Report

EUCOPAS Final Conference

"Inter-institutional balance: towards a new institutional architecture?"

Organised by the Jean Monnet Chair, University of Cologne, Sciences Po, Centre for European Studies and Comparative Politics

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Fondation Universitaire, Rue d'Egmont 11, 1000 Brussels (Meeting Room A)

10:30 – 11:00	**Welcome**
	Olivier Rozenberg, Sciences Po Paris
	Wolfgang Wessels, University of Cologne
	Rapporteur: Moritz Rau, University of Cologne

Wolfgang Wessels and Olivier Rozenberg inaugurated the conference by welcoming the participants with their opening speeches.

In his contribution, Wolfgang Wessels emphasised EUCOPAS' aim to stimulate transnational, especially German-French, dialogue in academia. Understanding the EU as a "moving target" demands to continuously scrutinize the evolution of EU institutions, to identify changing patterns in the relationships and the balance of power between EU institutions as well as and to analyse the weight of courts in EU`s political system.

Following, Olivier Rozenberg illustrated contemporary trends in the EU's legislative procedures. His findings show a notable decrease of adopted laws between 1996 and 2016. Further, the time-span for adopting EU laws has increased. Comparing with the status quo in 1996, today the process of adapting law takes two times longer. Another important trend is the extension of legal texts. EU laws are becoming more detailed, which may highlight the growing uncertainty of EU lawmakers.

11:00 – 11:30	**Keynote Speech**
	Jim Cloos, Deputy Director-General, General Secretariat of the Council of the European Union, General and Institutional Policy
	Rapporteur: Moritz Rau, University of Cologne

Jim Cloos, Deputy Director-General for General and Institutional Policy at the General Secretariat Council of the European Union, started his keynote speech by framing 2019 as an important year for the future of the EU. Against the backdrop of the European Parliament election, the nomination of a new president of the European Commission, the selection of a new European Commission as well as the appointment of a new president of the European Council in 2019, the EUCOPAS conference provides a great opportunity to reflect upon recent trends and developments in the relationship between EU institutions. While referring to the term

"institutional architecture", Jim Cloos stated that EU's history experienced a permanent discussion about reforms. The evolution of both the European Parliament and the European Council highlights shifts and changes in the institutional architecture. However, the basic philosophy behind the political system of the EU has never been subject to change. Referring to current dynamics in EU affairs, Jim Cloos emphasized that there would be no appetite for further changes of EU treaties. Dealing with the atmosphere at play, opening a discussion on changing the treaties could rather evoke a discourse further advocating elements of disintegration.

11:30 – 13:00	**Panel 1 – The evolution of the European Council and its impact on the institutional architecture** *Chair*: Gaby Umbach, European Parliamentary Research Service Desmond Dinan, George Mason University Sophia Russack, Centre for European Policy Studies *Rapporteur:* Steffen Schönhaar, University of Cologne

The first panel was chaired by Gaby Umbach (European Parliament). Desmond Dinan (George Mason University) and Sophia Russack (Centre for European Policy Studies) discussed the evolution of the European Council and its impact on the institutional architecture. After a brief introduction into the topic, Ms Umbach raised the question: "Is there a new institutional balance coming up?"

At the beginning, Sophia Russack started with a recap of the European Council's role, combining long-term strategy, enlargement and withdrawal on the one hand, as well as legislative decision-making (notably foreign policy and justice and home affairs) and functioning as an appeal body for the Council on the other. Moreover, she stated, there would have been a significant empowerment of the European Council. as the European Council would be a strong policy maker and the President of the European Council would be much more than a chairman. Sophia Russack pointed out that the strengthening and formalisation of the European Council was argued to be a threat to the Commission's role as agenda-setter, and monopolist of legislative proposals, provoking an emancipatory politicisation by the Juncker Commission.

Desmond Dinan reminded the audience of the relative nature of this debate. Accordingly, he mentioned the balance between the institutions of the European Union, saying that "one

institution's balance is the imbalance of another's institution". In this case, the rise of the European Council and the European Parliament has been important for the institutional balance. Also, he placed emphasis on the importance of leadership in shaping the day-to-day interactions between the institutions beyond the formality of Treaties, Court rulings and interinstitutional agreements. In light of this, the rise of the President of the European Council, the Council Presidency, the strong collective leadership displayed by the President of the European Parliament, the committee chairs and the political group leaders would be interesting to note. However, Desmond Dinan concluded that in the shifting sands of institutional balance, the European Council and European Parliament were on the ascendant while the Commission's influence is slowly diminishing.

Afterwards Gaby Umbach summarized the findings and opened the discussion with the audience. She argued for placing EU politics in the member states' national debates; this does include the Spitzenkandidaten system, but could not stop at that.

14:00 – 15:30	**Panel 2 - The evolution of the European Parliament and its impact on the institutional architecture**
	Chair: Martin Westlake, College of Europe, London School of Economics
	Olivier Costa, College of Europe
	Michael Kaeding, Universität Duisburg-Essen
	Anthony Teasdale, DG European Parliamentary Research Services
	Rapporteur: Daniel Salz, University of Cologne

In working panel 2, the speakers examined the evolution of the European Parliament and its impact on the institutional architecture. The discussion was chaired by Martin Westlake.

Olivier Costa (College of Europe) started the debate by naming a recent trend in the EU, namely to conduct EU-legislation by the informal process of trilogues . In this regard, four main topics have been studied in the literature: First, the examination of trilogues and their consequences. Followed by the study of trilogues' impact on inter-institutional fights, an analysis of the actors´ roles, closing by the impact on the quality and length of legislative procedures. Olivier Costa raised the question as to why EU leaders encourage trilogue procedures. There was no fixed answer, but it is seen to avoid a deadlock in decision making. Critics pointed out that trilogues lack democratic legitimation but Olivier Costa countered that the trilogues procedures would

have been embedded into the institutional framework and thus gained legitimisation by the Lisbon Treaties. Olivier Costa continued by describing a problem concerning shadow rapporteurs, who would not be able to shape any political discussion. He concluded that trilogues were set up for treaty revisions, enlargement and various crises – but the institutions would use the framework constantly, making it hard to escape the habit.

Michael Kaeding (Universität Duisburg-Essen) focused on the relationship between the European Parliament and the European Commission and picked up on the important role of the (shadow) rapporteurs which he linked to the different power capacities of various MEPs. Moreover, the delegated powers of the European Commission– on the basis of delegated acts – could cause conflicts but also give power to the European Parliament. The European Parliament not only uses its formal veto power, but also and especially its informal powers. Michael Kaeding referred to informal procedures and the European Parliament´s informal (social) media influence (giving the example of "meat glue"). Thus, the European Parliament would improve its policy specific approach by influencing, branding and information distribution.

Finally, Anthony Teasdale remarked that the European Parliament would be improving its law making capacity by enhanced consulting and through a closer frame of competences assigned by the treaties – leaving ever fewer blank spaces in policy-making-competences. He demonstrated the importance of the President of the European Parliament and added the growing demands of new legislative acts in different fields by the European Parliament. Following, the Parliament would reach beyond its role as co-legislator, dealing with current European Law and demanding the European Commission to adopt or update laws.

Martin Westlake alluded to the main findings and opened the open discussion with the participants.

16:00 – 17:30	**Panel 3 - Transnational Curriculum Development: lessons learned from the analysis and the assessment for teaching the institutional architecture**
	Chair: Alina Thieme, University of Cologne
	Hartmut Marhold, Centre International de Formation Européenne, CIFE
	Sven-Oliver Proksch, University of Cologne
	Anja Thomas, Sciences Po, Paris
	Rapporteur: Daniel Salz, University of Cologne

After a brief introduction of the three speakers, Chairperson Alina Thieme (University of Cologne) presented guiding questions on the importance of developing a transnational teaching curriculum in EU studies, to which the panellists should respond in a way.

Hartmut Marhold (Centre International de Formation Européenne) stated that there would be a discrepancy between national teaching curricula and the ongoing phenomena of European integration. He argued that the solution to these discrepancies between European and national narratives should be a transnational teaching curriculum. According to him, a historical approach to this topic could lead to a better understanding of the status quo and the causations of institutional balance. Throughout the history of the EU there would have been different perceptions of the way the EU is or should be. To illustrate this, Hartmut Marhold revisited major debates in European Union´s history, starting with the functional and the political approach. The functional approach includes an unpolitical institutional setting of experts combined with political national legislators, whereas the political approach considers a pre-federal system with political actors all through (Inter- vs. Supranational). Later on in European history, debates occurred on the balance between intergovernmental and supranational settings, not the least because the European Parliament became directly elected and legitimised. He concluded therefore that historic approaches might help explain the issue of "balance of powers" in the frame of its time, if one sees the issue as an international one.

Sven-Oliver Proksch (University of Cologne) questioned in his talk whether EU teaching within the EU differs from teaching outside the EU. He stated that students need a broad range of tools and argued in favour for a mixed methods approach of quantitative and qualitative aspects which might be the most effective approach in teaching EU studies comprehensively. Furthermore, he pointed out that the academic community in general first needed to agree on the desired achievements before a decision on teaching curricula become relevant. Sven-Oliver

Proksch listed networks, tolerance, European feelings and scientific architecture as central elements for future European achievements and the building of a European (scientific) curriculum.

Lastly, Anja Thomas (Sciences Po, Paris) focussed on differences between transnational and European teaching curricula. She stressed that there is a need to enable doctorate students to ask questions equally relevant for the different societies in Europe. She also pointed to the potential of European curricula in the sense that they can form European citizens. The change for students – struggling with adapting new university systems not linked to their educational history – would be a predominant problem concerning a European curriculum. Anja Thomas ended her talk by saying that transnational educational programmes need transnational universities and teachers if these programmes are specialised on EU issues.

17:30 – 18:00	**Conference Findings, Conclusion**
	Johannes Müller Gomez, Université de Montréal
	Olivier Rozenberg, Sciences Po Paris
	Wolfgang Wessels, University of Cologne
	Rapporteur: Moritz Rau, University of Cologne

The conference was concluded with final remarks by Johannes Müller-Gómez, Olivier Rozenberg and Wolfgang Wessels.

Johannes Müller Gómez (Université de Montréal) elaborated on the impacts of the European Parliament and the European Commission on the institutional architecture of the EU. Referring to the existing literature, he stated that there is a need for more detailed research on the interactions between the European Parliament and the European Council. Moreover, the exploitation of "grey areas" by de facto practices that are not explicitly mentioned in the treaties has to be addressed by intensive research work. Referring to John-Erik Fossum, Johannes Müller Gómez advocated an approach to analyse the EU as a federal system in a comparative analysis.

Olivier Rozenberg thanked the participants for taking part in the conference and briefly focused on the case of Martin Selmayr, highlighting the powerful role by high civil servants managing EU affairs.

Finally, Wolfgang Wessels concluded the conference by applying the triple-C approach. Starting with *consensus*, which means a lack of contestation, Wolfgang Wessels stressed the importance to overcome challenges within a framework of common and joint solutions. Consensus decisions require the ability to conduct reasonable negotiations that result in *compromises* and package deals. However, compromises evoke (structural and substantial) *complexity*. Complexity, in turn, sets the constant agenda for further research.