

Governance Challenges towards better regulation and transparency

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First Vice-President of the Commission Frans Timmermans undoubtedly faces many governance challenges; because unlike other policy priorities the making of laws lies at the very heart of the EU political system, which means essentially that this portfolio is the life force of the EU.¹ Due to this central and overarching role, if the challenges cannot be overcome, the implications will be great for all other policy priorities and for the EU itself.

In the current politically unpredictable and fragile times, if Commissioner Timmermans is to reach his goal of making better regulation for Europe, by “cutting red-tape”, it implies that the systems of Member States require change. Considering disparities in economic strength and processes among them, these changes may not be financially viable and also, “better regulation” is shaped by different and contested understandings.² Although different across Member States, “better EU regulation should be a shared responsibility and far too little is happening at the Member State level. The Commission is often forced into trying to measure or anticipate the implementation costs of its proposed reforms³ as well as ‘unpredictable patterns of implementation and transposition at national level.’⁴ However, with the worst of the financial crisis already passed, a catharsis is good place to be in to ‘cleanse’ the EU of unnecessary red tape and make the structural changes vital for an efficient regulatory system, the lack of which, has been one of the major criticisms of EU citizens.

Overwhelming and complex regulation hampers growth and has not represented the will of citizens, hence the great emphasis of this priority and

the extensive powers given to Timmermans to undertake the task.

Furthermore, Timmermans is responsible for improving institutional relations and promoting a new partnership with national parliaments. It has been pointed out several times that ‘the institutions are not self-serving but serving our Member States and its citizens.’⁵ The Commission is unelected and lacks democratic legitimacy to the extent that the Parliament, the elected institution, can cause a motion of censure against all Commissioners. The European Parliament lacks the power to initiate legislative proposals and citizens cannot vote on EU policies, except during periodic referendums on EU membership or treaty reforms.⁶ While promoting better relations with the European Parliament, political ideologies will be at the forefront of contested issues as MEP’s are grouped according to party affiliation, rather than Member State. The 2014 EU Parliamentary elections saw a rise in far right and far left political parties expressing eurosceptic beliefs and concerns. Some of these parties, such as ‘the Greek Golden Dawn, the Hungarian Jobbik and the British National Party are openly xenophobic’⁷ potentially causing tension during policy debates, i.e. in relation to pro-migration, potentially clashing with Timmermans’ centre left political background. The Charter of Fundamental Rights component of policy could be at a standstill and debated given the prevailing resentments across the European Union, Eurosceptical, anti-immigration or anti-parliamentary positions all could most likely become a feature to remain in the European Parliament for the years to come.

Regardless, ‘as long as all EU policies must be implemented and enforced by the Member States, citizens are never directly confronted with the governing authority of the Union. What matters is the willingness of Member States to comply with EU mandates, and the willingness of citizens to comply with their national authorities, regardless of the national or European origin of the laws being enforced.’⁸ However, it is difficult to inform a Member State that its laws are incompatible with EU law, especially if the country’s government has a broad majority in its national parliament and in some cases, the Prime Minister is respected by fellow EU leaders. Ultimately, if the people have voted, then that is their democratic voice, however, if the will of the people is considered unreachable or destructive among EU elites and other Member States, then the people may require more EU transparency, accessibility and an overall improvement of the entire system to respond in a constructive way to overcome this dissatisfaction.

As Member States are set in their traditional ways, ‘EU supervision on the rule of law and the EU Charter are expected to meet resistance from states to whom supranational supervision presents yet another incursion into their national sovereignty.’⁹ Loss of sovereignty is amongst the biggest concerns of Member States. Poorer states are more reliant on the EU and are therefore more likely to forego some sovereignty, whereas some other states insist on holding on, which can lead to the undermining of the EU. Regulation is applied across the board and the greater the disparities, the less likely it is that Timmermans will meet his objectives. On the one hand, he needs to balance the use of differentiation to keep Member States in, including those possibly at the brink of withdrawal, i.e. the UK, without risking further EU fragmentation.¹⁰ On the other hand, if Member States move closer to the EU, in effect further away from local/regional jurisdictions to Brussels, there will be a greater challenge to maintaining transparency and

upholding representation across the diverse range of interests at that level.

In light of the challenges, Timmermans will be limited in making necessary reforms to regulation and improving transparency, as many factors may slow down the process and foreign security related issues can potentially override the need for internal reforms and change the course of direction of EU policy making. Lack of immediate action on Europe’s internal problems can lead to further loss of patience by voters who are also influenced by the media, as the ‘speed of the process of socioeconomic decision-making is all too often disconnect from the urgency of the matter.’¹¹

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