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This is the first edition of the *European Policy Review*. The *European Policy Review* was founded in 2014 by the European Student Think Tank. The journal aims to publish academic papers by undergraduate and postgraduate students on topics related to European Union policy. All papers are submitted to an anonymous peer-review process by graduate and doctoral students. The journal is to be published annually.

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TABLE OF CONTENTS

- 1 **EDITOR'S NOTE**
ENRIKE VAN WINGERDEN
- 3 **THE SNOWDEN FILES AND AGENDA-SETTING IN EU FOREIGN POLICY**
MELLE SCHOLTEN
- 15 **IS THE EUROCRISIS A CATALYST FOR EUROPEAN IDENTITY?:** The complex relationship between conflicts, the public sphere and collective identity
CHRISTOPHER STARKE and LISA HOFFMAN
- 27 **WORKPLACE SEXUAL HARASSMENT IN EUROPE:** The hard-law definition
AMPARO SANTIAGO
- 37 **EXPLAINING THE 2007-2014 EUROZONE CRISIS FROM A POLITICAL ECONOMIC PERSPECTIVE**
CHIARA ADRIAENSSENS
- 49 **THE QUEST FOR A EUROPEAN 'AUTONOMOUS' SECURITY POLICY:** A Cinderella Complex case?
FILIPPO BARBAGLI
- 60 **BRIDGING THE GAP TOWARDS A NEW TRANSATLANTIC CYBER-SECURITY FRAMEWORK**
PATRICK MCQUILLAN and LAMPRIINI BASDEKI
- 69 **NET NEUTRALITY AND INSTITUTIONAL COMPROMISES**
ALLARD JANUS
- 75 **WINDOW OF OPPORTUNITY:** Will 2016 be a breakthrough for TTIP?
JOANNA RADUSZEWSKA

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EDITOR'S NOTE

By **ENRIKE VAN WINGERDEN**

Amidst the perhaps unfathomable complexity of recent events in Europe: the arrival of many refugees to the EU; attacks in multiple European cities; and the UK's decision to leave the European project, events that will shape the futures of so many young people around Europe and the rest of the world, the European Student Think Tank has remained its vital role as a platform by and for students to engage with one another and articulate their views on these issues. Our most tangible product is what lies in front of you: the third edition of the *European Policy Review*. The *European Policy Review* is a peer-reviewed journal that publishes academic, student-written papers on a wide range of topics related to European Union policy and European affairs.

The *European Policy Review* has an international and multi-disciplinary character. The contributors to, and makers of, this journal are students from various countries, with different backgrounds and perspectives. The journal consciously chooses to cover a broad spectrum of topics and to incorporate multiple disciplines, thereby reflecting the numerous angles from which EU policy and European affairs can be studied and discussed.

A team of qualified editors and peer reviewers has examined all the submitted papers and has made a careful selection on the basis of academic quality and potential contribution to the journal. The editors and peer reviewers have provided the authors of the selected papers with extensive feedback. On the basis of those comments, the authors have been able to revise their paper and produce an improved result.

The present edition of the *European Policy Review* reflects many of the problems Europe faces today, from the Eurocrisis to sexual harassment, as well as many of the challenges, including the TTIP negotiations, dealing with technological change and updating the security policy. This year's authors of the *European Policy Review* will provide you with stirring insights, controversial opinions and relevant policy recommendations. Melle Scholten examines the effects of the NSA spying scandal by Edward Snowden on how the EU formulates its foreign policy vis-à-vis the US, by investigating the agenda-setting process in the EU foreign policy cycle. On the basis of official EU documentation Scholten argues that there were considerable differences between how the European Parliament, the Council of the European Union and the European Commission responded to the Snowden Files, even though all three institutions were concerned with gaining attention for the foreign policy implications of the NSA revelations. Christopher Starke and Lisa Hoffman dive into the implications of the Eurocrisis for European identity formation, and the complex relationship between conflicts, the public sphere and collective identity. They demonstrate that conflicts play an important role in fostering European identity, as the Eurocrisis intensified the Europeanization and the convergence of national public spheres. Amparo Santiago discusses the legal measures that have been taken to regulate workplace sexual harassment in the EU. Even though differences between European countries concerning perceptions of sexual harassments should be considered, Santiago argues for the importance of objective impermeable boundaries of unacceptable conduct. Chiara Adriaenssens analyzes the Eurozone crisis from a political economic perspective. She focuses especially on the bond between economics and politics in providing an in-depth view of the origins and unfolding

of the crisis. Filippo Barbagli discusses the role of path dependency and ideological division in the development of the EU Common Security and Defence Policy. He shows how the EU's 'Cinderella Complex' obstructs the emergence of a long-term strategic security vision that would increase the safety of EU citizens and protect its cherished values. Patrick McQuillan and Lamprini Basdeki critically examine the cyber security strategies of both the EU and the US and propose the establishment of an EU-US alliance to effectively address the challenges macro cyber threats impose in this new era of technological interconnectedness. Allard Janus discusses digital integration within the EU through an analysis of Directive 2002/22/EC, concerning net neutrality. He finds that the altered, more business oriented, character of the directive is the result of institutional consensus seeking in trialogue meetings between the Commission, the Parliament and the Council. Lastly, Joanna Raduszevska provides a relevant summary and review of recent political developments, including Brexit, in the light of TTIP negotiations. While the US and the EU are seemingly fully aware that it is vital that TTIP will be concluded in 2016, Raduszevska predicts high risks of discontinuity in the foreseeable future. She argues that the TTIP, when completed, shall have to be a result of aligning strategies and reciprocal compromises.

At the European Student Think Tank we are incredibly pleased to continue to involve students in debates surrounding European politics. This third edition of the European Policy Review once again not only seeks to bring to the fore students' perspectives, but also aims to target a wide young academic readership. We have been absolutely delighted by the enthusiastic input and responses by all those bright minds around Europe, and we cannot wait to see what the next years may bring for the European Student Think Tank. We hope you will enjoy reading this journal, and we warmly welcome your comments and suggestions for future editions.

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On behalf of the Editorial Board, I would like to thank all peer reviewers (Susana Duarte Coroado, Linda Flöthe, Dominik Flikweert, Saloni Malhotra, Maline Meiske, Manuel Pietzko, Samuel Ramani, Jorge Rivera Hernandez, Jeroen Romeijn, Pedro Sousa and Pieter Zwaan) for their valuable contribution to the review process of this journal.

THE SNOWDEN FILES AND AGENDA-SETTING IN EU FOREIGN POLICY

A potential data protection regime between the EU and the US

By **MELLE SCHOLTEN**

Melle Scholten is an MA-student in International Relations, with a major in International Security, at the Rijksuniversiteit Groningen. He is currently writing his thesis on eclectic perspectives on urban security. He holds a BA in European Studies from Maastricht University. His research interests include transatlantic relations and urban security.

The revelation of the NSA spying scandal by Edward Snowden has been prophesised by academics from various backgrounds as a game changer in international politics. The Snowden files are also likely to have ramifications for transatlantic relations between the European Union and United States. This paper examines the effect of the revelations on the NSA as leading to changes in how the EU formulates its foreign policy vis-à-vis the U.S. It focuses on how the Snowden files affected agenda-setting in the EU foreign policy cycle. It draws on previous work by Princen on agenda-setting strategies, addressing acts of mobilising supporters, arousing interest, building capacity and claiming authority. The responses from the various institutions and the use of these four strategies are analysed and compared through a document analysis spanning the entirety of the period after the revelations of the Snowden files. This paper comes to the conclusion that all of the three main decision making bodies - the European Parliament, European Commission and the Council of the European Union - have been involved in gaining attention for a possible transatlantic response. However, unlike the Commission or Parliament, the Council has actively opposed any attempt at building capacity or claiming authority. This practice could be seen as 'business as usual' for the Council, as it often prefers to keep sensitive foreign policy issues off the European agenda, favouring individual action by the member states.

INTRODUCTION

June 5th, 2013 is perhaps not a date that means much to anyone. It is certainly no 9/11. Yet what happened that day has shaped every single debate on privacy, public or otherwise, since

then. June 5th was the day British newspaper *The Guardian* published the first of many articles on the National Security Agency (NSA). When the news first came out, CNN pundits were making the wildest speculations about who could have leaked such sensitive information. Could it have been someone in the White House? A disgruntled general in High Command? Perhaps a Russian superspy? The truth turned out to be a lot less glamorous. The man who had leaked the NSA documents was sitting next to the three reporters he had shared his story with in a hotel room in Hong Kong. Raised a staunch American patriot, he was a former member of the United States military and the Central Intelligence Agency (CIA). Edward Snowden's name would soon become synonymous with whistleblowing in the digital age.

Of course this is a story that has been told many times since that day. In subsequent years, the debate sparked by the NSA revelations was picked up by the public, politicians and academia. The overall consensus within academia has been that the Snowden files will not simply fade away into oblivion. They could have a serious impact on US foreign policy (Fidler, 2015; Murphy, 2014), the "Five Eyes" spying community (Dover, 2014), the future of secret diplomacy (Bjola, 2014, p.86), or future surveillance techniques (Verde Garrido, 2015). The NSA revelations may even upset the entire system of international relations as we know it today (Bauman et al., 2014). A growing amount of literature has also been dedicated to how the files will affect, or have already affected, transatlantic relations (Johnson et al., 2014; Murphy, 2014). The general focus of this literature seems to belong to one of two possible inquiries. The first possibility is to discuss the role of the United Kingdom (UK), and its GCHQ intelligence gathering programme, which has been labelled as worse than the NSA by Snowden himself (Fidler, 2015, pp.200-2). The second strain is a discussion of the responses of various national governments, primarily Germany, as it had the largest public outcry (Johnson et al., 2014, p.801). The fact that possible European foreign policy responses are largely lacking within the literature is striking, as both the European Parliament and Commission discussed the Snowden affair extensively. Snowden himself was actually interviewed by the Parliament, which drafted a resolution immediately after hearing Snowden's testimony (Fidler, 2015, pp.294-312).

The Snowden affair did garner attention within the European institutions, but did this actually lead to related policies being put on the European Union (EU) agenda? The question is pertinent because privacy and surveillance are cornerstone issues of everyday life. Everyone is affected by it, and everyone has an opinion about it. Moreover, as has been shown above, the current academic literature on a European response to the Snowden files is sorely lacking. It is true that the NSA revelations led to a huge public outcry, and, as Pippa Norris (2011) has shown, this has the potential to lead to significant political reforms being put on the political agenda. This research paper thus poses the following question: How has the revelation of the Snowden files affected agenda-setting in EU foreign policy? In order to answer this question, this paper will build upon policy cycle theories (Jann & Wegrich, 2007), as well as the typology of agenda-setting in European public policy by Princen (2011). By way of methodology, it will conduct a foreign policy document analysis informed by the work of Princen and his four strategies. This paper finds that the European Parliament and Commission tried to put the Snowden affair on the EU foreign policy agenda, whilst the Council on the other hand tried to restrict the discussion to the national level.

THEORIES OF THE POLICY CYCLE AND AGENDA-SETTING

Policy cycle theories have been around for a long time, and have been adapted, rephrased, restructured and heavily critiqued. Beyond the basic and simplified premise that there are five stages in the policy cycle, there is little consensus on the ontological or epistemological validity of these theories (Jann & Wegrich, 2007, p.43). Hence, it must be clearly delineated how this theoretical framework will be utilised. The basic premise of the theory is that public policy goes through five stages from the time an issue comes to the attention of policy makers until it is either dropped or evaluated and put on the agenda again. The five stages are agenda-setting, policy formulation, decision making, implementation and evaluation. These stages are portrayed cyclically because evaluation automatically leads to issues being put on the agenda once again (ibid).

However, this portrayal has been critiqued on the premise that a) it is merely descriptive, not analytical, and b) the description it offers of clearly delineated policy stages does not match empirical observation (Jann & Wegrich, 2007, p.56). Concerning the first critique brought forward above, this paper simply argues on the basis of policy cycle theory. Rather than delving into every issue in detail, the theory will be taken as a framework through which to conceptualise the research problem. As Caterina Carta has stated (2013, p.88), policy cycle theory offers a streamlined analytical grid for the study of EU foreign policy. As this paper focuses primarily on the first stage of policy making, agenda-setting, it sidesteps the second critique as well. Agenda-setting can be clearly defined, and will be below. Moreover, its prevalence in public policy research (see e.g. Edler & James, 2015, Princen, 2007, 2011, Smith, 2004, or Vanhoonacker & Pomorska, 2013) is a clear indicator that, on its own, agenda-setting is an epistemologically valuable approach.

This assessment leads us to the central concept of agenda-setting in this paper. Agenda-setting is the stage in the policy cycle where “problems and alternative solutions gain or lose public and elite attention” (Birkland, 2007, p.63). It has sometimes been labelled as the element within the policy cycle that political groups vie hardest for to gain influence, given that not all problems or possible solutions can eventually progress to later stages in the policy cycle (ibid). However, this definition is based on agenda-setting conceptions of individual nation-states. Thus, it is essential to identify what has been said about agenda-setting in a European context.

In the adapted policy stages model of Smith on multi-level governance in the Common Foreign and Security Policy (CFSP), it is considered to be mainly concerned with providing a set of general principles (2004, p.744). Agenda-setting is thus not solely concerned with specific issues and solutions; it also matters in terms of overall strategies. Another specific attribute of agenda-setting in EU public policy is that agenda-setting can occur within any institution, be it the Commission, Council, Parliament or even the European Court of Justice (Pollack, 1997). Even individual member states may have an interest in bringing national issues up to the European agenda (Princen, 2007). Agenda-setting in the EU in this paper is thus distinguished by the fact that it concerns both overall strategies and specific problems and possible solutions that may be brought up for debate in any institution, by any actor (Richardson, 2006, p.6).

The Typology of Princen

The theoretical underpinnings outlined above are based on valuable additions to the literature on agenda-setting in EU public policy. Yet the theory is too vague at this point and must be instrumentalised to be applicable in a research setting. This is where the typology of Princen comes in. In his work, he has identified four strategies by which actors may further their interests in the agenda-setting stage: mobilising supporters, arousing interest, capacity building and claiming authority (2011, p.931). In this section, I will briefly explain these four indicators, and explain the reason this particular model was selected. The potential shortcomings of the model will also be highlighted and further discussed at the end of the section.

Mobilising supporters is a strategy by which a political actor who wishes to see his or her issue on the agenda tries to bring forward that issue with various institutional actors. The underlying rationale is that it will be easier to have an issue successfully put on the EU agenda if it is supported by actors from various institutional settings (Princen, 2011, pp.931-3). This may occur within existing institutional settings, but new ones may be created as well (*ibid*). It may even occur outside of the EU institutions (Vanhoonacker & Pomorska, 2013, p.1319). One should note that this strategy is purely concerned with building institutional support. Bringing the issue to the attention of the public is covered by the second aspect, which is discussed below.

The next strategy is arousing interest. This concerns the framing of a prospective policy issue in a way that makes it an interesting sell for policy makers, and a relatable issue for the public (Princen, 2011, pp.933-5). Such an approach may occur either spontaneously, most likely through appealing to an issue that engages people at a broader level, or incrementally, by slowly building support for the issue in highlighting its technical advantages (*ibid*). Princen has labelled these approaches the “big words” and “small steps” strategies (*ibid*). In the context of the Snowden revelations, the former strategy is most likely to be applied, as it is more suited to arousing interest for an issue which requires immediate attention. The latter strategy is better suited for building a solid base from which to launch long-term or technical policies.

The former strategies are based on the logic of gaining attention, while the following are based on credibility building. First among these is building capacity. It refers to building up the institutional networks that are needed to successfully guide a policy proposal through the policy cycle (Princen, 2011, pp.935-6). After all, a certain level of bureaucratic resources is needed to be able to properly formulate and adopt a policy. This process of capacity building may take place both inside and outside European institutions. By way of example, one could think of strategies aimed at expanding institutional capabilities, training bureaucrats in a certain area, or laying claims to future funds (Vanhoonacker & Pomorska, 2013, p.1319).

The last strategy identified by Princen (2011, pp.936-8) concerns claiming authority. The main issue here is to identify and communicate why the issue must be put on the European agenda, rather than on the national agenda or that of another supranational organisation. It thus concerns the *raison d'être* of a legal measure on an EU level, and is meant to address EU principles of both subsidiarity and proportionality. This is often the strategy most challenged by other political actors, such as the Member States of the Union, as they could potentially lose sovereign control over a number of competency areas (*ibid*).

The typology of Princen is suitable here, as it has been empirically used and proven valuable in a foreign policy research setting (Vanhoonacker & Pomorska, 2013). Moreover, it presents

a delineated thick signifier for all strategies involved, while acknowledging that all these strategies tie into one another and can never be seen completely separated (Princen, 2011). It is thus unique as an underlying research framework on the basis of its empirical focus, applicability and acknowledgment of the actual complexity of its material. While it is possible to critique the assumption that one could always clearly distinguish between different strategies, such a critique neglects the need to compartmentalize data in order for it to be of interest to both scholars and policy makers. Thus, while this paper by no means claims absolute knowledge or truth, the choice to adopt the typology of Princen remains valid within its research setting.

METHODOLOGY AND DATA COLLECTION

The analysis will focus on agenda-setting in EU foreign policy, while the typology of Princen (2011) with its four agenda-setting strategies will be employed. The four strategies will be used as indicators within the research framework. These indicators will be assessed mainly on the grounds of how these strategies were mobilised with regard to the Snowden files, so as to answer the following research question: How has the revelation of the Snowden files affected agenda-setting in EU foreign policy? The strategies have been comprehensively discussed above, and thus will be taken as given.

For its primary source material, this paper will rely on official documentation from the EU institutions. More specifically, it will rely on official documentation retrieved electronically from the three main European institution websites: those of the Parliament, Council and Commission. These have been systematically searched for the parameters “Snowden” and “policy”. Within these search parameters only documentation released after the release of the Snowden files, i.e. June 5th 2013, has been considered. By identifying these parameters, this research paper ensures that all data retrieved will be relevant to the primary research question. After all, the interest of this paper lies with the changes in policy after the release of the Snowden files. It would make little sense to consider documents from periods before the Snowden leaks even occurred, or documents that have no influence on policy. This systematic method yielded 35 primary sources. The results indicated a slight bias against European Parliament documents and in favour of Council documents. The types of documents recovered include press releases, hearing minutes and official reports.

A DOCUMENT ANALYSIS OF EU AGENDA-SETTING

The following sections will discuss the results of the analysis in detail per variable identified in the typology of Princen (2011). Each variable will have a section of its own, in which I will discuss how the various strategies have been utilised by the institutional actors of the EU, both inside and outside its institutional boundaries. Moreover, each section will have a small sub-conclusion, which will summarise the overall findings regarding that strategy. At the end of these four sections a table will be presented which will comprehensively display the research findings.

Mobilising Supporters

The act of mobilising supporters clearly took place, as calls for changes to foreign policy legislation came from both the Parliament (European Parliament, 2013; 2014) and the Commission (European Commission, 2013b), as well as the EU counter-terrorism coordinator (European Commission, 2014a, p.2). The latter also made a stance to include public-private partnerships in further considerations of data protection vis-à-vis the U.S.; a move which could be considered an aim to mobilise support for changes in foreign policy from the private sector.

The Council of the European Union (2014d, p.8) also made an attempt to gain support for judicial reforms from the United States itself. Although this approach was ultimately futile, it did show that the Council was also supportive of legislative reform in its relations with the U.S., as otherwise it would not have risked angering the U.S. by bringing forward the NSA surveillance scandal in an official political meeting. Besides the Council, the Parliament also sought support for legislative changes in Washington (European Parliament, 2014). The Parliament Committee on Civil Liberties Justice and Home Affairs (LIBE) spent time in Washington, Brussels and Strasbourg, meeting and interviewing various whistle-blowers, parliamentary scrutiny bodies, intelligence agencies and “a whole [other] range of players and actors” with regard to the revelations by Edward Snowden (ibid). The LIBE Committee was therefore instrumental in mobilising a large amount of support from various levels, both intra- and extra-institutional.

The mobilisation of supporters thus occurred on a broad scale within the EU institutions. Support came from all three main institutions to begin with, and they themselves also made a conscious effort to mobilise support from other actors, both within and outside the framework of the European Union institutions. Although it is difficult to pinpoint which exact actors played a role in mobilising support from within the institutions in the first place, the initial interest by the European Parliament suggests that this institution was the most instrumental in mobilising support for a change in foreign policy after the Snowden revelations. Besides the Parliament as a whole, two actors stand out with regard to their actions. First is the Parliamentary LIBE Committee, headed by rapporteur Claude Moraes (European Parliament, 2014) which played a pivotal role in mobilising support within and outside the EU for legislative reform. Second is Mr De Kerchove, the EU counter-terrorism coordinator, who aimed to specifically garner support from the private sector in an attempt to gain official legislative changes in the field of the EU-U.S. international security partnership (European Commission, 2014a, p.2).

Arousing Interest

Of all variables, arousing interest was the easiest to identify, as the EU adopted a strategy of big words. Throughout the official documentation referencing Edward Snowden, one can see clear, returning references to fundamental rights, the moral values of the EU, and the importance of personal privacy to EU citizens. What was most striking, however, was the severity of the discourse aimed at the United States. At the time Vice-President of the Commission Neelie Kroes labelled the revelation of the Snowden files as “a shock to many”, yet also as “a blessing in disguise and a wake-up call” (European Commission, 2014b). Especially the latter phrasing of the implications of the files serves as an indicator that Kroes regarded the files as an important indicator for agenda-setting. Another Commission Vice-President, Viviane Reding, engaged in similar rhetoric when describing the NSA revelations as “a true wake-up call” (European Commission, 2014c).

Another Commission working document went so far as to claim that the documents released by Snowden showed that “the borders of legality have been breached [by the United States]” (European Commission, 2014d, p.7).

The Commission was not the only institution to use strong political and diplomatic language to describe the Snowden revelations. The LIBE Committee report stated that “trust had been profoundly shaken between the two transatlantic partners”, and that “in order to rebuild that trust, an immediate and comprehensive response plan (. . .) was needed” (European Parliament, 2013). The report even came with a very serious threat aimed directly at the Transatlantic Trade and Investment Partnership (TTIP). The Committee advised the Parliament to threaten to block the approval of TTIP, unless EU institutional and diplomatic communication would no longer be intercepted at all (ibid). Similar language was aimed at the EU-U.S. Safe Harbour agreement in the subsequent parliamentary discussion on the work by the LIBE Committee (European Parliament, 2014).

Within the Council, there was less use of strong vocabulary. The Irish presidency of the Council made no mention of the Snowden files in its last plenary with the European Parliament, despite Parliamentarian Murphy of the United Nordic-Left Green Party (GUE) bringing the item forward during the plenary (Council of the European Union, 2013a). Although it would have been a long shot for the Presidency to agree with the GUE that the Snowden files were cause to suspend all ongoing trade talks with the United States, the utter refusal of the Presidency to at least acknowledge the NSA revelations may come as a surprise. However, Snowden was included on the shortlist for the EU Sakharov Prize that specific year (Council of the European Union, 2013c), which one could see as an attempt to arouse interest for his case among the larger public.

With regard to the variable of arousing interest, the Commission and Parliament have been especially vocal, while the Council has either lacked the political will or decisiveness to take a firm stance to capture public interest. Both the Commission and Parliament identified the revelation of the Snowden files not just as an international scandal, but also as an event which spelled out the need for imminent and far-reaching political reform. The Parliament in particular established a connection between the implication of the revelations and EU-U.S. relations, as it used political rhetoric with great implications to put the TTIP and Safe Harbour treaties under quarantine. The Council has been less aggressive in its tone, either because its intergovernmental nature prevents it from adopting too strong a rhetoric, or because individual member states within the Council did not wish to risk the consequences of openly criticising the NSA spying scandal to too great an extent.

Building Capacity

Following the Snowden revelations, the European Commission worked towards a better understanding of surveillance rights in the EU. In that regard, it researched what a possible legal basis could be for action to provide its nationals sufficient protection from foreign data tapping. Eventually, such a legal basis was found in the e-Privacy Directive (European Commission, 2014d, p.36), which allows for the protection of nationals of the member states, except in such cases where data protection would endanger national security. Moreover, right after the Snowden revelations, the EU and U.S. set up an Ad-Hoc Working Group to discuss the extent of the transatlantic spying scandal, and clarify what had happened exactly (European Commission, 2013a). This

working group should be seen as part of the capacity building process, as it was part of the Union garnering the institutional expertise needed for a proper foreign policy response to the Snowden files.

With regard to Parliament, some steps were taken in the area of capacity building. Although the Parliament perhaps lacks the resources and capacities to create new institutional structures, it is able to influence the Commission and Council to do so. The LIBE Committee report calls for the creation of a European Digital Habeas Corpus. This program would serve several institutional roles. The most notable of these with regard to foreign policy are the conclusion of the EU-U.S. Umbrella agreement, the suspension of the Safe Harbour agreement, and the suspension of the Terrorist Finance Tracking Programme (TFTP) agreement (European Parliament, 2013). Moreover, Parliament called for the creation of a High-Level Group concerned with cross-border data protection within the European Union (*ibid.*). Both proposals were met favourably by Parliament during the hearing on the LIBE report (European Parliament, 2014).

Broadly speaking, the Council of the European Union favoured a less hands-on approach compared to the Parliament and Commission. The Council shared the concerns of the Parliament with regard to the roles of the Umbrella and Safe Harbour agreements, but did not call for their suspension, instead favouring to strengthen the existing agreements (Council of the European Union, 2014). And while it did support the strengthening of data protection, the Council generally stated that it believed capacity building ought to take place at the national level, rather than the European level (Council of the European Union, 2013b). The Council also demonstrated more trust in the U.S. institutional changes that occurred after the Snowden revelations, and thus did not wish for any far reaching foreign policy consequences vis-à-vis the U.S. (Council of the European Union, 2013d).

In general, the European institutions were thus less able to build capacity for a possible change in foreign policy than they were in gaining attention for the Snowden revelations. This is undoubtedly in part due to the intergovernmental setup of the Council, which tends to prefer to keep delicate foreign policy related issues away from the supranational decision making of the other institutions. At the same time, both the Parliament and the Commission made a very conscious effort to broaden expertise on the foreign policy implications of data protection (European Commission, 2014d), and to create an institutional setup which could serve as an administrative basis to deal with foreign data protection concerns (European Parliament, 2013). As one should not make the mistake to confuse capacity building with actual foreign policy implementation, it can thus be stated that through part of the European institutions capacity was built for a foreign policy response to the NSA revelations.

Claiming Authority

Claiming authority was the variable where the most conflict could be witnessed between the institutions, primarily between the Commission and Parliament on the one hand and the Council on the other. The Commission clearly tried to present the issue of the Snowden files as a European issue for which a European response was needed. As seen above, it explored possible legal bases for foreign policy action (European Commission, 2014). Moreover, it presented a discourse in which the only way to make the European concerns clear to the U.S. was through a single European response, or as Viviane Reding has stated: “when the EU speaks with a single voice, it is heard”

(European Commission, 2013b). The Commission furthermore stated that it felt a weak Directive to answer the revelations by Snowden would “let down Europe” (European Commission, 2014b). A clear aim of claiming EU authority in dealing with the Snowden files can thus be witnessed from the side of the Commission.

Compared to the Commission, Parliament made a less conscious effort to claim authority by portraying the issue as profoundly European. However, in its debate on the issue LIBE rapporteur Claude Moraes did pose the argument that there was considerable human and intellectual capital in the EU regarding issues of privacy and fundamental rights, and thus the EU was particularly well suited to deal with the foreign policy fallout of the Snowden revelations (European Parliament, 2014). Therefore, while Mr Moraes did not portray the issue as inherently European, he did make a claim for European authority on the matter based on its expertise.

Compared to the other two institutions, the Council was decidedly less convinced of the need for a European response, or indeed the EU authority on the matter. As discussed above, the Council called on the member states to seize responsibility for the data protection of their own citizens (Council of the European Union, 2013b). Moreover, the Council seemed eager to agree with the United States that what was at stake was a matter of national security, and thus targeting Safe Harbour as the Parliament proposed was not regarded as a proper response (Council of the European Union, 2014). It certainly did not seem to think a European response to the Snowden revelations would be appropriate, and thus did not make an effort to claim European authority in the matter.

Regarding claiming authority in particular, and the area of credibility building in general, a clear fault line can be witnessed in the positions of the Commission and Parliament, and the Council. While the former two made strong cases for a common European response to an issue that affected Europe as a whole, the latter stuck with its traditional approach to foreign policy and anything dealing with security. Thus, what clearly shines through here is the perception of the Council that sensitive foreign issues ought to be handled at the member state level. The overall responses of the European institutions with regard to the Snowden files has been summarised in table 1 below.

Table 1: Overview of research findings

	Mobilising supporters	Arousing interest	Capacity building	Claiming authority
European Parliament	Yes, instrumental in this regard	Yes, through strong words	Yes	Yes, though limited
European Commission	Yes	Yes, through strong words	Yes	Yes, extensively
Council of the European Union	Yes	Yes, though limited	No, openly opposed	No, openly opposed

CONCLUSION

We can see an attempt at agenda setting following the revelation of the Snowden files in EU foreign policy making. However, not all strategies were employed to their fullest by all institutions. Not entirely unexpectedly, the Council has preferred to have the individual member states deal with their own foreign policy matters, while both Parliament and the Commission made the case for a common European response. Nevertheless, all three institutions were concerned with gaining attention for the foreign policy implications of the NSA revelations, which underlines the assumptions made by various scholars about the importance of the Snowden files (Bauman et al., 2014; Johnson et al., 2014; Murphy, 2014; Verde Garrido, 2015). Thus, agenda-setting in EU foreign policy was affected by the revelation of the Snowden files, as we have seen various institutions utilise various strategies to bring the issue on the agenda.

The question that remains is of course if these agenda-setting have actually led to changes in EU foreign policy formulation and decision-making, the next two steps in the policy cycle. While keeping in mind that the policy-cycle model is not a perfect representation of reality, it remains a point of interest if there is a direct link between the Snowden revelations and changes in EU foreign policy. Safe Harbour has already been suspended. However, the suspension was effected by the European Court of Justice, not the political decision making bodies. Further research is thus needed along this avenue.

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IS THE EUROCRISIS A CATALYST FOR EUROPEAN IDENTITY?

The complex relationship between conflicts, the public sphere and collective identity

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The European Union (EU) currently faces several paramount crises. This paper investigates the effects of internal conflicts in the EU on the formation of a European public sphere and collective European identity. According to Risse (2014), conflict situations are not solely detrimental, but can contribute to the emergence of a European identity. Drawing on an extensive literature review, this paper finds evidence for an increased Europeanization and convergence of national public spheres during the Eurocrisis. Furthermore, data from the Eurobarometer shows that the percentage of European citizens who identify with Europe did not erode in the aftermath of the crisis. In summary: internal conflicts may have positive effects on European integration by fostering public discourse about European issues.

INTRODUCTION

Over the past years the headlines of international newspapers have been dominated by conflicts facing the European Union (EU). The Eurocrisis, the Annexation of Crimea by the Russian Federation and the current refugee crisis were controversially debated in the public sphere, not surprisingly, leading to substantial frictions between different member states. As a consequence of these crises, stereotypes among Europeans have been on the rise. Some scholars even fear that “Europeans [...] fall back into nationalism and [...] advocate nationalist responses to the worst crisis the EU has ever faced” (Risse, 2014, p. 1210). The election success of populist and anti-Eu-

ropean parties such as the 'Front National' in France, the 'Alternative für Deutschland' in Germany, or the 'Freiheitliche Partei Österreichs' in Austria seems to support this claim and threatens the stability and further integration of the EU.

However, conflicts can also be understood as an opportunity to vitalize the Europeanization of national public spheres and the evolution of European identities (Berkel, 2006; Eder, 2014; Risse, 2014). Based on an extensive literature review, our paper investigates the impact of conflicts on the formation of a European public sphere and a collective European identity. We build on the following argument: A conflict affecting all EU member-states potentially initiates transnational debates because of the convergence of media coverage in the different EU countries. The resulting Europeanization of national public spheres is believed to be the precondition for negotiating common values and developing a shared idea of collective identity. We use the Eurocrisis as a paradigmatic case to highlight some of the crucial mechanism at work. Before the Eurocrisis the majority of European citizens probably did not know who the current Prime Minister of Greece or the President of the European Central Bank were, neither what is the difference between a monetary and fiscal union, or the 'no bailout-clause' in EU treaties. The extensive media coverage surrounding the Eurocrisis, however, allowed European citizens to get information about the different EU institutions as well as other member states.

The paper starts off with an explanation of the key concepts in the realm of the public sphere and collective identity research. Both terms will also be discussed in a European context. The subsequent section briefly illustrates the important role of mass media in the formation of European networks of communication to establish a basis for understanding why conflicts might initiate transnational debates. After that, we define the term 'conflict' by drawing on Coser's theory of conflicts (1956). It includes various arguments suggesting that conflicts can paradoxically have a positive impact on European integration. Finally, we use existing literature to draw some conclusions about whether or not the Eurocrisis has had positive effects on two crucial indicators for integration of the EU: European public spheres, and collective European identity.

SHORT OVERVIEW OF DIFFERENT CONCEPTS OF PUBLIC SPHERE

In order to understand the effect of conflicts on the European public sphere, we first need to explain the term public sphere itself. In modern democracies the term mainly refers to mediated public communication via mass media. It enables the civil society and the political system to observe one another. Discourses in the public sphere legitimize political decision-making by both constituting the public opinion and allowing citizens to form their own opinion about political issues (Habermas, 2009; Kleinen-von Königslöw, 2015).

Social science literature generally distinguishes between two fundamental concepts of public sphere. The first line of research refers to Jürgen Habermas' model of a discursive public sphere (Habermas, 1989). The models put forward by Habermas construct a normative ideal which is characterised by unrestricted openness and by an informal discourse, which means that public opinion is based on the best argument. The second line of research is based on systems theory, put forth by Niklas Luhmann (2000). In this understanding the public sphere enables all other social subsystems, such as politics or the economy, to monitor themselves and each other. The essential

commonality of both theoretical concepts is the tight connection between the public sphere and political legitimation. Gerhards and Neidhardt (1991) try to integrate both approaches and assume that the public sphere is a communicative space, connecting citizens and other subsystems within a society (Scharnow & Vogelgesang, 2009). Thus, the public sphere mediates between society and politicians by collecting relevant information and articulating the general public opinion about an issue. For example, if the majority of people in an EU member state argue for change in the European fiscal policy on the national level, this information is passed down to the political system, where it can be included in political decision-making in the respective member state.

PUBLIC SPHERES IN THE EUROPEAN UNION

The construction of public spheres has commonly been investigated on the national level. The fact that more and more political decisions affecting all member states are made by EU institutions calls for an investigation of European public spheres. On the European level, the concept of public spheres refer to communicative interactions across national borders (Wessler, Peters, Brüggemann, Kleinen-von Königslöw, & Stift, 2008). Two conceptualizations can be further identified: First, the supranational model describes a shared sphere of communication based on pan-European media and a discourse in which every European citizen is able to participate through discussing every issue relevant for the transnational community. Second, the Europeanization of national public spheres refers to a network of nationally segmented public spheres. This means that the national media increasingly discuss ‘European topics’ on the national level. However, a pan-European public sphere is unlikely to develop due to (1) the existence of different media systems across the EU (Hallin & Mancini, 2004), (2) the multitude of different languages used and spoken in Europe (Kielmansegg, 1996) and (3) the lack of pan-European media (Kleinen-von Königslöw, 2015). Even though there have been attempts to strengthen pan-European media outlets – with Euronews being the most prominent example – their audience is still small and rather limited to elites (Bruggemann & Schulz-Forberg, 2009). Therefore, Kleinen-von Königslöw (2015, p. 459) concludes that a pan-European public sphere “remain[s] impossible for the foreseeable future”.

The concept of a Europeanization of different national public spheres has thus become the established assumption describing the “process in which an increasing part of the national mass media go beyond domestic concerns, but also integrate communicative linkages to other European countries or the European Union [...] as a whole” (Kaiser & Kleinen-von Königslöw, 2016, p. 2).

Two more distinctions can be made with respect to this. On the one hand, vertical Europeanization refers to “communicative linkages between the national and the European level” (Koopmans, 2004, p. 6) and can be measured by the “visibility and salience of European and EU issues, policies and actors in the various national public spheres” (Risse, 2014, p. 1211). On the other hand, horizontal Europeanization describes “communicative linkages between different member states” (Koopmans, 2004, p. 6), and is characterized by the presence of actors from other European countries in the national public spheres. Europeanization in both dimensions is highly important for the emergence of a European community of citizens (social integration) because it

might result in an increasing identification of European citizens with each other and the EU (Soffer, 2013). Let us illustrate this argument with an example: If the public spheres in each member state converge, a person from Italy not only receives more information about the political system, actors and relevant issues in other EU member states, but can also expect that other people in Sweden, Hungary or Greece are exposed to similar kind of information. According to Anderson (1991) this ultimately leads to an 'imagined community' of citizens which is based on a collective identity.

INTRODUCING DIFFERENT CONCEPTS OF COLLECTIVE IDENTITY

This section introduces some fundamental theoretical approaches to the concept of collective identity, which are extensively used in different disciplines (e.g. sociology, psychology). As put forward by Kaina (2012), collective identity can be examined both on an individual level (self-attribution to a group; "who am I?") and a group level (collective self-image; "who are we?").

The individual level of collective identity is characterized by the identification of an individual with a group. It "is based on a vertical relationship between individual and group [...] resulting from the individual's experience of belonging" (Kaina, 2012, p. 189). This feeling of belonging to a specific group is very personal and not necessarily acknowledged by the other members of the group. The fact that people can belong to different groups at the same time allows for multiple collective identities to develop. For instance, people can simultaneously identify with their city, their region and their country. Depending on the context, the degree of identification can vary immensely. The same applies to the reasons why people identify with a group. Coming back to the example of the EU, people may feel European because the institutions represent their political ideology (civic identity) or because they feel like they have a lot in common with other European citizens (cultural identity) (Bruter, 2003, 2009).

Collective identity on the group level refers to a collective self-image of a group. It requires "the common will of belonging together [...] but also the group members' mutual acceptance as associates of one and the same collective [...] and, in this special sense, the mutual acknowledgement as equals" (Kaina, 2012, p. 189). On the group level, collective identity is therefore characterized by horizontal relationships between the group members. Again, the reasons why a group of people feel like they belong together can be diverse. For example, a group of soccer fans can be based on the fact that all members cheer for the same team or the fact that they all male, or both. Since collective identity should represent all members of the group, it needs to be negotiated in communication processes. The public sphere provides the forum where this negotiation takes place (Lichtenstein, 2014).

Furthermore, the distinction from other groups plays an important role in the process of identity construction, leading to an accentuation of the differences between the in-group and the out-group (Kaina & Karolewski, 2009). In summary, while collective identity on the individual level refers to an individual feeling of belonging, collective identity on the group level can be regarded as a discursive communication process.

COLLECTIVE IDENTITY IN THE EUROPEAN UNION

This section discusses the two different levels of collective identity with regard to the EU. On the individual level, people usually have multiple collective identities organized in concentric circles and embedded in larger group (e.g. Berlin → Germany → Europe;(Gil-de-Zuniga, 2006). This feeling of identification or belonging to Europe can be measured in surveys such as the Eurobarometer. In the final section of this paper, we will take a closer look at whether or not European identity has eroded during the Eurocrisis. With regard to the group level, however, Lichtenstein (2014) assumes that the construction of European identity takes place in the different national media forums. In other words: the specific substance of what European identity really means is separately negotiated within each (Europeanized) national public sphere. The respective national context, therefore, plays a decisive role in the construction of collective European identity. For example, the mediated public sphere in the United Kingdom constructs European identity mainly as belonging to an economic or monetary union, while the French media links European identity to the political union (Lichtenstein & Eilders, 2014; Lichtenstein, 2014). In summary, the European Union is associated with different social representations and/or meanings. Depending on the country and the specific context, European identity is interpreted either as a community of values, a political or economic union, or a geographical region. Thus, European identity on group level is considered to be a nation-specific composition of national and European identity that changes over time. Its respective substance is debated and negotiated in the mediated public spheres of each member state.

European collective identity and European public spheres are, therefore, two closely interwoven concepts mutually dependent. On the one hand a sense of belonging is a precondition for citizens to participate in the discourse about certain topics, thereby playing an active part in shaping public opinion. On the other hand, for citizens to develop a sense of belonging requires the existence of a public sphere as a communicative space where collective identity is constructed (Lichtenstein & Eilders, 2014; Lichtenstein, 2014).

HOW DO EUROPEAN NETWORKS OF COMMUNICATION EMERGE?

Taking part in the political discourse used to require citizens to be physically present. Agoras, market squares and churches are typical examples of where the public opinions were negotiated. For each citizen that meant: ‘be there or be square’. Due to time and space constraints the public sphere was restricted to relatively small numbers of people. However, due to the rapid advances of mass media technologies these whereabouts of the public sphere and the political discourse have changed dramatically. Now an ever increasing number of people can take part in the public discourse, and in a shorter timespan than ever before (Ferree, Gamson, Gerhards, & Rucht, 2002). That also means that the same topic can be discussed in different national public spheres simultaneously (Koopmans & Erbe, 2004). This process of convergence or synchronization is often triggered by communication events that catch the attention of audiences in different public arenas and initiate follow-up communication. For instance, in the weeks following the terrorist attacks in Paris and Brussels, the headlines all over Europe countries were dominated by reports

about the incidents. These reports mostly contained two main parts: the first one debating how the attacks impacted the EU in general and the second one focusing on how each member state in particular was affected. What is described here as a case study could also contribute to sustaining these networks of communication in the long run. Thus, to foster a European collective identity the EU needs public spheres that transcend the boundaries of the separated public arenas and engage in a European public discourse. Based on a shared understanding of European identity, a European community of citizens is likely to develop (Risse, 2014). Mass media provide a public arena in which collective identity is constructed and where competitions about the specific substance of European identity take place.

Against the backdrop of the theory presented in the first part of the article, it is argued that crises and conflicts concerning the EU have a substantial impact on European identity. Contrary to common belief, conflict situations can potentially contribute to the emergence of European identity instead of hindering its emergence. Conflicts and crises concerning the EU adhere to media logic because they contain several news value factors such as ‘negativity’ or ‘involvement of elite nations’ (Galtung & Ruge, 1965). Even though the relevance of conflicts can vary depending on the particular national context, they are likely to be picked up by the media in all EU member states. It is through that process that conflicts can stimulate the different European public spheres simultaneously and initiate cross-border communication (Berkel, 2006; Lichtenstein, 2014). The public discourse about a controversial issue within the EU further uncovers the positions, views and ambitions of the participants, which in turn reveals similarities and disagreements between the member states.

Taking this this argument one step further leads to the following conclusion: conflicts are communication events that can serve as a catalyst for a European discourse to emergence, which may ultimately result in the formation of a collective European identity. However, these communicative concentrations usually occur only temporarily and never span evenly across all national arenas. Before taking a closer look at these processes with regard to the Eurocrisis, we will first introduce some theoretical approaches dealing with the functional aspects of conflicts.

THE ROLE OF CONFLICTS: WHAT ARE THEY GOOD FOR?

As discussed in the previous sections, conflicts are able to synchronize public communication in nationally segmented public spheres (Berkel, 2006; Lichtenstein, 2014). In order to understand the functional role of conflict, the following part offers a definition of conflict and gives an overview of the key points of the conflict theory developed by Lewis A. Coser.

In order to understand Coser’s conflict theory, it is paramount to get a grip on the meaning of conflict. From a sociological perspective a conflict exists if the relation between two social elements is marked by opposition. Characteristics of social conflicts are contrary interests or needs which cause arguments. The sociologist Coser (1956) has dealt extensively with the nature and function of conflicts. He offers a counter-argument to the commonly voiced belief that conflicts are purely destructive. Instead he highlights the functional aspects of conflicts, while recognizing that conflicts can also be dysfunctional. He builds on previous work by Georg Simmel, who also emphasizes the social function of conflicts and their potential positive effects on the formation

and social cohesion of groups (Bunk, 2008).

If a conflict arises it becomes evident who belongs to which conflicting party and which party represents which opinion. Conflict yields to an either with or against us logic. As such conflicts disclose and emphasize boundaries between different groups. At the same time, group members get a stronger awareness of belonging to the same social group by identifying commonalities. Conflicts can therefore invigorate the identity of the in-group by uncovering common aims, while also facilitating a demarcation from the out-group ('us vs. them') (Kaina & Karolewski, 2009). Other authors refer to this process of demarcation of other groups as 'otherness' (Derrida, 1997) or the 'constitutive other' (Lichtenstein, 2014, p. 55). As such conflicts represent a crucial mechanism for the formation of a collective identity. Conflicts can foster the internal cohesion of the in-group because the members become aware of their group membership and feel the need to defend their shared values against the out-group (Coser, 1956). Coser describes two preconditions for the integrating effects of conflict to unfold. First, he claims that inner solidarity only becomes stronger if the group members agree in terms of their aims and interests. Second, the perceived threat of an external enemy has to concern all members of the in-group.

Kaina and Karolewski (2009) also point out that the perception of a threat against shared values and interests favours the construction of identity. The external threats can be either other groups of people (e.g. terrorism) or more abstract circumstances such as environmental catastrophes. Coser (1956) takes this idea of strengthened group cohesion even further and points out that some groups intentionally create the concept of an enemy to protect the community. For the EU, this strategy can be exemplified with the attempt of populist right-wing parties to portray the whole religion of Islam as a threat for the European community. For example, they exploit people's fears of terrorism to enforce stricter laws against immigration and conceptualize Islam as a threat against democratic values and the idea of a unified Europe.

With regard to the Eurocrisis, however, it is more difficult to determine the precise external threat. In this case the European community is threatened to fall apart due to rather complex mechanisms of the economic and financial market. In light of the abstract nature of the threat, one could argue that the preconditions to strengthen European identity and social cohesion in the EU were far worse during the Eurocrisis in comparison to other conflicts facing the EU where the 'enemy' is easier to identify (e.g. Russia or ISIS). If we consider the Eurocrisis as solely an intra-European conflict, the 'debtor' and 'creditor' member states might perceive each other as threats to either their national autonomy or their economic status respectively. However, the financial bailouts under the European Stability Mechanism (ESM) show that European countries are still willing to support each other in times of crisis, even though the mutual help was not entirely enforced out of altruistic or solidaristic motives.

In Coser's theory such processes are described as coalitions. This means that different groups unite in order to have a stronger position in a particular and major conflict, despite smaller conflicting interests between the groups. Such coalitions usually have a specific purpose and end quickly once the common goal is achieved (Coser, 1956). However, if the cooperating groups succeed to develop common values and norms the cohesion can become strong enough to stabilize the cooperation permanently (Bunk, 2008). As the result of such commonalities the initial partnership of convenience can evolve into a community of values. Similar mechanisms might be at work with regard to the Eurocrisis as well because different countries or groups of coun-

tries (e.g. ‘creditor’ vs. ‘debtor’ countries) pursue different interests. The respective claims and demands of these groups gain more weight when they form coalitions and speak with a collective voice. In this respect Coser argues that smaller conflicts between different group members may even stabilize the entire social system by keeping a healthy degree of balance. Minor conflicts can balance each other out and prevent hostile feelings from accumulating within the group. Since accumulated conflicts usually discharge with greater intensity, they may endanger the existence of the group entirely.

This section has illustrated the functional aspect of conflicts by connecting the theoretical approach of Lewis Coser to the Eurocrisis. Since the integrating impact of conflicts strongly depends on the nature and the context of the respective conflict, we discussed some crucial elements of Coser’s theory with regard to the Eurocrisis. The following section investigates if the Eurocrisis did indeed have positive effects on the emergence of a European community. In order to do this, we take a closer look at the different indicators discussed in this paper, namely, the European public sphere and European identity.

IS THE EUROCRISIS A CATALYST FOR EUROPEAN IDENTITY?

The Eurocrisis started in 2009, shortly after the global financial crisis and collapse of the global banking sector. As a result of the economic crisis and the following recession, some countries in the Eurozone (Cyprus, Greece, Ireland, Portugal and Spain) were unable to repay their government debt without the support of other EU member states or other international financial institutions such as the European Central Bank (ECB) or the International Monetary Fund (IMF). Despite the no-bailout-clause in the Lisbon treaty (Article 125), the European debt crisis led to the implementation of different financial support mechanisms in order to keep the ‘debtor-countries’ within the Eurozone. However, the financial bailouts via the European Financial Stability Facility (EFSF) and the European Stability Mechanism (ESM) were closely linked to severe austerity measures in the over-indebted member states.

Drawing on Coser’s functional understanding of conflict, the Eurocrisis can be regarded as an intra-European conflict because the different member states pursue opposing interests, which led to frictions within the Union. For instance, there were intense disputes between the ‘debtor’ and ‘creditor’ countries regarding the responsibility for both causing and solving the crisis, even though Closa and Maatsch (2014, p. 826) find that the financial status of a country alone (‘creditors’ vs. ‘debtors’) “does not explain the patterns of support and opposition” with regard to the EFSF. In addition, the Euro crisis illustrated the different positions of Germany and France as to how the European Monetary Union (EMU) should be coordinated. “On the one hand, the German government conditioned its support to EMU to the establishment of strict fiscal discipline rules. [...] On the other hand, the French were not against the establishment of fiscal discipline rules. Yet, they insisted on the need to counter-balance the powerful independent [European Central Bank] with a sort of ‘economic government’ for the EMU” (Fernandes & Rubio, 2012, p. 14).

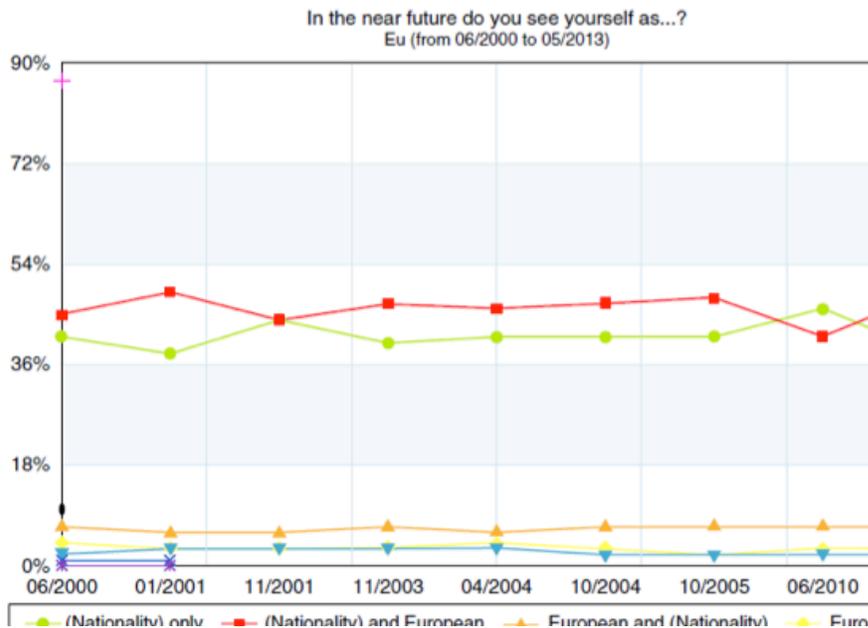
As was mentioned before, internal conflicts can have both functional (e.g. through coalitions or external threats) and dysfunctional (e.g. through the attribution of guilt) effects on the Euro-

pean community. We investigate the impact of the Eurocrisis based on (1) the Europeanization of national public spheres, (2) the individual feelings European identity. The third indicator, the mediated discourse about the substance of European collective identity (e.g. economic, cultural, or political union), cannot be investigated more closely due to a lack of empirical data.

1) The empirical literature analyzing national media discourses in light of the Eurocrisis finds conditional evidence for an increased Europeanization and convergence of national public spheres within the EU. In the period from 2010 to 2012 the domestic views on the crisis decreased over time indicating a stronger degree of Europeanization over the course of the Eurocrisis (Kepplinger, Köhler, & Post, 2015). A comparative study in 10 EU countries found that the attribution of causal responsibility for the crisis is characterized by national interpretations, but in terms of treatment responsibility the domestic discourses support similar positions (Picard, 2015). Kaiser and Kleinen-von Königslöw (2016) also find an increasing convergence of the discourses in Spanish and German online-newspapers the longer the crisis lasted. The media in both national public spheres mainly supported the EU's policy and frame the crisis in terms of conditional assistance, which means that the financial aid for over-indebted countries is linked to certain austerity measures. A study dealing with the salience of actors in the media discourse suggests an increase in the Europeanization of national public spheres on both the vertical and the horizontal level. Executive actors dominate the media coverage, especially the German chancellor Angela Merkel on the horizontal level (Kriesi & Grande, 2012).

2) Contrary to common belief that conflicts are detrimental to the internal cohesion of a community, this paper argues that they can also be functional. Risse (2014) looks at data from the Eurobarometer to investigate the development of European identity over time (see figure 1). He finds that the percentage of European citizens who identify with both their nation and the EU did not erode in the aftermath of the crisis. Instead, the percentage increased from 2010 to 2013, while the number of citizens who identify only with their country slightly decreased during the same time period (Risse, 2014). Only very few respondents, however, named the EU as the first point of reference in terms of their identity.

Figure 1: Identification with the EU



Source: Risse, 2015 (based on data of the Eurobarometer).

CONCLUSION

This paper intended to shed light on the complex relationship between conflicts, the European public sphere and the emergence of a collective European identity using the Eurocrisis as an intra-European conflict as a case study. It is argued that despite their dysfunctional characteristics, conflicts can initiate Europeanized discourses within EU national public spheres. Consequently, citizens receive information about the EU's institutions and political leaders (vertical) and other EU member states (horizontal). European values and norms as well as the meaning of European identity can be negotiated as part of these converging discourses. Citizens who are exposed to the related media coverage (both intentionally and unintentionally) might develop a stronger feeling of belonging to the EU. Drawing on an extensive literature review, we investigated these mechanisms with regard to the Eurocrisis, one of the most prominent crises the EU has ever faced, threatening in particular the continuity of the European Monetary Union, but also the EU as a whole. Even though the results are ambiguous, they definitely provide reasons for optimism. The European debt crisis seems to have intensified the Europeanization and convergence of national public spheres. Longitudinal data of the Eurobarometer also shows that European identity has not eroded since the crisis, but rather increased. This indicates that conflicts might indeed play a part in fostering European integration.

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WORKPLACE SEXUAL HARASSMENT IN EUROPE

The hard-law definition

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Since the 1980s, workplace sexual harassment has been recognised as a prevalent phenomenon affecting women across the European Union (EU). This paper discusses the legal measures that have been taken to regulate workplace sexual harassment in the EU with a focus on the interpretational problems that arise in the EU's pluralistic legal landscape. In particular, this paper focuses on Council Directive 76/207/EEC and argues that the broad definition of sexual harassment pronounced in the Directive is necessary in light of diverse social and cultural attitudes across Europe. This argument is developed over two parts. The first part deconstructs the elements of the sexual harassment definition to explore how member states prioritise elements of sexual harassment differently in their own interpretations. The second part builds upon this discussion, investigating how country contexts and cultural differences impact member states' perspectives of sexual harassment by exploring the influence of sex-role attitudes, individualistic vs. collectivist norms, and sexual harassment awareness. It is argued that inherent differences in perceptions of sexual harassment are important considerations in the European context and that a margin of appreciation should be permitted. However it remains crucial that some objective and impermeable standards of unacceptable conduct are maintained.

INTRODUCTION

This paper aims to deconstruct binding European law on workplace sexual harassment with a particular focus on current definitional features and approaches. While non-binding soft-law instruments, such as European Commission Recommendations and Codes of Practice, have been crucial in the socialisation process of sexual harassment law and have encouraged compliance through political means across Europe, the focus of this paper will be on the legally binding measures: European Union Council Directives.

To begin with, a brief history of sexual harassment action and law in Europe will be provided. Next, the necessity of a sexual harassment definition will be discussed and then the elements of

the currently existing definition will be deconstructed in order to better understand the European perspective on the components that constitute sexual harassment. Finally, an analysis of culturally contextual factors will be undertaken to demonstrate the divergence in definitional interpretations that can exist across the diverse and pluralistic system of Europe.

A BRIEF HISTORY OF SEXUAL HARASSMENT ACTION IN EUROPE

The foundation of European Union policy and hard-law on gender equality in employment stems from the 1976 'Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women regarding access to employment, vocational training and promotion, and working conditions' ('the 1976 Directive'). Workplace sexual harassment in Europe, however, was not seriously considered until the mid-1980s after a report undertaken on behalf of the European Commission by Rubenstein (1987), determining that sexual harassment was indeed a prevalent problem for women throughout Europe. In the 1990s, sexual harassment received more attention and, prior to any enactment of binding law, some member states began developing public policies addressing sexual harassment (Gomes, Owens & Morgan, 2004).

In 2002, Directive 2002/73/EC was adopted, enacting amendments to the 1976 Directive. This imposed the first binding provision on sexual harassment by introducing the concepts of harassment related to sex and sexual harassment - defining them as forms of discrimination in European Union law that violate the equal treatment principle (The Advocates for Human Rights, 2002). The equal treatment principle was articulated as meaning that 'there shall be no direct or indirect discrimination on the grounds of sex in the public or private sectors, including public bodies, in relation to' accessing employment, training and working conditions including dismissal and membership to organisations'. This 2002 Amendment sought to harmonise member state laws in order to achieve recognition across the board of sexual harassment as an illegal form of gender-based discrimination and as violating dignity in the workplace (Gomes et al., 2004).

In 2006, a new Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ('the 2006 Directive') was adopted, which recasted Directive 76/207/EEC as amended by Directive 2002/73/EC, and incorporated case law of the European Court of Justice. The definitions and essential elements of sexual harassment provisions from previous Directives, however, remained unchanged (Numhauser-Henning & Laulom, 2012). The aim of the 2006 Directive was to clarify and combine existing provisions into a single text, and to repeal other Directives including Directive 86/378/EEC, Directive 75/117/EEC and Directive 97/80/EC. These Directives had the same purpose of implementing the principle of equal treatment between men and women, and were brought together under the 2006 Directive. Member states were required to adopt legislation in accordance with the 2006 Directive by August 2008.

As it stands now, Article 2(1)(d) of the 2006 Directive defines sexual harassment as occurring where: "...any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment". How this is interpreted is the crucial question in sexual harassment action across Europe.

THE NECESSITY OF A DEFINITION

EU Directives, though binding, are not directly applicable in national law and require national authorities to implement their objectives. As a consequence, member states are given more flexibility to modify their implementation according to the norms of the country (Tsekos, 2003). In the case of sexual harassment, however, this poses an interpretational problem. The very nature of the term 'sexual harassment' involves broad and generic concepts that invite ambiguity to the topic, which naturally presents challenges to interpretation.

Nonetheless, it is more important that the definition of sexual harassment remains broad so as not to run the risk of overlooking legitimate sexual harassment claims. Sexual harassment is largely based on a victim's subjective interpretation and to limit its definitional scope, even by listing examples of potential conduct amounting to sexual harassment, would disregard far too many cases where victims have genuinely experienced this form of inappropriate conduct.

Therefore, as a strict definition of sexual harassment is implausible, it is a worthwhile pursuit to develop an understanding of its scope through the elements that its broad definition currently provides. The definition of sexual harassment in the 2006 Directive can be deconstructed into its various components in order to understand the current scope of sexual harassment in Europe. Below, particularly relevant elements of the abovementioned definition will be analysed.

ELEMENTS OF THE DEFINITION

'Unwanted': A subjective standard

The inclusion of the word 'unwanted' indicates that the crux of the question relies upon whether the victim has a meaningful choice in being subject to the behaviour (Gomes et al., 2004). This subjective opinion is thus an essential characteristic of sexual harassment, and indicates that individuals are subjectively able to determine what is acceptable, or offensive, to her. Rendering the perpetrator's intentions irrelevant reduces the possibility for arguing that the accused harasser did not intend to harm the victim (Zippel, 2009).

It is noteworthy that France, Hungary, Luxembourg, the Netherlands, Slovakia, Spain and Sweden have not included the word 'unwanted' in their national legal definitions, arguing that the element of violating the 'dignity of the person' is by nature 'unwanted'. Some have also argued that this is a 'redundant requirement' and that it is not necessary to prove that the victim did not want the behaviour (Numhauser-Henning & Laulom, 2012).

There has been varying European case law addressing the subjective element. On the one hand, in 2008 a Labour Court in Austria concluded that the victim's perception was the decisive factor in sexual harassment cases, and if the victim were able to pardon the harasser then no sexual harassment would be found (ASG Wien 5 Cga 16/07z, 3 September 2008). On the other hand, an earlier 1990 Irish case, *A Worker v A Company* ([1990] E.I. R. 187), concluded that an employee's consent to a sexual relationship with her employer did not provide an unlimited defence to the employer due to his dominant position and knowledge of her vulnerability. Thus, while Austria reinforced a strong subjective element, the Irish courts have focussed on a more objective perspective of workplace sexual harassment, marked by roles of power and dominance. Hence the

issue of an objective standard arises.

Despite the ‘unwanted’ subjective element, can there be an objective standard of sexual harassment even where the purported victim is not negatively affected by the harassment? The introductory statement of the 2006 Directive seems to suggest so. It states that ‘sexual harassment may also have a damaging impact on employees not themselves the object of unwanted behaviour but who are witness to it or have a knowledge of the unwanted behaviour’. In support of this perspective, the Spanish Constitutional Court Decision 224/1999 (13 December 1999) stated that a victim’s reaction to sexual harassment was irrelevant if there was ‘objectively, and not only for the harassed person, a sullen and uncomfortable work atmosphere that does not only depend on the sensitivity of the victim’ (Numhauser-Henning & Laulom, 2012). This alludes to an objective bystander who identifies sexual harassment and is, even from the position of an uninvolved third-party, negatively affected by the conduct.

While there seems to be evidence pointing towards the acceptance of an objective standard in Europe, this standard has also been used to mitigate claims that stem from what has been deemed as ‘over-sensitivity’. The Dutch Supreme Court in 2009 found that a victim’s prior sensitivity, resulting from previously experienced sexual harassment, was not relevant to the case being examined, and that an objective standard needed to be applied (HR 10 July 2009, HAR 2009/202, LJN: B14209). This case decided that a standard of reasonableness is required from the objective perspective of a ‘reasonable person’. In other words, the question is about whether an objective reasonable person would consider the conduct to amount to sexual harassment. Some feminist critics have contested this principle of reasonableness, arguing that in order to be empathetic to the specific experiences of women the standard of a ‘reasonable woman’, as opposed to a ‘reasonable person’, should be adopted. This is grounded in the idea that important gender-based differences in perception do exist (see US Case *Ellison v Brady* 924 F.2d 872, 9th Cir. 1991). Another interesting perspective has been offered by commentators who state that the standard should be that of a ‘person enlightened to the barriers that exist to women’s equality in the workplace’, which is simply a reformulated notion of the ‘reasonable person’ (Abrams, 1989; MacKinnon, 1979). This necessarily encompasses an evidence-based understanding of sexualised treatment affecting women’s work and preserving barriers to equality.

In conclusion, while European law clearly places paramount importance on the interpretation adopted by the victim of the conduct, an objective standard of reasonableness is still considered relevant in some countries to justly identify cases of sexual harassment, regardless of the victim’s perception.

‘Violating the dignity of a person’

Another significant definitional feature of sexual harassment in Europe is its focus on the dignity of workers. This element refers to ‘an individual routinely being treated with respect’ and is a uniquely European perspective, as compared to the U.S., for example, which does not incorporate this concept into sexual harassment law (Friedman & Whitman, 2003). While the U.S. perspective tends to focus strongly on the sexual aspects of sexual harassment, the European approach focuses largely on the ‘dignity’ aspect, which means upholding fairness in the workplace by the elimination of sexual harassment. This permits the definition to extend beyond sexual conduct to also encompass ‘exclusionary practices and institutionalised structures in the workplace that

perpetuate these practices' (Zippel, 2004). Comparatively, the European definition focuses more heavily on wider institutionalised changes aimed at reducing incidences of sexual harassment.

In the European context, this has become an important area and permits a broader perspective on sexual harassment as a structural problem.

The importance of this feature was highlighted in the European Court of Justice case of *Coleman v Attridge Law* (C-303/06; [2007] IRLR 88), which describes the underpinning factor of equality being 'human dignity and personal autonomy'. As also outlined by Friedman and Whitman (2003), 'to continental Europeans, it seems unproblematically obvious that... dignity is something that the law can and should protect'. However, it remains unclear what exact actions are defined as 'violating the dignity of a person'. Again, interpretational difficulties arise. Ehrenreich (1999) argues that it would involve humiliating, tormenting, threatening, pressuring, intimidating, demeaning, injuring, frightening or outraging a reasonable person. This is consistent with the notion that victims of sexual harassment experience their perpetrators as overstepping boundaries and violating their physical, psychological and emotional space (Zippel, 2004). Nonetheless, it remains up to the member states' interpretation to determine when a person's dignity is violated.

'Creating an intimidating, hostile, degrading, humiliating or offensive environment'

Introducing an element that focuses on 'environment' implies implications of third-party liability for the employer, onto whom a responsibility of creating a good, friendly and professional working environment is conferred, and who perhaps has the responsibility to investigate and rectify sexual harassment situations. As the definition indeed allows for this extension, an employer in Europe may have vicarious liability; that is, employers may be held legally liable for the acts of employees who are perpetrators of sexual harassment. This is indeed the case for some European countries who do extend absolute responsibility to the employer, including the Czech Republic, France, Ireland, Poland, Spain and the UK (Numhauser-Henning & Laulom, 2012).

The concept of employer's liability has, however, been contested. On the one hand, those opposing it argue that it serves to persuade employers to curb freedom of speech and sexual expression in the workplace, and that it may encourage employers to impose broad and restrictive policies in the name of restraining potential sexual harassment (Shultz & Goldsmith, 2001). On the other hand, it obliges employers to inform employees about their legal rights and responsibilities, which is arguable important and beneficial in countries where there is low awareness of the legal implications of sexual harassment.

INFLUENCE OF CONTEXTUAL PERSPECTIVES ON THE DEFINITION

It is clear that the broad nature of the definition of sexual harassment causes interpretational problems. Indeed, across cultures there are differing ideas of what behaviour constitutes sexual harassment, and varying interpretations of what sexual behaviour is. The existing definition is therefore useful within the European context, which is marked by such distinct cultures and values. Of the three elements discussed above, I argue that two allow for a culturally sensitive interpretation of sexual harassment. These are: allowing the inclusion of the subjective perception

of the victim by utilising the word ‘unwanted’, and the requirement that a ‘hostile’ working environment is created. Therefore, it is worthwhile to explore what influences different interpretations across cultures.

As the 2006 Directive does not contain a limiting definition, it does not outlaw specific behaviours that might be perceived as inappropriate in one country and not in another. As Gomes et al., (2004) posit, ‘cultural relativism exerts considerable influence over definitions, tolerance levels and legislative solutions’ to sexual harassment in the workplace, resulting in significant divergence in what is acceptable in one culture, and what is disrespectful in another.’ Below, three factors that determine perceptions and attitudes of sexual harassment according to country context will be analysed in order to demonstrate considerable variance in interpretations across Europe.

Influence of a country’s sex-role attitudes

Sex roles refer to the behaviours and attitudes that are expected or considered appropriate for each sex – a social definition of what is appropriately masculine and feminine. Studies have generally concluded that in countries that hold more traditional sex-role attitudes there is a positive correlation with increased tolerance for harassment and a lack of awareness of harm to victims (Malovich & Stakes, 1990). In cultures where men are naturally perceived to be aggressors and where women consequently take on more submissive roles, behaviours that might otherwise be deemed as sexual harassment may in fact be seen as the natural order of things and will not be perceived nor defined as sexual harassment (Menon & Kanekar, 1992). In other words, sexual harassment is linked to women’s status in society.

Researchers have argued that sexual harassment is dictated by norms of control and power based on societal gender order - masculine dominance over women (Brackenridge, 2001). A 2010 study showed that female Norwegian students reported less experiences of sexual harassment in sport (21%) than those in Greece (40%), which researchers attributed to Greece’s position as one of the countries in the EU with the lowest gender equality scores, while contrastingly Norway has engaged in longstanding gender equality work (Fasting & Chroni et al., 2010). Several studies have found that Germans hold less traditional sex-role stereotypes and place more emphasis on androgyny, suggesting that in the German workplace equal treatment is typically more strongly upheld and sexual harassment tolerated less (Trommsdorff & Iwawaki, 1989). The same has been found in studies of Dutch culture when compared to American culture (Sigal & Jacobsen, 1999).

Influence of a country’s individualistic vs. collectivist norms

Whether a culture can be interpreted as individualistic or collectivist has also had an influence on how sexual harassment is perceived and addressed. Individualism is defined as a concern about rights over duties and individual accomplishment over group well-being, whereas collectivism stresses the importance of belonging, values the maintenance of hierarchy and places the group’s needs above the individual’s needs.

It has been found that valuing the maintenance of a social hierarchy greatly increases the likelihood of sexual harassment, whereas valuing individual autonomy decreases it (Luthar & Luthar, 2007). Similarly, individuals who bring forward sexual harassment claims in a collectivist society are more likely to be negatively perceived and receive hostility for both disrupting the harmony of the workplace and for damaging the reputation of the organisation. Maintaining the collectivist

status quo is the primary concern in such cultures, and this is likely to impact how such societies define and address workplace sexual harassment.

The German example can again be referred to. German culture places a strong emphasis on individual rights and freedoms, imposes well-defined boundaries on individuality and upholds a rigid social structure (Lantermann & Hanze, 1995; Sigal & Jacobsen, 1999). Thus, studies have found that German participants have shown more hostility and less tolerance towards sexual harassment than their American counterparts.

Influence of a country's sexual harassment awareness

The awareness of and general sensitivity to sexual harassment across European countries is also a determining factor in how different interpretations of sexual harassment manifest themselves. This is influenced, among other things, by the prevalence of media coverage and discussion, public policies, and awareness-raising campaigns regarding sexual harassment. It has been found that in workplaces where sexual harassment is not actively discouraged, and where an environment conducive to sexual harassment exists, the incidence of sexual harassment will be higher (Pryor, Giedd & Williams, 1995). While this may seem logical, it demonstrates that the simple prioritisation of raising awareness about workplace sexual harassment can make a difference in its prevention.

There is more frequent reporting on sexual harassment incidents in northern European countries than there is in southern European countries, which can be explained by the wider awareness, understanding and sensitivity of the Nordic countries to sexual harassment. It has also been argued that this is the case due to ethical standards in southern European countries being more heavily influenced by family- and church-related traditions rather than policy interventions. Comparatively, northern European countries take more action in strictly imposing legislative processes that address sexual harassment and are taken seriously in defining ethical standards (Fiedler & Blanco, 2006; Zimbhoff, 2007). These differences between the south and the north make it less likely for women from southern Europe to object to inappropriate behaviour in the workplace, even if it is the case that it manifests more commonly. Alongside less strictly imposed policies in southern European countries, a lack of awareness is also relevant, meaning that women are less likely to recognise sexual harassment behaviours.

Of course, this also demonstrates that there are differing perceptions of what constitutes sexual harassment across different cultures, and indeed across different cultural subgroups within countries. For example, despite the fact that in the Netherlands, organisations are obliged to establish grievance procedures and to appoint confidential advisors who prevent sexual harassment by promoting a safe climate at work and educating people, a study by Tacoma (1996) found that Turkish and Hindu women in the Netherlands believed that only more severe forms of unwanted sexual behaviour constituted sexual harassment. The women in the study believed that both the context of the situation and the aggressor's intentions were important factors to consider before deeming a particular behaviour to constitute sexual harassment. This demonstrates that despite compulsory anti-sexual harassment programs and policies, and a wide awareness of sexual harassment in the workplace, the individual's interpretation remains highly subjective and can be heavily guided by ethnicity and other cultural factors.

While inherent differences in perception are important considerations in the European con-

text, it is important to exercise caution so as not to justify certain behaviours by claiming that they are the norm in a certain environment when they could in fact be deemed to be objectively unacceptable. Here, the objective standard becomes particularly important; while it remains important to be mindful that sexual harassment is defined according to cultural perceptions and standards, we must simultaneously ensure that these perceptions do not cross certain universally accepted boundaries.

CONCLUSION

The broad nature of the definition of sexual harassment is a necessary requirement for its effectiveness in implementation across pluralistic Europe. This requires that its component parts are understood and interpreted in a wide sense, while allowing state members to apply subjective perceptions. While country contexts indeed need to be taken into account, and a margin of appreciation allowed, it remains crucial that objectivity continues to play an important role so as not to allow justifying problematic behaviours and attitudes. Europe must retain a recognition of certain impermeable boundaries when it comes to sexual harassment.

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EXPLAINING THE 2007-2014 EUROZONE CRISIS FROM A POLITICAL ECONOMY PERSPECTIVE

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This paper attempts to shed light on the Eurozone crisis from a political economic perspective, deploying a focus on the tension between the intergovernmental and supranational method in treaty-making and subsequent decision-making. It is found that building the European Monetary Union in the Maastricht Treaty was subject to at times inappropriate political overweight. As a consequence, the EMU proved under-capacitated during the Eurozone crisis. Furthermore, it can be argued that the sluggish decision-making and indecisiveness as caused by the struggle to adopt an intergovernmental instead of a supranational approach in tackling urging issues has left the Eurozone in a paralyzing vacuum during crucial moments in the crisis.

INTRODUCTION

Academic literature broadly agrees on the US subprime crisis of 2007-2008 as the trigger that originated the crisis in the Eurozone. (Lapavitsas, 2012). The US crisis was the result of a speculative mortgage boom that led to the collapse of the US financial system. Notably, De Grauwe (2013) reports that boom and busts are endemic to capitalism. He explains this by the forward-looking nature of economic decisions that inherently leaves investors and consumers in the dark. As a reaction, they look at one another to advance on decisions, making optimism a transmittable good that allows for a self-fulfilling optimistic movement, creating a boom. Thus, it can be argued that booms and consequent busts are trigger mechanisms of all times. As such, Europe has known previous crisis periods as early as 1907-1908 and the 1929-1935 Great Depression (Commission, 2009). Why, then, one might ask, has this onset led to the worst and most prolonged crisis Europe has experienced so far? To answer this question, it is worth looking at plausible structural problems that might have caused or worsened the Eurozone crisis.

To be able to answer this question, the next section provides a short summary of the economic background to the Eurozone crisis, strongly based on the findings of Professor De Grauwe. In the second section, an overview of the literature linking the economics of the crisis to EU politics will lead us to the main thesis of this paper, being that politicization of a process that was ought

to be determined by economic considerations has severely influenced the crisis in the Eurozone. To analyze the impact of politics and, more specifically, the tension between the intergovernmental and community method, a distinction is made between the roots of the EMU and the response of policymakers, EU institutions and politicians during the outbreak of the crisis. Hence, section three discusses the set-up of the Maastricht Treaty. The consequences of the decisions made in this treaty and their plausible relation to the Eurozone crisis are discussed in section four. The last section will consider the impact of the intergovernmental-community method tension during the course of the Eurozone crisis.

EUROZONE CRISIS: THE ECONOMIC BACKGROUND

De Grauwe (2013) points out that, despite its recurrent nature, the boom and bust dynamic always appears to catch us by surprise, led by the belief that “this time is different.”

However, this time, in fact, things were different. The US mortgage market was known to be an ever-stable market, which had not been subject to speculative attacks before. Even so, in hindsight, it turns out that speculation found its origins in a financial market that was inherently permeated with complex and opaque financial products that did not incorporate the value that was adhered to them (McKay, 2015). Rapidly, the US-born financial market collapse spread to the transatlantic banking system via various channels such as upward pressure on the exchange rate of the Euro vis-à-vis the US dollar, so-called “carry trades “ and large capital flows made possible by financial market integration (Commission, 2009). On the European side of the Atlantic, the professional elite turned out to be even more taken aback and unknowing about toxic financial practices. According to a German minister “none of us knew what a CDO or CDS was” (Bastasin, 2012).

Up to this point, some of the possible factors that triggered US crisis could be summarised as misbehaviour of banks, a lack of supervision, unpreparedness and globalization. However, when the crisis took on its full form in the Eurozone, a whole different picture appeared. Here, once again, one could advocate for the argument that “this time is different”, given that since the last crises on European soil twelve European countries have entered into a monetary union with a common currency.

Some European banks had invested heavily in toxic assets and as such, were threatened to become illiquid or even insolvent. In response, the ECB flooded the markets with liquidity, used by banks to reduce their lending. Banks started deleveraging, moving from long-term to short-term debt to improve liquidity and hence, allowing the interbank market to dry up. This “sudden-stop” of interbank and cross-national capital flows forced the national governments to jump in. In turn, they relied on financial markets to raise new funds in the form of government obligations (Micossi, 2014; Lapavitsas, 2012). However, in January 2009, Germany failed at auctioning off government bonds with investors buying only 87 percent of them. Several European countries had been confronted with similar problems, but this was the first time in eight years that it had happened to what is seen as Europe’s core economy: Germany (Bastasin, 2012). This can partly be explained by the previously mentioned preference for short-term debt of the banks and partly by a mechanism that is an inherent feature to a common currency. As explained by De Grauwe

(2013), when a country has its own currency, similar pressures would have triggered speculative attacks on currencies and driven down exchange rates. In contrast, in the case of a common currency, these pressures lead to speculative attacks on the failing prices of sovereign debts. A sovereign debt crisis was born.

This sovereign debt crisis was fostered by two additional mechanisms. De Grauwe (2011) argues that when a country's currency is in trouble, the money bottles up in the country itself and the money stock remains unchanged. However, when it comes to a common currency, the money actually leaves a country in order to be invested in other, "safer countries". In the case of the Euro, this caused an outrun of liquidity from peripheral countries (Spain, Portugal, Greece, Italy, Ireland) to core countries (Germany, the Netherlands and others). Moreover, these countries are plagued by a diabolic loop where losses on banks holding sovereign debt transmit to the real economy via a credit crunch, which in turn again lowers government tax revenues and thus increases public debt, only to raise sovereign risks further (Corsetti, 2015).

POLITICAL ECONOMY OF EUROPE

This paper intends to look further than the economic mechanisms that have seemingly laid foundations for the Eurozone crisis. In line with the majority of leading economic thinkers, we believe in the inseparability of politics and economy in the EU and that especially with regard to the EMU, political views prevailed to economic considerations. This was argued by a plethora of economists, of which Martin Feldstein, Milton Friedman, and Joseph Stiglitz are just a few (Jonung, 2015; Friedman, 1997; Feldstein, 1997; Belvedere, 2015).

The main argument that was used to hold up this theory was constituted by the Optimum Currency Area model by Mundell (1961). As will be discussed further in the following section, the EU did not conform to the criteria for an Optimum Currency Area (OCA) when the EMU was introduced. The academic discussion focuses mainly on the lack of a fiscal union or a harmonization of fiscal policies and its plausible detrimental impact in case of a crisis or an asymmetric shock (Jonung, 2010; Friedman, 1997; Feldstein, 1997; Eichengreen, 2005; Piketty, 2015; Krugman, 2012; De Grauwe, 2015, 2013). On another level, the discussion centered around the question of whether the OCA theory was an appropriate medium to assess the EMU. As argued by Frankel and Rose (1996, 2000), OCA criteria were endogenous because once a country joined the EMU, it would adjust to its environment. Another argument said that the OCA compared a situation with a floating exchange rate to one with a fixed exchange rate while in the case of EMU, it concerned a comparison of a pegged currency to a single currency (Jonung, 2010). A different method to analyze the EMU was the trade-off of potential trade gains against macroeconomic losses. In this way, Feldstein (1997) consistently stated that the EMU was going to raise the level of cyclical unemployment and hence would lead to losses far greater than the gains provided by trade.

In this discussion, we build mostly on Feldstein (1997), Wyplosz (2014), and Delors (2013) for the development of our thesis. Feldstein (1997) stated that the actual decision on whether the EMU would come to terms would rest on the shoulders of only Germany and France, whereas the other member states would merely have the choice to join or not. He recognizes that officials are

pursuing the EMU for political reasons that transcend questions about the economic sustainability of a monetary union. Delors (2013) further states that the system rests on both supranational and intergovernmental fundamentals but warns that the supranational method is losing influence. Similarly, (Wyplosz, 2014) warns for the unresolved debate on which method to follow and the risks it holds for leaving the EU in a vacuum that would prove highly worrisome in the event of a crisis.

MAASTRICHT TREATY: POLITICISATION OF THE EMU FROM THE START?

In the unfolding of the events in the Eurozone crisis, it can be seen that EU institutions, EU policy, and inherent characteristics of the common currency and European Monetary Union (EMU) play an important role. In an attempt to establish their part in the Eurozone crisis, their flaws will be exposed, which can then be related back to the Maastricht Treaty that constituted the EMU. During this analysis, a particular focus will be laid on the ever-continuing indecisiveness with regard to the struggle between an intergovernmental and supranational approach. As put forward by Delors (2013), the supranational or community method strives for European federalism. The main characteristics of this method are ousted by a decision-making system of a Qualified Majority Vote or Super Majority. Further properties are the emphasis on the importance of law for European integration and a primarily reliance on the European Parliament and European Commission. In contrast, the intergovernmental method favours sovereignty of the member states and limited common policy and hence, builds on unanimity and the right to veto. The pre-eminent intergovernmental institution is the European Council.

Building on Prokopijevic (2010), one might argue that the main problem of the crisis is that the currency has been highly politicised from the start. In this way, De Grauwe (2013) argues that France has been driven by political motivation only. The roots of this drive lie in the central role of the German central bank, called the Bundesbank, in the European Single Market. This fact pushed countries like France to comply with Germany, since they feared that unpegging their currency from the Deutsche Mark would lead to monetary instability. Frustrated by this inferior position, France proposed a monetary union. German objectives on the other hand, were greatly influenced by Helmut Kohl, the Chancellor at the time. Known to be a vigorous advocate of European integration, Kohl saw the monetary union as a step towards full political unification, bearing in mind a strong French-German partnership that would function as a conflict neutraliser on the European stage (Feldstein, 1997; Friedman, 1997).

Hence, The Maastricht Treaty was created in 1992 (Commission, 1992). It set out the basis for the European Monetary Union (EMU), of which the most important aspects were the role of the European Central Bank (ECB) regarding monetary policy and the Stability and Growth Pact (SGP) regarding fiscal policy. In line with their previously stated rationale for the EMU, France and Germany adopted certain preferences in their approach. France is commonly known to be keen on intergovernmental methods, this is evidenced by propositions such as the Werner plan and more recently, the Super Eurogroup . However, driven by a desire to level up to Germany's power in the union, the French draft of what was to become the Maastricht Treaty carried a proposal for an economic government parallel to the ECB to support the fiscal aspect of the mon-

etary union (Bastasin, 2012). This pro-supranational institution never saw the light of day, as it was soon blocked by the German Bundesbank. In contrast to its generally adopted supranational approach regarding European affairs, Germany converted to an intergovernmental preference with regard to the monetary union. Notably, both attitudes are driven by recent German history. The intergovernmental approach originates from Germany's Bundesbank that was built on the concept of autonomy from politics, which was a consequence of political interrelation in the Hitler era. This dramatic heritage was transmitted to the ECB in its severe detachment from national fiscal policies (Bastasin, 2012).

The result was an ECB to the model of the Bundesbank with a primary objective of keeping prices stable and no fiscal power. In contrast to other central banks, the ECB has no obligation to manage state debts and is explicitly forbidden to buy state debt by art 104. In short, the ECB enjoys normative power over the national central banks to the degree that decision-making takes place in ECB and is subsequently incorporated by national central banks. Moreover, the ECB is considered to be independent since no public institution or individual has authorization over its practices. This leads us to believe the ECB is a truly supranational body, were it not for the fact that capital provided to the ECB has carefully calibrated proportions with according responsibilities carried by Member States. Furthermore, the ECB governing council is made up out of the Executive board, consisting of six members that are appointed by the European Council and representatives of national banks. (Feldstein, 1997). In this way, the ECB reveals the inherent hierarchical structure of the monetary union with Germany at the top (Lapavitsas, 2012).

The Stability and Growth Pact was meant to be a tool to control fiscal policy in the member states by means of peer pressure, policy guidance and the threat of financial sanctions (Marion Salines, 2012). Consequently, the SGP left considerable power in the hands of Member States. In an attempt to strengthen SGP power, the European Council created the Eurogroup consisting of the Finance Ministers of Eurozone countries to create a forum where ministers could have an informal exchange (Hodson, 2009). Both the Eurogroup and the SGP are unambiguous demonstrations of intergovernmental methods.

This sums up the political background to the Maastricht Treaty and the way this shaped its content. From an economic perspective, a considerable number of scholars disapproved of a monetary union early on. Their claims were mainly based on the Optimum Currency Area (OCA) Theory. De Grauwe (2013) lists the three most important conditions to comply with an OCA: countries should not be subjected to divergent economic trends that they have a hard time adjusting to, a sufficient degree of flexibility should be present in labour and goods markets and lastly, a monetary union should be embedded in a budgetary union. Given that in the early 1990s there were significant differences in economic performance by core European countries such as Germany, the Netherlands, Belgium and Austria, and peripheral countries such as Spain, Portugal, Greece, Ireland and Italy, non-compliance with the first condition was firmly claimed (Commission, 2009). In addition, we know that the monetary union did not come with a budgetary backbone and as such, the last condition remains unfulfilled as well. Concluding, all analyses concerning the Eurozone's qualification for OCA pointed towards the infeasibility of an EMU or at best, an EMU limited to the core European countries (Friedman, 1997).

Nonetheless, political consideration trumped economics and the EMU was created, disregarding warnings from economic analysts (Wyplosz, 2013; De Grauwe, 2013). The rationale to ne-

glect both conditions was once again of a political nature. Despite being aware of the apparent asymmetries between core and peripheral European countries, the EMU included the peripheral countries because firstly and most importantly, France wanted to outbalance Germany's power by adding more stakeholders to the game. In addition, Belgium did not comply with the debt ratio relative to GDP as set out by the criteria to join the EMU that were set up to meet economic concerns. However, being part of the founding members of the European Union, Belgium could not be disregarded as a member of the Eurozone and was accepted (Eichengreen, 2012). Notwithstanding, the ECB had strongly advocated for Belgium not to join but the European Council overruled this advice (Prokopijevic, 2010). The inclusion of Belgium created a precedent for peripheral countries who also failed to meet certain conditions. In hindsight, the criteria to join the EMU functioned merely as a means to salvage critics, rather than actually functioning as a standard for exclusion.

As for the condition requiring a budgetary shelter for the monetary union, German's pro-intergovernmental stance on this part can be explained by temporary economic ideologies. An important reason for Germany to block the fiscal union and a common budget, apart from its traumatic past, was the fear of moral hazard and adverse selection, meaning the fear that countries would be stimulated to go into debt or to hide budgetary malpractices. This aversion to moral hazard is typical for the neo-classical economic view, coupled with the idea that solidarity efforts should come from debtors only. The opposing view, New-Keynesian, favours collective insurance and mutual adjustment by creditors as well as debtors, in alignment with a supranational vision (Dyson, 2012).

FLAWS CAUSED BY EMU POLITICISATION THAT EXACERBATED CRISIS MECHANISMS

The ECB as created by the Maastricht Treaty turned out to be subject to some inherent flaws when the Eurozone crisis kicked in. As such, De Grauwe (2013) strongly advocates for a dual role of the ECB, as lender of last resort and as injecting liquidity not only in banking sector, but also in government bonds. He concludes this based on his theory that government bond markets in a monetary union are extremely vulnerable because national government issue debt in a "foreign" currency that is not under their control. As a result, they cannot guarantee bondholders that they are in the possession of sufficient liquidity to pay out the bond at maturity (De Grauwe, 2011). This leads to nervous markets that are affected by mistrust, causing a collapse in the purchase of bonds and a consequential outrun of liquidity. Furthermore, De Grauwe (2013) uses the term "deadly embrace" to emphasize the unbreakable bound between sovereigns and banks. When sovereigns experience problems, the falling government threatens banks, since they are the main holders of government debt. Moreover, banks tend to hold more national debt relative to other countries debt, which only worsens one country's situation. These theories clearly form an attempt at identifying causal structures to the financial and the sovereign crisis, as well as their correlation. In conclusion, De Grauwe asserts that the lack of appropriate ECB duties, as caused by stubborn German neo-classical thinking, is responsible for worsening the crisis.

With regard to the fiscal policy under the SGP, fiscal rules have been applied with considerable

laxity and some peripheral countries have even attempted to hide their budget deficits. Not only does this relate back to the refusal of a strong fiscal policy based on political considerations, but the stripping of the power of the SGP was further advanced by political involvement. In this way, France and Germany repeatedly violated the 3 percent deficit ratio but used political leverage to prevent sanctioning (Eichengreen, 2012). Prokopijevic (2010) defines the main flaw of the SGP as the fact that there is no exit strategy out of the Eurozone, which implies countries are dimly aware that no matter how strongly they violate guidelines, the Eurozone countries will tend to keep their country in the community in order to prevent potential economic disasters.

Given that the monetary policy was locked by the ECB, the fiscal policy was guided by the SGP, peripheral countries were bound to derive their competitiveness from the labour market and were consequently caught in a race-to-the-bottom with regard to labour costs and wages (Eudey, 1998; De Grauwe 2013; Lapavitsas, 2012). However, peripheral countries' real wages were already lower than core wages pre-euro so they had little scope to decrease. Moreover, Germany had been putting pressure on its own labour to gain competitiveness. In response, peripheral countries moved on to increasing their level of consumption in Greece and Portugal and level of investment, particularly in real estate, in countries like Ireland and Spain. (Lapavitsas, 2012) As a consequence, household debts rose relative to GDP and productivity decreased, as the rise in wages drove up the prices of importable and exportable goods, redirecting the focus to more unproductive domestic sectors. When these countries became more inward-focused, Germany became the world's biggest exporter (Uri Dadush, 2010). The periphery's budget deficit was fed by the core's budget surplus. Metaphorically, the core of Europe behaved like the automobile salesman who sells cars to his customers by providing them with cheap credit (De Grauwe, 2013). In conclusion, the specific building blocks of the EMU, specifically ignoring the first condition of the OCA theory, did not take into account initial economic differences that, in retrospect, were actually worsened due to the common currency. Nonetheless, the devastating results only came floating up during the crisis.

WYSPLOSZ' METHOD VACUUM?

Wyplosz (2014) speaks of a vacuum caused by the struggle to follow the intergovernmental method or community method and its possible danger towards a functional Eurozone in crisis. Arguably, a vacuum has taken place up to a certain level during the unravelling of the Eurozone crisis. We increasingly, saw national governments stepping out of their comfort zone and into the European sphere, mixing up intergovernmental and supranational methods. In this respect, Dyson (2012) brings forward the phenomenon of "Brussels talking to Brussels", meaning the incestuous character developed by European economic and fiscal policy caused by governments purposely undermining the credibility of the European Commission regarding fiscal and economic policy by hesitating to make meaningful commitments. In this respect, Bastasin (2012) reports about the European Parliament being enraged with the lack of the European Commission's initiatives in 2007, leaving the field free for conflict among national priorities.

Nonetheless, numerous initiatives were taken (by various EU bodies and individuals) in the course of the crisis but few came to terms due to sluggish, inefficient decision-making and ap-

parent reluctance to cooperate. Both the ECB and Eurostat pointed out financial irregularities at several times before the crisis but their cries were left unheard by the European Council, and in case of Eurostat a proposal for revised policy got vetoed by France and Germany (Commission, 2009; Bastasin, 2012). Following, in 2007, an ECOFIN vote on taking specific measures with regard to the common interest was resisted by a blocking minority of governments (Bastasin, 2012). Another painful confrontation between the two methods took place with the introduction of the Euro Plus pact, an instrument put forward by the European Council to involve the highest political level in economic policy making, that would have been made more community directed by a reverse Qualified Majority Vote. Although the European Parliament was strongly in favour, it was blocked by some key member states (Marion Salines, 2010). Two initiatives that did make it in the end are the European Financial Stability Facility (EFSF) and the European Stability Mechanism (ESM). The finance ministers of the Eurogroup countries made up the ESM board of governors and the QMV employed has to cover 80 percent of the total shares of the Treaty's stock. Given that Germany owns 27 percent, it is impossible to QMV against Germany (Fabbrini, 2013). Logically, these mechanisms turned into intergovernmental instruments that relied on the Commission for technical work but were ultimately authorized by the members of the European Council (Ledina Gocaj, 2013).

With the exception of the two last initiatives, all of the examples above illustrate a vigorous power play between intergovernmental and supranational bodies. Time and time again, the dynamics take on the same form, where a community body attempts to bring forward an idea, mostly of common policy with limits to member state sovereignty, and where it is subsequently blocked by a group or even a single member state. As can be seen, it is not only a matter of the inherent nature of EU institutions, but also the voting procedures that give shape to their interconnectedness. In this regard, Padoa-Schioppa notices that "The Paralysis caused by the right to veto is not a flaw in the Union, but quite simply, an absence of Union."

Fabbrini (2013) evaluates the intergovernmental approach during the Eurozone crisis. Thereby, he identifies the veto-dilemma, which states that the difficulty of rapid decision-making during the crisis gave leeway to the bilateral leadership "directoire" Germany-France in EU financial policy. In the case of the Eurozone crisis, Germany-France directoire took on the form of Sarkozy-Merkel directoire. Indeed, a high degree of indecisiveness and subsequent late action-taking can ascribed to the turbulent Sarkozy-Merkel relationship. Already in the wake of the crisis, Sarkozy's politics by instinct and Merkel 's politics by program strongly disagreed on a common European approach. Here, these preferences are again profoundly related to fundamental differences in economic ideologies. De Ville and Berckvens (2015) find a deep divide in German and the rest of the EU's opinion on EMU reform. It is noteworthy that in 2011, the French "manifeste d'économistes atterés", which espoused Keynesian and federalist views, was signed by 800 economists, while at the same time its neoclassic counterpart in Germany "Plenum der Okonomen" was initiated by the founder of the Eurosceptic party Alternative for Deutschland. When Greece's bankruptcy approached, competing ideas on how to manage this within the Eurozone arguably led to a failure to send Greece to the IMF earlier in the crisis, which could have prevented the crisis from exacerbating to the extent it did (Frankel, 2015).

A vital factor in Germany's apparent unwillingness to cooperate can be found in its general view of a Federalist Europe and according prevalence of European law. Hence, Dyson (2012) claims

that German thinking on what EU and institutions can and should do during the Eurozone crisis were severely constrained by legal organisations and rules. Notably, Merkel has been known to be pressured by the German Federal Constitution Court that was keen on preventing German participation in crisis management in a case that violated European treaties (Ledina Gocaj, 2013).

CONCLUSION

Firstly, one might argue that dominance of political interest strongly and wrongly influenced Maastricht Treaty making. The indecisiveness on an intergovernmental, if not a supranational method, with regard to the EMU was seemingly embodied by a stand-off between France and Germany. This paper puts forward the idea that the political prerogatives have played an important role in originating the crisis and wholly or partly helped shaping some of the mechanisms that nurtured the crisis.

Secondly, during the unfolding of the crisis, it seems that a method vacuum indeed appeared, kicking the can down the road on important decision-making and hence paralysing EU dynamics during the Eurozone crisis. Various interesting and possibly essential proposals were disregarded because of disagreement whether to adopt a European or a national approach. Furthermore, the re-established German-French leadership allowed for old divergences to re-appear. These divergences often seem to find their roots on the German preference for an intergovernmental approach regarding EMU and the opposing French preference for a community approach. Notably, in various instances, Germany finds itself confused between its general European federalist character and the EMU intergovernmental objectives. It is self-explanatory that this complicates decision-making even more.

In his research, Scharpf (1988) analyzed what he called “the joint decision trap” and found that policy-making at EU-level was impeded by conflict of interests of policy-makers. He argues that the fact that member governments are directly participating in central decisions, and that there is a de facto requirement of unanimous decisions will systematically generate sub-optimal policy outcomes unless a “problem-solving” (as opposed to bargaining) style of decision making can be maintained. Hence, in the “Luxembourg Process”, the EU has begun to institutionalize a mode of policy coordination among its member states which is intended to avoid the self-blocking tendencies that hamper the effectiveness of European policy making in the intergovernmental models in the presence of divergent national preferences. Under the label of “open coordination”, this new mode was extended to the Lisbon Summit but finally, inherently based on a loose framework of guidelines and recommendations. To avoid a full-fledged political crisis, a clear framework on prevailing methods concerning policy areas should be set out, in a follow-up of Luxembourg and Lisbon (Scharpf, 2001). In light of our analysis of the Eurozone crisis, it becomes clear that Scharpf’s observations and recommendations are of vital importance today. In order to avoid “joint decision traps” or vacuums in the future, the European Union should implement a clear strategy in “problem-solving” decision-making with regard to the common currency.

There are of course many different issues that were at play during the crisis, following just a few of these explanations are listed. A misunderstanding of the sovereign debt by the EU elite led to budgetary austerity obligation and as such, might have aggravated the crisis (De Grauwe, 2013).

Poor banking supervision allowed for toxic assets to affect European banks. The ECB's one interest rate policy, which was too low for booming economies and too high for economies in recession, fostered the boom and bust dynamics. The reason these are not mentioned in the analysis is because they do not seem to bear a significant relation to political overweight. Having said that, it could be stated that, despite of some crisis mechanisms and EU flaws not being directly related to political interest, a fair deal of the causes of the crisis are subject to a structural interconnection with political prevalence.

Stiglitz argues that both past and present leaders should be seen as Europe's own worst enemies (Belvedere, 2015). The deciding elite purposely disregarded popular sentiment when setting up the EMU. Feldstein (1997) reports of German polls indicating a majority opposition to the euro. In France, there was a mere one percent win in the polls. Combining this knowledge with the occurrence of the Eurozone crisis places the rise of euroscepticism and populism in a different light. In this way, if the economic crisis is not tackled, it has the potential to evolve a political crisis, closing the circle on the inseparable bond between economics and politics.

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THE QUEST FOR A EUROPEAN 'AUTONOMOUS' SECURITY POLICY A Cinderella Complex case?

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The aims of this essay are to trace the roots, from a historical perspective, at the origin of the path dependence phenomena that still today affect the development of the Common Security and Defence Policy of the European Union. In fact, as a result of decisions taken in the historical context of the Cold War, the current EU approach to security issues still seems to be influenced by an ideological divide. The two sides are represented by supporters of an “Atlantic” solution, that is based on the essential cooperation with the US for a joint development of NATO and EU CSDP, and those in favour of a pure European policy, that should be autonomous and within the EU institutions. By exposing the emblematic case of the Western European Union (WEU), the first defensive common alliance in the European integration history, this paper demonstrates that the attitude towards important current issues, such as counter-terrorism, is still stuck in this cleavage, preventing, therefore, a genuine search for an effective solution.

FROM THE CRIMEA CRISIS TO THE BRUSSELS ATTACKS: A NEW SCENARIO FOR EUROPEAN SECURITY

The return of the shadow of the war in Europe, following the 2014 Crimea crisis, and consequently the growing perception of a more and more dangerous Russia, has brought back, at a high-level, the never ending debate on European integration in defence policy. The increasing concerns about the threats to peace and to the stability of the continent, together with the worsening interconnected crises in the Mediterranean area and the Middle East - the war in Syria, the danger of the Islamic State and the migrant/refugees issues- have contributed to revitalise this process and to conceive new forms of commitment and collaboration among the involved actors. The recent and tragic terrorist attacks in Paris, Brussels and Nice have represented a bloody watershed which probably will mark a new course in the development of the EU common security policy.

This heightened awareness has found its validation since the first months of 2015, when the new and “directly elected” President of the first European Commission, Jean-Claude Juncker, pro-

posed the idea to equip the Union with a real, supranational army in an interview (Mahony, 2015). Moreover, in the same weeks, Javier Solana, former EU High Representative for the Common Foreign and Security Policy (CFSP) and former Secretary General of NATO, presented the report of the CEPS Task Force on Security and Defence (CEPS, 2015), that he had chaired. Essentially, the document suggested to deepen the integration of assets, capabilities, as well as the cooperation to strategic and institutional levels with the aim to reach a union in the field of defence, similar to the monetary or digital unions. Indeed, this report had the aim to serve as a “wake-up call” (Tost, 2015) to overcome the crisis-management dimension of the CSDP towards a more assertive and effective common defence policy.

On the hand of security policy, the debate has been driven by the European Commission, that published the new European Agenda on Security (European Commission, 2015) in late April, adopted by the European Parliament during the July plenary session. Its main goal is to define the security priorities for the EU the next five years, identifying a particular focus on the menaces deriving from terrorism, cyber- and organised cross-border crime. The Agenda is also the fruit of the purpose to boost the discussion about general security strategies of the Union in a world by then intrinsically different from the one of the 2003 and 2008 core strategy documents. In this way, it is instrumental to redefine partly the EU global strategy, in relation to the NATO current Strategic Concept (NATO, 2010), as well as the U.S. 2015 National Security Strategy (White House, 2015). In an important part of the latter, a clear message was sent to Putin's Russia, by highlighting how Washington is willing to support any further European and Atlantic integration for the East-European and Balkan countries. Although the consequences of this evolution are still indefinable, it is undeniable that the order of the security in Europe has by now radically changed, in comparison to the panorama that characterised the continental theatre during the years following the end of the Cold War.

On the contrary, the guiding lines of the debate on how to organise the security structure in the Old Continent have not changed: the choice is between pursuing a pure EU integrated defence and security policy, or by increasing the cooperation between the Union and NATO in this field. On a rhetorical level, the definitions and proposed solutions expressed so far seem to remain anchored in old parameters of evaluations that are not even clear. A stronger European defence would indeed doubtlessly help a reinforced NATO, as expressed in the Wales Declaration on the Transatlantic Bond (NATO, 2014) --following the outcomes of the Ukrainian crisis-. The German Defence Minister has favourably welcomed Juncker's proposal too, but in the name of a strengthened European pillar of the Atlantic Alliance.

If we assume that “the quest for European security ‘autonomy’ is an entirely logical consequence of the end of the Cold War” (Howorth, 2007: 13), the focus should be on why, the security order was based on the military commitment of the United States and the guarantees hailed from NATO during the decades before the fall of the Berlin Wall. It is a complicated story, inexorably connected with the evolution of the international relations of that period, as well as with the changes caused by the European integration, the economic globalization and the industrial technological development. In addition, it is also an intriguing story of divergent visions and actors, where an important role has been played by the enduring relationship between the European and North American partner, i.e. the transatlantic bargain. Understanding this process also means possessing the basic tools to scientifically analyse the phenomenon of path dependence that today

still influences the evolution of the European security order and the global roles of the European Union and NATO.

THE WESTERN EUROPEAN UNION AND THE ROOTS OF THE EU CSDP

A precious key to explain these issues can be supplied by studying the part acted by the Western European Union. The WEU was founded on October, 21st 1954, as a sort of replacement solution, conceived to stem the shock following the failure of the European Defence Community (EDC) project and to finally unlock the controversy on the rearmament of the Federal Republic of Germany (FRG). It behaved as a vehicle to integrate and to merge Atlanticist and Europeanist tensions, so allowing the NATO and, by extension, the United States, to become the ultimate guarantors of the order of Western European security. The WEU history can perfectly symbolise the dichotomy of two contrasting approaches to security in the post World War II order: Europeanist/internalised against Atlanticist/externalised. Before 1954 and during the last phases of the Cold War in the mid-1980s, the attempts to set up Europeanist internalised institutions (as the EDC) should have had to compete with the contemporary attitudes for remaining loyal to a NATO-led model (Howorth, 2013: 5-8). These factors, however, came to influence for the ensuing decades the structure of Western Europe as a security community (for the definition of “security community” see: Deutsch, Karl W.; et al. (1957), *Political Community and the North*).

From the first phases, the debate on the continental security was tied to the guarantee provided by the engagement of an external actor, with the aim to avert both the rebirth of a hostile Germany and to contain the growing Soviet threat. This initially meant for France to involve Great Britain more, although the British government wanted to find a way towards a major U.S. Commitment. The divergences were profound, but the Kennan’s Long Telegram (February, 22nd 1946) and the definition of the Truman Doctrine represented watershed events for a change of route of U.S. foreign policy. Even more, the signing of the Treaty of mutual assistance between France and the United Kingdom in Dunkirk (May 4th 1947) the setting up of the Marshall Plan (April 1947), and, finally, the Soviet coup d’état in Prague (February 20th, 1948), led to a radical change of the European geopolitical context, persuading Western powers to cooperate more in the military field. Precisely, the climate resulting from the Marshall Plan helped to create the roots for the very notion of “the West”, which, in those same months, inspired the British government to persuade the US to engage in Europe against the Soviet Union and to defend the common “Western civilization” (U.S. Department of State, 1948: 3-6). Some analysts have traced the roots of what could be defined as the U.S. hegemony in Europe in this historical phase – firstly thanks to the British attitude, and also thanks to the French one, as well as to the other countries involved: rather than at an economic and cultural level, from 1947 the United States became increasingly involved in the structuring of the new European security order, so to represent its indispensable architrave. The definition of “empire by invitation” (Lundestad, 1986: 263-277) seems perfectly suitable in this case.

On March 17th 1948, the Benelux countries joined France and the United Kingdom in signing the Treaty of Brussels, characterised by a strong collective mutual defence clause (article IV), from which the Western Union (WU) was born. This step was essential to demonstrate to the U.S.

the willingness of the European countries to cooperate in the military field and thus it opened the way for passing the Vandenberg resolution at the Senate. In this way, overcoming the impediment to engage in entangling alliances in times of peace, the U.S. could have continued in negotiations that would lead to the establishment of NATO, thus beginning the transatlantic bargain that still exists today (Sloan, 2005: 14). In addition, the Treaty of Brussels originated the Western Union Defence Organization (WUDO), characterised by a deep degree of military cooperation, exemplified by a joint Commanders-in-Chief Committee. The signing of the North Atlantic Treaty (April 4th, 1949), with the consequent formation of NATO, together with other factors such as the Berlin blockade (April 1948-May 1949) and the rupture of the U.S. atomic monopoly by the USSR (August 29th, 1949), sanctioned the end of the experiment of the WUDO. The regional planning group of the Atlantic Alliance for Western Europe merged with the permanent Military Committee of the Western Union (NATO, 1949), and, during a meeting of the WU, on December 20th 1950, the Consultative Council decided to transfer the functions of the WUDO to the NATO (Brussels Treaty Permanent Commission, 1949: 6-7). Symbolically, the garrison and the personnel of the moribund organisation, set in Fontainebleau, would have been assigned to the NATO as the seat of the newly created SHAPE. However, the question of the maintenance of American and British troops in the continent not only served as a deterrent to the Soviet threat, but it was also instrumental to reduce the French concerns in relation to the compelling necessity of the rearmament of West Germany. In October 1950, not surprisingly, the French minister Plevin proposed a plan that was the latest attempt to create a Europeanist and internalised security institution, namely the European Defence Community, composed by the six member states of the European Coal and Steel Community (ECSC). The failure of this revolutionary project, which occurred during the summer of 1954, boosted these countries to accept NATO as the unique alliance furnished with military capabilities to face the future threats to peace: the rearmament of the FRG was accepted only at the price of maintaining some British troops in the continent and, above all, with the foundation of the Western European Union, modifying the Brussels Treaty to allow the entrance of the former World War II enemies, Italy and (West) Germany, while maintaining the mutual assistance clause (since then expressed by the article V of the modified Brussels Treaty). The FRG, therefore, had the way paved to NATO membership. The USSR reacted by forcing its satellite countries to enter the Warsaw Pact: from 1955, hence, the security order in Europe, divided into two blocs, crystallised itself until the end of the Cold War. Since then, until the Perestroika times, it was not considered anomalous that 230 million Americans had to defend 320 million Europeans against 270 million Soviets (Del Vecchio, 1997: 157). The WEU was conceived as a military alliance and an international organisation dealing with defence issues: actually, as pointed out by its name, the underlying purpose was to create a bridge between the Europeanist and the Atlanticist approaches, acting as drain valve of the tensions deriving from this dichotomy. Indeed, WEU was welcomed by many as the first major step towards an "European pillar" of NATO, while the North Atlantic Council defined WEU as a fundamental factor for the development of the Atlantic Community (NATO, 1954)¹⁷. Moreover, the MBT contained a mutual assistance clause more binding and automatic in comparison to the response provided by the formula expressed in article V of the North Atlantic Treaty. Among the bodies that made up the new organisation, the Parliamentary Assembly and the Standing Armaments Committee were particularly important in relation to the role played, respectively, for the democratic control

on defence issues and the increasing cooperation with NATO in standardisation and production of weapons. However, the WEU soon recognised that its margins of action were limited by the choice made in December 1950 (Council of the WEU, 1957, C(57)134: 4-7; Assembly of the WEU, 1957: 107).

In the following decades, discussions on how to manage the defence of Europe continued, but they never seriously considered the idea of abandoning the structure formed between 1947 and 1955. For example, the burden sharing question, concerning efforts made by the various countries involved, affected only NATO, while any ambition to organise at a European-integrated level a common atomic policy, as proposed in the Assembly of the WEU (Assembly of the WEU, 1956), faded soon: The United Kingdom did not want to renounce its special relationship with the U.S., as demonstrated by the Nassau Agreement in 1962, and the Gaullist France did not intend to give up the plans to realise its own force de frappe. While NATO showed some dynamism in the evolution at the strategic level by planning a long-term vision for the détente, too, as demonstrated also with the adoption of the Harmel Report (1967), the WEU gradually lost its residual importance, mainly by acting as a bridge between the countries of the European Economic Community and the United Kingdom. After the entry of the latter in the EEC (1973), the WEU fell into a state of near lethargy. In the Eighties, some projects to revitalise the organisation were proposed: Mitterrand's France hoped to transform it into an independent alliance from NATO, whilst Germany considered the WEU as a card to play to increase the political weight of the European countries in the transatlantic bargain, also in relation to the painful developments of the Euromissiles crisis. Furthermore, during the same years, the majority of the population of the EEC member states kept thinking that NATO was essential for the security of the continent (Eichenberg, 2003: 649-651). Moreover, at the end of the Iran-Iraq war, the WEU was able to successfully lead a military operation suitable for mine clearance in the Persian Gulf and in 1992 the WEU Council adopted the Petersberg Declaration defining the procedures and cases for setting up its own military operations. The sunset of the Cold War had, in fact, suggested the possibility of transforming the WEU in the armed wing of the newly formed European Union. Instead, the dramatic evolution of the situation in Yugoslavia, as well as the ineptitude of European countries to find a common position, brought back the role of NATO to the top, which, had been converted itself to the post-bipolar world by adopting a new Strategic Concept since 1991 (NATO, 1991).

The dialectic between WEU, EU and NATO during those years laid the basis for the birth of the CSDP, formalised with the Maastricht Treaty in 1992 and strengthened by the Amsterdam Treaty (1997). The entry into force of the Treaty of Lisbon, in 2009, with the adoption of the mutual assistance clause contained in the modified Brussels Treaty of 1954 through paragraph 7 of article 42 of the new Treaty on European Union marked the end of the WEU, officially abolished with its residual working bodies on June, 30th 2011 (WEU, 2010).

THE NEED FOR A TRANSATLANTIC BARGAIN REVISITED

To date, the EU has been engaged in more than thirty military, civilian or crisis-management operations but the debate on its role in the world and on the transatlantic bond is far from being over. Back in 2003, when the first EU long-term strategy document was adopted, it was inter-

preted by some observers as a move to make the EU a more attractive partner for the US in the management of global security (Becher, 2004: 350-351). In this context the exciting debate on the Europe's civilian power came into play. During the nineties, the question on how to defend the new European order was posed. The Soviet threat had disappeared, so, was a military deterrent force to defend the cherished values and the reached improvements still required? Or should the Union equip itself with hard power, to assert itself more effectively on the international stage? The recent changes in the European and Mediterranean geopolitical situation, from the Arab Spring to the Crimean crisis, show that the era of widespread peace (and of the institutional-liberalist interpretation of it) is over: to protect what we are we should assume our responsibilities and finally overcome the assertion that "Americans are from Mars, Europeans from Venus" (Kagan, 2002).

A multitude of factors makes the current situation very complex and difficult to explicate: we can consider the path dependence phenomena, the economic considerations, the different technological developments, the positions of the stakeholders and the public opinion, the balance of power between the two sides of the Atlantic, the exogenous influences and the debate about the ultimate aim of the EU project. From the results achieved so far, it could be assumed, therefore, that the history of security and defence in Europe is not an act of real emancipation, but a continuing affirmation of American hegemony "by invitation" (Kempin, Mawdsley 2013:69).

But today, in Europe, is there a real shared willingness to give the EU an autonomous role in the areas of security and defence? The different responses of various countries to the crisis around us, and the current discussions on military spending cuts, suggest that this result is still far from being reached. Of course, as I have argued beforehand, the prerequisite sine qua non lies in the political will to pursue this integration process. In this context, borrowing – a metaphorical – concept from psychology, Europe can be described, in the history of its defence, as affected by the Cinderella complex, that is the syndrome in which one yearns for independence and social freedom but, at the same time, desires to be taken care of by more powerful others. This comparison is instrumental to the purposes of this essay, to underline the ever dormant conflict between independence and dependence. Obviously, it is substantial if the United States are considered "different" from the Europeans, i.e. not belonging to the same community of destiny represented by the EU. The WEU brought the value to link the concept of its "European" and "Western" natures. Now that it does no longer exist, the question arises on whether the interests and the goals are the same, yet, between the two sides of the Atlantic. If the judgment to coincide the independence with Europeanist approaches and Atlanticism to dependence attitudes is taken for granted, the metaphor of the Cinderella complex would fit perfectly. What has been presented so far and the continuing tension between the two approaches reflects the same syndrome of the psyche that drives individuals to be afraid of independence, although they have all the means to be autonomous. In conclusion, the research behind this essay seems to show just an inherent fear, within the majority of decision-makers and stake-holders, fuelled by a sense of insecurity and inferiority – that, – although initially issued in an inevitable historical context, continues to heavily influence any approach to defence and security in Europe. The history of the WEU represents an emblematic case characterized by a constant need to find a balance between independence and dependence, between Europeanism and Atlanticism, with consequences that are still valid today. For decades, Europe has been a Cinderella eagerly trying to be saved. Sometimes, it seems to continue to act in this way.

Indeed, this explanation could be unacknowledged in the forthcoming period, and, as in the post-war years, the growing threats to security and common values could cause a rapprochement in strategy, and shared interests between the two sides of the Atlantic. The developments are difficult to define, but certainly, this grand bargain will decide the future of Europe. As it was easily predictable, only an external factor could provide an input for a change of course, and that is exactly what happened. In fact, following the last terrorist attacks in Paris on 13 November 2015, French president François Hollande invoked the activation of the mutual assistance clause set out by article 42.7 (Valerio, 2015), receiving the support of many, including HR Federica Mogherini. The future impacts of this decision are difficult to foresee with certainty, but it should be emphasized that the activation of article 42.7, for the first time in history since the Brussels Treaty in 1948, is a major step in the European integration process as well as in the development of a common defence policy. The same decision to resort to this instrument provided by the TEU and not to base future actions on article V of the North Atlantic Treaty not only confirms the traditional “Europeanist” approach of the French foreign policy, but it could represent a turning point: the collaboration with USA is no longer considered as a prerequisite *sine qua non* for a further European integrated defence, but is conceived as a consecutive and useful step to the latter.

TOWARDS A EUROPEAN INTELLIGENCE POLICY?

The recent events have shown that it is not only a matter concerning external security, but that this problem is related to its internal dimension. Not surprisingly, calls for a deeper European cooperation in intelligence have increased in the days following the terrorist attacks in Paris (Robert, 2015). From the Madrid bombings in 2004, to the Charlie Hebdo massacre, any similar proposal had fallen on deaf ears (Rettman, 2013; Nielsen, 2015). The challenging nature of the threats to peace and stability in Europe requires a more coordinated response and a new and different effort from the EU member states: the existing structures of cooperation in the intelligence field, as the informal Club de Berne or the institutional EUMS Intelligence Directorate, the CP 931 Working Group of the Council or the EEAS body EU INTCEN now seem insufficient and lacking the necessary tools to face the current security challenges. The history of the latter is quite significant, as it has its roots in the history of the development of the WEU. In fact, from 1949 the WUDO was equipped with a Western Union Clandestine Committee (WUCC/CCUO) (Senat de la Belgique, 1991: 18-20). Its aim was to promote secret discussion concerning delicate political issues, namely the spread of pro-Soviet ideas in Western countries, and perhaps although there is not enough reliable evidence as well as general consensus among historians – to coordinate efforts so that no communist or socialist party could win the elections in any of the WEU member states. After the decision on 20 December 1950, the WUCC was integrated into the SHAPE structure with the new name of Clandestine Planning Committee (CPC) and then changed in 1959 into the Coordination Planning Committee: the CPC played a key role in directing the operations of stay-behind during the Cold War, as the infamous Operation Gladio. Therefore, for all those decades, the unique body of cooperation in intelligence not only took place under the wing of NATO and thus under the indirect control of the US, but it acted at the edge of illegality and without any democratic nature.

In October 1992, following the Petersberg Declaration, the EEU was endowed with operational tools including a Planning Cell, to design and coordinate any future operation. But only in 1995, the WEU Intelligence Section (WEU IS) was created within the Planning Cell (Kintis, 1998: 542-543), with the task of providing analysis and reports at the request of the WEU Council and the member states which, however, shared very little of the information gathered by their intelligence services (Villadsen, 2000: 84) , limiting de facto the efficiency of this body. The WEU IS sought to carve out a role by creating a Situation Centre (SITCEN), while the Parliamentary Assembly asked that it could work independently without the Council's permission (Assembly of the Western European Union, 1996). The SITCEN has been particularly important as it laid down the foundation for a common experience in a European-integrated management of sensitive data, although the staff came from both WEU and NATO, in order to promote cooperation between the two organizations (Oberson, 1998: 15-16) . This knowledge was then transferred from the WEU IS to EUMS Intelligence Directorate (Bailes, Messervy-Whiting, 2011: 73), and the SITCEN's modus operandi is resumed today by the EU Intelligence and Situation Centre (EU INTECEN) (Salmi, 2014).

Despite repeated attacks in the last 15 years, in relation to counter-terrorism policy, European integration has moved unsteadily and without a long-term strategic vision, equipping different entities with various tasks each time. The recent tragic developments have shown that problems should be handled as a real community, as they affect not only the security of European citizens, but also fundamental rights sanctioned by the Treaties, such as freedom of movement and the privacy of our personal data: each government can grope to stem growing threats, but Europe does not have proper tools, and neither as well as EU INTECEN does. The inadequacy of such an approach had already been demonstrated in

2013, when the European Commission published the joint report, with the US government on the Terrorist Finance Tracking Programme (TFTP) agreement (European Commission, 2013): it has been signed to promote cooperation between the EU and US to transfer sensitive data for tracking terrorists. But the document emphasised how, at the same time, the creation of an EU terrorist Finance Tracking System (TFTS), as invoked by the European Parliament, was at that moment inadequate. In the same report, however explicit reference was made to the cooperation between the EU and US for investigating the EU-based training terrorists in Syria: after the massacres of Paris in January and November 2015, it is evident that this instrument is inadequate to prevent new bloody attacks. The global nature of the terrorist threat could perhaps help overcome old ideological divides. But it is certain that if the EU wants to increase the safety of its citizens and to protect its cherished values, it will have to conceive new political forms of commitment and integration in internal and external security, once and for all leaving behind the image of a Cinderella eager to be rescued by others.

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BRIDGING THE GAP

Towards a new transatlantic cyber security framework

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The turn of the 21st Century ushered in a new era of technological interconnectedness. The growing reach of the internet has now created unprecedented threats and unfamiliar security risks across borders. The inherent lack of regulation in this sphere facilitates frequent breaches of cyber security and quite regularly infringes on the most basic of human rights. These “cybercrimes” have expanded into various regions, particularly in developed Western states where populations are most susceptible to attack. The levity of these security breaches can range from personal identity fraud to global cyber terrorism. Following Edward Snowden’s divulgence of top-secret information regarding the interception of private communications from United States (US) intelligence agencies in Europe – including violations from high-ranking government officials – the US and European Union (EU) formed a bilateral partnership committed to upholding and strengthening the integrity of cyber security. This accord remains the most developed of its kind in the world. However, US cyberspace policies are driven by deterrence methods in the interests of national security, whereas the EU relies on a comprehensive digital policing initiative. This methodological dichotomy elucidates the fundamentally different interpretations the US and EU take in defining what truly constitutes a cyber threat, and how best to address it. This paper critically examines the cyber security strategies of both the EU and the US by underlining the greatest successes and shortcomings of their efforts. This paper also analyzes the possibility for and proposes the establishment of an EU-US alliance under a NATO strategic framework to effectively address the challenges macro cyber threats have imposed on what has become a swiftly growing and increasingly complex technological arena.

INTRODUCTION

The EU and US have been key players in data protection since the genesis of the Digital Age, and have only recently begun undertaking extensive measures to ensure that effective policies have

been put into place. With the proliferation of such incidents as the Edward Snowden data leaks and the more recent data breach at the US Office of Personnel Management, which successfully hacked into the personal information of several million federal employees, a global call to arms has been raised for EU and US lawmakers to develop policies that identify and prevent risks to data infrastructures. However, many of these policies remain in their infancy while governments continue to explore and understand the nature of cyber security. Despite the progress these policies have made, they continue to suffer from inconsistencies in risk identification, reporting of potential threats, national accountability, international cooperation, and general methodology. Their cooperation is critical to optimizing the secure functionality of data infrastructures in Western states. The North Atlantic Treaty Organization (NATO or “the Alliance”) can provide systematic mechanisms where these two powers’ respective policies prove insufficient, and would serve as an excellent forum in cultivating a cooperative EU-US relationship focused on improving cyber security regulations among its member states under a unified standard. The objective of this paper is to critically analyze the individual EU and US cyber security policies currently in place, assess the possibility of an overarching EU-US cyber security framework unified under NATO as an instrument of enhanced cooperation, and propose the implementation of such a framework that can be executed by all NATO member states. These arguments and analyses are made strictly within the scope of matters involving the abovementioned parties and do not consider alternative partnerships with other institutions such as the United Nations or address cyber security concerns beyond those experienced by Western states, the main reason being the EU, US, and NATO are ostensibly well-situated to enact the cyber security objectives recommended in this paper as they concern the Trans-Atlantic region. The main thesis of this paper argues that the evolving cyber security policies of the EU and US establish a practical basis for the creation of an overarching cyber security framework committed to integrating a superior, mutually-beneficial, and more universally-implementable monitoring and prevention system under an EU-US partnership with NATO.

THE CYBERSECURITY STRATEGY OF THE EUROPEAN UNION

While there have been initiatives at the national level to create cyber security frameworks, these have proven largely insufficient. EU member states’ preparedness is inconsistent across borders and lags in cooperation mechanisms with other EU member states, which leaves much to be desired should a major international cyber threat arise. The European cyber space arena is exceptionally complex in nature due largely to the interconnectedness of the system: should one unprotected element collapse, then the entire data infrastructure could be at risk as issues originating in one state spread to others. This level of vulnerability is unacceptable and demands the harmonization of efforts across EU member states to develop a framework designed for the assurance of cyber security for all members. (Vyskoč J. 2013)

The first coordinated EU-wide document formally issued on cyber security is the “Cybersecurity Strategy of the European Union” (“the Strategy”) released on February 7, 2013. The Strategy outlines a series of goals for the EU in addressing the growing threats to European data infrastructures, with the success of the most essential objectives contingent on the endowment of

individual responsibility to each member state. This undertaking requires that each state create a functional computer emergency response team, adopt a national strategy and cooperation plan, improve preparedness and the engagement of the private sector, and set up 'coordinated prevention, detection, mitigation and response mechanisms' conducive to network and information security. (Commission 2013) This effort is easier said than done. In an arena where member states vary greatly both economically and governmentally, each state will have a different type of responding authority and some may prove incapable of formulating a national-level response to any threats that arise. (Robinson, N. 2013) The Strategy also brings together defense and foreign policy contributions to cyber security into a single framework. This is possibly the most noteworthy provision given that defense and foreign policy are issues of which EU member states have been historically protective. This undertaking is long overdue. No unified solution to cyber security provision can manifest without the unerring cooperation of these states to coordinate their policies in addressing the risks together.

These initiatives exist only on paper for the time being. In order for the gap between theory and application to be bridged, two significant issues remain to be resolved in enacting the Strategy. The first obstacle is mitigating the frequent 'institutional turf wars' that occur among member state directorates, and to oversee their creation of effective national frameworks under the Strategy. (Robinson, N., 2013) Where there is internal conflict or dissonance amid the actors of a system, there can be no real progress. The second issue relates to the Strategy being primarily an intention-oriented document that defines broad goals without actually offering a strategy with which to reach them. The ends have been illustrated, but the road has yet to be determined. If the path to cyber security in the EU continues to be littered with fluctuating levels of cooperation and the absence of an action plan, then the passionate calls for security reform will be reduced to hollow echoes in time. (Robinson, N., 2013)

THE US FRAMEWORK FOR IMPROVING CRITICAL INFRASTRUCTURE CYBERSECURITY

US policy measures in combating cyber threats are certainly more rigid in contrast to those of the EU, but they lack sound enforcement mechanisms. Over 50 statutes govern data protection and digital infrastructure stability in some respect, although prior to 2013 no major policies relating to cyber security had been enacted since 2002. (Fischer 2013) The tempo of this pattern shifted on February 12, 2013 when US President Barack Obama issued Executive Order 13636, 'Improving Critical Infrastructure Cybersecurity.' In his executive order, President Obama called for the development of a voluntary framework that provides a 'prioritized, flexible, repeatable, performance-based, and cost-effective approach' allowing for the appropriate identification and management of cyber risks. (White House 2013) Exactly one year later, the US National Institute of Standards and Technology released the 'Framework for Improving Critical Infrastructure Cybersecurity' (the Framework²). The Framework is the US' first overarching legislative attempt at cyber security regulation and provides a risk-based approach to managing cyber threats for any institution willing to adopt its guidelines. Although only constituting normative soft law, the Framework is a crucial step forward in cyber security policy and serves as a useful model for con-

structuring a more comprehensive and standardized NATO framework. The Framework consists of three key parts: the Core, Implementation Tiers, and Profile. (National Institute of Standards and Technology 2014)

The Core presents industry standards, guidelines, and common practices through a means that optimizes the communication, implementation, and organization of responses to cyber threats. The Core's primary functions are to (1) develop an understanding of cyber security risks, (2) implement the appropriate infrastructure safeguards, (3) detect threats to data or systems in a timely manner, (4) contain the impact of these potential threats, and (5) recover to normal operations following any breach in cyber security. These guidelines are aimed toward achieving specific outcomes regardless of the level of uncertainty rooted to the issues that arise. This objective-based approach helps institutions to define their goals and assess their own regulations for effectiveness against unexpected threats. (Framework for Improving Critical Infrastructure Cybersecurity, 2014) The Implementation Tiers provide context into the various types of cyber security risk and offer a series of different management approaches for addressing these risks. This system ensures that each institution that has adopted the Framework is using an effective means of managing risks to their data infrastructure and, more importantly, that this means is being appropriately implemented. (Framework for Improving Critical Infrastructure Cybersecurity, 2014) The Profile aligns the Framework Core with the Implementation tiers to enable institutions to establish a roadmap for reducing cybersecurity risk that is well aligned with organizational and sector goals, considers other regulatory requirements, and reflects risk management priorities. The Profile is intended to elucidate any inconsistencies in a party's operations that may prove vulnerable to cyber breaches in the future. (Framework for Improving Critical Infrastructure Cybersecurity, 2014)

Despite this strategy, there exist at least two fundamental problems with implementing the Framework on an international scale. First, only businesses and organizations that volunteer to adopt its protocols are affected. Even then, these parties are free to make use of its guidelines as they wish without fear for any governmental enforcement of its protocols. Second, given that this policy relies chiefly on risk detection rather than threat resolution leaves one questioning its effectiveness in situations where cyber threats are immediate and unavoidable. Preventative policy only goes so far. The fact that the US would also need to rely on EU states to seamlessly identify risks as the exclusive option for securing transcontinental data protection would proliferate the potential damage that could occur if any number of risks were overlooked. This inherent lack of an assurance that the Framework's measures will be successfully implemented breeds an inherent lack of accountability among involved institutions. There is no tangible mechanism in place to ensure that these businesses and organizations will consistently execute their responsibilities under the Framework. The nature of this policy leaves the US in a similar scenario as the EU: in dire need of overarching cyber security regulations.

THE POSSIBILITY OF A NATO STANDARD FRAMEWORK

It is valid to believe the successful establishment of an EU-US NATO alliance would bolster international cyber security measures and reinforce their execution under uniformly agreed upon norms and standards, though several concerns arise when contemplating this course of action. The question remains as to why such an option would be considered when there currently exists an EU-US bilateral partnership on cyber security, which is considered the most effective alliance of its kind. (Renard 2015). Having this partnership in place can deter the notion of enabling a similar system within NATO under a unified standard. Another limitation, as noted above, is that individual EU member states have been historically reluctant to participate in a formalized collaboration on cyber security matters at the EU level, which could inhibit any real progress from being achieved should a strategic framework be adopted through NATO. The EU's own independent cyber security measures in the first decade of the 21st century were lagging compared to those of NATO and the US, and have been described as being in an "embryonic stage" lacking minimum standards. (Pernik 2014) The concern could also arise where the US and EU would be unwilling to make compromises concerning their national cyber security policies in exchange for a joint approach, preferring their methods to remain under sovereign control – free from the influence of outside parties. Despite these reasons for caution, the US and EU share common concerns against a common threat, and each has taken recent actions exhibiting the mutually beneficial desire for objective-oriented multilateral cooperation with NATO on matters of cyber security.

The EU has displayed substantial evidence supporting the idea that it would be open to a cooperative strategic framework with the US under NATO. While the EU-US bilateral partnership on cyber security is effective to a point, the EU's political and diplomatic inexperience on the issue leaves the partnership with something to be desired. (Renard 2015, Pernik 2014) In recent years the EU has been taking additional measures specifically in tandem with the Alliance to expand its cyber security oversight. For instance, the EU recently signed the Technical Arrangement on Cyber Defense with NATO ("the Technical Arrangement"), which commits the NATO Computer Incident Response Capability (NCIRC) – NATO's primary team responsible for detecting and responding to cyber incidents – and the Computer Emergency Response Team of the European Union (CERT-EU) to information transparency and the exchange of best practices. The Technical Arrangement was designed to implement the EU Cyber Defence Policy Framework, which outlines future cooperation with the Alliance as one of its five primary objectives. (NATO 2016) This alliance demonstrates EU member states' willingness to work alongside NATO in the long term and indicates the appeal a NATO cyber security framework would have to the EU. Both the EU and NATO "prioritise cyber security of [their] own institutions and infrastructure, operations and missions" and have an appreciable overlap in their respective memberships, thus incentivizing each party to cooperate at a higher degree. (Pernik 2014, House of Lords 2010) They also agree that cyber security should be approached from the state level. This implies a collaboration between the two organizations would be beneficial. While the EU lacks a central authority responsible for decision making on issues of cyber security, the North Atlantic Council – NATO's top political decision-making body – exercises principal authority and manages NATO's cyber defense posture. This would prove to be a major asset for EU policymakers, positioning them to

instill more effective security policies through NATO instruments. (Pernik 2014) The past few years have seen the EU evolve into a formidable and norm-setting catalyst making appreciable commitments for progress in cyber security policy, exhibiting a considerable preparedness to continue future work with NATO and devoted Western states.

Despite the noted obstacles that could potentially arise from a NATO standard framework, the US has sufficient incentives to participate. Cyber security breaches are not conditional to geography/borders; any location on the planet with access to the internet is a potential source of an attack, and a partnership with NATO would provide the US with the opportunity to achieve the same ends in its bilateral agreement with the EU, but with a more rigid structure and with greater resources made available for data infrastructure monitoring and incident prevention. These resources include the NCIRC, which is also presently engaged in the Technical Arrangement with the CERT-EU. (NATO 2016) In fact, the US is currently a member of the NATO Cooperative Cyber Defence Centre of Excellence – the foremost NATO-accredited research and training facility in the world. Among its many contributions, the US makes its primary national cyber security strategy documents available to the Centre for use and reference, eliminating any concern that it would be hesitant to share its security policies with like-minded states in a NATO engagement. (NATO 2015) US participation in a joint NATO commitment with the EU would establish a forum in which the US can champion its own security initiatives to allied states and more significantly benefit from the cooperation of the Euro-Atlantic community. Such an alliance would be best to begin incorporating measures early; the Digital Age is still in its dawn and these issues are sure to only proliferate with time as more sophisticated hacking methods develop and global internet literacy and access expand.

NATO itself has been taking strides to set in place an array of mechanisms to address information security concerns and the integrity of data infrastructures. While the Alliance has historically been lagging in its implementation of essential cyber defense protocols, the past few years have seen it develop remarkable strengths in preventing and monitoring data breaches. These methods include a comprehensive approach that integrates cyber defense into the formal NATO Defence Planning Process and provides extensive training and exercises to willing participants. The NATO Cyber Defence Policy of 2014 outlines cyber security as a core task of collective defense, thereby allowing member states to invoke the collective defense clause of the North Atlantic Treaty should a cyber attack arise with outcomes comparable to those of an armed attack. (Pernik 2014) The Alliance has also taken specific efforts to recognize and involve the private sector as a chief agent in the international endeavor against cyber crime. Under the NATO Industry Cyber Partnership, voluntary engagement is encouraged between NATO and industry actors to collaborate and ensure the secure operational persistence and development of data infrastructures in place across all respective member states. (NATO 2016) These systematic measures prioritize global data integrity and actively strive to enable NATO member states to confront cyber attacks as a collective and like-minded unit. While the EU, US, and NATO all possess respective shortcomings, their combined approach to cyber security under a standardized framework would more than compensate for their individual weaknesses and introduce a powerful tool in the campaign against data security violations.

ESTABLISHING A NATO STANDARD FRAMEWORK

The US and EU cyber security policies lay the groundwork for creating an overarching NATO framework that functions under a common standard shared by all member states. The risk management facets of the US Framework coupled with the tools being set in place by the EU Strategy can help to contribute a unified regulatory system under NATO initiatives aimed toward the development of transparency in reporting threats, governmental accountability, and the prevention or resolution of cyber threats among member states. The use of a single framework encourages cooperation and facilitates the process of equipping lawmakers with security standards specifically tailored to their state's respective circumstances and needs. These states would run self-assessments based on their own regulations under the larger NATO framework and routinely report back to the North Atlantic Council on their security status. This method counters the inconsistencies that would arise under the EU Strategy with a more effective and reliable reporting infrastructure that promotes states to take responsibility for their own monitoring systems in contributing to the greater whole. Similarly, the approach would prove far more enforceable than the normative measures contained in the US Framework. The success of this system relies on the implementation of four pillars intended to guarantee cyber security in Western states: State Accountability, Regional Cooperation, Systemic Integration, and Structural Consistency.

Pillar 1: State Accountability: The responsibility for establishing monitoring and response systems to cyber threats lies with each individual state, and accountability is fundamental in enabling these systems to function. For this reason, only member states that follow the guidelines of the NATO framework would be granted participation in the initiative. Governments that are not willing to accept the standards set forward by NATO are faced with the option of remaining vulnerable to cyberattacks in the long run. This selective provision of the theorized framework allows for the enforcement of its protocols.

Pillar 2: Regional Cooperation: Perhaps the most difficult obstacle to overcome is orchestrating a shared policy network among EU member states. Harmonizing the disparate cyber security tools and initiatives in each state under a common NATO standard would establish a web of support that would not only provide relatively uniform risk monitoring performance across the EU, but would also better equip the region for aptly responding to any macro-level multistate cyber threats that could arise.

Pillar 3: Systemic Integration: The NATO framework would require member states to create national-level monitoring systems, more reliable threat-reporting infrastructures, and effective response procedures to manage and contain any data breaches that take place. Unlike the approach outlined in the EU Strategy, this system of security tools will establish a series of minimum requirements for these state-centric cyber security systems to meet before granting them participation and protection under NATO.

Pillar 4: Structural Consistency: Cyber threat reporting, management, and response protocols

would be best implemented in an environment where member states are enacting security policies under a unified set of principles and objectives. The national-level systems the NATO framework would establish and rely upon would all share a common structure. This approach can further promote interstate societal cooperation and enhance the normative role of cyber security worldwide.

The turn of the 21st Century has ushered in a new era of technological interconnectedness that, with the dawn and rise of the internet, has made cyber security more essential than ever before. As evidenced in the US and EU policies for data protection, initiatives are currently insufficient for combating these threats as governments continue to explore the nature of this unfamiliar field of security. A standardized NATO framework would help likeminded states to navigate this terra incognita and establish a transcontinental system guided by both preventative and reactionary strategies for confronting new dangers to data infrastructures. The greatest obstacle in achieving this policy is for EU member states to cooperate under a unified security standard. Once this collaborative environment has been established, sustainable progress will grow considerably more feasible as states continue to participate in developing the framework. An interconnected issue demands an interconnected solution, and the NATO unification of international efforts toward ensuring cyber security is paramount to safeguarding future generations from unprecedented threats in the Digital Age.

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NET NEUTRALITY AND INSTITUTIONAL COMPROMISES

By ALLARD JANUS

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Our virtual world is ever growing and supersedes borders of countries. However, the European Union severely lacks behind when it comes to digital integration and this is why the European Commission has introduced the Digital Single Market. Different member states maintain different rules concerning the internet, which limits growth within the EU. One of these 'blockades' towards growth is a concept called 'net neutrality', which ensures the equal treatment of data. This paper shows through Directive 2002/22/EC how the Commission, Parliament and Council are encouraged to reach a consensus in order to stay relevant. The piece of legislation that was passed by Parliament, concerning net neutrality, was consumer protection oriented. While the piece of legislation that remained after the trialogue meetings was rather business oriented. This habit of consensus reaching can be explained by avoiding a gridlock between the Parliament and the Commission in order to remain productive and relevant.

INTRODUCTION

The digital world is a new and rapidly growing world. With the rapid development of new technological innovations it is hard to keep up with the progress that is being made. Some people are having trouble adjusting to a new world in which day-to-day practices, such as filling out tax forms, applying for unemployment benefits or ordering goods, have to be done online. Also in Europe internet use is expanding: at the moment 315 million Europeans use the internet every single day, which is roughly 60% of the population of the European Union (European Commission, Why we need a Digital Single Market, 2015). It is problematic, however, that the EU severely lags behind when it comes to digital integration. At the moment different EU member states maintain different regulations when it comes to the digital realm. This creates virtual borders within the digital market of the EU and that is why the Commission has introduced the Digital Single Market.

The Commission believes that by harmonizing rules and procedures concerning the digital world the European Union can increase its GDP by 4% through creating a single market for digital Europe

(Monti, 2010). Following Monti's recommendations, the European Commission has created a Digital Single Market policy which sets out to create a single market for digital Europe and get rid of the borders that divide digital Europe. A few examples of borders that limit growth of the digital market in the EU are: the geo-blocking of online content, not being able to access all online content everywhere in Europe; roaming fees, paying an additional fee on a phone bill because you used a provider's services abroad & net neutrality; the discrimination of data. One of the policies involved in the creation of this single market is the policy of net neutrality, which ensures that all data that flows over the internet is treated equally. In practice this means that an internet service provider can charge consumers additional fees for consuming a specific type of data (European Commission, 2015c).

Often the European Union puts forth legislation that protects the consumer in the preliminary phase but further down the line the notion of consumer protection is let go and the focus shifts to protecting business interests. This paper will try to answer the question of why the European Union moves away from consumer protection and towards ensuring business interests like the case of net neutrality. The main focus of this paper is the net neutrality debate within the European Union. The first part of the paper elaborates on what net neutrality and recent developments on the matter in order to provide a framework for analysis. In the second part of the paper the actors and forces behind the legislation will be analysed.

A PROHIBITION AGAINST THE DISCRIMINATION OF DATA

On the 27th of October 2015 the European Parliament plenary session passed a legislative package (Directive 2002/22/EC) that deals with the telecom single market, which is part of the Digital Single Market. This legislative package entails two topics within the Digital Single Market: roaming and net neutrality. In order to better understand what net neutrality is, a closer look must be taken into how content on the internet is provided to consumers. When an internet consumer requests a certain file from the internet - this can be everything from a short video to an extensive document - the consumer's internet service provider manages this file from the location where the file is stored up until the consumer's computer. The internet service provider manages all the files that flow over the internet. The maximum speed at which an internet service provider can provide the files depends on a multitude of factors, but can also be controlled by the internet service provider (Tyson, 2015).

So what does net neutrality entail? In short net neutrality means that all data that flows over the internet flows freely and without limitations (European Commission, 2015b). As such internet service providers are not allowed to discriminate data by speeding up or slowing down the delivery speed. In effect this means that when a consumer requests a video from Youtube for example, the internet service provider is obliged to move that video as fast as possible over the internet. The internet service provider is not allowed to 'slow down' the delivery of the video merely because the consumer does not have a special video streaming package. It is lucrative for internet service providers to slow down certain content on the internet highway because they can charge companies, or end-users, to pay an additional fee to guarantee faster and safer speeds.

The direct effect of Directive 2002/22/EC on member states' legislation on the topic of net neutrality remains unclear (Smith, 2015). Now that the legislation is passed the Body of European Regulators for Electronic Communications (BEREC) has nine months to review the legislation. If the BEREC also approves the legislation it becomes law for national governments. The BEREC also provides guidelines, which operationalise the general guidelines provided by the Commission and European Parliament in the legislative package passed on the 27th of October. The BEREC has three goals set out on its website: promoting competition and investment, promoting the internal market & empowering and protecting end-users (BEREC, 2015). All three of these goals fit perfectly within the framework of net neutrality within a digital single market, as it ensures that smaller or start-up companies are not limited in their growth by paying extensive fees to internet service providers merely to keep their businesses running by promoting competition and investment. The BEREC is also able to promote the integration of the market market by setting uniform regulations for all member states. This harmonisation of net neutrality rules is an important step towards a European digital single market. The last goal of the BEREC fits most perfectly with the regulation of net neutrality: protecting end-users. If the content requested by end-user requests is not provided to them in the most efficient way, due to blocking or throttling by the internet service provider, this mostly hurts the end-user. Net neutrality thus protects end-users by protecting them from paying extra fees to internet service providers because they want to receive his or her content in the fastest way possible.

Even though much of the legislation remains up for interpretation by the BEREC, a few things have already become clear by taking a look at the legislation that has already been passed and approved by the BEREC. First, there will be two different internet 'lanes' for regular internet traffic and 'specialized' internet traffic. The EU will allow for a different internet lane for 'specialized' internet use such as 'PTV, high-definition videoconferencing or healthcare services like telesurgery' (European Commission, 2015a). This contradicts the concept of net neutrality because some data is treated differently. According to the Commission this is crucial to start-up companies who need enhanced quality of the internet. By creating this 'enhanced internet' the Commission is basically creating two internets in Europe, one for day-to-day use and another one for specialized usage. How this will work in practice has yet to be discovered but it is not unimaginable that a legal fight will break out to interpret the term 'specialized' as wide as possible.

Second, zero-rating, a grey area in legislation, will still be allowed. Zero-rating content means that an internet service provider can mark certain bits of content on the internet and then the end-user can consume this content for free. Again this comes awfully close to discriminating between certain data, as this means some data is cheaper than others. However, as said, it is still allowed under the new legislation and this legalisation is actually emphasized in the Q&A of the Commission on Directive 2002/22/EC. It seems that even though the initial goal of Telecom Single Market legislation was to provide clarification on net neutrality, the concept remains rather vague and most regulations will come from BEREC. Thus, at its core the legislation passed by the European Parliament is not protecting net neutrality. It actually does the opposite by creating a two lane system and allowing telecom providers to use zero-content rating.

HISTORY OF THE SPLIT LEGISLATION

It is interesting to see how Directive 2002/22/EC fails to establish net neutrality in its purest form. In order to analyse why this legislation fails to establish net neutrality a look must be taken at the process of the European Union's decision-making process regarding net neutrality. On 11 September 2015 the European Commission released a proposal for the 'Telecom Single Market' (European Commission, 2013). This proposal did not contain any clauses that would ensure the protection of net neutrality and consequently many internet activist groups were outraged (Save the Internet, 2015). These activist groups were to some extent successful in influencing the European Parliament because it voted in favour of a couple of amendments that would protect net neutrality on the 3rd of April 2014 (European Parliament, 2014). By accepting amendments to the already existing directive 2002/22/EC, the European Parliament wanted to preserve net neutrality in its purest form. This intention by the European Parliament can be seen by the text in the amendments 234 & 241:

“net neutrality’ means the principle according to which all internet traffic is treated equally, without discrimination, restriction or interference, independently of its sender, recipient, type, content, device, service or application’ (European Parliament, 2014).

The text shows that the intention of the European Parliament was to establish that net neutrality should not entail a division regarding how data is treated. The text specifically mentions ‘all internet traffic’ to combat the establishment of different lanes for the European internet highway. The amended text was sent back to the European Commission for revision and the European Commission held meetings between the European Commission, Parliament and Council for 1,5 year and on the 8th of October 2015 the European Commission officially communicated the revised the directive and sent it to the European Parliament for a second reading.

What immediately became clear is that the European Commission had thrown amendments 234 & 241 out of the window. The text that the European Parliament had added on the 3rd of April 2015 was nowhere to be found and the new text contained provisions that continued to allow for the creation of a second lane and zero-content rating. So to clarify, the European Parliament did not vote in favour of net neutrality by accepting Directive 2002/22/EC. Instead, the European Parliament merely voted against amending 2002/22/EC and thus accepted the document communicated to them by the European Commission. When the text of amendments 234 & 241 are compared to the end result of the vote that took place on the 28th of October 2015 it is clearly visible that the European Parliament has shifted in its stance to a more lenient position when it comes to protecting net neutrality.

EXPLAINING DIRECTIVE 2002/22/EC

So how did one of the most stringent pieces of legislation on the protection of net neutrality transform into a text that includes provisions that go directly against the concept of net neutrality? One of the ways to look at this situation is from a rational choice institutionalist (RCI) per-

spective. RCI focuses on the fact that institutions try to maximize their influence by limiting the 'rules of the game' (Hall & Taylor, 1996). According to RCI the fact that institutions are often there to resolve collective problems does not rule out that institutions act strategically or self-serving.

The institutions that will be analysed from an RCI perspective are the European Commission and the European Parliament. Andreas Maurer points out in his paper 'The Legislative Power and Import of the European Parliament' that all decision-making actors at the EU level lose if they are perceived as inefficient (Maurer, 2003). The phenomenon described by Maurer is an important motivator for both the Commission and the European Parliament to come to a consensus rather than remain in conflict over an extended period of time. This could explain why Directive 2002/22/EC seems like a blend of the first directive before and after the first reading in the European Parliament: To avoid a gridlock the Commission and the Parliament would rather come to consensus. This claim can be further supported by looking at the meetings between the European Parliament, the Commission and the Council. In these trialogue meetings the three institutions work towards an agreement and try to reach a consensus (Save the Internet, 2015). In these trialogue meetings the Commission and the European Parliament could have reached a consensus on Directive 2002/22/EC, which makes it an in-between agreement, not completely favoring the internet service providers but also not completely protecting the end-users of the internet.

Another factor that could have influenced the European Commission to edit Directive 2002/22/EC into a directive that was more lenient on net neutrality could be lobbying. The data from the European Union office of Integrity Watch can provide some useful insights into this matter. Since the 2nd of December 2014, the date from which data is available, it can be seen that twelve groups have met with the European Commission on the topic of net neutrality (EU Office Integrity Watch, 2015). Eight out of the twelve meetings were between the Commission and corporations, and half of these eight meetings were with telecom companies. Obviously it is the telecom companies that have most to gain by limiting net neutrality. It could therefore be possible that the Commission got heavily influenced by the internet service providers, which also explains why the Commission and the Parliament came to a consensus directive.

CONCLUSION

In conclusion, it seems that Directive 2002/22/EC is the result of institutional consensus seeking. From the perspective of RCI this could well be out of a fear of becoming inefficient. Both the Commission and the Parliament do not want to be perceived as such, and both prefer reaching a consensus rather than to drag on the decision-making. This consensus reaching environment only grows when the European Parliament, Commission and Council discuss the legislation in trialogue meetings.

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WINDOW OF OPPORTUNITY

Will 2016 be a breakthrough for TTIP?

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The paper is an attempt to introduce TTIP as a strategic and geopolitical tool in transatlantic relations through the prism of upcoming political transitions both in the EU and the U.S. The main emphasis has been put on the U.S. presidential elections in November 2016 as President Barack Obama will leave the Office without a chance of being re-elected. On Europe's part, TTIP leaks, 'Brexit' referendum as well as a noticeable turn towards Euro-scepticism in most influential Europe's countries – Germany and France – have been highlighted. With TTIP as the most recent stage of EU-U.S. strategic trade relations, other attempts of launching cooperation have been recapitulated in the 'History of transatlantic trade' paragraph alongside an explanation of what specific issues emerged as obstacles to the TTIP negotiations' course. The paper is a form of both a summary and a review of recent political developments in the light of TTIP negotiations.

INTRODUCTION

In its mega-regional character, TTIP contributes to setting a direction and intensity of future transatlantic economic relations, as well as political and diplomatic consequences of a negotiated agreement (Sait Akman, Evenett, Low, 2015). Due to its scale, TTIP's inevitable effect is a consolidation of not only economic but also political potentials of the EU and the U.S. and its direct and indirect, structural, institutional, geopolitical and geostrategic effects that will introduce a revival of transatlantic dialogue (Hallams, 2013; Hamilton, 2014). Taking the scope of TTIP into consideration, it becomes noticeable that the EU and the U.S. aspire to positions of regulators and that they strive for setting global standards, not only following them, thus aspiring for the TTIP to have similar impact as famous the 'California effect' and more recently – the 'Brussels effect' (Horn, Mavroidis, Sapir, 2010; Bradford, 2012).

Despite the ambitious approach of drafting 'an agreement of 21st Century' or 'economic NATO' the fruition of TTIP may be endangered by the probable discontinuation of the so far conducted transatlantic politics (Heuser, 2016; Malmström, 2015; Kortweg, Odendahl, 2016; Ay, 2014). Therefore,

there is an impending new opening in the EU-U.S. relations after 8 years of Barack Obama's presidency and a possible change of President of France, and Chancellor of Germany in next 18 months.

The negotiations of TTIP have accelerated at the beginning of 2016; the negotiators have scheduled additional negotiation rounds to reach conclusion as soon as possible – preferably by the end of 2016. After the 12th round, which took place in Brussels in February, a 'substantial progress' has been announced and intensification of talks has been introduced as the negotiations were to be held, not only in official five-day sessions, but in enhanced intersessional cooperation as well (European Commission, 2015).

This paper argues that due to political dynamics both in the U.S. and in Europe, the year 2016 is an optimal, if not the only possible time to successfully conclude TTIP in the current decade. The status quo which enabled the launch of negotiations and has conducted them so far is most likely to be disturbed by the results of numerous elections on both sides of the Atlantic.

TTIP AS A NEW OPENING IN A HISTORY OF TRANSATLANTIC TRADE

TTIP is the most recent attempt of transatlantic cooperation on trade, but it has had several predecessors. In post-war transatlantic cooperation there has not been any EU-U.S. organization including exclusively those two entities. In the history of their relations, two significant eras can be distinguished – the Cold War period (1945-1989) and the post-Cold War period (1990-today).

The Cold War period was primarily determined by political factors within the framework of the two-block rivalry between East and West. Politics and security issues have dominated transatlantic cooperation. The transatlantic sphere was mainly regulated via bilateral agreements that western European countries signed with the U.S., as well as via cooperation within international organizations – such as NATO, which became the most prominent forum for cooperation, but also the International Monetary Fund, the World Bank and the OECD.

After the Cold War, there was an apparent need on both sides of the Atlantic to write a new chapter in U.S.-Europe relations (Sapiro, 2015). The first step was the Transatlantic Declaration (1990). A following attempt to create a Transatlantic Free Trade Area (TAFTA) was a fiasco – mainly because both parties did not perceive the initiative as a priority. Europe was focused on transformation that led to the creation of a supranational organization, which we now call the European Union, while the U.S. was asserting its economic position in the negotiation of the North American Free Trade Agreement (NAFTA).

Transatlantic political issues were settled on a fairly regular basis, as the New Transatlantic Agenda as well as the accompanying Action Plan were signed in 1995, followed by the establishment of the Transatlantic Partnership Political Cooperation three years later. Initiatives that later proved to be a promising foundation for negotiations of TTIP, were the Transatlantic Economic Partnership in 1998, the Positive Economic Agenda (TPA) in 2002 and the Transatlantic Economic Council in 2007.

Formal preparation for the TTIP negotiations began when Transatlantic Economic Council appointed the High Level Working Group on Jobs and Growth in November 2011, whose final report has set forth main goals, structure and scope of future transatlantic trade agreement (Final Report High Level Working Group on Jobs and Growth, 2013).

TTIP: A DIFFICULT NEGOTIATION

On 17 June 2013, the EU and the U.S. announced a new opening in their mutual relations (See: Remarks by President Obama, U.K. Prime Minister Cameron, European Commission President Barroso and European Council President Van Rompuy on the Transatlantic Trade and Investment Partnership). It was anticipated that negotiations would not take long; however, the schedule has been altered a few times already and the estimated final date has been moved forward: first October 2014, then the end of 2015. Currently, leading negotiators unanimously mention the end of 2016 as a realistic deadline to reach the agreement on the final version of TTIP. What is crucial, as both parties strongly emphasise, negotiations will not be accelerated at the cost of resignation from the most ambitious version of the treaty, as it would be the most profitable as a comprehensive agreement.

The concrete steps towards the advancement of TTIP conclusion are most probably a response to criticism received from observers and experts stating openly that the pace of talks has been insufficient so far (Bierbrauer, 2015). By the summer of 2016 fourteen negotiation rounds will have been completed, three rounds only in first half of 2016 (meanwhile both in 2014 and 2015 there were four rounds per year). This is deemed as a realisation of both EU and U.S. coordinators' declarations to 'further intensify [their] work during 2016 to help negotiations move forward rapidly' (See: United States Trade Representative Office. Joint Statement by Ambassador Froman and EU Commissioner Malmström on the Transatlantic Trade and Investment Partnership Negotiations).

A wide scope of TTIP and its ambition for in-depth regulation are the main reasons for the slow progress of the negotiations. Despite being a part of a mega-regional trade treaties trend resulting in a global era of trade redefinition (including inter alia, a shift from multilateralism to bilateralism, or 'regionalism'), TTIP is said to aim to create a common transatlantic market with its own set of regulatory standards, which goes beyond the framework of trade agreements (Horváthy, 2014). First – global dimension and TTIP as an attempt to strengthen political and economic power of EU-U.S. coalition. Second – the bilateral relations between EU and U.S. and their internal discussion development, as well as its influence on currently functioning mechanisms, institutions and procedures. The third and most detailed level, is the sector level – where regulations concerning agriculture, environment, intellectual property etc. are negotiated. Nevertheless, the regulation coherence emerged as a challenging and an extremely complex area of negotiations requiring both parties to find a joint solution in fundamental matters such as environment and public health, as it includes, among others, long standing rules of an assessment of the differences in risk management (the assessment differs quite significantly, as the U.S. prefers the ex-post civil liability approach and the EU stands firmly by its ex-ante one).

Nevertheless, at the beginning of the year the EU and U.S. were still far from finalizing the negotiations, especially on sensitive political issues. The most problematic negotiation areas are: (1) market access for US exporters of agricultural goods in EU Member States, (2) market access for EU suppliers to public procurement tenders in the U.S. (including a sub-federal level), (3) a separate chapter on energy and raw materials, (4) protection of geographical indications, (5) restrictions to the US transport sector. Furthermore, the official response to EU's proposal

on Investment Court System is still awaited (European Commission. Transatlantic Trade and Investment Partnership Draft Text. Trade In Services, Investment And E-Commerce. Chapter II – Investment.). Noticeably, those are fundamental issues that are strictly linked to the merit of TTIP, and therefore achieving an agreement requires enhanced cooperation between the parties and may result in prolonging of the negotiation process.

Apart from difficulties with drafting the final textual provisions of TTIP, there are several issues of a procedural nature that have not been favourable to the negotiations in general, especially on the European Union's part. The Commission as a body represents the EU in the TTIP negotiations and therefore conducts two-way talks: with the USTR as its counterpart and with governments of the Member States (the Council) as well as with the European Parliament – to collect opinions and standpoints as well as report any progress. The detailed procedure of negotiating and signing international trade agreements by the EU is regulated in articles 207 and 218 of Treaty on Functioning of the European Union (TFEU). Commission will seek unanimous approval of the final TTIP proposal from the Council speaking in the name of all the Member States. Another permission will be sought from the European Parliament, and in case TTIP is pronounced a 'mixed' agreement just as it happened recently to Comprehensive Economic and Trade Agreement (CETA) – from Member States in accordance with their constitutional provisions (European Commission. Press release: European Commission proposes signature and conclusion of EU-Canada trade deal). Undoubtedly, an elaborated structure of the EU itself and numerous stakeholders engaged in the negotiation process are particularly challenging for the Commission to take every standpoint into consideration as it negotiates TTIP in the name of a supranational organization.

Another key factor of success of the TTIP negotiations recognized by the Commission was the way in which the stakeholders, such as regulators, economic actors and civil society, are being informed and consulted on particular negotiation areas. That is why the EU has been making attempts to democratize the TTIP negotiations, especially in the light of fast-developing public concerns with regards to investor-state dispute settlement (ISDS). Numerous consultations, speeches, and meetings conducted by the Commission are time-consuming per se, but also their outcomes, which the Commission wishes to take into consideration, tend to affect the negotiations – both its pace and scope. The online public consultation on ISDS was carried out between 27 March and 13 July 2014, and according to the Commission was to serve as a forum for public debate and subsequently a basis for the EU's official investment protection proposal (See: European Commission. Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Investment Partnership Agreement (TTIP)). As a result, the Commission postponed negotiations on ISDS to work on the concept of the above mentioned Investment Court System, which remains one of the sensitive negotiation areas between the U.S. and the EU.

It has been argued that prioritizing the TPP over the TTIP contributed to the delay of transatlantic negotiations; however, talks on TPP started in 2011, i.e. two years prior to the launch of TTIP negotiations. On the other hand, the EU was finalizing the CETA agreement with Canada. Both parties also have been refraining from detailed negotiation of the controversial issues, focusing on those where the agreement was the easiest to obtain. Nevertheless, both TPP and CETA were concluded by the end of 2015, which allows TTIP to become a common priority again.

Another aspect that frequently remains unnoticed is the broader context of TTIP negotiations, namely the strong positions of both the EU and the U.S. as two global powers, which is an unprecedented situation. Unlike e.g. TPP with the U.S. as the most prominent signatory negotiating from a position of power, TTIP brings together two parties with comparable potential (Akhtar & Jones, 2014). It is believed that, because of concluding TPP the U.S. shall have more negotiating power, as it will be granted an opportunity to compete more effectively with EU exporters within the TPP region. However, the impact of TPP on the global economy (taking into account direct effects as well as potential spill-overs) is difficult to foresee. Moreover, the EU already has – signed or pending – agreements with five countries being also signatories of TPP, i.e. Canada, Chile, Mexico, Peru, and Singapore. There are five more agreements being negotiated with the U.S., Japan, Malaysia, and Vietnam. Therefore, a balance between the EU and the U.S. will not change significantly, and compromise remains a key word in TTIP negotiations – which does not allow for an early fruition of the treaty.

Last but not least, another reason for TTIP negotiations to be lasting longer than expected, paradoxically, are the already functioning long-established trade ties between the U.S. and the EU – which means most of the basic and easy to resolve aspects of trade i.e. high tariffs or restrictive non-tariff barriers, have already been addressed, leaving more complex matters for TTIP (Greenberg, 2016).

MAKING IT BEFORE OBAMA LEAVES OFFICE

On 29 June 2015 President Barack Obama signed into U.S. legal order the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, referred to as ‘trade promotion authority’ (TPA) or a ‘fast-track’ authority (Bipartisan Congressional Trade Priorities and Accountability Act of 2015, S.995, 114th Cong., 2015). This mechanism regulated by TPA is a traditional U.S. method to proceed negotiated trade agreements for either approval or rejection in U.S. Congress without possibility to make any amendments. The mere fact of signing TPA should be perceived as a sign of strong willingness to ratify TTIP as soon as possible. The last such an authority expired in 2007 (it was TPA signed for the purpose of WTO’s Doha negotiation round) and has not been renewed up until 2015. From 2007 to 2014 there was an absence of any TPA renewal initiative which may be interpreted as a reflection of the negative view on international trade at that time based on the economic situation in U.S. – ‘the Great Recession’ of 2007-2009, alongside with ‘the great depression’ in housing prices and a frequent theme of ‘the destruction of American jobs’ circulating in press and during political debates.

In the meantime, TPP has been and still is a priority to the U.S., especially after the reaching an agreement on 5 October 2015 which followed six years of negotiations with the final version comprising 6,000 pages (USTR Office. Trans-Pacific Partnership Ministers’ Statement). The Obama administration will be making an effort to put TPP for Congress’ consideration.

What may be the influence of TPP on TTIP? Congressional review and consideration of the TPP is unlikely to interfere with the TTIP negotiations. Some of the TPP provisions may act as guidance for the TTIP negotiators in areas such as e-commerce, state-owned enterprises and intellectual property. The TPP’s ratification by U.S. Congress in 2016 is said to contribute to an

acceleration of TTIP negotiations. However, both EU and U.S. negotiators officially say that there is no direct relationship between the TTIP and the TPP. It is anticipated that finalization of the consideration TTIP in U.S. Congress according to U.S. review procedures under TPA (including an International Trade Commission final report on TTIP) shall not come before 2018.

It is highly uncertain whether TTIP talks could be continued with the same level of engagement after the U.S. presidential elections in November 2016. For strictly political reasons, the future U.S. President will be hesitant to continue the process initiated, promoted, and endorsed by Barack Obama. That means that Obama's successor will want either to implement amendments to TTIP or to widen/narrow down the scope thereof, compromising its integrity. The easiest way to avoid such a situation would be a formal conclusion of the TTIP negotiations before the next President is sworn in, and subsequently referring to TTIP as a 'formally concluded text of the agreement' rather than a 'negotiated agreement'.

After Hillary Clinton has been officially endorsed by Bernie Sanders on 12 July 2016 there are only two candidates running for president: Hillary Clinton (Democratic Party) and Donald Trump (Republican Party). Hillary Clinton as Secretary of State did support the international trade negotiations. However, once she became a Democratic candidate for president she openly presented her disapproval of TPP as it lacks comprehension in her opinion (Clinton, H, PBS Newshour, 2015).

. Clinton is also said to be 'pro-Europe', as she e.g. she advocated for UK to remain in the EU. For the time being, Clinton is probably the only candidate in the presidential race who possibly would approve of TTIP – as she stands in between Trumps emotional approach and Sanders' scepticism of globalisation. In fact, it is said it was Hilary Clinton who referred to TTIP as an 'economic NATO' creating a slogan used vigorously by TTIP's proponents (van Ham, 2013).

On the other hand, Donald Trump was against TPA, as well as he openly criticised NAFTA and TPP on numerous occasions which gives an impression he does not stand in favour of large trade deals. Therefore, it may be astonishing that Donald Trump has chosen as his running mate Indiana Governor Mike Pence who is known for his pro-trade views. Pence have been endorsing almost every trade initiative the U.S. has been a part of: NAFTA, Dominican Republic-Central America Free Trade Agreement, TPP, and TTIP (McLeary, Francis, de Luce, 2016).

For the sake of completeness, it is worth to mention standpoints of other presidential candidates as well in order to depict the current moods on international trade in the U.S. politics. Bernie Sanders declared to refuse to present 'the controversial Transpacific Partnership and Transatlantic Trade and Investment Partnership agreements' to Congress if elected president (Alexe, 2016). That statement was a reaffirmation of his long-standing views on trade. Sanders was one of 12 U.S. senators who, in January 2014, wrote a letter to Senate Majority Leader, Harry Reid, explicitly expressing their objection to a renewal of the TPA. Sanders eventually voted against TPA and has been critical towards the mega-regional trade treaties ever since. The Republican presidential candidates had been refraining from formulating direct opinions on TTIP during the campaign, but nonetheless, both Ted Cruz and John Kasich approved of TPA in Congress back in 2015. Cruz withdrew his initial support for TPP, whilst Kasich remained pro-TPP with several reservations, such as that an enhanced protection of American workers should be included in the treaty.

EUROPE: PUSH FOR TTIP DESPITE THE CRISIS

The transatlantic free trade agreement idea has been created within the current establishment both in the EU and the U.S. It was the British Prime Minister David Cameron's and German Chancellor Angela Merkel's suggestion in 2012 to the recently re-elected U.S. President Barack Obama to join them in a commitment to pursue a transatlantic trade agreement (Schmitz, 2013). However, unavoidably, the status quo for TTIP negotiations will be entirely different a year from now and so may be the Europe's political will to conclude the agreement.

Ironically, despite it being possibly the last chance to reach a comprehensive agreement in the nearest future, the year of 2016 unveiled many disruptions in the course of TTIP negotiations.

The first major development was TTIP leaks released by Greenpeace Netherlands on 2 May 2016 which served as a trigger for comments from the officials, experts and observers. The materials consisted of 248 pages divided respectively into chapters and have been made available to the public on the website www.ttipleaks.org. Interestingly, the texts were partially consolidated so it was possible to evaluate on which aspects negotiators do and do not agree – and it was a unique opportunity as all the texts published by the European Commission are the EU position papers only, and therefore do not include the U.S. standpoints. Both the EU and the U.S. negotiators responded to the leaks, but in different manners; Commissioner Malmström and Ignacio García Berceiro decided to address the issue in their respective official statements admitting the leaked documents are authentic but could not be perceived as a finalised version of any of TTIP provisions (European Commission. EC technical briefing on-the-record on the 13th TTIP negotiations round debriefing; Malmström, 2016). Meanwhile USTR did not comment on the merits of the leaks, stating only that 'while the United States does not comment on the validity of the alleged leaks, the interpretations being given to these texts appear to be misleading at best and flat out wrong at worst' (Copley, 2016)..

The vital question appeared to be, how the leaks would affect the TTIP negotiations and the initiative as a whole. Surprisingly, the materials revealed that the European Commission is stronger in the ongoing negotiations than one could expect, and there is no evidence of the EU negotiators easily undergo pressure – the greatest example of that is a paragraph on the use of UV filters in cosmetic products which explicitly states:

'All in all, discussions on cosmetics remain very difficult and the scope of common objectives fairly limited. The US confirmed that in the US, UV filters (which are used in many cosmetic products) will continue to be subject to safety assessment based on animal carcinogenic studies that EU enterprises cannot provide due to the EU ban on animal testing. The EU and US approaches remain irreconcilable and EU market access problems will therefore remain' (TTIP Leaks: Chapter XVI – Tactical State of Play).

Nonetheless, most observers agreed on the fact that there is nothing ground-breaking or unusual for trade negotiations has been revealed as the materials include everything proponents and opponents of TTIP had been already aware of. Moreover, the leaks have been said to have an 'embarrassingly modest' impact as the information revealed is not capable of prompting any significant future change (Heath, 2016).

However, TTIP leaks did not go unnoticed by most of the significant European politicians; French President François Hollande criticised TTIP stating that France will never accept ques-

tioning essential principles for its agriculture, its culture and for the reciprocity of access to public procurement markets, and therefore at this stage of talks France says 'no' to TTIP (Vinocur, 2016). Such an abrupt negation of the TTIP initiative has been perceived as suspicious by commentators who implied that Hollande's comments were an attempt to appease his potential anti-TTIP constituencies as his ratings were decreasing at the time. On the contrary, the UK then Prime Minister David Cameron called for political courage to finalise TTIP despite France threatening to veto the proposal in its current form (Mason, 2016).

There has also been a second TTIP leak on 11 July 2016 when energy chapter provisions were revealed. Undeniably, its impact was not as significant as the information did not echo in mainstream media as it had happened previously in May.

As TTIP leaks have turned out to be a proverbial 'storm in a teacup', the British referendum which took place on 23 June 2016, or to be precise – its result – will undoubtedly affect TTIP negotiations and their eventual outcome. UK has been one of the biggest supporters of TTIP in Europe and as it will be facing re-negotiating its status of an EU Member State in the nearest future, it most probably will not deem TTIP as its concern, let alone a priority. Even though UK remains a rightful Member State as long as it does not commence the procedure regulated in article 50 TFEU, it is questionable within the EU itself, what the position of the UK is at the moment with the regard to ongoing negotiations of treaties, as it most probably won't be a signatory to any of them once it leaves the EU (or at least notifies its decision to do so). In the light of 'Brexit' becoming a reality, both the EU and U.S. negotiators declared they remain committed to finalise TTIP and Commissioner Malmström emphasised that the negotiations with key partners will continue, also on behalf of the UK as it is a Member State at the moment (Lawder, Crosby, 2016). It does not mean, however, that the British referendum results will not have any impact on the TTIP talks – the UK's trade accounts for circa 25% of overall EU's trade with the U.S. so excluding it from the TTIP will have rather a significant influence on its final outcome and most probably some adjustments will be required. The U.S. chief negotiator Daniel L. Mullaney reiterated that 'Brexit' is quite a dramatic change as it is similar to a hypothetical situation of the U.S. conducting trade negotiations without including the state of California in it (Euractiv.com & Reuters). Nevertheless, Secretary of State John Kerry confirmed that TTIP remains a priority for Obama administration and 'actually becomes more important' in the light of 'Brexit' (Rankin, 2016). The result of the referendum gave yet another reason for top European politicians to give their opinions; French Prime Minister Manuel Valls declared the TTIP agreement would no longer be meeting French interests, which again appears to be a politically motivated statement, as no concrete actions followed it (EurActiv.com & AFP. TTIP impossible in 2016, French minister says).

Apart from developments in 2016 it is crucial to remember that Germany and France will hold elections in 2017: French presidential elections will take place in spring of 2017 whereas German federal elections will be conducted in autumn of 2017.

The current German government coalition generally remains united in support for TTIP, which has been emphasised on several occasions by Angela Merkel. However, TTIP has been becoming a tool to gain political capital in Germany in the light of upcoming elections. The opposition to TTIP is becoming increasingly appealing to voters from both the left and the right of the political spectrum as it aligns with rising Euro-scepticism and anti-American moods in Germany (caused, amongst others, by the National Security Agency scandal in July 2014). The generally unfavour-

able atmosphere and numerous speculations have contributed to TTIP becoming one of the most 'toxic' issues in German politics (Shuster, 2016). The most prominent example is as the German political party named Alternative for Germany (ger. Alternative für Deutschland, AfD) – a revelation in recent German local elections – that announced a strong opposition to the TTIP (Lane, 2016).

France, on the other hand, has been consistent with its cautionary approach to mega-regional trade agreements, expressing its concerns numerous times. Unlike Angela Merkel and David Cameron, French President François Hollande before TTIP leaks in May 2016 has only once addressed the TTIP officially during his meeting with Barack Obama in Washington D.C. in January 2014 (Fabry, 2015). Hollande remained cautious towards the treaty:

'(...) as long as principles have been set up, as long as mandates have been decided and the interests of everyone are known, speed is not of the essence. What we need is to find a solution. Of course a speedy agreement would be a good thing because otherwise there will be fears and threats. So if we act in good faith, if we respect each other, and if we want to promote growth, as we said a few moments ago, well, we can go faster' (See: The White House Office of the Press Secretary. Press Conference by President Obama and President Hollande of France. Remarks by President Obama and president Hollande of France in joint press conference).

It is apparent that there is a clear political cost to supporting TTIP in France, as the treaty has been becoming less popular amongst the general public due campaigns carried out by TTIP's opponents.

TTIP's politicization, especially by its Euro-sceptical opponents who take advantage of growing public mistrust in the transatlantic trade will definitely contribute not only to a less favourable perception of the treaty by European citizens, but will also undermine the political will to conclude the agreement in the nearest future. That is why not only upcoming political transposition in Europe, but the election campaigns leading thereto pose a serious threat to the successful conclusion of TTIP. What is important to mention here, the use of TTIP in political disputes is somewhat 'controlled politicization', as it has been being used as a typical bargaining card in domestic politics. None of Member States known as openly critical towards TTIP, e.g. France, have ever formally protested against the negotiations, neither have they seized the opportunity given them by the Treaties, namely the article 218(11) TFEU which allows Member States to apply for the opinion of the Court of Justice of the European Union (CJEU) with regards to anticipated international agreements:

'A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties. Where the opinion of the Court is adverse, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised'.

Naturally, such a solution would postpone the conclusion of the agreement which would not be preferable as it is argued in this paper, nevertheless CJEU's opinion would be final, and would resolve many arguments and doubts surrounding not only TTIP, but also other EU international trade treaties. On the other hand, there would be no place for further discussion in domestic politics – thus, it appears European governments understand the urgency of finalizing TTIP negotiations as soon as possible as they abstain from any significant actions, but nonetheless they value it as an internal political tool as well.

In case of further postponement of TTIP negotiations, the current European Parliament will not be able to vote on it as the next elections are scheduled for May 2019. A so called ‘legal scrubbing’ as well as translating the final version of the treaty could last up to 12 months – similarly as it has been with CETA. The current European Parliament would have a last chance to vote on TTIP in February or March 2019, as the elections will take place in May 2019. There are 376 of the total 751 votes needed to obtain an approval for TTIP. The current EP’s political configuration will be most probably in favour of TTIP – the strongest opponents of TTIP constitute only 25% of Members of European Parliament. The European People’s Party (EPP) and European Conservative and Reformists (ECR) are the TTIP’s most prominent supporters with 291 votes, which means the approval from Progressive Alliance of Socialists and Democrats (S&D) as well as the Alliance of Liberals and Democrats for Europe (ALDE) still will be needed. Nevertheless, the Commission cooperates closely with the S&D group, taking into consideration their remarks, which means TTIP is likely to meet the requirements listed by the majority of the S&D.

Table 1: Composition of the eighth European Parliament (2014-2019)

Political group	Seats	Ideology	Type	TTIP position
European People’s Party (EPP)	221	Centre Right	Mainstream	In favour (support for ambitious agenda)
Progressive Alliance of Socialists & Democrats (S&D)	191	Centre Left	Mainstream	Condition support (concern over SPS, ISDS, GIs)
European Conservatives and Reformists (ECR)	70	Centre Right	Mainstream	In favour (support for ambitious agenda)
Alliance of Liberals and Democrats for Europe (ALDE)	67	Centre/Centre Left	Mainstream	In favour (data privacy is the main concern)
European United Left/Nordic Greens (GUE/NGL) ⁵²	52	Far Left	Protest	Against
The Greens/ European Free Alliance (Greens/EFA)	50	-	Protest	Against

Political group	Seats	Ideology	Type	TTIP position
Europe of Freedom and Direct Democracy (EFDD)	48	Far Right	Protest	Aganst
Non-attached Members (NI)	52			
Total MEPs	751			
Total Needed to Pass the TTIP Agreement	376			

Source: The summary developed in a study by L. Buonanno and C. M. Dudek *Opposition to the TTIP in the EU and the US: Implications for the EU's 'democratic deficit'* (Buonanno & Dudek, 2015).

CONCLUSIONS

The effects of globalisation are inevitably shaping the first decades of the 21st Century. The EU and the U.S. are the main actors in the world in many respects, including trade. With its proponents and opponents, TTIP shall be a result of aligning strategies and reciprocal compromises. Developing and implementing a trade system in the light of globalisation (as well as other mega-regional trade treaties), one that is relatively stable and consensual, has become a crucial matter for all international stakeholders in the economic, financial and political arenas. Both the EU and the U.S. shall have a major role and responsibility in the new balance of powers that is taking shape.

The current alignment of world powers allows for a fast and efficient conclusion of TTIP. The treaty should be finalized by those who initiated it, as they are the architects of its fundamental principles, ambitious scope and are aware of its integrity as the comprehensive agreement it aims to be.

Negotiations of TTIP, if not completed before 2017, will have little chance to re-emerge after change of administration in the U.S. and elections in two major EU countries – France and Germany. The high risks of discontinuity as well as thorough misunderstanding of the TTIP by the main actors' successors is likely to contribute to the collapse of the entire undertaking.

Every international project of an importance similar to TTIP needs strong political leadership. This principle has been proved already by Barack Obama, who played a significant role in TPP negotiations – he intervened personally during the last round of TPP talks, which resulted in the conclusion of the agreement in October 2015. Many observers sought a similar engagement with regards to TTIP. On April 24, 2016 President Barack Obama took a firm stance on TTIP at Hannover Messe Trade Show Opening:

‘I want to point out that we’ve now been negotiating T-TIP for three years. We have made important progress. But time is not on our side. If we don’t complete negotiations this year, then upcoming political transitions – in the United States and Europe – could mean this agreement won’t be finished for quite some time. I know the politics are hard. But we have to keep making our case, stating the facts and dispelling any misperceptions. We can’t let this window of opportunity close. The time to complete T-TIP is now, and I’m here to say that the United States is prepared to make every effort to reach an ambitious, comprehensive, and high-standard agreement this year’ (See: White House Office of the Press Secretary. Remarks by President Obama at Hannover Messe Trade Show Opening)

It is also noticeable that top politicians are trying to reaffirm one another with regards to their continuous political will to conclude TTIP as it has been discussed during the 42nd G7 summit in Japan in May 2016 as well as during NATO summit in Poland in July 2016. Clearly, the spectre of TTIP’s slow failure similar to what had happened to WTO Doha Round is what the current political establishment fears. Not only would it deprive both economies from the opportunity to liberalize transatlantic trade but it also would have its geopolitical consequences – and ‘the damage would be all the greater if the process were acrimonious, or if it exposed either indifference in the United States to Europe or latent anti- Americanism in the EU’ (Irwin, 2016).. However, recently finalized 14th negotiation round has not unveiled any major progress as there are still several standpoints where the EU and the U.S. are wide apart (Dreyer, 2016).

To conclude, seemingly both the U.S. and the EU are now fully aware why it is vital for TTIP to be concluded in 2016. In the geopolitically very challenging times political changes start to unveil, the TTIP itself and the profound idea of bringing new quality into transatlantic trade relations will have to wait at least several years to become a mutual priority yet again.

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