

# RECONNECT

Reconnect Workshop

## Re-conceptualizing Authority and Legitimacy in the European Union: Setting the Scene

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#reconnecteurope



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# Introducing RECONNECT (I)

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- Horizon2020 project: *'Reconciling Europe with its Citizens through Democracy and Rule of Law'*
- 1 May 2018 – 30 April 2022



# Introducing RECONNECT (II)

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- The ideal design? Article 2 TEU

*The Union is founded on the values of respect for human dignity, freedom, **democracy**, equality, the **rule of law** and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, **justice, solidarity** and equality between women and men prevail.*

- EU in state of turmoil: financial-economic crisis, Eurozone sovereign debt crisis, migration, security, rule of law, Brexit, ...
- Erosion of EU authority and legitimacy: perception that the EU is not fair / just, that Europe shows too little solidarity, ...



# Introducing RECONNECT (III)

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- How can European governance become more firmly rooted in justice and solidarity?
  - How can European governance regain authority and legitimacy?
  - How can it renew trust and recognition with its citizens?
- How can we 'reconnect' European governance with EU citizens?



# Introducing RECONNECT (IV)

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- A comprehensive and integrated examination of principles, practices, and perceptions of democracy and the rule of law in the EU and its Member States
  - Under which conditions can democracy and the rule of law lead to (more) authority and legitimacy of the EU?
- Four key case studies:
  - Economic and fiscal governance, counter-terrorism, trade and migration



# Authority and legitimacy: some clarifications (I)

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- *Authority* = delegated competence to exercise power
- *Legitimacy* = morally justified exercise of power
- However, both EU's authority and legitimacy = contested and existentially challenged due to its unique nature and multi-level system of governance
- Complex relationship sovereignty - authority - legitimacy
  - Sovereignty concerns remain very much alive (e.g. calls for repatriation of powers to national level)
  - To what extent can democracy and rule of law exist in complex multilevel systems of governance with large degree of shared sovereignty?



# Authority and legitimacy: some clarifications (II)

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- What is impact of the EU's many crises and challenges on the EU's authority and legitimacy?
- The 'puzzle of authority': who does, can and should legitimately exercise authority?
- Increasing complexity: embedded and shifting loci of authority in different policy areas and under different competences/EU Treaty provisions
- Contested legitimacy calls the EU's own authority into question



# RECONNECT Case-Studies (I)

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## Economic and Fiscal Governance (WP10)

- Far-reaching EU-level executive measures in response to the financial and Euro area crises
- New intergovernmental arrangements and treaties
  - Potential lack of democratic oversight and rule of law constraints
  - Limited role for European Parliament, national parliaments and CJEU
- What are the implications of such arrangements?
- What are the consequences for solidarity and justice?





# RECONNECT Case-Studies (II)

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## Counter-Terrorism Policies (WP11)

- Shared competence
- Balancing act between enhancing security and protecting democracy, rule of law, fundamental rights
- Analysis of EU institutions and implications of horizontal cooperation within the EU for democratic accountability and rule of law
  - E.g. CJEU and JHA intelligence and policing agencies



# RECONNECT Case-Studies (III)

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## Trade Policy (WP 12)

- Exclusive EU competence
- Analysis of a potential trade-off between the quest for effectiveness and a greater democratic legitimacy in EU FTAs
- Analysis of politicisation in EU trade policy including citizens' and civil society's contestation of trade issues
- Analysis of judicial review and dispute settlement mechanisms in trade policy: legitimizing effect on EU's authority in the field?



# RECONNECT Case-Studies (IV)

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## Migration Policy (WP13)

- Shared competence
- Resurgence of nationalist discourses potentially undermining solidarity and belief in EU legitimacy in the area of migration
- Analysis of trade-offs between EU and national coordination, democratic legitimacy and rule of law mechanisms
- How can the EU's legitimacy and credibility regain strength?



# Questions to be addressed in this workshop

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- How to make sense of the complexity of current authority arrangements between the EU and its MS?
  - Vertical – horizontal dimensions
- What caused the current erosion of legitimacy of EU institutions?
- How can citizens be placed at the centre of a new legitimacy narrative?





# Expected workshop outcomes

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- Clarifying and reflecting on notions of legitimacy, authority and sovereignty
  - The conditions under which democracy and rule of law as understood in the EU context can lead to legitimacy and authority for the Union
- What should EU institutions deliver and be held accountable for?
- How to pave the way towards ‘reconnecting’ EU institutions with citizens?



# An inspirational quote?

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*“Let us not be deluded into believing that the strictly institutional limitations on its **powers** can prevent a Parliament such as ours from speaking out at all times, and in every field of Community action, with the political **authority** conferred on it by its election.”*

(Simone Veil, 1979)



# Find out more:

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# RECONNECT

## Reconnect Workshop

### Re-conceptualizing Authority and Legitimacy in the European Union

New Architectures and Procedures to  
Reconnect the Union with its Citizens

LUISS, 1 February 2019



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