

Policy-making Processes and the European Constitution

A comparative study of member states
and accession countries

Edited by

Thomas König and Simon Hug



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Policy-making Processes and the European Constitution

This new book presents a wealth of new data documenting and analyzing the different positions taken by European governments in the development of the European constitution.

Understanding how constitutional decisions are taken in the EU is of great societal and scientific relevance. This volume examines how these decisions have substantial effects on the sovereignty of nation states and on the lives of citizens, independent of the ratification of a constitution.

Few efforts have been made to document constitution building in a systematic and comparative manner, including the different steps and stages of the process. This book examines European constitution building by tracing the two-level policy formation process from the draft proposal of the European Convention until the Intergovernmental Conference, which finally adopted the document on the constitution in June 2004. Following a tight comparative framework, it sheds light on reactions to the proposed constitution in the domestic arena of all the actors involved. The volume includes a chapter on each of the original 15 member states and the ten accession states, plus chapters on the European Commission and European Parliament.

Building a clear understanding of the affects of constitutional decisions, the book will be of strong interest to scholars and researchers of European Union politics, comparative politics and policy making.

Thomas König is Professor of Political Science at the German University of Administrative Sciences, Speyer. **Simon Hug** is Professor of Political Science at the University of Zurich, Switzerland.

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Edited by Thomas Poguntke

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Series editor's preface

Writing in Britain one is tempted to question the editors' claim made in their introduction that the drafting of the European constitution is paralleled only by the creation of the US constitution in 1776. In fact, some may argue that it was exactly a somewhat exaggerated significance attached to this document that made ratification by the UK electorate seem highly unlikely and must have made the Labour government secretly grateful to Dutch and French voters who voted against ratification.

Nevertheless, there is much academic mileage in analyzing the intricate policy process that finally led to the adoption of the constitution by the Intergovernmental Conference in October 2004. Not only is it very likely that important elements of the constitution will be put into force through other mechanisms. By choosing a comprehensive approach and including all 25 states, the European Parliament and the European Commission, this study can offer unique insights into the internal logic of the European decision-making process. The main focus of this volume is on the preference formation in national political systems once the Convention had delivered its draft. Who were the main players involved? What were the main issues at stake? How were the discussions coordinated on the national levels? How much agreement was there between the national players?

In order to answer these questions, key experts were interviewed in all old and new EU members states, the Commission and the European Parliament. Their answers provide a comprehensive landscape of those issues that were considered to be important, or even vital, by all relevant players. The analysis also shows some interesting differences between the policy-making models of EU members states: except for the Nordic countries, where national parliaments played an important role, preference formation took place mainly within the executive, mostly under the control of the foreign office (and sometimes the prime minister's office). The editors attribute this to the desire of most governments to prepare for the Intergovernmental Conference instead of opening up "a national debate on constitutional issues."

George Tsebelis draws our attention to the fact that, in a way, the EU constitution is just one in a long series of constitutional arrangements,

each of which changing the rules of the game more or less fundamentally. Applying a veto player analysis to the outcomes of the Convention and the Rome and Brussels Intergovernmental Conferences, he shows that when it comes to decision-making rules, "the final compromise is exactly between Nice and the Convention." The constitution had changed the decision rules by reducing the threshold against winning coalitions in order to make the EU a potentially more politically active structure. While it is not always preferable to design institutions in a way that facilitates political change, he argues that in an environment of economic and physical insecurity the EU needs to enhance its ability to act politically, and therefore the failure to implement the constitution may be detrimental to European political development.

The next chapter by Thomas König, Andreas Warntjen and Simone Burkhart reports results from a survey of Convention delegates and shows that "unsurprisingly, small countries' delegates favour the current appointing system of at least one commissioner per country." Similarly, a number of additional cleavages can be empirically documented, including differences between old and new member states and between actors of different institutional backgrounds. The following 27 chapters document the process of preference formation within all 25 member states and the Commission and the European Parliament. By following a rigid outline, these chapters are easily comparable and provide rich insights into the political processes leading up to the final compromise of October 2004. The editors subject this rich empirical material to a comparative analysis in their concluding chapter. Their findings indicate that European politics, on the whole, may be more responsive to what citizens want than is often assumed. While the national institutional design hardly affects the divergences of opinions among domestic actors and the same is true of economic variables (like inflation, unemployment, growth rates) the prevalence of pro-European attitudes in mass publics has a strong effect.

At the time of writing the future of the European constitution is uncertain. After the failed referenda in France and the Netherlands, the British government would be ill advised to embark on what would seem to be a lost cause and hold a referendum in the UK. Even in the best of times, this would have meant sailing close to the wind in a country which is notoriously Eurosceptic. Nevertheless, it is safe to assume that important elements of the constitution will eventually become operative. Furthermore, other important European issues will be processed by national institutions in a similar, if not identical way, and we can learn a lot about this in this timely study.

Thomas Poguntke

Abbreviations

AFSJ	Area of Freedom, Security and Justice
CAP	Common Agricultural Policy
CFSP	Common Foreign and Security Policy
COREPER	Comité des représentants permanents/Committee of Permanent Representatives
DOSEI	Domestic Structures and European Integration
EC	European Community/ies
ECJ	European Court of Justice
ECOFIN	Economic and financial affairs (Council)
EEC	European Economic Community
EFTA	European Free Trade Association
EMU	European Monetary Union
ENP	Effective Number of Parties
EP	European Parliament
ESDP	European Security and Defense Policy
EU	European Union
Euratom	European Atomic Energy Community
GDP	Gross domestic product
IGC	Intergovernmental Conference
MFA	Ministry of foreign affairs
NATO	North Atlantic Treaty Organization
NP	(Official) national position
PM	Prime minister
PO	Prime minister's office
QMV	Qualified majority voting
SEA	Single European Act
SGP	Stability and Growth Pact
US	United States (of America)