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EDITORIAL

Par Isabelle Ioannides et Pierre Goudin

Le traité de Lisbonne à l'épreuve du feu

Les élections européennes viennent tout juste d'avoir lieu. Leur déroulement – le très faible taux de participation des électeurs – comme leurs résultats – la montée en puissance des partis eurosceptiques et populistes – ont certes été commentés, mais ont très vite cédé le pas à un autre et unique sujet: la désignation du futur président de la Commission européenne.

A cela, deux raisons: la première est que le traité de Lisbonne a introduit une véritable innovation dans le mode de désignation dudit président, en disposant que désormais le Conseil européen doit proposer un candidat « en tenant compte des élections au Parlement européen » ; la seconde est que la formulation juridique est porteuse de suffisamment d'ambiguïtés pour permettre différentes lectures possibles et, partant, de réelles marges de manœuvre pour les divers acteurs qui doivent intervenir successivement dans cette désignation.

De fait, la période post-élections qui vient de s'ouvrir n'a pas manqué de se transformer en un véritable champ d'expérimentation des potentialités juridiques – mais également politiques – contenues dans l'article 17 du traité. Ce jeu

est plus ouvert que ne le prétendent certains : le « Spitzenkandidat » choisi par les électeurs sera-t-il confirmé au poste de président de la Commission ? Ou ce choix sera-t-il plutôt le résultat de négociations entre les Etats membres afin de respecter un équilibre interinstitutionnel et politique, prenant en compte aussi bien la répartition hommes/femmes entre les membres de la Commission que la taille des pays dont ils proviennent ?

Ces élections suscitent par ailleurs d'autant plus d'intérêt qu'elles sont porteuses de plusieurs enjeux décisifs pour le futur immédiat de la construction européenne : le comblement du déficit démocratique dont la mécanique européenne est si souvent accusée, le renforcement de la légitimité du président de la Commission européenne, le poids intrinsèque des trois principales institutions européennes et leur équilibre relatif au sein de la « méthode communautaire ».

Afin de faire la lumière sur ces questions, ce numéro du *BEPA Monthly Brief* se focalise sur l'interprétation et la mise en œuvre éventuelle des dispositions du traité de Lisbonne en ce qui concerne les élections européennes et leurs conséquences, analysées d'un point de vue juridique, politique et institutionnel. La complexité du sujet est à la hauteur des enjeux et des problématiques qui se poseront à terme, à savoir le rétablissement d'un pacte de confiance avec le citoyen européen et une exigence accrue de légitimité et de transparence.

1 Du traité de Paris au traité de Lisbonne, des changements majeurs

*Par Pieter Van Nuffel**

Le 9 mai 1950, Robert Schuman proposait de placer l'ensemble de la production franco-allemande de charbon et d'acier sous une haute autorité commune. Comme on le sait, cette initiative conduisit au traité de Paris et à la création de la Communauté européenne du charbon et de l'acier (CECA): le 10 août 1952 fut installée la Haute Autorité de la CECA, prédécesseur de la Commission européenne, et Jean Monnet fut désigné comme premier président de cette institution clé dans la construction européenne.

Cet article essaie de retracer simplement les procédures de nomination de la Commission, et en particulier de son président, depuis les origines. Tout lecteur comprendra la signification politique de ces procédures, et les raisons pour lesquelles elles ont évolué au fil des traités. Ces procédures rendent claires, en effet, les sources de la légitimité de l'action de la Commission.

La nomination de la Commission

Les membres de la Haute Autorité, comme depuis 1958 ceux de la Commission de la CEE et ceux de la Commission Euratom étaient nommés "d'un commun accord" par les gouvernements des Etats membres pour quatre ans (six ans pour la CECA). Parmi ces membres, le président et les vice-présidents étaient nommés, également d'un commun accord, par les gouvernements des Etats membres, pour une période de deux ans renouvelable. Ces règles ont été maintenues dans le traité de fusion de 1965 qui a créé une seule Commission pour les trois Communautés européennes. C'est ainsi que les présidents Hallstein, Rey, Malfatti, Mansholt, Ortoli, Jenkins, Thorn et Delors ont été nommés, voire renommés.

Depuis les origines, la Commission a agi sous le contrôle politique du Parlement européen. Toutefois, si celui-ci pouvait voter une motion de censure, il ne participait pas au processus de désignation de la Commission. Le traité de Maastricht a radicalement changé les choses. Première innovation : le Collège est nommé

dorénavant pour une durée de cinq ans, afin de suivre le même cycle que celui du Parlement européen, élu directement depuis 1979. Deuxième innovation : les gouvernements des Etats membres, d'un commun accord, désignent d'abord la personnalité qu'ils envisagent de nommer président de la Commission ; ils désignent ensuite, en consultation avec ce président désigné, les autres personnalités qu'ils envisagent de nommer membres de la Commission. Troisième innovation : le président et les membres de la Commission sont soumis, en tant que collège, à un vote d'approbation par le Parlement européen ; après cette approbation, le collège est nommé, d'un accord commun, par les gouvernements des Etats membres. Le premier président à être nommé selon cette procédure a été le Président Santer.

Ce dispositif a par la suite été revu trois fois. D'abord, le traité d'Amsterdam a cherché à renforcer encore le rôle du Parlement européen en prévoyant qu'il ne serait plus simplement consulté sur la désignation du futur président de la Commission, mais invité à approuver cette désignation avant la désignation des autres membres du Collège. Cette règle était d'application pour la nomination du Président Prodi. Puis les autres membres de la Commission sont désignés par les gouvernements des Etats membres, d'un commun accord avec le président désigné.

Ensuite, le traité de Nice a voulu supprimer la nécessité d'obtenir l'unanimité des Etats membres dans le processus, au bénéfice d'une majorité qualifiée. En conséquence, le traité de Nice a formellement transféré le pouvoir décisionnel des Etats membres vers le Conseil européen qui, dans toutes les phases de la nomination, statue à la majorité qualifiée. La procédure ainsi modifiée a été suivie pour les nominations du Président Barroso en 2004 et en 2009.

Enfin, au sein de la Convention européenne (puis de la Conférence intergouvernementale qui l'a suivie), le mode de nomination de la Commission

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et de son président a été réexaminé encore une fois. Le résultat a été que les règles de procédure existantes pouvaient être maintenues ; toutefois, les Conventionnels ont clairement voulu que dorénavant les élections européennes ne soient plus simplement le début de la procédure de nomination de la Commission, mais qu'elles forment le cadre politique à partir duquel cette procédure doit se dérouler.

La procédure établie par le traité de Lisbonne

Comme on le sait, le traité constitutionnel n'a pas vu le jour. Toutefois, le Traité de Lisbonne a, en substance, repris intégralement ses dispositions en la matière, à l'article 17(7) du traité sur l'Union européenne qu'il convient de lire avec la Déclaration n° 11 adoptée lors de la signature du traité de Lisbonne. Ce sont ces dispositions qui régissent la nomination de la prochaine Commission et de son président. Dorénavant, cette procédure suivra les étapes suivantes :

1. Tout part des élections au Parlement européen. En effet, si la première étape formelle est la proposition par le Conseil européen d'un candidat à la présidence de la Commission, le Conseil européen doit faire cette proposition « en tenant compte des élections au Parlement européen, et après avoir procédé aux consultations appropriées ».

Et la Déclaration n° 11 explique encore plus en détail comment le Conseil européen et le Parlement européen doivent agir : « (...) des représentants du Parlement européen et du Conseil européen procéderont, préalablement à la décision du Conseil européen, aux consultations nécessaires dans le cadre jugé le plus approprié. Ces consultations porteront sur le profil des candidats aux fonctions de président de la Commission en tenant compte des élections au Parlement européen (...) ».

C'est en vue de cette phase de la procédure que les partis politiques européens les plus importants ont décidé de faire connaître bien avant les élections européennes chacun leur candidat à la présidence de la Commission. En procédant de la sorte, ils ont entendu donner suite à une résolution du Parlement européen (novembre 2012) et une recommandation de la Commission (mars 2013) en ce sens. En présentant officiellement un candidat avec un programme,

les partis politiques ont contribué à l'émergence d'une sphère politique européenne ; les élections européennes ne pourront plus être décrites comme le simple résultat de facteurs nationaux.

2. Le premier pas formel dans la procédure est donc la proposition par le Conseil européen au Parlement européen d'un candidat à la fonction de président de la Commission. Le Conseil européen n'est pas obligé à proposer un des « Spitzenkandidaten » ; mais il ne pourra pas non plus faire totalement abstraction des résultats des élections européennes, puisque le candidat doit recueillir la majorité au Parlement européen. En outre, le Conseil européen prend cette décision à la majorité qualifiée. Ceci devrait rendre la sélection du candidat plus facile, et, en tout cas, écarterait l'argument que certaines personnalités ne pouvaient pas être présentées en raison d'un « veto » de la part de l'un ou l'autre gouvernement.

3. Le candidat désigné par le Conseil européen se présente devant le Parlement européen. Celui-ci est alors appelé à « élire » le futur président de la Commission, à la majorité absolue : il ou elle devra donc recueillir le soutien d'au moins 376 des 751 députés européens. Le fait que le président de la Commission n'est pas simplement approuvé, mais est « élu » par le Parlement européen (qui vient lui-même d'être élu directement par les citoyens de l'Union) exprime symboliquement le fait que la légitimité de l'action de la Commission repose également sur les élections européennes.

Si le candidat proposé par le Conseil européen ne recueille pas la majorité requise au Parlement européen, le Conseil européen doit proposer, dans le mois, un nouveau candidat, selon la même procédure.

4. Ensuite, la procédure se déroule comme modifiée en dernier lieu par le traité de Nice. Sur la base des suggestions faites par les États membres, le Conseil, d'un commun accord avec le président élu, adopte la liste des autres personnalités qu'il propose de nommer membres de la Commission. Le collège ainsi composé est soumis à un vote d'approbation du Parlement européen. Sur la base de cette approbation, la Commission est nommée par le Conseil européen, statuant à la majorité qualifiée.

2 European elections and questions of legitimacy

By Edward Best* and Sabina Lange**

A connection has been made as loudly as possible between the 2014 European elections and the appointment of the next Commission, through the nomination by the main European political parties of ‘headline candidates’ for the Commission Presidency. This publicity is hoped to personalise EU politics, introduce more open and democratic procedures and thereby, to quote the European Parliament’s Resolution of November 2012, “reinforce the political legitimacy” of both institutions.

At the time of writing, it is unknown whether the European Council will nominate one of these candidates. Whatever happens, this process raises questions for the Commission as an institution. Here we discuss two. Will the new electoral process make European citizens feel more positively about the Commission? And will it help to clarify and reinforce the Commission’s institutional and political role in the EU?

Winning the hearts and minds of European citizens

The turnout in the elections will suggest how successful the process has been in the case of support for the EP. First estimates of 43 percent, while ending the downward trend, are still not encouraging. It will be harder to assess the result with regard to the perceived legitimacy of the Commission.

No single political group will dominate the next Parliament. First estimates suggest the EPP will have some 214 seats, compared to 189 for the Socialists, giving them together an overall majority. This fairly small majority for the EPP may not be seen as a legitimate basis for endowing the leading candidate with major personal influence over the future course of the Union – even if this were true. Voters may quite soon realise that this is not how things work (which could be a beneficial, if unintended, side effect of the whole process). The candidates, during their debates, promised that, if chosen,

‘their’ Commission would move the EU in one direction or another, in line with the kinds of political preferences expressed by political parties. Yet is this how the EU actually works, or is likely to work in the foreseeable future? The Commission President is not comparable to a chief executive in a presidential political system at national level, far less a Prime Minister. The other 27 Commissioners will be put forward by the member states irrespective of the results of the EU elections. Moreover, the origins of initiatives are complex; EU policies are the result of multiple processes of compromise and consensus-building, not simple majority rule; and the new arrangements for economic governance, especially within the eurozone, already constitute powerful limits to policy options.

This process could even be counter-productive. With the aim of highlighting the virtues of the new approach, the impression is being given that all EU institutions except the European Parliament are illegitimate, and will remain so unless and until they too are elected in EU elections. This institutional self-criticism risks reducing forms of legitimacy in the EU to one stemming from the elections, and with a low turnout, that legitimacy too could be weakened.

What institutional role for the Commission?

Personalising EU politics may engage more citizens in thinking about Europe. However, this public competition between individuals may not only be deceptive in the light of institutional reality. It could also distract attention from, and distort, debate as to the institutional nature and *raison d’être* of the European Commission. Some would indeed argue that this road is more likely to achieve broad acceptance of the rightfulness of the Commission’s role – based on technical, rather than political, legitimacy – in the long run.

The Treaty still states that the Commission should be “completely independent”. There is no inherent contradiction between being elected and

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being independent. However, the linkages between the Commission and the EP as promoted in the campaign cut deeply into the roles of the Commission, starting with that of promoting the general interest of the Union.

The Commission has always been accountable to the EP, which has had the power to dismiss the Commission since the 1950s. This is ‘institutional accountability’, however, which is not the same thing as ‘political responsiveness’ to the preferences of a majority coalition within the European Parliament. The Commission was created to be, and remains in the treaties, an independent yet institutionally accountable body which should fulfil over time the mandate given to it by the member states when they concluded the treaties, without being caught up in the short-term interests of national – or indeed European – electoral politics. Moreover, it was, and remains, a body which has to be seen as impartial and objective when it comes to overseeing the implementation of EU policies.

This independent role was also seen as part of the legitimacy of the system. The democratic legitimacy of European law was seen to reside in the accountability of the elected national governments which adopted it, together with the role of a non-majoritarian supranational Commission in promoting *fairness*, as well as *coherence* in policies, and *participation* by stakeholders.

The right of initiative was in part a counterbalance to power asymmetries between member states, intended to reassure all countries and legitimate interests that they would be taken into account. The role of Guardian of the Treaties was to reassure all actors that the rules would be enforced impartially, and applied by everyone. Both functions have required the assumption (and the image) of institutional ‘independence’.

These roles have been significantly modified over the decades with the rise of the European Parliament and the European Council, yet the relevance of an independent Commission for the legitimacy of the system has not disappeared. As President Barroso pointed out in the 2013 State of the Union address, “the usefulness of the Commission role as an independent and objective referee” may actually become greater if

the Commission is called upon to act in new areas which touch on the most sensitive areas of member states’ sovereignty. Indeed, criticism over the Commission’s preference for certain political options, closer to some member states’ governments than to others, has confirmed that in such highly sensitive areas as those covered by the European semester, increasing the Commission’s independence will do more for its legitimacy than locking it into political party politics.

The point was made by Guy Verhofstadt during the final debate on 15 May, that the Commission should exercise *leadership* in promoting the general interest, rather than becoming a “secretariat of the Council”, or following decisions by major national leaders. Yet it is not obvious that this role would be strengthened by presenting the Commission as deriving its legitimacy from the EP, and as being dependent upon the preferences of a coalition in Parliament.

Ensuring an independent and accountable Commission

The essential principle at stake is that the Commission should play an independent role which is accepted as necessary and rightful. The current process could lead, in our view, to a weakening of the role of the Commission if: a) the European Council does not nominate one of the candidates and this leads to prolonged inter-institutional wrangling, or; b) the nomination of one of the candidates goes together with a reduction on the part of member states of trust, and interest, in the Commission as an institution. However, nomination of one of the candidates could encourage member states to propose strong national political figures as members of the Commission, thus complementing the ‘special partnership’ between the Commission (President) and the EP. It may not be the moment to argue that the Commission has to some extent an ‘*independent legitimacy*’ deriving from functional, rather than political, accountability. However, the outcome of the current process could still, by default, strengthen acceptance of the ‘*legitimate independence*’ of the Commission’s role, between the EP and the Council, and a creature of neither.

3 European elections 2014 and the emperor's new clothes

By Michael Kaeding*

The European elections 2014 are uncharted waters in many ways. Certain national electoral rules were modified ahead of these elections. Televised debates were held in some member states for the first time. Across Europe, a number of memorable events took place prior to the elections, in particular the first ever “Presidential Debate” at the University of Maastricht and the “Euro Vision Debate” broadcasted in 30 countries and translated simultaneously in 24 European languages.

With the selection of Europe-wide “Spitzenkandidaten” in the run-up to the European elections, all member states and EU institutions entered new territory. For the first time, most European political parties decided on top candidates who would also be the party's first choice for the post of the European Commission President. Ultimately, their nomination brought about an unprecedented genuine competition, with contending politicians exhibiting EU-level ambitions and offering competing European solutions to European challenges.

Legitimacy, credibility, public interest at stake

In the long term, a Commission President who is elected more directly and in a more transparent way may contribute to restoring some legitimacy and credibility across Europe, where the latest European elections of the extremes has led to a squeezing of the middle and dramatic successes of right- and left-wing forces.

In the member states that were not hit hardest by the economic and financial crisis, right-wing parties won the elections. Conversely, in crisis countries that underwent a bailout, left-wing movements performed particularly strongly, sometimes reaching as much as 30 percent of the vote.

“Spitzenkandidaten” will also increase public interest in the European elections and with it voters' turnout. This time already, the numbers levelled off. Still, 57 percent did not make use of their right to vote. Yet, top candidates (Schulz, Juncker and Verhofstadt) made a difference. They were able to score points in their home countries;

but only there. Now should the candidate of the party family with the most votes and seats actually become the next Commission President, this system would certainly attract more attention in the 2019 European elections.

What's in a candidate's name?

Since a few months already, the protagonists of different visions of Europe's future have positioned themselves for a power struggle – both of them looking at the Treaty for validation. Advocates of a strong Europe (not only in the EP) hope for a stronger legitimisation of the electoral vote, and thus further supranational integration by creating presidential competitors emerging from the European party groups. They refer to the Treaty stating that the European Council will make a suggestion “taking into account the outcome of the election” and “after having held the appropriate consultations” (Art. 17.7). Thus, followers of the federalist approach claim the President's post for the candidate that has won the election, reflecting the voters' wish – either the one with the most votes and seats or the one who can assemble a parliamentary majority behind him. European elections through which the Commission President would be elected would thereby become quasi-presidential.

The other camp rejects this automatism between both elections. As democratically elected representatives, the Heads of State or Government want to be free to choose the candidate for the post. They, too, refer to the Treaty stating that after “taking into account the outcome of the election” (Art. 17.7), the European Council will make a suggestion. They stress the European Council's right of initiative, i.e. “the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission.” Thus, those in favour of a ‘Europe of nation states’, play down the importance of the EP top candidates for the appointment of the Commission President.

This power struggle is not new in the history of European integration. Since the European Coal

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and Steel Community, the pendulum has swung sometimes more, sometimes less in one direction or another. The measures adopted in the wake of the current financial and economic crisis have led to both a strengthening of intergovernmental mechanisms (increased power for the Heads of State or Government in the European Council, euro rescue operations outside the EU Treaties) and supranational elements (European Central Bank operations, structure of the Banking Union).

It is this dialectic between intergovernmentalism and supranationalism that has determined the process of European integration. In a EU of equal partners, where each member state and EU institution must make concessions, also with regard to the appointment of the future Commission President, the parameters affecting the decision are thus neither black nor white, but shades of grey.

Shifting the inter-institutional balance

Over the last fifty years the European inter-institutional balance has changed considerably on the appointment of the Commission and its President. The revisions of relevant EU Treaty provisions have increased incrementally the EP's power and the Commission's own autonomy. At the very beginning of the European integration process, the Treaty foresaw that the Commission would be consulted on the selection of its President. Only in the following years did this right of consultation move to the EP, in addition to the so-called 'vote of approval' on the President and other Commission members as a body.

Although member states still retain some power by specifying concrete requirements on the nationality of Commissioners (and a tight control on the High Representative), the EP in particular exploited its new formal powers by 'testing the boundaries' of the Treaties consecutively. Since the Maastricht Treaty, which gave the EP the right to be consulted on this issue, it expanded its influence by interpreting this 'soft' right as a 'hard' right of veto. Indeed, Jacques Santer would have resigned in 1994 had he not won a majority in the EP (260 MEPs voted for and 238 against him). The EP's formal veto, however, was only enshrined years later in the Treaty of Amsterdam.

The Nice Treaty then replaced the previously required unanimity in the European Council with a

qualified majority. In 2004, for example, Germany and France accepted José Manuel Barroso only when it was clear that a qualified majority vote in the European Council would gather behind him. During the selection of the Commission of 2004 and 2009, the EP exploited its power further by forcing out Rocco Buttiglione and Rumiana Jeleva.

In parallel, the practical implementation of Treaty changes led to more time-consuming negotiations. In 2004, it took 39 days to elect the Commission President and 158 days to elect the Commission as a body. In 2009, it took 101 days and 247 days respectively. Despite, or actually because, of the time-consuming debates, eventually there were strong majorities in favour of the Commission President (2004: 413 yes, 215 no, and 44 abstentions; 2009: 382 yes, 219 no, and 117 abstentions) and his team (2004: 449 yes, 149 no, and 82 abstentions; 2009: 488 yes, 137 no, and 72 abstentions). In 2009, José Manuel Barroso announced his intention to be elected by an absolute majority enshrined in the not-yet-fully-ratified (operational) Lisbon Treaty: he was backed by a comfortable number of MEPs.

This progressive change of inter-institutional balance with regard to the appointment of the Commission in favour of the EP and the Commission represents, in many ways, a democratic breakthrough for the EU.

From vision to understanding to action

According to the Lisbon Treaty, both the European Council and EP have a veto power, and the European Council a right of initiative. The EP may oppose a European Council proposal, which does not correspond to its choice. Conversely, the EP cannot choose a President, who was not proposed by the Heads of State or Government. Therefore, both institutions will push their luck in the coming weeks and months.

In Hans Christian Andersen's tale, seeing is presented as the courage of one's beliefs. But then vision becomes understanding, which, in turn, prompts action. In times of aggressive international competition of models of governance, the European power struggle may cost precious time, but may also intrigue observers as a potentially transformative step for democracy and a genuine peaceful settlement between equal partners.

4 Think Tank Twitter

Think Tank Twitter (TTT) aims to provide regular information and updates on what is produced by think tanks and research centres across Europe (and beyond) on EU policy issues. As an analogy to the original Twitter, each summary – or tweet – does not exceed 140 words, rather than characters. Those who wish to signal new publications for possible inclusion can send them to the email address bepa-think-tank-twitter@ec.europa.eu

The European Elections: What is at stake for the citizen?

The contributions in this publication are divided into two sections: those analysing the EU's legitimacy; and those evaluating the policy challenges ahead. In the first section, three authors each discuss a particular way through which the EU might improve its connexion with the citizen. Emerging recommendations include that the EU needs a new common project, that national governments have a responsibility to contribute to European democracy, and that negotiations on Treaty change are a possibility, but they should only start in the second part of the legislature. In the second part, it is argued that the eurozone needs to be strengthened by a combination of solidarity and discipline before the post-crisis window of opportunity for reform closes, and that member states should put the existing instruments into practice.

<http://www.egmontinstitute.be/publication/>

Priorities and Challenges of the 2014 Italian EU Presidency

Decision-makers, academics and policy analysts from leading European think tanks met in Rome to discuss the priorities and challenges of the upcoming Italian Presidency of the Council of the EU. This report offers an overview of the key themes discussed at the conference: the prospects for a more effective European economic governance and for new measures to stimulate a job-creating growth; the response to the Ukrainian crisis and its implications for the EU's neighbourhood policy; the future of the Common Security and Defence Policy; the reform of the EU immigration policy; the effectiveness and legitimacy of EU leadership. For each of these priority themes, the report provides a list of concise recommendations about the initiatives that the Italian government can undertake during its Presidency term to promote the European integration process.

<http://www.iaei.it/content.asp?langid=2&contentid=1116>

Addressing Weak Inflation: The European Central Bank's shopping list

This publication highlights the problems associated with low inflation in the euro-area and gives recommendations. Government bond purchases would be significantly beneficial, but in a monetary union of 18 different treasuries, such purchases are difficult for economic, political and legal reasons. A monthly asset-purchase programme of 35 billion euro, to be reviewed after three months, is recommended. Eurobonds, corporate bonds and asset-backed securities should be purchased (at least 490, 900 and 330 billion euro respectively are suitable). Bonds of sound banks could be considered after the completion of the ECB's assessment of bank balance sheets. While bond purchases distort incentives and make the ECB subject to private and public sector pressure, with potential consequences for inflation, such risks need to be weighed against the risk of persistently low inflation.

<http://www.bruegel.org/publications/publication-detail/publication/826-addressing-weak-inflation-the-european-central-banks-shopping-list/>

The Free Movement of People in the European Union

The free movement of people has suffered from its close association with the construction of the Internal Market which has experienced inertia, as well as from serious consequences of the crisis. It is also struggling due to rising concern about external migratory pressure and because enlargement is fuelling fear of social dumping. It is advised that strengthening European citizenship, reinforcing regulation of intra-EU migratory flows, and consolidating approaches to external migratory flows are practical approaches that would have beneficial impacts on the current situation. Free movement highlights the regional inequalities apparent throughout the EU. Tackling it is the major challenge of economic and social convergence to which the EU has to rise.

<http://www.robert-schuman.eu/fr/questions-d-europe/0312-la-libre-circulation-des-personnes-au-sein-de-l-union-europeenne-principe-enjeux-et-defis>

Partners in crime? The EU, its strategic partners and international organised crime

The EU has become an important actor in justice and home affairs at the European level, facilitating cooperation between member states. However, criminal activities do not stop at the EU's border, and thus call for a globally-coordinated response. The EU is developing its international profile on countering organised crime, notably through the deepening of cooperation with strategic partners. Many EU strategic partners cooperate with EU institutions and member states. This overlap could be a double-edged sword, could open interesting avenues for complementary efforts, but could also mean that, by working directly with member states, strategic partners neglect their relationship with the EU. The EU must become more assertive and effective as a global actor in combating organised crime, both vis-à-vis its member states and its partners.

<http://www.fride.org/publication/1191/partners-in-crime?-the-eu,-its-strategic-partners-and-international-organised-crime>

Implications of the Ukraine Crisis for the Middle East

The crisis in Ukraine could have an impact on oil and gas prices. Western Europe feels a renewed urgency to diversify its energy supplies, Middle Eastern suppliers could seize business opportunities, and Turkey could sharpen its profile as a gas-trading hub. Israel is set to become a major gas exporter after discovery of two large gas fields and could be an interesting new supply source of gas exports from the region. The position of Russia and Ukraine as major food exporters to the region and an important market for Turkish construction and manufacturing businesses could be destabilised. The way in which the Ukrainian crisis will be resolved will also send a message to the nuclear talks in Teheran. Toothless US and EU responses can offer arguments to hardliners in Iran.

http://www.cidob.org/en/publications/notes_internacionales/n1_87/implications_of_the_ukraine_crisis_for_the_middle_east

A Window of Opportunity to Upgrade EU Foreign Policy

As the financial crisis recedes and the EU regains a measure of internal stability, pressure in Europe's neighbourhood is on the rise. The crisis in Ukraine and turmoil in the Middle East and North Africa have elevated foreign policy to the top of the EU agenda. Whether the EU can make its external action more effective will largely depend on institutional decisions made in 2014, including the selection of a new leadership team and the reorganisation of the European Commission. The EU needs real heavyweights who are capable of leading and supporting an ambitious foreign policy. A reorganisation of the Commission into sector policy clusters is also advised, with each sector headed by a Vice-President. These reforms would need to be undertaken rapidly and include consultation with the EP and member states.

<http://carnegieeurope.eu/2014/05/02/window-of-opportunity-to-upgrade-eu-foreign-policy/b9sj>

Liberal Order in a Post-Western World

As Europe's and North America's share of the global economy shrinks, the emerging powers, both democratic and non-democratic, remain reluctant to align themselves with the West and with the rules of the liberal order it constructed after World War II. The authors argue that the West must take steps to solidify itself as a "liberal anchor" to protect an order that has proved remarkably successful in advancing the cause of peace, freedom, and prosperity. However, Western democracies must recognise that their own liberal international order will not be universalised, and should seek to find common ground with emerging powers and forge a normative consensus on a new rules-based order. Peacefully managing the onset of a polycentric world will require compromise, tolerance, and recognition of political diversity.

<http://www.gmfus.org/archives/liberal-order-in-a-post-western-world/>

5 BEPA News

Evénements

Le 14 mai, le BEPA a participé à l'organisation de la cérémonie de présentation du deuxième volume de l'histoire de la Commission couvrant la période 1973-1986, qui a eu lieu au Berlaymont, en présence du Président Barroso et de nombreux anciens membres de la Commission, dont Frans Andriessens et Etienne Davignon, tous deux anciens Vice-Présidents, l'ancien Commissaire irlandais Richard Burke, l'ancien Secrétaire Général du Conseil Niels Erbsøll, ainsi que Madame Ortoli. Dans son discours, le Président Barroso a témoigné du vent d'optimisme qu'accompagna l'adhésion du Portugal à la CEE et a noté que le prix Nobel de la paix de 2012 était aussi dû au travail effectué au cours de ces années-là. Les deux volumes sur l'histoire de la Commission sont disponibles en ligne : <http://bookshop.europa.eu/histoire>

Le 20 mai, le Groupe Européen d'Éthique (GEE) a remis officiellement son Opinion sur les technologies de sécurité et de surveillance au Président Barroso. Durant la réunion, le Président et les membres du GEE ont échangé sur la nature et les risques de ces technologies. Le

Président a exprimé son vif intérêt pour le travail que le Groupe a accompli pendant les 10 ans de son mandat et a demandé aux membres de continuer à servir de point de référence éthique à la Commission, alors que le Groupe s'apprête à entamer le travail de la prochaine Opinion, qui examinera l'engagement des citoyens dans le développement des nouvelles technologies de la santé, et qui devrait sortir à la mi-2015.

Evénements à venir

Le 5 juin, le BEPA organise une réunion de travail regroupant les représentants de l'ensemble des services de la Commission européenne pour partager les informations et coordonner les activités en matière d'éthique et de politiques européennes.

Le 10 juin, pour la dixième fois, se tiendra la rencontre annuelle des leaders des trois grandes religions monothéistes ainsi que d'autres religions de présence plus récente en Europe, à laquelle prendra part le Président Barroso. Les participants à cette réunion discuteront de l'avenir de l'Union européenne et de son rôle dans le monde.



Le Président Barroso lors de son discours à l'occasion de la parution du deuxième volume sur l'histoire de la Commission européenne, le 14 mai 2014.