PARTICIPATORY GOVERNANCE IN THE EU

From 2004-03-01 to 2006-02-28

Objective

The European Union faces a deep crisis of legitimacy. Technocrats rather than elected parliamentarians and politicians increasingly seem to become the decision makers. Especially the system of EU Committees has been criticised as an opaque form of mere bureaucratic rule. If measured by the traditional model of democratic law production, European law, then, significantly lacks democratic legitimacy and transparency alike. An analysis and discussion of existing structures of deliberative procedures (Cosmetology and OMC), thus, provides the ground for a critique of the present system of governance as "enlightened absolutism". However, this project argues that Cosmetology and OMC represent new modes of governance which may add to the traditional patterns of legitimacy through democratic procedures - instead of replacing them. In its theoretical approach it concentrates on the legal and philosophical foundations of a "justified legal regime of law-production" of the EU rather than on the classical topic of democratisation through representative or direct democracy. It shows that it is the task of a new concept of - here called 'Participatory' - Governance to outline how the stabilization of deliberative structures - like Cosmetology and OMC - through norms takes account of their advantages, namely their pluralistic structure, and to propose legal structures that guarantee a more democratised expertise. In conclusion, this project argues that "deliberation" as a mode of reasoning is necessary, but not sufficient for the production of legitimate law or legitimate decisions of the Commission. It states that from a normative point of view, additional safeguards have to be implemented. These safeguards - or procedural rules - are to be directed at enhancing public participation in the preparatory phase of the decision-making process. In other words, this project focuses on a more inclusive and procedural approach to the problem of legitimacy within the EU.

Related information

Report Summaries

Final Activity Report Summary - PARTICIPATORY EU (Participatory governance in the EU)