



Which Theory between Intergovernmentalism and Supranationalism is more Appropriate for the Functioning of the European Union from Today's Perspective?

Mahnouhsadat Moossavi

Bachelor Student of Political Science, Faculty of Political Science and International Studies, University of Warsaw

m.moossavi@student.uw.edu.pl

Abstract

The European Union, the European Union, the European Union, and the Interstate, is composed of a number of Europeans whose goal is to achieve a single, common, and coordinated foreign, security, economic, industrial, and monetary policy, and to develop all areas of cooperation among members. The European Union is the world's first and only supranational organization. The European Union is an organization like no other. It is the world's only supranational organization, which means that power and authority in certain policy areas is permanently given up by member states to a higher level, the EU. Another theory that explains the concept of European integration is intergovernmental theory. Intergovernmentalism could be defined as simply as a method of international decision making in which state governments play prominent roles. In today's perspective as a whole the EU is the largest economy in the world and it is a unique political organization combining supranationalism and intergovernmentalism.

Keywords: “European Parliament Challenges”, “Effective Functioning Challenges of European Parliament”, “Major Structural Challenge of European Parliament”, “Normative Structural Challenge of European Parliament”, “Functional Challenges of European Prliments”

Introduction

The European Union and the Interstate, is composed of a number of Europeans whose goal is to achieve a single, common, and coordinated foreign, security, economic, industrial, and monetary policy, and to develop all areas of cooperation among members. By the beginning of 2007, 27 European countries joined this union.

The importance of the European Union lies in its nature, which means that the European Union is neither a state nor a mere intergovernmental organization like the North Atlantic Treaty Organization (NATO) or the Association of Southeast Asian Nations (ASNA). In fact, the European Union contains a combination of elements of international organizations, supranational institutions and national systems. Some European politicians hope to see the European Union as a federal government similar to the United States of America. Another group is afraid that the union will not step in this direction.

This paper is trying to answer this important question that supranationalism, intergovernmentalism or composition of these systems can be a suitable name for the system of the EU.

The meaning of European Union

World War II nearly tore Europe apart. In the decades since then, something remarkable has happened. Over the decades, European countries have grown closer to one another than ever before. Their economies and citizens have grown closer and cooperated in ways that were once never thought possible. The organization responsible for coordinating this is now known as the European Union.

Key points of European Union could be defined as the following:

- European integration resulted from a recognition that European countries should never go to war with one another again.
- Bringing European economies and societies together requires coordination at the supra (“above”) national level.[1]

So the main approach of this union had been supranationalism and we should focus on this term.

Supranationalism Approach in the European Union

The European Union is the world's first and only supranational organization. The European Union is an organization like no other. It is the world's only supranational organization, which means that power and authority in certain policy areas is permanently given up by member states to a higher level, the EU.

The European Union represents a coming together of twenty-seven different European countries since World War II to ensure lasting peace on the European continent. While the EU began as an economic union, it rapidly became a



political union as well. In joining the EU, each country has agreed to give up some political and economic authority. In exchange, members benefit from a single European market (i.e. a free-trade zone), the free movement of people, goods, services, and money throughout the EU bloc, and regional development funds, which help poor regions develop infrastructure and technologies to compete in a global economy. This makes the European Union a unique governing body and the world's first supranational organization.[1]

The European Union with its constitution having the Lisbon Treaty's origin had the aim to make Europe more supranational, but rapidly we get intergovernmental impressions from it.

Lisbon's origin – the 'constitution' – was destined to make the EU more supranational but everyday impressions suggest that the EU becomes rapidly more intergovernmental.[2]

For analyzing this paradox first we have to analyze the theory of supranationalism.

Supranationalism and Intergovernmentalism in the Treaty on the Functioning of the European Union

The supranational and intergovernmental character of the European Union can be seen through the Treaty on the Functioning of the European Union, Rome 1957, articles 3-5: "the Union shall have exclusive competence in the following areas: (a) customs union; (b) the establishing of the competition rules necessary for the functioning of the internal market; (c) monetary policy for the Member States whose currency is the euro; (d) the conservation of marine biological resources under the common fisheries policy; (e) common commercial policy." Also in article 2 of this treaty we read: "only the Union may legislate and adopt legally binding acts" in this domain "the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts."

The Union has jurisdiction over the following matters in the common countries: "(a) internal market; (b) social policy, for the aspects defined in this Treaty; (c) economic, social and territorial cohesion; (d) agriculture and fisheries, excluding the conservation of marine biological resources; (e) environment; (f) consumer protection; (g) transport; (h) trans-European networks; (i) energy; (j) area of freedom, security and justice; (k) common safety concerns in public health matters." Also we see in article 4: "the Union and the Member States may legislate and adopt legally binding acts. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence."

If we want to find some relation between this treaty and intergovernmentalism we should note these domains: "States shall coordinate their economic and employment policies". Also In addition, the European Union has the competence to take measures to support, coordinate or complement the actions of the Member States in the following areas: "(a) protection and improvement of human health; (b) industry; (c) culture; (d) tourism; (e) education, vocational training, youth and sport; (f) civil protection; (g) administrative cooperation." [1]

Theories of Supranationalism

The term "supranational" is sometimes used in a loose, undefined sense; in other contexts, sometimes as a substitute for international, transnational or global structure. In the case of Europe, "supranationalism" is a method of decision-making in a multi-national political community where sovereignty / power is moved from the hands of individual nations to a broader majority government of member states.[3]

Joseph Weiler makes a distinction between normative and decisional supranationalism. Weiler's conception of normative supranationalism is that laws and policies have to be interrelated with those of binomial EU Member States.[4]

According to Weiler, decisional supranationalism, i.e. explaining and analyzing the story, relates to the institutional framework and decision-making processes by which Union policies and measures are, in the first place, initiated, debated and formulated, then promulgated, and finally executed. This viewpoint of supranationalism covers both ways of approaching this phenomenon, the juridical approach (normative supranationalism) and the political (decisional supranationalism).[4]

There are several legal theories of integration which are not based on black-letter EC law. We shall examine the dualism between the supranational regime in the EU and the legitimate national legal orders. In this sense, in the book by Renaud Dehousse (ed.), *Europe After Maastricht. An Ever Closer Union?*, Christian Joerges analyzes three theories of European integration: 1) the neo-liberal economic policy theory; 2) the theory of viewing the EU as special purpose associations of functional integration; and 3) the theory of the supranational and intergovernmental dual structure of the EU.[4]

Let us analyze the third theory which is related to this paper topic directly. So in the first step we should define intergovernmentalism and then in the second step analyze this term in the European Union.

The most important characteristics of supranationalism are:

- There is a transfer of sovereign competences of the member states to the institutions of the EC. Therefore, the institutions of governance and their policy-making activity are above the nation-state.
- The organs of the supranational organization take decisions by quality majority voting.



- Compliance of the member states about the laws made by the organs of the supranational organization is subject to judicial review by an independent court of justice.[5]

Intergovernmentalism Theory

Another theory that explains the concept of European integration is intergovernmental theory.

Intergovernmentalism could be defined as simply as a method of international decision making in which state governments play prominent roles.[3]

I would like to embark on two definitions, relevant to the fields of political sciences: one is theoretical; and the second is operational. On the one hand, it refers to the theory of Stanley Hoffman's proposition of the theory of integration. On the other hand, it refers to the idea that integration is a possible process only when states and/or national governments are treated as the primary factor in the process.[6]

One of the most important representatives of this doctrine was Stanley Hoffmann. According to Hoffmann's ideas, the EU is seen primarily as a possibility of collaboration between states. Hoffmann considered that states are rational actors whose internal functioning is governed by the principles of authority and hierarchy. The EU constitutes a deeper form of "international regime" in the context of widespread economic interdependence. This regime was defined as a set of common rules, institutions and policies allowing those states to achieve more effective control in some problematic sectors such as trade, agriculture or the environment. Hoffmann considered that "collective sovereignty" does not lead to a diminution of the role of states, but, on the contrary, to a strong role of each state, encouraging their adaptation to the constraints of the international environment.[7]

Milward, another representative of the Intergovernmental paradigm, considered that national governments had a decisive impact on the process of European integration. Alan Milward argued that the strong interdependence of coal markets, agriculture and trade determined the European states to organize for providing social protection policies. In addition, the state, instead of being in a weak position as a result of the transfer of sovereignty to a supranational level, had some significant benefits from the integration process. Milward considered that the ceding of the part of sovereignty represents for each state the way to economic growth. The reappearance of intergovernmental theory was possible due to the theory of rational choice, which has developed in American political science since the 1980s. These scientists considered that European integration represents the collective action whose goal, for each state, is to optimize earnings. Geoffrey Garrett's work about the establishment of the single market is a good example of this doctrine. According to his vision, the importance of the political preferences is accorded to the member -states' governs.[7]

Intergovernmental

Intergovernmentalism has the following characteristics:

- An intergovernmental organization needs decision-making by unanimity to take binding decisions. So intergovernmental bargaining is the key for European integration.
- The organs of the organization which are taking decisions are composed of persons who are government representatives.
- Domestic considerations are important in formulating preferences.[5]

Supranationalism-Intergovernmentalism as a New Theory in European Union

It is suggested to see 'supranationalism-intergovernmentalism' as one concept. There are mainly two approaches to the organization model in the European integration process, namely intergovernmental and supranational approach. The debate on the supranationalism intergovernmentalism dichotomy started in the 1980s. According to the intergovernmental model, "without taking consent of its member states, the EU will not be a democratic polity." Therefore, Member States should be the dominant power in the integration process. On the other hand, supranationalism envisages that the supranational organizations should make policies and rules which bound the Member States.[5]

The example of the better regulation agenda shows illustrates the interdependence between intergovernmental and supranational in a systems perspective. It shows how the EU's political and administrative system depends on each other's capacities at the shop floor of everyday policy processes. As a consequence, the EU is only able to take forward its agenda when member states and EU institutions cooperate and align their relevant capacities to EU ambitions. The multilevel system perspective implies that one level can not without the other. Introducing an effective European impact system can suffer from fifteen years of experimenting at both levels independently without recognizing – or willing to recognize - the potential interdependence.[2]

The systems perspective suggests that it is necessary to probe deeper into the relation between member states and EU's polities. From an administrative perspective, we need to spell out how instruments operate and how the European Commission and national administrations have been reorganizing themselves in relation to specific policies and objectives. The concept perspective suggested here may help to understand how supranationalism is moving forwards intertwined with multilevel adaptations. 'Brussels' starts to resemble a capital with presidential leadership, a foreign affairs department and stronger forms of economic governance. But, at the same time, it is more and more depending upon national political and administrative capacities.

One hypothesis that follows from viewing the intergovernmental and supranational approaches as a concept is that EU actions can fail due to unbalances and incongruencies in the development policies and administrative capacities at EU and national levels. Hypotheses derived from this would include: the EU's competition policy is so successful precisely because it is neatly designed as a multilevel system and part of the failure of the EU's ambitious Lisbon and sustainability agendas originates from taking the administrative interdependence serious (Schout and Jordan 2010). This opens up major research agendas with a view to exploring how national and European administrative mechanisms (including the offices of the Commission, the High Representative and the president of the European Council) are interconnected with national administrations. The concept perspective leads to questions about whether and how the external action service, the new mechanisms for economic governance, the yellow and orange cards, cooperation in JHA between national courts and the European Court of Justice and the EU's integration impact assessment system – to name just some ongoing EU developments – demand mutual changes at both levels of governance. The concept approach forces us to treat EU governance from a systems perspective.[2]

Thirdly, the conclusion of the concept approach is that the EU is becoming the ever closer union. The political and administrative interconnections at micro level probably offer an accurate illustration of what the 'ever closer union' implies. This is however a completely different ever closer union as assumed in 1958 or discussed in the EU integration literature.[2]

Conclusion

As a whole the EU is the largest economy in the world and it is a unique political organization combining supranationalism and intergovernmentalism.

The European Parliament and the Council of the European Union are two of its supranational bodies. To put it simply, after a vote, the majority result wins and all member states have to implement the decisions that have been made.

On the other hand, this mechanism is pondered by some regulations applying intergovernmentalism in some fields such as: taxation, the accession of new states, and the common foreign and security policy. When it comes to those areas, unanimity is required and no one decision can be forced upon a state.

In order to make a partition between supranationalism and intergovernmentalism, the Treaty of Maastricht, signed in 1992, introduced the principle of subsidiarity.

References

- [1] European Union Website. (1957). Treaty on the Functioning of the European Union Treaty of Rome. Visited on 20/03/2023. Accessed from: <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=celex%3A12012E%2FTXT>
- [2] Schout, A. and Wolff, S. (2012) 'The "Paradox of Lisbon" Supranationalism-Intergovernmentalism as an administrative concept'. In: Larsen, F. (Ed). The Lisbon Treaty: Institutional Choices and Implementation. Visited on 22/03/2023. Accessed from: https://www.researchgate.net/publication/268212121_The_%27Paradox_of_Lisbon%27_Supranationalism-Intergovernmentalism_as_an_administrative_concept
- [3] Badre, Abdesalam. 2014. Supranational Integration Versus Intergovernmental Structure: The European Union vs. the African Union. Forth Global International Studies Conference, Goethe University (Frankfurt am Main, Germany) 6-9 August 2014
- [4] Leal-Arcas, Rafael. 2007. Theories of Supranationalism in the EU. The Journal of Law in Society, Vol. 8:1
- [5] Polat, Celal. 2006. The Immigration Policy and Process of European Integration: Supranationalism Versus Intergovernmentalism?. Ankara Review of European Studies, Vol: 6, No:1 (Fall: 2006). Visited on 20/03/2023. Accessed from: <https://dergipark.org.tr/tr/download/article-file/847836>
- [6] Lucian Moga, Teodor. 2009. The Contribution of the Neofunctionalist and Intergovernmentalist Theories to the Evolution of the European Integration Process. Journal of alternative perspectives in the social sciences. Visited on 21/03/2023. Accessed from: https://www.researchgate.net/publication/40542728_The_Contribution_of_the_Neofunctionalist_and_Intergovernmentalist_Theories_to_the_Evolution_of_the_European_Integration_Processmember_states_of_the_European_Union. Cartier.
- [7] Zaharia, Virginia and Pozneacova, Veronica. 2020. Supranationalism vs. Intergovernmentalism in the Actual Organization of EU. Logos Universality Mentality Education Novelty: Political Sciences and European Studies, Volume 6, Issue 2, December, 2020. Visited on: 20/03/2023. Accessed from: <https://www.degruyter.com/document/doi/10.1515/9781474411790-009/pdf>