Stan demokracji w Unii Europejskiej w scenariuszach: federacji, imperium i Europy à la carte

Streszczenie

Głównym celem artykułu jest projekcja scenariuszy dotyczących zachowania demokracji w UE zakładająca hipotetyczne kierunki jej rozwoju jako federacji, imperium i Europy à la carte. Przedmiotem badania są wybrane mechanizmy, normy i wartości systemu Unii Europejskiej mające decydujące znaczenie dla funkcjonowania demokracji w UE. Powyżej wskazany cel opracowania scenariuszy zostanie zrealizowany poprzez zaadoptowanie do badania trzech płaszczyzn analizy pojęcia polityka: *policy*, *politics* oraz *polity*. Stan demokracji w Unii Europejskiej będzie analizowany zarówno w ujęciu procesowym (*politics*), jak i normatywnym (*policy*). Scharakteryzowane stałe normy, struktury, wartości, procedury demokratyczne obowiązujące w UE staną się punktem odniesienia dla projektowanych scenariuszy. Projekcja będzie dotyczyć sytuacji, gdy dotychczasowy model funkcjonowania UE (*polity*) przekształci się w federację, imperium, bądź Europę à la carte. Artykuł ma charakter prognostyczny i przyłącza się do nurtu dyskusji wokół zagadnienia przyszłości konstrukcji Unii Europejskiej.

Słowa kluczowe: Unia Europejska, demokracja, metoda scenariuszowa, federacja, imperium, Europa à la carte

Abstract

The aim of the article is to present possible scenarios on maintaining democracy in the EU, while assuming different hypothetical directions in which it could develop as a federation, empire and Europe à la carte. Selected mechanisms, norms and values of the EU system that are crucial for the functioning of democracy in the European Union are the subject of this research. The abovementioned objective of scenario development is achieved through distinguishing the notions of policy, politics and polity in the research. In the analysis of the state of democracy in the European Union both the process (politics) and the normative approach (policy) have been adopted. The characterised norms, structures, values and democratic procedures in force in the EU will become a reference point for the projected scenarios. The projection refers to a situation when the existing polity transforms into a federation, empire or Europe à la carte. The article is to serve as a projection and is a part of a wider discussion on the future of the basis on which the European Union is build.

Key words: European Union, democracy, scenario analysis, federation, empire, Europe à la carte

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The state of democracy in the European Union in scenarios: federation, empire and Europe à la carte [*]

The aim of the article is to present possible scenarios of maintaining democracy in the European Union (EU), while assuming different hypothetical directions in which it could develop as a federation, empire or Europe à la carte. Selected mechanisms, norms and values of the EU system that are crucial for the functioning of democracy in the European Union are the subject of this research. The abovementioned objective of scenario development is achieved through distinguishing the notions of policy, politics and polity in the research. In the analysis of the state of democracy in the European Union both the process (politics) and the normative (policy) approach have been adopted.

The characterised norms, structures, values and democratic procedures in the EU will become a reference point for the projected scenarios. The projection refers to a situation when the existing polity transforms into a federation, empire or Europe à la carte.

The author will not raise the popular issue of the EU democratic deficit or its causes. The article is to serve as a projection and is a part of a bigger discussion on the future of the basis on which the European Union is build and it specifically focuses on the democratic solutions of the EU political system and democratic legitimacy in the three different hypothetical scenarios of the future of EU. By applying the common criteria of evaluating legitimacy of multi-level political systems an assumption is made that the existing model of democracy in the EU evolves, but the changes are not dynamic. Considering the changing nature of the ongoing processes, it is impossible to capture the current EU

democracy model that would serve as a model or set a needed standard (Tsakatika 2007: p. 867ff.; Mizera 2014: p. 95). The democracy in the EU is to be seen as an objective.

The first part of the article discusses the methodological assumptions of the study. The second part is a short presentation of the state of democracy in the European Union in its three dimensions. The third part of the article presents three scenarios of the future development of the democracy model (the state of democracy) in the European Union with reference to hypothetical models of the Union functioning as a federation, empire and Europe à la carte.

Methodological assumptions of the study

The European Union is not a state, but an organisation established by states. Because of its objectives, the scope of the delegated powers and the way they are implemented the Union is a unique international organisation. The author has made an assumption that democracy in the EU fulfils the idea of multi-level governance (MLG) and therefore it should be distinguished from democracy defined as a form of strictly political government (Tsakatika 2007: s. 867ff.).

The democracy of the European Union has been examined with respect to two areas of the political: the normative and axiological area, and the institutional and procedural sphere, which are variables under the names: policy and politics. These areas of analysis has been distinguished similarly to the proposals of defining models of democracy. Distinguishing the areas of analysis is not something new that has not been done before. Some authors, often unintentionally, focus on a chosen area when analysing the deficit of democracy in the EU in the aspect of input or output. The advantage of this study is that it gathers and organises the knowledge on the functioning of democracy in the EU and that it projects the Union's development with reference to hypothetical directions of the organisation's functioning as a federation, empire and Europe à la carte.

In the normative and axiological areas, the study concentrates on searching for conditions of functioning of the democracy model in the European Union. It is done through the analysis of the European system of norms, values and the European democratic culture. The reasoning used in this area is defined as policy. The term policy refers to program guidelines, objectives, tasks, values, principles and interests that de-

termine the actions of the authorities and institutions; it also refers to the wording of decisions reached and legislation passed (Rohe 1994: p. 6ff.). In the projection, which uses the scenario method, the meaning of the term *policy* is a result of modifying the environment-shaping; the term is a dependent variable.

In the institutional and procedural area, the analysis focuses on the arrangements of the EU institutional system in respect to following the rules of liberal democracy, the extent to which the representation of the society takes part in the decision-making process and the degree of transparency and responsibility. This means that the diagnosis encompasses the mechanisms of democracy based on recognised values. This area of analysis will be called *politics*. The conceptual category of the term *politics* refers to its procedural dimension that is the process of resolving disputes over participating in power and developing and influencing the policy. It also refers to the processes of shaping the political will and the expression of interests (Rohe 1994: p. 61ff.). The political processes are treated as the relations between entities and the way in which those entities participate in shaping the political will and adopting decisions. They are the essence of political interest formulation, a political mobilisation, which results in shaping the policy (Caduff 2015: p. 3). This aspect has undergone a detailed evaluation under the institutional and procedural dimension. In the projection, which uses the scenario method, the term politics is an environment-shaping factor (that can be modified) and it is treated as an independent variable.

The area of *polity* is an institutional and structural factor that shapes and predefines the nature of the governance process in the EU. It is the third dimension of defining the notion that in the Polish language exists under one term: *polityka*, which can be interpreted as the limitations for implementing both politics and policy. These are the institutions of a political system set by the constitution or tradition of a given legal order. These institutions are constant and serve as a stable space for mutual interaction.

Analysing the functioning of the political system of the European Union in its normative and procedural aspects is used to evaluate the democracy in the EU, and it is the basis for developing scenarios that project the hypothetical development of the Union functioning as a federation, empire and Europe à la carte . The author seeks the answer to the following question: how does modifying the model of the European Union (polity) influence the areas of *policy* and *politics* in terms of the EU democratic system? The developed scenarios, which take into account the impact of the environment-shaping factors and interference effects, create alternative images of the future. They form the shape of a funnel, as presented in diagram 1.

Diagram 1. The funnel of possible scenarios
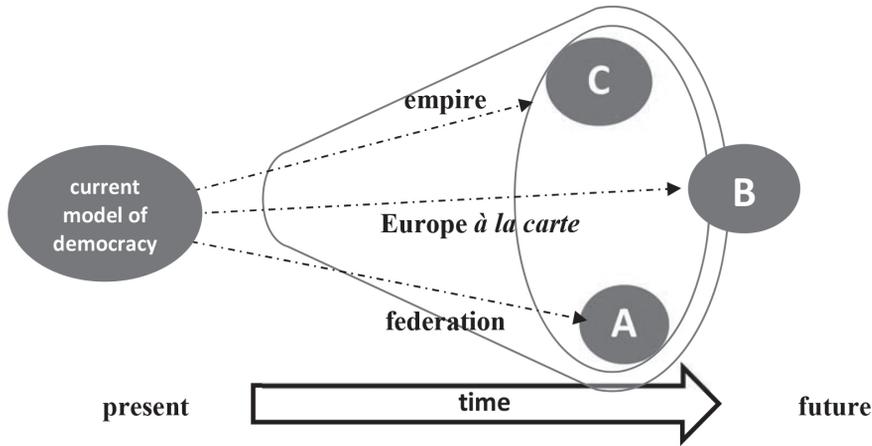
Key: values A, B and C designate the future democracy models in UE, which would develop after specific changes to the environment. Source: own elaboration based on Krupski (1993).

If the values of the environment-shaping factors do not change, then the current trend continues. In case of any modification of the provided parameters new trends are created. In the projection the factor that causes change is the area of *polity*. When the institutional bases vital for the proper functioning of institutions and mechanism are transformed, the areas of policy and politics are modified, which means all norms, structures, values and procedures in the Union. Because of the projected changes, the analysed variables are modified and the functioning democracy model transforms taking into account the new trends illustrated in the diagram 1, in the models A, B or C.

The search for conditions of functioning of the EU democratic model in the area of policy

This article describes the European Union in terms of governance, so it would not be relevant to seek one European polity that created a common political culture. The study rejects the two-level approach, which assumes the development of European identity (Decker 2002: p. 263–265) or European *demos* (Beetham, Lord 1998: p. 47–56). An assumption was made that the EU pursues the objective of following the criteria for evaluating the democracy of its system. This assumption has been verified through the analysis of the Treaties after the modifications of the Treaty of Lisbon (2007). Firstly,

the provisions of the preamble to the Treaty on European Union should be mentioned. The member states claim to be willing to "enhance further the democratic and efficient functioning" of the Union and "its institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them" (Preamble to the TEU). Moreover, the member states draw "inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law" (Preamble to the TEU).

The affirmation of democracy as a desired objective, in view of the quoted recitals, is presented as a coexisting value (Nowak-Far 2012a: p. 89ff.). It is the fundamental element of the axiology of the European law, one of the values shared by all the member states. These values are mentioned in Article 2 of the Treaty on European Union (TEU)[1] . The article also presents the willingness to democratise structures and procedures of the EU (Nowak-Far 2012b: p. 22).

The Treaty of Lisbon introduced new language relating to rules of democracy. Its common feature is that it conceptualises democracy in the context of the functioning of an international organisation, such as the Union itself, and not in the context of state structures (Nowak-Far 2012a: p. 90). It is adapted to the specificity of tasks and the competences of the EU. The principles of democracy are implemented according to mutually agreed solutions that are compatible with the multi-level structure of the EU.

Title II of the TEU "Provisions on Democratic Principles" opens with Article 9 that introduces the principle of "the equality of [the Union's] citizens", who are all actors of the European policy. It is a declaration of increasing the EU legitimacy agreed upon by all the member states. The provisions of the other articles of the title II of the TEU confirm the validity of this interpretation. The principles derived from them are: the principle of representative democracy, participatory democracy, transparent decision--making process, cooperation with national parliaments and their supervising role (Mik 2008: p. 101–103).

The institutions and the member states of the European Union introduced a number of actions and initiatives for increasing the level of European identification among the EU citizens. One of the important platforms of impact is shaping the European values.

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[1]   Art. 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."

The institution of the EU citizenship is the basis of these actions. The shaping of European values follows two paths. On the one hand it is done through referring to human and citizen's rights and aiming at building a consistent set of norms and values. On the other hand it happens through showing how the European society respects cultural diversity and the rights of minorities, and accepts value pluralism (Grosse 2008: p. 136). These actions aim at implementing the legal elements of the EU citizenship within the framework of the Union's norms and values. The European public space is where the rights the EU citizenship would be implemented (Wiszniowski 2008: p. 18ff.). The European common good needs to be defined in the process of exercising power in practice (Wojtaszczyk 2012: p. 20).

The search for conditions of functioning of the EU democratic model in the area of politics

What undergoes analysis in the area of politics is the functioning of solutions that implement the principles of liberal democracy in the European Union, on which the Union's legal and institutional structure is based. The process of legitimising European policies is done through the influence of the European Parliament (EP) on decision-making, through citizens' participation in governance and through transparency and responsibility procedures.

Politics is a multifaceted activity and to present it properly the following system has been adopted. Firstly, the functioning of institutions and procedures of the representative democracy are characterised. Secondly, an evaluation is carried out of establishing and using mechanisms that allow the citizens and their local organisations to participate in the EU policy-shaping, processes that are commonly referred to as the "democratisation" of the EU. Lastly, a diagnosis of the existing transparency procedures and the accountability and responsibility schemes used in the EU is presented.

According to Article 10 of the TEU "the citizens are directly represented at Union level by the European Parliament." The Council and the European Council represent the member states. The EP is the only directly elected institution that represents the interests of the EU citizens. The EU citizens deem the Parliament's position in the political system as unclear and they say that it does not reflect the Parliament's role as the representative of the European general public (Hix et al. 2007: p. 13). There is

an observable lack of transparency in the formulation and implementation of public policies, which is a breeding ground for populists, who claim that the authority of European national actors weakens (Papadopoulus 2007: p. 96–97). In response to these allegations, significant changes have been introduced into the process of implementing the principles of democracy in the EU. What has been modified is the decision-making formats, which result from the newly introduced set of legal acts, and which have been used for the budget and comitology procedures.

When analysing the so called democratisation of the EU, a term that refers to the processes of establishing and using the mechanisms that allow the citizens to participate in the EU policy-shaping, two sides of this phenomenon need to be discussed. Ensuring that the citizens and their representatives have access to the decision-making process is different at the stage of law-making and when the law is being applied[2]. To assess the democratic representativeness, universality and quality of the citizens' participation in policy actions and the extent to which the citizens take part in the decision-making process in the EU, the author distinguished two types of participation: passive participation (cooperation) and active participation (co-decision). Within the first group, there are different levels of participation from information and consultation, to dialogue and partnership. In the second group there are the right of objection, the right of consent and the joint decision-making.

In the European standard-setting process there are two types of decision-making bodies: the intergovernmental and the community ones. The intergovernmental decision--making bodies usually employ the informing and consulting methods of the European Parliament. In the case of community decision-making bodies, whose decisions lead to introducing and passing of legislative acts, it was observed that the EU citizens showed much more involvement. In the process of introducing legislative proposals a new type of political dialogue was introduced in selected decision-making areas. The dialogue is characterised by a higher intensity of mutual contacts and better defined communication mechanisms (Witkowska 2015a: p. 88).

Applying the EU law has three stages: expert, clerical and judicial. The committees composed of the representatives of the member states, thematic organisations and other specialised units, whose role is to consult the decisions of the Commission, participate in the first two stages. These measures do not allow for the active participation of the EU citizens, but increasing their transparency and public

[2] More on the citizens' participation in rule making and the application of law, see: Witkowska 2015.

character indirectly means that democratic principles are being implemented. The citizens have the possibility of monitoring national and European public offices, which also increased the administration's self-monitoring at the law-making phase of the EU legislative process. One should also mention the involvement of the representatives of the Union's citizens in the control and monitoring mechanisms of law implementation by the member states. Overall a conclusion can be drawn that democratic principles are respected at the stage of EU law application (Witkowska 2015b: p.140).

The changes introduced by the Treaty of Lisbon strengthened the institutions representing the interests of the EU citizens at national level. The parliaments of the member states participate in preparing the Union's primary and secondary legislation and fulfil control functions. The role of public consultations carried out by national authorities during developing national positions presented at the EU level and implementing Community legislation into national law has been strengthened. Control procedures that ensure following the EU legislation in the member states have been tightened.

Specific prerogatives of the national parliaments that strengthens their position in the Union's decision-making process are referred to in Article 12 of the TEU. The article provides for information, control, monitoring and legislative powers, as well as powers connected with interparliamentary cooperation between the national parliaments and the European Parliament. The control is performed partially through rules that eliminate information asymmetry between the national executive and legislative.

The interests of a certain group can also be expressed through lobbying. Actions promoting group interests can be taken at national level, as well as European level, which determines a very broad and multi-layered formula for implementing these actions in the European area.

The last element of the study on the conditions of functioning of the EU democratic model in the sphere of politics is a diagnosis of the existing transparency procedures and schemes of accountability (Bovens 2007: p. 105–107). The study is based on a popular model proposed by Guillermo O'Donnell (2000), which distinguishes between two types of accountability: vertical and horizontal. Vertical accountability allows the citizens to choose representatives who have to account to the public for the actions they have (or have not) performed during their term of office. From this perspective, the election becomes an instrument of accountability. Horizontal accountability is limited

to controlling the main authorities in a given political system in accordance with the system of checks and balances (Sroka 2015: p. 12–13).

The turnout in the European elections is lower than in national elections. During the European elections the voters often choose politicians they would be good at national level, not the ones that represent their position on European matters (Heath et al. 1999: p. 389–414; Hix, Marsh 2011). The voters can evaluate the government's actions only at national level. The main obstacle in achieving electoral accountability is the lack of one candidate list and the fact that European elections take place in the member states. The competition between political parties is transnational and there is no direct link between the members of the European Parliament chosen through general elections and the European executive chosen later (Wojtasik 2010: p. 14). This is the consequence of European political parties being structures made up of political parties of the individual member states. Lack of clear division between the ruling party and the opposition in the EP makes identifying the sides of political conflict difficult for the voters. The rules of European politics are difficult to comprehend because political analogies observed at national level cannot be transposed to the European level (Wojtasik 2010: p. 25).

The introduction of the mechanism that lets the strongest party in the European Parliament propose a candidate for President of the European Commission has not changed anything. It certainly has not changed the European citizens' perception of the European Commission: it is still not "their" government. Nor has it made the citizens understand the complicated decision-making process and, in consequence, the process of assigning responsibility. In summary, it can be concluded that in the multilevel governance the mechanism of electoral accountability is moved to the national level (Sroka 2015: p. 13–14).

Mutual controls of the legislative, executive and judiciary should be established within horizontal accountability, however, the independence of the judiciary has to be sustained. Moreover, bodies that have a specific mandate should be set up. They would have the possibility of supervising the main state institutions. This kind of accountability exists in the European Union, though without the classic system of checks and balances, because only the judiciary is a part of the classical model of separation of powers. We can talk about "institutional balance" in the EU that has been created as a result of complex decision-making processes. After analysing the functioning of individual institutions it may be said that there are many objections to the functioning of horizontal accountability (Sroka 2015: p. 14).

The state of democracy in the European Union in scenarios: federation, empire and Europe à la carte

This part of the article presents three scenarios of the future development of the democracy model (the state of democracy) in the European Union with reference to hypothetical models of the Union functioning as a federation, empire and Europe à la carte.

In the first scenario of EU federalisation there is no strengthening of common European values, interests, or the European identity. Establishing the "European federation" means more than simply establishing a new political order (Ławniczak 2014: p. 39). The changes would affect the mechanisms of mutual relations between the member states and the impact of the European politics. The European Union as an international organisation in the federation scenario is a result of conscious political decisions to delegate power from the member states to supranational structures. The value of this concept lies in the fact that it assumes the national governments' willingness to pursue cooperation at European level. It would be done to strengthen the effectiveness of national executives at the international arena. As a result of this, the position and the international impact of the EU would become stronger. It would also mean moving the responsibility, especially foreign policy responsibility, to the European level (Karolewski 1999: p. 3).

An example of measures modifying the Union's functioning and moving it towards the federation model was the proposal of reforms of the EU included in the Constitutional Treaty (Traktat 2004), which wanted to introduce some solutions in the area of policy and politics in the spirit of federalism, such as symbols (flag, anthem etc.) or a bicameral decision-making body (the Council and the Parliament). The Treaty did not pass the verification process and did not enter into force.

In the federal model the citizens and social groups can influence the authorities to realise their interests in two ways: either directly, through system mechanisms or through intermediaries: European political parties and interest groups. The changes in the functioning of the representation of group interest at European level would not lead to defining a clear-cut representation of voters (Grosse 2014: p. 33). The position of the European Parliament would allow it to influence the direction of the European public debate happening in the member states at neither citizen nor political level (Bellamy, Castiglione 2013: p. 214ff.).

Many authors hold the opinion that transforming the European system into a federation is crucial for overcoming the present stagnation, which also includes the socio-eco-

nomic and political crisis, and strengthening the Union' international position. However, within this model there is a concern that the European Union is unable to develop consistent European interests, which might not be the voice of all the member states. Strengthening the representation of the member states and increasing their responsibility for the EU policies through a better dialogue with the parliaments of the member states might be a safeguard of the EU's efficiency (Bellamy, Castiglione 2013: p. 221).

Based on the viewpoint of Giandomenico, it can be said that the Union should not be treated as belonging to the same group as the member states, as it is a political entity made up of groups and it is not based on individualistic democracy, but corporate democracy (Ławniczak 2012: p. 123; see: Majone 2009).

The second scenario describes the Union's transformation into an empire. It is an alternative scenario, which assumes that the diversification of the European integration processes will accelerate. An empire is defined as a system of asymmetries between the centre and the periphery, changing spatial structure determined by territorial expansion, and the logic of a two level identity: national identity and the so called mission of civilisation (Beck, Grande 2009; Gravier 2011: p. 413–431). An empire builds its power not on national isolation and conquest, but on removing the national borders, voluntary participation, agreement, transnational connections and the political value that results from it (Pohulak-Żołędowska 2013: p. 38). The Union's feature that constitutes the European empire will be integration through law, compromise and cooperation. The pan-European integration can happen by way of creating a multinational form of political rule, and not by unification done according to the nation state model. The ideas of peace, prosperity and security would form the basis of the modern European empire. In the face of the current crisis a new way of achieving prosperity has been established. It is the idea of expanding the common market (Pohulak-Żołędowska 2013: p. 40). In the aspect of politics we can observe that the national actors become more involved in the European decision-making process and that there are more actors representing social interests (lobbying groups, NGOs and business entities) who take part in political processes. As a result, the European governance will be a system of negotiations. Since the European empire is not going to have a centre, it is going to have a network authority and the periphery is going to have a high level of independence (Rifkin 2005: p. 221). The states forming the core of the inner ruling circle suffered loss because of the formal independence (Pohulak-Żołędowska 2013: p. 41).

The last projected scenario concerns the modifications that influence the area of politics that lead to establishing Europe à la *carte*. The model assumes that the mem-

ber states have the possibility of choosing the policies and the areas of integration in which they want to participate, and, simultaneously, rejecting the programs that form the *acquis communautaire*. Minimal involvement in the Union's acquis would be obligatory, so as not to jeopardise the principle of solidarity. This model of integration is good in the time of crisis, because it allows for a strong relationship with the Union or it weakening.

The conception has been presented in the public debate many times by the leaders of Great Britain, in the form of the "opt out" option that allows the exclusion from a treaty or the Union's secondary law. In practice it meant, among other things, that Great Britain did not adopt the so called "Social Package" during the intergovernmental conference held to sign the Treaty on European Union in Maastricht in 1992. As a result, the "Social Package" became an agreement between 11 member states and it was added to the treaties as the "Social Protocol" (TEU 1992: Social Protocol). The Union had a reminiscence of the consequences of this solution during the signing of the Treaty of Lisbon. Great Britain prepared an additional protocol on the application of the Charter of Fundamental Rights of the European Union

(TFEU: protocol No 7). Nowadays, the Prime Minister David Cameron proposes that the member states are to be able to "repatriate competences" from the EU to the member states at any time, as a result of a referendum. It means the possibility of renouncing some areas of the Union's policies (e.g. social or justice policies), without breaching the basic principles of the EU policies, such as the common market or the common European values, such as respecting civil rights. The proposals of the Union's reform made by the British leader refer to four areas: the right of stricter controls of member states immigration, the conditions of cooperation between the Eurozone and the countries outside it (conditions that discriminate the countries outside the Union), strengthening the competitiveness of the internal market and limiting the regulation, maintaining the member states' sovereignty and increasing the role of national parliaments (Cameron w Warszawie 2015).

Another example of applying the concept of Europe à la carte is an increased cooperation of the countries concerned. This idea was promoted by two German politician: Wolfgang Schäuble, minister for finance in Angel Merkel's government, and Karl Lamers, the former chair of the Committee on Foreign Affairs in the Bundestag. Schäuble and Lamers' idea comes from 1994, and 20 years later it was reintroduced by them in the „Financial Times" (More integration 2014). The European Union should have basic impact on the member states and, simultaneously allow for a closer integration of

smaller group of member states. The Eurozone, which not all countries are a part of is an example of the Union's development in the direction of a closer cooperation in selected areas. There is a proposal for increasing the intensity of the integration processes in those areas by appointing a representative body of the Eurozone, having a separate budget or delegating the right to monitor the national budgets to the EU Budget Commissioner.

On the one hand, using the mechanism of enhanced cooperation means protecting the integration process from stagnation in the face of the growing number of the member states (Kubin 2010: p. 131), on the other hand it contributes to the growing diversification within the EU. Such a conclusion is based on the fact that it is always new groups of member states that take part in the process of establishing enhanced cooperation[3]. No integration "avant-garde" has formed in the EU. "Avant-garde" means here a group of states that participate in all the projects for deepening the integration. These projects, in form of enhanced cooperation, cater only for the interests of the participating member states, they do not serve the common good. Consequently, it may be said that there is no broadening of values and norms that are part of the area of policy. The basic principles such as unity, equality of the member states and the unity of European law. The EU law system undergoes successive fragmentation (Dudzik 2003: p. 37–38). The literature of the subject emphasises the reducing impact of this instrument on the need to seek compromise in the legislative process. As a matter of fact, the states can try to evade the voting requirements and take the initiative in a smaller group. The enhanced cooperation in also hindered by the lack of regulations on supporting the non-participating countries who are willing to enter into cooperation (Maliszewska-Nienartowicz 2007: p. 42).

Conclusion

The aim of this article has been to present an overview of conditions of functioning of the democracy model in the European Union. Initially an assumption has been made that democracy in the EU functions at multiple levels and should be seen as an objec-

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[3]   Three decisions on achieving close cooperation have been taken so far. The first decision, adopted in 2010 by the Council, allowed groups of member states to cooperate closely in the field of law applicable to divorce and separation; the second decision, adopted in 2011, concerned the unitary patent system (UPS), the third decision, of 2013, concerned the financial transaction tax (FTT).

tive. The democracy of the European Union has been analysed in the normative and procedural areas known as *policy* and *politics*. Because there is no target integration plan (the so called *finalité politique*), the EU democracy model has to be general enough to enable making flexible decisions that are suited for the changing circumstances in every situation of crisis.

To summarise the results of the projecting scenarios on the democracy in the European Union in regards to three hypothetical models of the Union's functioning as a federation, empire and Europe à la *carte*, it needs to be pointed out that the federation model is seen, by many authors, as the only one enabling the efficient functioning of the European Union in the time of crisis, although it involved many risks. Establishing the European federation entails changing the governance mechanisms to become more hierarchical, with a clear-cut distribution of powers, and with both vertical and horizontal relations between the institutions and different levels of the system. After analysing today's debate on the functioning of democracy in the European federation one can see a shift of expectations: the need of establishing European identity becomes less important than the need to making trust the essential value of the federation (Ławniczak 2014: p. 39).

Drawing conclusions based on the observation of the integration process up till now, it can be said that further delegation of competences to the EU institutions will not be supported through measures that consolidate the resources crucial for the effective implementation of the EU policies (Ławniczak 2014: p. 36–37). For the proper understanding of the mechanisms of the EU democracy in the federation model, it is necessary to stop comparing it to the federal concept of statehood. The contemporary authors of the Union's federal concept do not propose transferring the sovereignty at supranational level. They have a vison of non-hierarchical coexistence of numerous national and supranational political communities. Simultaneously, the European *demos* that would allow the communities to take sovereign decisions and measures should emerge (Ławniczak 2014: p. 39–40; see: Schmidt 2011).

An integration scenario more probable than Europe functioning as an empire would be that of the Union being a federation of the Eurozone states and having a loose, free trade area that would include the rest of the member states. The common objective, which is maintaining the monetary union, could be a strong enough incentive for legitimising the rescue measures that require unanimous decisions of the member states (Pohulak-Żołędowska 2013: p. 45).

In the analysis of the scenario of the Union as an empire, the emphasis is put on the values and norms of the member states analysed in the area of *policy*. These are the

values of the democratic rule of law, that are the main values of the modern liberal state, a product exported to other states, to attract the "periphery" states to the centre of the empire. In the political area it means a democratisation of governance and respecting the fundamental freedoms (Colás 2008: p. 224).

For the current democratic solutions within the EU, the scenario of the Union functioning as Europe à la *carte* means a higher level of legitimisation at national level and more flexible policy-making for the member states, when it comes to both internal and external policies.

It does not seem appropriate to decide on the future of the European Union. The history has shown that the decisions of national politicians at high-level meetings, (the so called summit meetings or the European Council meeting) about the Union's *finalité politique* are not always supported by the society and can lead to the failure of this biggest and most successful European project. The European Union is in a decisive moment: it is searching for its identity and its own path. Democracy is deeply rooted in the European consciousness (Balicki 2011: p. 25). The classic understanding of the consciousness cannot be transposed to the EU context. We are not witnessing the introduction of different solutions that move the Union in all three directions: federal, imperial and Europe à la carte. The strength and the source of success of the current integration process has lied in combining different solutions that allowed for different forms of cooperation (community and intergovernmental cooperation).

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