

Report on EUCOPAS-PROTEUS International Summer School and Simulation Exercise

The post-2020 EU budget negotiations and democratic norm violations
—
a European Council simulation game

4th – 8th June 2018, Brussels

The Summer School takes place within the framework of the Jean Monnet Centre of Excellence EUCOPAS and the teaching project PROTEUS. EUCOPAS is a Jean Monnet Centre of Excellence consisting of the Jean Monnet Chair, Prof. Wessels, University of Cologne and the Jean Monnet Chair in European Union Law and Political Science at Sciences Po, Paris. PROTEUS is a multinational and interdisciplinary course in the law and politics of the European Union, using a simulation exercise or moot court carried out by way of cooperation between different partner institutions.

Executive Summary:

Democratic norm violations in some Eastern member states and the candidate country Turkey are increasingly closely connected to discussions about the post-2020 EU budget. The European Commission is considering a proposal that would establish a link between the respect for the rule of law in member states and financial transfers from the EU.

The EUCOPAS-PROTEUS Summer School 2018 return to this current debate. From 4 to 8 June 2018, 34 international students discussed “The post-2020 EU budget negotiations and democratic norm violations” with international experts at the EU institutions, NGOs, Think Tanks, as well as EU delegations.

During the first three days, the students received profound knowledge of many facets of the topic in a series of presentations and discussions approaching the topic from unique angles and perspectives. In a final simulation exercise of the European Council on the last two days, they could then apply their newly gained knowledge by being stuck into the process of negotiations in their new team roles.

Monday 04th June 2018

Maastricht University, Campus Brussels

Jim Cloos, Deputy Director-General, General Secretariat of the Council of the European Union, General and Institutional Policy

The European Council and the Multi Annual Financial Framework

In his keynote speech, Jim Cloos, Deputy Director-General for General and Institutional Policy at the General Secretariat Council of the European Union, talked about the European Council and the Multi Annual Financial Framework (MFF). At the beginning, Jim Cloos mentioned that the MFF is very important for the budgetary procedures in the European Union. It provides a basis for implementing the budget for the following seven years. The MFF must be proposed by the European Commission and be adopted by the European Council. The categories of expenditure are economic, social and territorial cohesion, sustainable growth, natural resources, security and citizenship, global Europe and competitiveness for growth and jobs. Furthermore, he remarked that the EU faces many challenges right now. There are present negotiations, such as the consequences of Brexit, migration and border management, natural resources and environment, security and defence. Therefore, it is necessary to put forward clearer and simpler financial rules to make sure the budget can handle the important issues of and in the European Union.

Tuesday 05th June 2018

**Fondation Universitaire
EUCOPAS Final Conference
"Inter-institutional balance: towards a new institutional architecture?"**

Wolfgang Wessels and Olivier Rozenberg inaugurated the conference by welcoming the participants with their opening speeches.

In his contribution, Wolfgang Wessels emphasised EUCOPAS' aim to stimulate the transnational, especially German-French, dialogue in academia. Understanding the EU as a "moving target" demands to continuously scrutinize the evolution of EU institutions, to identify changing patterns in the relationships and the balance of power between EU institutions as well as and to analyse the weight of courts in EU's political system.

Following, Olivier Rozenberg illustrated contemporary trends in the EU's legislative procedures. His findings show a notable decrease of adopted laws between 1996 and 2016. Further, the time-span for adopting EU laws has increased. Compared to the status quo in 1996, today the process of adapting law takes two times longer. Another important trend is the extension of legal texts. EU laws are becoming more detailed, which may highlight the growing uncertainty of EU lawmakers.

Keynote Speech:

Jim Cloos, Deputy Director-General for General and Institutional Policy at the General Secretariat Council of the European Union, started his keynote speech by framing 2019 as an important year for the future of the EU. Against the backdrop of the European Parliament election, the nomination of a new president of the European Commission, the selection of a new European Commission as well as the appointment of a new president for the European Council in 2019, the EUCOPAS conference provides a great opportunity to reflect upon recent trends and developments in the relationship between EU institutions. While referring to the term "institutional architecture", Jim Cloos stated that EU's history experienced a permanent discussion about reforms. The evolution of both the European Parliament and the European Council highlights shifts and changes in the institutional architecture. However, the basic

philosophy behind the political system of the EU has never been subject to change. Referring to current dynamics in EU affairs, Jim Cloos emphasized that there would be no appetite for further changes of EU treaties. Dealing with the atmosphere at play, opening a discussion on changing the treaties could evoke a discourse further advocating elements of disintegration.

Panel 1 - The evolution of the European Council and its impact on the institutional architecture

Chair: Gaby Umbach, European Parliament

Desmond Dinan, George Mason University

Sophia Russack, Centre for European Policy Studies

The first panel was chaired by Gaby Umbach (European Parliament). Desmond Dinan (George Mason University) and Sophia Russack (Centre for European Policy Studies) discussed the evolution of the European Council and its impact on the institutional architecture. After a brief introduction into the topic, Ms Umbach raised the question: “Is there a new institutional balance coming up?”

At the beginning, Sophia Russack started with a recap of the European Council's role, combining long-term strategy, enlargement and withdrawal on the one hand, as well as legislative decision-making (notably foreign policy and justice and home affairs) and functioning as an appeal body for the Council on the other. Moreover, she stated, there would have been a significant empowerment of the European Council as the European Council would be a strong policy maker and the President of the European Council would be much more than a chairman. Sophia Russack pointed out that the strengthening and formalisation of the European Council was argued to be a threat to the Commission's role as agenda-setter, and monopolist of legislative proposals, provoking an emancipatory politicisation by the Juncker Commission.

Desmond Dinan reminded the audience of the relative nature of this debate. Accordingly, he mentioned the balance between the institutions of the European Union, saying, “One institution’s balance is the imbalance of another’s institution”. In this case, the rise of the

European Council and the European Parliament has been important for the institutional balance. In addition, he placed emphasis on the importance of leadership in shaping the day-to-day interactions between the institutions beyond the formality of Treaties, Court rulings and interinstitutional agreements. In light of this, the rise of the President of the European Council, the Council Presidency, the strong collective leadership displayed by the President of the European Parliament, the committee chairs and the political group leaders would be interesting to note. However, Desmond Dinan concluded that in the shifting sands of institutional balance, the European Council and European Parliament were on the ascendant while the Commission's influence is slowly diminishing.

Afterwards Gaby Umbach summarized the findings and opened the discussion with the audience. She argued for placing EU politics in the member states' national debates; this should include the Spitzenkandidaten system, as well as other aspects.

Panel 2 - The evolution of the European Parliament and its impact on the institutional architecture

Chair: Martin Westlake, College of Europe, London School of Economics

Olivier Costa, College of Europe

Michael Kaeding, Universität Duisburg-Essen

Anthony Teasdale, DG Parliamentary Research Services

In working panel 2, the speakers examined the evolution of the European Parliament and its impact on the institutional architecture. The discussion was chaired by Martin Westlake (College of Europe and London School of Economics).

Olivier Costa (College of Europe) started the debate by naming a recent trend in the EU, namely to conduct EU-legislation by the informal trilogue procedure. Trilogues have become the main way to solve legislative issues on EU level and today 80-90% of all legislative decisions go through the process of trilogues. Moreover, there has been an increased institutionalism of trilogues over time. The main question of interest is why trilogues have become mainstream. The research literature on this field is limited but there are four main

topics of study. First, the negative impact of trialogues on the transparency of law making as well as concerns for the quality of democracy. Followed by the organizational consequences and the impact on the overall institutional balance. Trialogues have become increasingly technical and depoliticized. Thirdly, trialogues' effects on actors within the institutions and the allocation of power to influence. Finally, trialogues' impact on the quality and length of the legislative procedure: They have led to quicker but more complicated legislative procedures. Although trialogues were meant to be a solution of crisis, they have become institutionalized because they proved to be an efficient tool in the legislative procedure. At the same time, trialogues can be considered problematic as they favor certain actors. Today, trialogues have become framework in the treaty/agreements that is difficult for actors to escape.

Michael Kaeding (Universität Duisburg-Essen) focused on the relationship between the European Parliament and the European Commission. Therefore, majorities are becoming tighter in the European Parliament, as the biggest parties are losing support. This will create a need to organize the work more effectively. Michael Kaeding pointed out that the EP has gained power over time, but which actors actually hold the power in the parliament? The rapporteurs play an important role and the playing field between MEPs is not levelled. Moreover, the biggest party groups are doomed to work together, which means loyalty is important. The decision of who should act as appointed rapporteur in a party depends immensely on his or her loyalty to the party and the party line. There have been massive reforms of the rules of procedure in the EP and of the internal rules within the party groups. Finally, Michael Kaeding remarked that the European Parliament has used its veto power successfully, which has increased the balance of power between the European Council and the European Parliament. More importantly, the European Parliament uses informal powers connected to this in order to attract media attention regarding certain legislative acts.

Finally, Anthony Teasdale emphasized the growing power of the European Parliament. Not only could the European Parliament enhance its own position through increased legislative powers, the importance of the presidency of the European Parliament has also increased over many years. There has been a period of improved intra-institutional dialogue, which has been an advantage for the Parliament. The European Parliament put forward the idea of having

intra-institutional agreements and created a framework for dialogue between the institutions. Furthermore, the Parliament is gradually moving towards taking on a greater responsibility in the legislative procedure. It's becoming better at understanding how to give itself more powers and improve law making. This is a part of a maturing process of the parliament.

Martin Westlake alluded to the main findings and opened the open discussion with the participants.

Panel 3 - Transnational Curriculum Development: lessons learned from the analysis and the assessment for teaching the institutional architecture

Chair: Alina Thieme, University of Cologne

Hartmut Marhold, Centre International de Formation Européenne, CIFE

Sven-Oliver Proksch, University of Cologne

Anja Thomas, Sciences Po, Paris

After a brief introduction of the three speakers, Chairperson Alina Thieme (University of Cologne) presented guiding questions on the importance of developing a transnational teaching curriculum in EU studies, to which the panellists should respond in a way.

Professor Hartmut Marhold had the opening speech within the discussion about the development of transnational curricula in the field of European Union studies. The "Centre International de Formation Européenne" where he is working at launches Master Programmes for European Integration for 40 different countries. From that perspective, he lined out the difficulties when developing a curriculum, which fits for all 40 nationalities with different pre-education and knowledge. In addition, he pointed out, that curricula of national universities and schools show a great discrepancy towards curricula of international universities. With regard to this, he stated that European integration is not a national matter and therefore has to be taught internationally. An international point of view is also seen as a favourable approach when analysing the history of the institutional balance of powers.

Professor Sven-Oliver Proksch from the University of Cologne was completing the content of his forerunner by pointing at the difference between Political Sciences studies and European Union studies. He declared that it is of great importance that the field of the Political Science always includes studies of the European Union since politicization on the national level never “happens” without being influenced and effected by international/European policies. Professor Proksch hence suggests an academic combination of national and EU content for modern curricula with emphasis on comparative components to deliver a complex understanding on how politics and policies work within the EU.

Anja Thomas from Sciences Po Paris added some perspectives on the importance of diverse curricula for future work perspectives. She stated that for working in international job environments like Brussels, students would need to have an international academic basis to succeed within this field. From her own experiences she said that e.g. the Sciences Po would offer a great international atmosphere and academic life on the one hand but that students had hardly adapted to the methods and systems of the university when they’re already about to graduate on the other hand. By this, she points to the challenge for EU students to not only get international experiences and learn about different academic angles but also to get profound and detailed curricula output in a short period.

Conclusion & Findings:

Johannes Müller Gómez, Olivier Rozenberg and Wolfgang Wessels concluded the conference with final remarks.

Johannes Müller Gómez (Université de Montréal) elaborated on the impacts of the European Parliament and the European Commission on the institutional architecture of the EU. Referring to the existing literature, he stated that there is a need for more detailed research on the interactions between the European Parliament and the European Council. Moreover, the exploitation of “grey areas” by de facto practices that are not explicitly mentioned in the treaties has to address by intensive research work. Referring to John-Erik Fossum, Johannes Müller Gómez advocated an approach to analyse the EU as a federal system in a comparative analysis.

Olivier Rozenberg thanked the participants for taking part in the conference and briefly focused on the case of Martin Selmayr, highlighting the powerful role by high civil servants managing EU affairs.

Finally, Wolfgang Wessels concluded the conference by applying the triple-C approach. Starting with *consensus*, which means a lack of contestation, Wolfgang Wessels stressed the importance to overcome challenges within a framework of common and joint solutions. Consensus decisions require the ability to conduct reasonable negotiations that result in *compromises* and package deals. However, compromises evoke (structural and substantial) *complexity*. Complexity, in turn, sets the constant agenda for further research.

Wednesday 06th June 2018

European Parliament
Ingeborg Gräßle, Member of European Parliament

On Wednesday, the third day of our international Summer School, we attended a conference with Dr. Ingeborg Gräßle, MEP, at the European Parliament. Despite a very interesting speech and an enriching interaction with the participants, the conference was brief since she had to take a flight to Munich on that day. Her assistants completed the rest of the conference and the visit to the Plenary.

Dr. Gräßle is currently the Chair of the Budgetary Committee. According to her, the European Parliament is a high division of labour, which creates permanent challenges to the institution. Firstly, because of the multitude of committees, MEPs have to be constantly and deeply aware of the work and action of the other committees. This situation corresponds to a problem in the sense that the Parliament loses overview and sometimes it becomes difficult to show its commitment to democracy. The second challenge corresponds to the high diversity of political parties in the institution. This vast diversity of political thinking generates many difficulties to build positions as a community and to find common proposals. Finally, the third issue is due to a tight time schedule for meetings, which compromises the effective and direct communication with EU citizens.

Another important point Dr. Gräßle discussed are the competences she has with local authorities when she is on mission. She explained that she only acts with commissions and there are a plenty of possibilities to cooperate with local authorities. In other words, her missions consist of listening to the locals' issues and making proposals to the respective governments.

One last important point discussed in the conference is Turkey's accession to the EU. Ms. Gräßle reported that she was initially opposed to it. However, she has changed her position and supports the state's continuity in the process. She justified her statement by explaining that Parliamentarians are acting more and more as diplomats in their missions and the budget

issue is a neutral field that has the possibility to openly discuss with people. Nevertheless, in order to move forward with Turkey's procedure, Member States must have compliance with EU law, but also with their national laws. In other words, full compliance has yet to be achieved in order to establish Turkey as a future member of the EU. Finally, Ms. Gräßle concluded that the EU does not exist without its Member States. We should aspire to even closer relationships.

European Policy Centre
Janis Emmanouilidis, Director of Studies

Later that day we visited to the European Policy Centre. Janis Emmanouilidis (Director of Studies) welcomed us. According to him, the State of the EU has three main characteristics. First, the current state of the Union is constantly moving. In 2016, the Union experienced collective depression and negative expectations for the near future. This was the result of recent negative developments, such as Brexit, the financial crisis and the refugee crisis. All these problems led to the creation of negative expectations for 2017. However, change in this stance occurred in 2017. Despite the "Brexit and Trump effect", the Union experienced a very strong sense of optimism and solidarity. The economic situation improved throughout the EU and election results were regarded positively from the Union's perspective. Today there is a sense of optimism in the Union for a better future, whilst citizens are aware that critical junctures lie ahead. All the crises the Union experienced are linked to each other in some way. In addition, there is still a significant amount of fear of possible new crises. Particularly, a fear of a domino effect after Brexit still persists. On the other hand, there is clearly a problem in terms of displaying unity even with basic issues.

The second characteristic of the current state of the EU, according to Mr. Emmanouilidis, is its main structure. Despite the disbelief of many, the EU has achieved a variety of "impossible" milestones. The EU is always in progress. However, since the end of 2012, there haven't been a lot of reforms regarding the EU's core structure. Mr. Emmanouilidis has made us aware that even though the Union may have survived the past crises, there was currently no reform suggested for crisis prevention.

The third characteristic relates to the effects of negative developments in the past ten years. These years led to many collateral damages. First, the fragmentation between member-states and Brussels increased. This created an environment with an immense amount of distrust on various levels. On the other hand, the EU lost its win-win perception in some member states' perspective. Throughout the EU, divergences in thinking terms increased. The public opinion on European integration is still positive, but a frustration with the EU as it stands increased as well. Furthermore, there are still some concrete challenges ahead. The threat of populism is not gone. Regarding the future of the EU, there is a window of opportunity right now. There is hope and aspiration to make some improvements with the most crucial issues such as migration. Next year, the EU will have to go through many changes, for example due to the election of the European Parliament. Also, highly political topics will also be discussed in the European Council, such as the Multiannual Financial Framework. It is quite difficult to agree and compromise on the MFF. Some have even referred to MFF negotiations as a "bloody exercise". Reaching an agreement on the new MFF and on new EU reforms before the European Parliament elections is quite ambitious.

Thursday and Friday, 07th – 08th June 2018

The Simulation Exercise: European Council Summit

Day four and five of the EUCOPAS-PROTEUS Summer School 2018 were dedicated to a simulation of the post-2020 EU budget negotiations and the link between the rule of law and EU funding.

The combination of academic research, practical examples of EU affairs as well as the simulation exercise improves different soft skills, which lead to the enhanced employability of the students. The presentation of the simulation exercise in multinational and interdisciplinary teams stimulates not only the academic exchange but also the ability to work and communicate in a team. The direct dialogue with practitioners facilitates application-oriented research and learning. The simulation exercise, additionally, fosters the communicative skills as well as the student's awareness of different national characteristics. At the same time, playing a specific role in a European Council simulation demands intellectual flexibility since the students need to abandon certain ways of thinking and look at problems from a different perspective. Furthermore, the students can learn about challenges connected with European negotiations such as different interests, cultures and traditions.

The whole simulation exercise was supervised by Prof Wolfgang Wessels, *University of Cologne*, Dr Enes Bayrakli and Dr Martin Gegner from the *Turkish-German University*, as well as Alina Thieme and Leona Jackson from the respective EUCOPAS and PROTEUS teams of the *University of Cologne*.

This report was written by Noémie Boudaud, Kevin Brüssel, Simon Feuser, Viktoria Glatting, David Grohé, Felix Reich, Zeynep Tastekin, Utku Tolongüç, Yasmin Vlase-West and Katharina Wienke.

Editors: Steffen Schönhaar, Centre for European Union and Turkey Studies (CETEUS), Alina Thieme, Centre for European Union and Turkey Studies (CETEUS) and Leona Jackson, Jean-Monet Chair for Public International Law, European Law, European and International Economic Law, University of Cologne