

THE GOVERNANCE PROCESS IN THE EUROPEAN UNION - BREXIT AND FUTURE OBJECTIVES

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Abstract:

Considering the present interest of the Romanian Presidency of the Council of the European Union in the first six months of 2019, this article aims to analyze the advantages and disadvantages of the membership of the Union in order to outline some development objectives and to highlight further evolutions of the European bloc. The need of solidarity and unity of the states imposed many years ago a construction that responds to these aspirations, this being the main reason why the Union was founded and it evolved in time, counting at present a number of 28 Member States. This construction has been, is and will certainly remain emblematic in the European history as a form of state partnership that seeks to identify and respond effectively to the common problems that arise on this European scene. This study attempted to highlight, on the one hand, the strengths, but also the least-favored aspects of the EU membership, to emphasize the objectives that support the development and sustainability of the European partnership, to provide information and last-minute data concerning the Brexit process, so that, in its final part to offer an insight into how the EU will evolve in the years to come.

Key-words: *European Union, advantages, disadvantages, member state, governance process, development goals, Brexit, evolution*

JEL classification: H10

1. INTRODUCTION. THE ADVANTAGES AND DISADVANTAGES OF THE MEMBERSHIP OF THE EUROPEAN UNION

The European Union represents an incomparable economic and political union in the entire world, bringing together 28 countries from Europe and covering almost the entire European continent. The creation of this Union has brought a number of advantages and disadvantages, which we will present in the following lines.

- *Healing the divisions of the past*

Considering the purpose for which the European Union was built, it can be said that it helped heal the divisions of the past. The founding fathers of the Union [1], a group of people with the same ideals, have created the European Union with the aim of ending the many bloody wars carried by neighboring countries and living in a united, stable, peaceful and prosperous Europe. Therefore, the presence of the European Union has helped to achieve a level of harmony on the continent, which has been rare in the past. In 2012, the Nobel Peace Prize was awarded to the European Union as a reward for supporting major causes such as peace, reconciliation, democracy and human rights. The money received with the Nobel Prize was donated to children who did not have the chance to live in peace. [2]

- *The European Single Market*

When we think of the advantages of the European Union, the first thing that comes to mind is the Single Market of the European Union. In the Single Market or the internal market of EU people, goods, services and money can freely circulate, without the obstacles which in the past stood in the way of the free trade and the free movement between Member States. This principle

was consecrated in Rome, along with the Treaty [3] establishing the EEC (European Economic Community), signed on the 25 of March, 1957.

The free movement of the citizens of the European Union is one of the most significant benefits brought by the creation of the European Union, but also one of the fundamental freedoms of the internal market. At first, in 1957, the right to free movement and establishment was intended for employees and service providers, but the original meaning of the concept has undergone changes over time. [4] With the entry into force of the Maastricht Treaty (1993), 25 years ago, the concept of European Union citizenship was introduced and the free movement of all citizens of the Member States was allowed, even if they were involved or not in an economic activity. Therefore, the possibility of studying, working, living or traveling in any of the Union's Member States has been and still is the most appreciated right by the citizens, and nowadays many Europeans cross the borders of their country every day in the interest of business or as tourists, without controls in the Schengen area, or with just a quick border control. Every citizen of the European Union has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties of the European Union [5] and by the measures adopted to give them effect.

According to Directive 2004/38/EC [6], all citizens of the European Union and their family members, irrespective of their nationality, are granted the right to move and reside freely within the territory of the Member States. Those crossing the border of the country of origin have the right to stay in the host Member State for a maximum of three months without having fulfilled any formalities, being required only a valid identity card or a valid passport. Moreover, if they want to work or study in a Member State of the Union, they only need to register with the competent authorities of that Member State and after five years of continuous legal residence, they can obtain the right of permanent residence. Both Union citizens who choose to reside in another Member State and their family members enjoy equal treatment in relation to the nationals of that State, in accordance with Article 24 of the Directive mentioned above. Some of the benefits they receive include: transport subsidies, access to education (e.g. study grants such as scholarships or loans), social assistance, free access to the labor market, and professional training. Moreover, insured persons from the member countries can apply for and benefit from the European Social Insurance Health Card (EHIC), which entitles them to health care during their temporary stay in the 28 EU Member States as well as in Switzerland, Norway, Iceland or Liechtenstein, under the same conditions and at the same prices as the nationals of that country, medical services being free of charge in some Member States. [7]

In view of the above, it can be stated that free movement facilitates cultural, scientific, economic exchanges and contributes to achieving “*unity in diversity*” [8] in the European Union.

Reducing prices for goods and services, improving quality and diversifying supply are another important advantages of the Single Market of the European Union. Telecommunications is a representative example. Currently, in the European Union, telephone calls cost less than 10 years ago. Moreover, the huge opportunity for businesses selling their products and services in the Union consists in unrestricted access to about 500 million consumers, offering great opportunities for European companies to remain competitive. The EU's Single Market is also attractive for foreign investors. They are willing to invest in business within the European Union, because Member States create trade advantages that would not otherwise exist [9]. Working together in the format of the European Union, each Member State can negotiate with the rest of the world under equivalent, if not even superior, conditions.

- *The development of underdeveloped Member States*

The development of underdeveloped Member States is another advantage of the European Union. In an attempt to reduce the discrepancies between developed and underdeveloped regions in the Member States, the EU has developed two types of structural funds. One of these is the European Regional Development Fund, designed to create infrastructure and support investment in job creation and the other, the European Social Fund investing in training measures to help unemployed and disadvantaged members of the population benefit from a professional life [10].

- *National sovereignty*

National sovereignty can be interpreted both as an advantage and as a disadvantage. For example, the Constitution of Romania enshrines the “*transfer of tasks to the Community institutions*”, but also “*the joint exercise with the other Member States of the powers provided for in these treaties*” [11]. In other words, the Member States of the Union retain their status as subjects of law on the scene of international law, exercising all their attributes, with the exception of those delegated to the Union or incompatible with their position within the Union. Also, the national identity, the governing institutions of each Member State, as well as its constitutional structures, both at regional and local level, are respected. Moreover, the basic concept of the European Union shows that it is a union of states that remain sovereign, and they are the ones that, together with the Union's own structural elements, form the pillars of the institutional building. The Union cannot be conceived without the Member States, and the Member States are the constituent elements of the Union, which is attested in Article 1 of the Treaty on European Union, in the following words: “... *on which the Member States confer competences to attain objectives they have in common*”. Therefore, accession to the European Union can be interpreted both as a limitation and as a benefit in terms of economic, political or social development.

- *The high cost of membership*

In terms of disadvantages, the high cost of membership in the European Union could be mentioned. For example, information that Britain sends to the European Union about 350 million pounds a week appeared in the press in the second half of 2017. However, 2018 began in Brussels with a simple, but bold statement: “*Membership of the European Union is valuable because it costs citizens less than a cup of coffee a day*” [12].

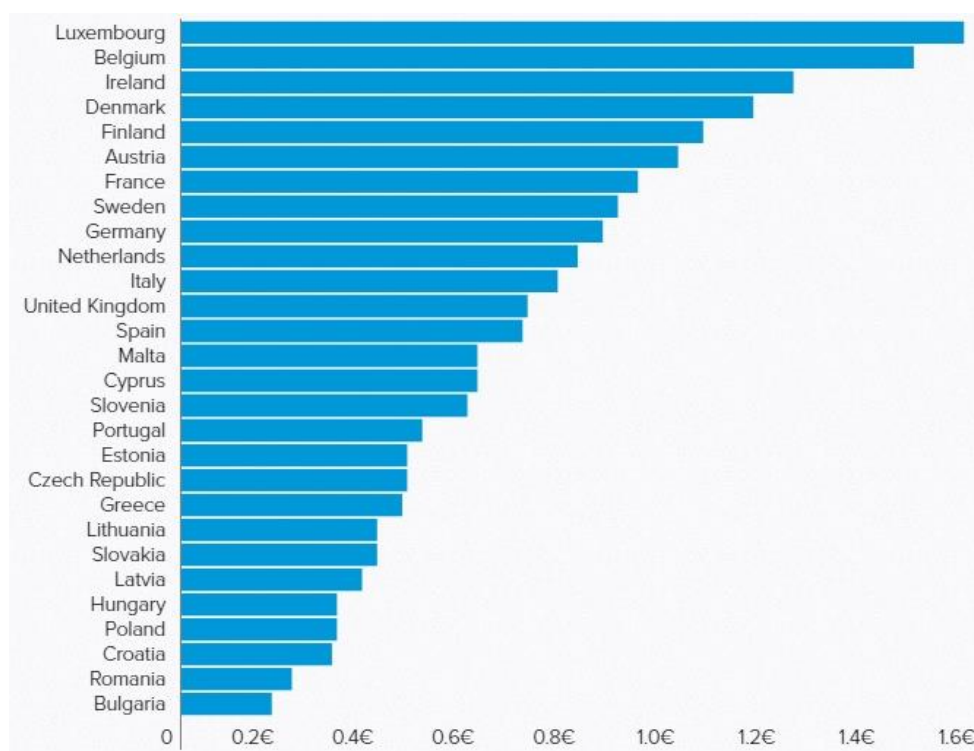


Figure no. 1. Total daily contribution to the EU per person

Source: available on the page <https://www.politico.eu/article/the-eu-membership-value-post-brexite-budget-coffee-index/> [accessed on October 30, 2018]

- *Policy issues*

Policy issues can also be raised for discussion. Functioning as a single market and following common policies, many discrepancies have emerged. Regulations designed to protect smaller Member States can affect larger countries because the European Commission is dealing with the interests of the entire EU and not the ones of an individual country. Rich countries are also forced to

share their wealth with other Member States, a representative example being the rescue of Greece by Germany [13].

As a conclusion, the advantages and disadvantages of the European Union indicate that such a system can be a better plus. However, disadvantages must be recognized and then proactively eliminated from the equation to prevent any type of problem.

2. DEVELOPMENT GOALS FOR STREAMLINING THE GOVERNANCE PROCESS

Over the past years, the crises that the European Union has undergone, have underlined its limited capacity to develop responses and find appropriate solutions to the challenges facing the European integration project, and there is an urgent need to rebuild its credibility. The fragility of the foundation of the entire Union construction is outlined by the lack of solidarity between the Member States and their inability to identify common solutions [14].

Thus, on 25 March 2017, the leaders of 27 European Union countries met in Rome (Italy) to celebrate the 60th anniversary of the signature of the Treaties of Rome (1957) [15] and, on this occasion, to reflect on the state of the Union and to analyze its future. In the same context, the Rome Declaration was signed, establishing a common vision for the coming years. The leaders of the 27 states and the European Council, the European Parliament and the European Commission have signed for a stronger, more resilient Union, for greater unity and solidarity, considering those a necessity. It is stated in the Declaration: *“We have united for the better. Europe is our common future”*[16].

Those present in Rome committed themselves to acting to achieve the following goals:

- Safety and security for citizens of the Member States, an Union with secure external borders and an effective migration policy;
- Prosperity and sustainability offered by a solid and growing single market that supports and promotes growth, cohesion, innovation, trade, competitiveness and investment;
- A Social European Union promoting equal opportunities, combating discrimination, social exclusion, unemployment and poverty, a Social Union where young people can have the best education, can study and find jobs, a Union that emphasizes on cultural diversity;
- A stronger global Union, that builds new partnerships, but also develops the existing ones, a Union that strengthens security and common defense, protecting its citizens and supporting free and fair trade [17].

Therefore, the European Union has to make very important decisions in order to achieve the above-mentioned objectives. Several influential personalities at the Union level have expressed their views on the future of the Union [18].

Guy Verhogstadt, a former Belgian prime minister and current Member of the European Parliament, says *“we will have to create a strong European federation that will replace the current weak and impotent confederation of states”*, believing that the European Union will never be effective, if it is governed by the principle of unanimity. Former Belgian prime minister proposes a Union with a directly supported European budget, a government with a reduced size, but powerful, a construction with its own defense force and a common foreign policy, using the model of the political union project of the founding fathers.

Germany’s President Frank-Walter Steinmaier and former French Prime Minister Jean-Marc Ayrault believe that the European Union will need to focus on common issues, which can be more thoroughly solved at European level and to communicate more effectively on issues that are included in its agenda, leaving the national and regional authorities to decide on the other problems.

Greek Prime Minister Alexis Tsipras believes in an Europe of solidarity without differentiations. On the other hand, Viktor Orban, the prime minister of Hungary, advocates limiting the role of the European institutions, considering the decision to *“limit national sovereignty in favor of European powers”*.

Over the last 25 years, the Treaties of Maastricht, Amsterdam and Nice have effectively managed to radically transform a Union that has doubled its size. The Treaty of Lisbon has opened a new chapter on European integration, which, in our opinion, still has an untapped potential.

3. BREXIT. FROM IDEA TO REALITY

The term Brexit is a combination of two words: Britain and Exit, meaning “*British exit from the European Union*”. On June 23, 2016, a referendum took place, where citizens with the right to vote could participate in deciding whether Britain should leave or not the European Union. 71.8% (over 30 million people) of the population participated in the referendum, 51.9% voting for the UK to leave the EU (England - 53.4%, Wales - 52.5% Scotland - 38%, Northern Ireland - 44.2%), according to the BBC [19].

For the UK to leave the European Union, it had to invoke Article 50 of the Treaty on European Union (TEU). Until the ratification of the Treaty of Lisbon, which entered into force in 2009, voluntary withdrawal was not a provision included in any EU Treaty, nor in the Treaties of Accession of the Member States. Currently, the Treaty of Lisbon confers on the Member States the right to voluntarily and unilaterally retire. Thus, according to Article 50, paragraph 1(TEU), “*Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements*”. From the moment when Article 50 is invoked and implemented, there is no way for Britain to return. It may be accepted back into the Union only if all 27 Member States give their consent.

The Council met on 15 December, 2017, in EU27 format, to adopt further negotiating directives for the Brexit negotiations. In this context, the Commission has a negotiating role with a mandate to start dialogue on this subject with the UK. The transitional arrangements have to be clearly defined and limited in time, the date proposed in the negotiating directives for the end of the transition period being 31 December 2020 [20].

During the transition period...:

- the entire *acquis* of the European Union will continue to be applied to the United Kingdom;
- the UK will no longer participate in the functioning of the institutions and in the decision-making process within the European Union;
- the United Kingdom will preserve the advantages and benefits of the Single market, Customs Union and European policies;
- the United Kingdom can start negotiating various trade agreements, the main options being the Norwegian Model (following the terms and conditions of the European Economic Area Agreement), Switzerland Model (member of the European Free Trade Association, having over 120 bilateral treaties concluded with the EU) or the Turkish Model (following the terms and conditions of the Customs Union and the European Union);
- British and European citizens will enjoy the same rights as those who arrived here before Brexit.

On November 25, 2018, a meeting of EU leaders is taking place in order to sign the agreement on the UK withdrawal terms of the EU Bloc. European Council President Donald Tusk believes Brexit is a “loss-loss” situation and the main goal of the negotiations is just to control the damage. The European Commission, pending the conclusion of the agreement, will work to establish a framework for future UK-EU relations, to be signed by the remaining 27 Member States. The President of the European Council concluded by sending a message to the United Kingdom: “*As much as I am sad to see you leave I will do everything I can to make this farewell the least painful as possible*”[21]. In the next year’s spring, on March 29, 2019, Britain will leave the European Union.

4. THE EUROPEAN UNION OVER THE YEARS. EVOLUTIONS

The European Union currently covers a Europe that extends from Lisbon to Helsinki, from Dublin to Sofia, from the Atlantic Ocean to the Black Sea, from the North Sea and the Baltic Sea to the Mediterranean, and where over 70 years of peace has reigned, being a model of democratic change and transformation throughout the world. However, the European Union's position may be at risk in the coming decades.

First of all, demographic change can be discussed. Currently, the European Union has over 500 million inhabitants, representing 8% of the world's population (more than the US and Japan together), but it is expected that by 2050 it will lower to a 5% by 2050[22]. *“The situation is simple: the world is growing, and we are shrinking.”*, says European Commission President Jean-Claude Juncker [23].

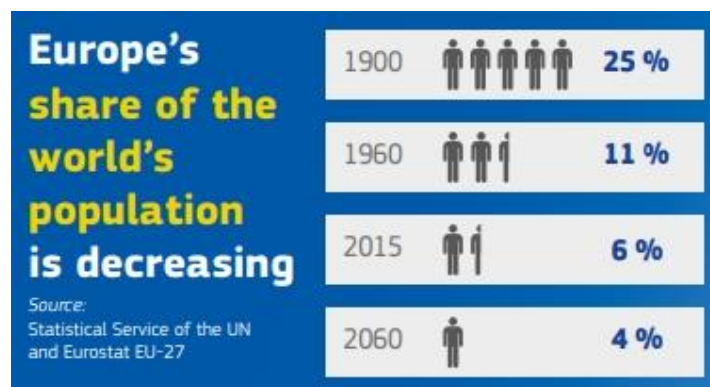


Figure no. 2. Europe's share of the world's population is decreasing

Source: available on the European Commission website,

https://ec.europa.eu/romania/sites/romania/files/brosura_romania_64_pag_juncker.pdf [accessed on October 30, 2018]

In other words, the Union's population is in the process of ageing, which leads to a shortage regarding the labor force needed for the economy. At the same time, Europe's global importance, both from an economic and social point of view, and from a military point of view, is diminishing. It is expected that by 2050 there will be no EU country among the seven leading economies of the world, but if we consider the EU acting together, the European construction would still be at the top of the rankings. In September 2016 in Strasbourg, Juncker stated in his speech, *The State of the Union 2016: Towards a Better Europe – A Europe that Protects, Empowers and Defends* the fact that: *“Europe can only work if we all work for unity and commonality, and forget the rivalry between competences and institutions. Only then will Europe be more than the sum of its parts”*. In short, we believe that in a world in a continuous globalization, no state of the European Union will be strong enough to affirm and promote its values itself.

Secondly, the European Union is a group of European states, which is based on the principle of freedom. Therefore, each Member State is free and can decide at any moment to leave the European Union [24]. In the case of Great Britain, the people decided in June 2016, following a referendum, to withdraw from the Union. Britain is the second net contributor, the third national economy and an influential diplomatic actor in the UN Security Council, and if everything goes according to the plans, the European Union will lose a strong member. As a consequence, the European Union will become smaller and more vulnerable, being taken in consideration an existential crisis of the European Union. In our opinion, the European Union will not fall apart in the near future. In the current context, it is not to be expected that other states will follow the example of the British, given the advantages of the Single Market, free movement and political influence exercised by a union of 27 states.

Jean-Claude Juncker, President of the European Commission, stated in the plenary session of the European Parliament in Strasbourg on September 13, 2017 that the European Union will have more than 27 members in the future and that is still open to all democratic countries in Europe that

want to join [25]. With a functioning market economy and a stable democracy, the Union has attracted more and more states over the years. Even if the Union will have a lesser membership since the spring of 2019, it increases the hopes of other candidate countries for accession. These include, in particular, the countries of the Western Balkans: Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. As far as Turkey's accession is concerned, it will still be negotiated, but due to the current democratic deficit, it proves to be a far furtherance.

As far as the Presidency of the EU Council is concerned, it is taken over by rotation between Member States every six months, working together in "trios"/groups of three for a period of 18 months. This system has been implemented since 2009, with the entry into force of the Treaty of Lisbon. The current Presidency is held by Austria (1 July - 31 December 2018)[26].

On 1 January 2019, Romania will take over the Presidency of the Council of the European Union for the first time and will exercise this function for a period six months. During this period, Romania will hold the presidency of one of the main European institutions in Brussels, playing an important role in the decision-making process, the development and consolidation of the European project, the negotiation of the development of the *acquis communautaire* and, last but not least, the strengthening of the cooperation EU Member States. This position represents a huge opportunity for our country. Romania has the chance to reaffirm its European commitment and to contribute directly to the evolution of the Union, but also to promote itself from an economic, commercial, tourist or cultural point of view. Also, contacts at the highest level, the visibility offered to the country in terms of the organization of the meetings and the participation of the European political and technical elite, have long-term effects on the host country. There are three major tasks assigned to the Presidency of the Council of the European Union: planning and conducting meetings, representing the Council in relation to various Union institutions, and ensuring dialogue with external partners. The Presidency shall cooperate closely with the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy [27].

Therefore, Romania will have to show a strong political vision regarding the strengthening of the Union, but also of administrative capacity to identify the best solutions for the European construction, especially in a period characterized by numerous challenges, by pressure caused by the events that will take place, for example, in the first half of 2019, the new European Parliament will be elected, as well as the new composition of the European Commission. Also, during the Presidency of the EU Council, a large number of meetings, seminars and conferences will be held in our country, bringing a large number of visitors (between 20,000 and 30,000), requiring a thorough planning of all events.

In short, the European Union is and will remain an example for many other regions in the world. No other continent has developed such forms of cooperation, being the largest economic area in the world and China's and USA's most important trading partner.

5. CONCLUSIONS

Taking into account those mentioned in this paper, some important conclusions can be highlighted. In the first part, we have identified more advantages than the disadvantages from which the citizens of the European Union benefit, including peace and harmony on the European continent, a common market that ensures the free movement of people, goods, services and capital or the possibility for disadvantaged countries to develop and thrive.

Moreover, in the second part, we found out what causes the fragility of the Union: the lack of solidarity between the Member States and their inability to identify common solutions. In this regard, the leaders of the 27 states gathered together to establish a common vision, signing for a stronger, more resilient Union for greater unity and solidarity among states. Safety, prosperity, sustainability and a stronger global union are some of the development goals that were outlined in 2017.

In the third part of the article, the concept of Brexit was emphasized, presenting the major events that have taken place but will also take place in the near future: the 2016 referendum, the

negotiating directives adopted in 2017, signing the agreement on the withdrawal terms of Great Britain in 2018 and leaving the European Union in 2019.

In the final part, the image of the future of the European Union was sketched, a construction with open doors to all democratic states that want to join, which offers more advantages than disadvantages, where Member States operate in an efficient way and have opportunities for development, and which is stronger and more resilient as a whole.

The European Union has been, is and will remain an example for many other regions of the world.

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