union Politics, the Journal of Common Market Studies and the Policy Studies Journal.

**Edoardo Bressanelli** is Lecturer in European Politics at the Department of European and International Studies, King's College London. His research interests include political parties and representation, policy-making in the EU and Italian politics. He is the author of 'Europarties after Enlargement: Organization, Ideology and Competition' (Palgrave Macmillan, 2014). He has published, among others, in Comparative Political Studies, the Journal of European Public Policy and Representation.

**Sergio Fabbrini** is Professor of Political Science and International Relations and Director of the School of Government at the Luiss Guido Carli in Rome where he holds the Jean Monnet Chair. He directed the University of Trento School of International Studies in the period 2006-2009 and was the Editor of the "Italian Journal of Political Science" (Rivista Italiana di Scienza Politica) in the period 2004-2009. He is Recurrent Visiting Professor of Comparative and International Politics at the Department of Political Science and Institute of Governmental Studies, University of California at Berkeley. He was Jemolo Fellow at the Nuffield College, Oxford University, Jean Monnet Chair Professor at the Robert Schuman Center for Advanced Studies, European University Institute in Florence, Fulbright Professor at Harvard University. He won several prizes and taught in various universities. He has published fourteen books, one co-authored books and fourteen edited or co-edited books or journals' special issues, and two hundred scientific articles and essays in seven languages in Comparative and European Government and Politics, American Government and Politics, International Relations and Foreign Policy, Italian Politics and Political Theory. His recent publications include: *Which European Union? Europe after the Euro Crisis* (to be published by Cambridge University Press in 2015), *Compound Democracies: Why the United States and Europe Are Becoming Similar*, Oxford, Oxford University Press, 2010, second and revised edition; *America and Its Critics: Vices and Virtues of the Democratic Hyperpower*, Cambridge, Polity Press, 2008.

**Andrew Glencross** is a lecturer in International Politics at the University of Stirling, United Kingdom. He has published extensively on the interplay of law and politics in the European Union, and on the development of European integration more generally, in journals such as *Government and Opposition*, *International Theory*, *Journal of Common Market Studies*, *Journal of European Integration*, *Journal of European Public Policy*, *Orbis: A Journal of World Affairs*, *Political Studies*, and *West European Politics*. His most recent book is *The Politics of European Integration: Political Union or a House Divided?* (Wiley 2014).

**Maarten Hillebrandt** is a PhD researcher at the Amsterdam Centre for European Law and Governance, University of Amsterdam. In his PhD research, Maarten zooms in on the rapid and historically unlikely introduction, between 1992 and today, of a transparency policy in the traditionally secretive Council of the EU. In particular, he studies whether irregular patterns of development across policy areas may be explained by specific policy-driven decision making logics. This research forms part of the [Open Government in the EU](#) research group. Maarten holds cum laude degrees in history and sociology (BA University of Warwick) and public administration and organizational science (MSc Utrecht University). Between February and June 2015, he will be a visiting researcher respectively at the University of Lausanne and Gothenburg University.

**Adina Maricut** is a PhD researcher in the Public Policy Track of the Doctoral School of Political Science, Public Policy, and International Relations at the Central European University (CEU) in Budapest. Adina's doctoral research focuses on institutional and policy developments in the EU area of Justice and Home Affairs, examining how different institutions construct their role in the field during the legislative process, and how this role is subsequently used in agenda-setting and decision-making to legitimise institutional positions. Drawing on the literature problematising the social construction of target populations, the research explores how institutional actors behave in the legislative process depending in the name of 'whom' or 'what' they are acting: the national voting citizen (the Council), the EU 'free mover'/the labour immigrant (the Commission), or fundamental rights in general (the Parliament). Adina is an alumna of the Erasmus Mundus Masters Program in Public Policy (Mundus MAPP), having received MA degrees from the University of York (United Kingdom), and the Central European University (Hungary). Earlier, she completed a BA in political science at the University of Bucharest (Romania).

**Stéphanie Novak** (PhD Sciences Po Paris 2009) is assistant professor at the European School of Political and Social Sciences, Université Catholique de Lille and Roman Herzog Research Fellow, Hertie School of Governance, Berlin. She previously held research positions at the Hertie School of Governance, at the EUI and at the Collège de France. She is the author of *La Prise de Décision au Conseil de l'Union Européenne*, Paris, Dalloz, 2011 and co-edited with Jon Elster *Majority Decisions: Principles and Practices*, Cambridge University Press, 2014.

**Uwe Puetter** is Professor at the Department of Public Policy (DPP) and Director of the Center for European Union Research (CEUR). He also holds the Jean Monnet Chair in European Public Policy and Governance awarded by the European Commission and is a member of the Executive Board of the FP7 research consortium 'bEUcitizen'. His most recent research has concentrated on the transformation of intergovernmental relations in the European Union after the Maastricht Treaty and how the European Council and the Council as key forums for collective decision-making have been affected by these changes. Uwe Puetter's new book 'The European Council and the Council. New intergovernmentalism and institutional change' appeared with Oxford University Press in 2014.