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Cristina Elena RADULEA

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PART ONE

THE EUROPEAN UNION: BETWEEN PARLIAMENTARISM AND PRESIDENTIALISM

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Executive Summary

Both researchers and politicians are more and more discussing the desirable institutional shape of the Union in terms of parliamentarism and presidentialism. That is, should the EU be a parliamentary or a presidential political system? However, little research has clearly established what kind of political system the EU is, and specific criteria for assessing the European polity in terms of parliamentarism – presidentialism have never been applied. This research paper seeks to find what kind of political system the EU is, by applying Arend Lijphart's (2000) six criteria for distinguishing between parliamentary and presidential systems. The reason for doing so is that Lijphart's theoretical framework provides appropriate instruments for assessing the relationship between the executive and legislative branches of a polity, as well as for determining their weight within the system.

This research reveals that according to the three primary criteria, the EU belongs to the category of parliamentarism. According to only one out of the three secondary criteria, the EU is a presidential system. Thus, the result of the research is that the European Union is a parliamentary political system, albeit not a pure one.

Introduction

“Europe, yes, but what sort of Europe?”

(Tony Blair 2000:31)

The question posed by the British Prime Minister Tony Blair in his 2000 speech – “[...] what sort of Europe?” – expresses the increasing need to, and interest in, identifying what the European Union is and how it should be in the future. Analysts (Hix 1999; Naumescu 2003; Lord 1998; Sbragia 2005b; Meny 2005) and political leaders within the EU (Fischer 2000; Blair 2000; Amato 2000; Vedrine 2000) are paying more and more attention to European institutional design. This increased attention is aimed to improve the institutional framework in order for the EU to cope with the challenges implied by its widening and deepening, as well as by external challenges such as those stated in the 2007 Declaration of Berlin. Thus, the need to consider the EU’s actual and future institutional configuration has become more and more urgent.

Although much research has been devoted to analyzing the European political system in terms of how it is and how it should be, seldom has a clear answer been given. Few researchers have clearly positioned the EU on the parliamentarism –

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presidentialism axis of political systems (e.g. Magnette 2005). Comparatively more researchers have clearly stated their position with regard to what type of political system they consider the most appropriate for tomorrow's Union (e.g. Berglof *et al.* 2003).

Research Question

This research paper seeks to find what kind of political system the EU is: is it a parliamentary or a presidential system? The need to clearly establish where the EU is currently situated on the above-mentioned axis relies on two important arguments: *first*, there is wide debate on EU's future institutional shape. Both researchers (Berglof *et al.* 2003; Lord 1998; 2001) and politicians (Fischer 2000; Blair 2000) argue for the need to transpose different characteristics of presidential and/or parliamentary political systems to the European institutional architecture. For example, some claim that the Union should have a directly elected presidency (Berglof *et al.* 2003; Lord 1998: 93-94), which characterizes presidential systems. Others militate for a powerful Parliament enabled to form a European government (Fischer 2000; Scharpf 1996: 26), which is a feature of parliamentarism. Therefore, the discourse on the EU's future has become more and more in terms of pushing it towards one or the other category of political systems.

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Moreover, it is clear that Joschka Fischer's 2000 speech given at Humboldt University has significantly marked the political debate and propositions for the institutional reform. In 2000 he has personally proposed a fully parliamentarized federal Union. What has first and foremost attracted political opposition was not the parliamentarism-related proposal, but the one of federalism. The Convention on Europe's future has led to a Constitutional Treaty draft which has clearly pushed the EU towards parliamentarism. Although the Treaty has not yet been ratified by the EU member states, it must be considered as an act expressing the political will and commitment of both European leaders and institutions like the EP and the Commission (Wallstrom 2006: 2). Moreover, the constitutional provisions are and will be one of the most important topics of meetings organized at the European level (e.g. the EP's plenary in June 6-7, 2007; the European summit in July 21-22, 2007) (European Parliament News 2007).

Second, by seeking to place the EU within the category of parliamentary systems or within the one of presidentialism, existent legislative ambiguities in terms of institutional powers can be identified and, eventually, removed through further reforms. Therefore, to establish the best future direction for the Union as a political system (i.e. to analyze whether it should be a

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parliamentary or a presidential one), one needs to know first and foremost what it actually is, in which category it can be placed. Only after having done so can one clearly and more easily opt for the EU's future design and desirable features.

There is wide debate around the issue of whether the EU is a political system or not. Some analysts do treat it as such (Bromley 2001; Deschouwer 2000; Hix 1999; Chrysochoou 2001; Lord 1998; Pereira-Menaut 2001), while others claim that it is not actually a political system, but a unique type of international organization (e.g. Magnette 2005). This paper does consider the European entity as a political system. In this regard, it follows Hix' arguments (1999), who claims that although the EU is not a state, it is a political system (pp. 1-2). By applying Almond's and Easton's characteristics of political systems, Hix finds that the EU has all of them:

1. a clear set of institutions and rules which shape the politics of the Union;

2. European citizens are able to influence decisions made at the EU level;

3. the latter influence the overall distribution and allocation of economic, social and political resources and values; and

4. there is a feedback mechanism between the political outputs and inputs of the European system (pp. 2 *sqq.*).

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In addition, most existing research considers all the three pillars of the EU when seeking to find what type of polity it is (Magnetite 2005; Fabbrini 2005). By contrast, this paper focuses only on the first pillar of the EU, for two major reasons. On the one hand, this is the only supranational pillar and it has certain characteristics of statehood (Burgess 2003: 71). Given that the European language and “discourse” are still “impregnated with assumptions about the state” (Schmitter 1996: 132), it seems fairly reasonable not to apply concepts of statehood and domestic politics to what resembles an international organization (i.e. the second and the third pillars).

This is not to say that the EU, even within the first pillar, is actually a state. The literature has already demonstrated that the Union still lacks defining elements of statehood, like the legitimate means of coercion, a taxing system and right, and a European identity (Haseler 2004: 86; Chrysochoou *et al.* 1999: 3; Bohman 2005: 32; Delanty 2005: 127; Heidar 2003: 1; Gilbert 2005: 29-30; Griller 2001: 47, 49 *sqq.*). Thus, this paper remains in line with this argumentation.

On the other hand, the Treaty instituting a Constitution for Europe abrogates both the Treaty of the European Community and the Treaty of the European Union, and it formally abolishes the complex three-pillar structure of the EU (Fossum 2005: 161).

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Furthermore, most of the literature seems to consider the Union as a non-parliamentary system, due to the EP's fewer functions and weaker role compared to national parliaments and other European institutions (Magnette 2005; Hayes-Renshaw 1997). By contrast, this research paper analyzes the EU by applying specific criteria related mainly to the executive – legislative relationship, and placing significant emphasis on the EP's power to control the Commission. The reason is that the EP's power in its relationship with the executive is more relevant than its amount of functions within the legislative process, when seeking to place the EU on the parliamentarism – presidentialism axis.

Methodology

Instead of dividing political systems into parliamentary and presidential ones by considering how many functions the parliament has in the decision-making process, Lijphart (2000) has established a complex set of criteria based first and foremost on the legislative – executive relationship. According to his research, parliamentary and presidential systems can be distinguished through six criteria, the first three of them being considered primary ones (pp. 119-121).

Therefore, a better alternative to position the EU on the parliamentarism – presidentialism axis is to apply Lijphart's

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criteria to its institutional framework. This is what this paper aims to do: to apply Lijphart's criteria to the EU and, thereby, to answer to the crucial question with regard to its political system: is it a parliamentary or a presidential polity?

Thus, concepts and characteristics of statehood will be applied to the European polity. The reason is that the EU is constituted first and foremost by national states. Citizens living within these twenty-seven national states still perceive the EU in terms of state attributes. To borrow from Hedetoft (2003), the EU "likes" to be shaped and "judged by nation-state criteria of governance, authority and legitimacy" (p. 43). Moreover, as Valery Giscard d'Estaing has stated, the "idea of Europe" is a dynamic one (Wolff 2005), and there is no language yet to be applied to the European Union itself. Although attempts are being made to create a European language, it would not be wise to drop the question of what the EU is (in terms of parliamentarism – presidentialism) until this language has been created.

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Structure

To determine what kind of political system the Union is, this paper is divided into three chapters: the *first* focuses on the existent literature dealing with both the current and the desirable shape for the EU. The reason for this lies in the need to highlight the gaps and the weaknesses of what has been done so far in order to correct them and to conduct an improved research.

The *second* chapter seeks to establish what European institutions constitute the three powers of the political system (i.e. the executive, the legislature and the judiciary). To achieve this goal, the principle of separation of powers will be applied, and the EU's institutions will be analyzed. The major focus will be on their roles and functions within the political system. However, the first chapter will pay little attention to the system of checks and balances instituted at the level of the EU, this constituting the major focus of the third chapter.

The *third* chapter seeks to identify what kind of political system the Union is, by analyzing the relationship between its legislative and executive powers. Arend Lijphart's criteria for classifying political systems will be applied, given that it is more appropriate to position the EU on the parliamentarism – presidentialism axis by considering its checks and balances

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