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Development of Transnational Participatory Processes in the European Union as a Way to Prevent the Democratic Deficit: The Neo-Neofunctionalist Approach

Abstract: *This article presents an analysis of the growing role of transnational processes and interaction between political parties, interest groups, non-governmental organisations, and other civil society institutions. The main aim is to discuss the nature of transnational participatory processes, the reasons for their occurrence, and their forms and manifestations and intensity and effectiveness, as well as their consequences for the functioning of the EU system with respect to its democratic character. The research problems approached in this article include: 1) the nature of transnational participation, its determinants and the factors affecting its development; 2) explication of the interrelations between the laws adopted by the European Union and the transnational participatory processes; 3) the increasing social approval for the actions undertaken and the process of integration as a whole – increasing the output legitimacy of the European Union – as a result of the transnational participatory processes.*

Introduction

Neo-neofunctionalism is a theoretical approach based on acceptance of the multidimensional and multi-level nature of the European Union's structure.¹ It explains the workings of network relations and transnational

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¹ The Author himself explains: *'The neo-neo-functional model (...) constitutes an open system of explanation in the sense that antecedent conditions are not perfect or even exclusive predictors of subsequent ones.'* See: P.C. Schmitter, *Neo-neo-functionalism*, manuscript published on-line, European University Institute, Department of Political and Social Sciences, p. 25, available at: <http://www.eui.eu/documents/departmentscentres/sps/profiles/schmitter/neoneofunctionalismrev.pdf> (last visited 8.08.2013).

processes, particularly the role of non-state and non-institutional actors, in the development and implementation of EU policies.² This paradigm also seeks to explain the specificity of the phenomena taking place in situations such as the multidimensional crisis, the halted progress of integration, or disintegration.³ At this point we can generalise about the qualities of this theoretical approach and assume that, in contrast to the other conceptions and theories of European integration, it revises what has been established so far in a way that is more adequate to the present state of integration. Without delving into the reasons for or dimensions of the so-called ‘crisis’ in the EU, we can still say that the democratic deficit in the EU is one of the symptoms of this crisis.

Thus this article analyses the growing role of transnational processes and the interaction between political parties, interest groups, non-governmental organisations, and other civil society institutions, which – through their considerable influence – have highlighted the discussion and political dialogue taking place with respect to adequate decision-making in the EU institutions and the Member States. In the article, the analysed activity and interactions in the multi-level system of the EU are collectively referred to as *transnational participatory processes*. Furthermore, this concept also includes the participation of the citizens of EU Member States in the political sphere as regards the development and implementation of decisions made at the EU level.

The paradigm of neo-neofunctionalism, which takes advantage of the transnational research perspective, seems to be an appropriate one to explain the development of transnational participatory processes within the European Union. We can also examine their influence on the development of EU policies and actions. The transnational approach, also called transnationality or transnationalism, serves to explain the nature and forms of interaction between large social groups. These include political parties, trade unions, social movements, professional groups etc. which have become active in the international arena, developing from national level networks operating above

² The broadest description of the theoretical premises of this approach can be found in: P.C. Schmitter, *Neo-neo-functionalism*, op.cit.; and P.C. Schmitter, *Neo-neofunctionalism* in: *European Integration Theory*, eds. A. Wiener, Th. Diez, 1st edition, Oxford 2004, pp. 45–74. Some information on this approach has also been included in the chapter on the development and revision of the principles of neofunctionalism: A. Niemann and P.C. Schmitter, *Neofunctionalism* in: *European Integration Theory*, eds. A. Wiener, Th. Diez, 2nd edition, Oxford 2009, pp. 45–66.

³ J. Ruskowski, *Autotransformacja instytucji Unii Europejskiej w teorii neo-neofunkcjonalizmu na przykładzie Komisji Europejskiej (Autotransformation of European Union Institutions in the Neo-Neofunctionalist Approach on the Example of the European Commission)* in: *Teorie w studiach europejskich. W kierunku nowej agendy badawczej (Theories in European Studies. Towards a New Research Agenda)*, eds. J. Ruskowski, L. Wojnicz, Szczecin–Warszawa 2012, p. 168.

state structures (non-state, extra-national, extra-state).⁴ The subject of research in the transnational approach includes various forms of direct movement of material and immaterial factors, e.g. information, experiences and people, together with the entire network of relations and interdependencies. Transnational processes are an integral element of the current examined reality and researchers often fail to fully appreciate their influence on international relations. The inspiration to define and describe them comes from the fact that the transnational dimension of the examined reality implies an analysis of the unofficial relations between states.

The main aim of this study is to discuss the nature of transnational participatory processes, the reasons for their existence, their forms and manifestations, their intensity and effectiveness, as well as their consequences for the functioning of the EU system with respect to its democratic character. The research problems approached in this article include: 1) the character of transnational participation, its determinants and the factors affecting its development; 2) an explanation of the interrelationship between the laws adopted by the European Union and the transnational participatory processes; 3) the increasing social approval for the actions taken and the process of integration as a whole – increasing the output legitimacy of the European Union – as a result of the transnational participatory processes. Output legitimacy is the most frequently cited premise of the legitimisation of multi-level systems.⁵ According to this concept, it is assumed that the legitimacy of a system depends on its ability to achieve objectives, meet social needs, as well as solve problems effectively and efficiently.⁶ The difficulty in this approach lies in separating the divergent interests of the EU Member States and the

⁴ C. Rumford, *European Civil Society or Transnational Social Space? Conception of Society in Discourses of EU Citizenship, Governance and the Democratic Deficit: An Emerging Agenda*, "European Journal of Social Theory" Vol. 6(1)/2003, pp. 25–43.

⁵ Cf. F.W. Scharpf, *Regieren in Europa: effektiv und demokratisch?*, Frankfurt/M., New York 1999; R. Sinnott, *Integration Theory, Subsidiarity and the Internationalisation of Issues: The Implication for Legitimacy*, EUI RSCAS Working Papers, No. 13/1994, available at: http://www.iue.it/RSCAS/WP-Texts/94_13.pdf (last visited 20.08.2013).

⁶ F. Schimmelfenning is an example of an Author who seeks the legitimisation of the European Union system from the angle of its effectiveness, see: F. Schimmelfenning, *Legitimate Rule in the European Union. The Academic Debate*, Tübinger Arbeitspapiere zur Internationalen Politik und Friedensforschung, No. 27/1996, <http://www.uni-tuebingen.de/uni/spi/taps/tap27.htm> (last visited 20.08.2013). K. Szczerki reached similar conclusions, see: K. Szczerki, *Cztery modele legitymizacji systemu politycznego Unii Europejskiej (Four Models of Legitimation of the European Union's Political System)* in: *Globalizacja. Integracja. Transformacja. Główne problemy globalizacji, integracji europejskiej oraz transformacji politycznej Europy Środkowej i Wschodniej (Globalisation. Integration. Transformation. Main Problems of Globalisation, European Integration and Political Transformation of Central and Eastern Europe)*, eds. R. Bäcker, J. Marszałek-Kawa, J. Modrzyńska, Toruń 2003, pp. 103–105.

interests of the EU as a whole. Furthermore, the effectiveness of an organisation's activity can be limited by the fact that some decisions do not yield benefits for the EU as a whole, which would be optimal in the long-term perspective.⁷ In this model, social approval for the method of executing the EU's objectives contributes to reducing the democratic deficit.

The goal behind the search for answers to the above problems is to verify the hypothesis that citizens' participation and their representation in the decision-making process in the EU is a bidirectional phenomenon. In bottom-up processes, interest groups and non-governmental organisations join ranks and form larger platforms, as well as collaborate with the Commission in order to articulate their demands in the transnational dimension. These initiatives, which influence the course of the integration process, do not originate with the Member States, but with non-state actors. Top-down processes take place in the opposite direction. EU institutions use their cooperation with these groups to strengthen participatory solutions which could, in the future, become the starting point for further actions. In the theory of neo-neofunctionalism, it is this second direction of activity which provides the answer to crisis situations and helps counter the halting of integration processes, and has been given the designation 'encapsulation'.⁸ It manifests itself in the form of strengthening non-hierarchical methods of governance, based on the know-how of experts and specialists, as well as on transnational participatory processes.

1. A look at the notion of democratic deficit in the European Union from the viewpoint of neo-neofunctionalism

In the classical approach to the theory of the democratic deficit,⁹ the notion is understood as making law with characteristic features of supranationality under conditions of limited social participation and control. In particular, the functioning of the supranational structure has deprived national parliaments of or limited their competence with respect to the performance of those legislative powers which have taken over by the governments operating under the Council and the European Council. The introduction of elections to the European Parliament has only partially made up for the existing deficiencies in the implementation of the principle of democracy.

⁷ E.O. Eriksen, J.E. Fossum, *Europe in Search of Legitimacy: Strategies of Legitimation Assessed*, "International Political Science Review" No. 4/2004, p. 440.

⁸ P.C. Schmitter, *Neo-neo-functionalism*, op.cit., p. 57.

⁹ R. Dehousse, *Constitutional Reform in the European Community: are there alternatives to the majority avenue?* in: *The Crisis of Representation in Europe*, ed. J. Hayward, London 1995, pp. 118–136.

We presently have at our disposal a broad array of theoretical approaches to providing descriptions, explanations, interpretations and predictions concerning political and economic issues, as well as social phenomena related to community-building in Europe. The opposing sides in the discussion on reducing the democratic legitimacy deficit propose, on one side, a multistage (multi-level) model of governance, and on the other side one finds those in favour of a two-stage (intergovernmental) model.

The authors representing the intergovernmental view¹⁰ are resolute advocates of maintaining the present format of democracy, and argue that increasing citizen participation in European issues would not change anything, as they lack a sense of community. Parliamentary democracy at the EU level is impossible as long as there is no European *demos* or sense of belonging – the prerequisites for democracy. The democratic deficit is thus democratically justified. It is the price for maintaining the EU's political neutrality and preserving the sovereignty of its Member States.

The opposite view is based on principles of governance.¹¹ The European Union is perceived as a non-hierarchical, multi-level expert-political system. Its potential is mobilised through its networks of relations between state, private and public-private entities making decisions in a process of deliberation under both formal and informal institutional structures.¹² With respect to the democratic deficit, the search focuses primarily on a new manner of legitimisation of multi-level systems: input and output. Increasing the legitimacy of an input-type system consists in improving the democratic accountability of the European Union institutions to the voters, through three stages: parliamentarisation, constitutionalisation and deliberation.¹³ Improving the legitimacy of an output-type system involves increasing the popularity of

¹⁰ See, especially: A. Moravcsik, *Preferences and Power in the European Community. A Liberal Intergovernmentalist Approach*, "Journal of Common Market Studies" No. 4/1993, pp. 473–524; G. Majone, *Europe's Democratic Deficit: The Question of Standards*, "European Law Journal" No. 1/1998, pp. 5–28; and R. Dehousse, *Constitutional Reform in the European Community: are there alternatives to the majoritarian avenue*, "West European Politics" No. 18/1995, p. 131 ff.

¹¹ The popularity of the concept of governance is a consequence of the fact that it represents the research approach to governments both as regards the political system of the state and the international system. It breaks with the previously predominant division into state order and anarchy in international relations, after: G.F. Schuppert, *Governance Forschung – Vergewisserung über Stand und Entwicklungslinien*, Baden-Baden 2005.

¹² R. Riedel, *Teoretyzowanie integracji europejskiej ex post – ewolucyjna adaptacja podejść analitycznych do powojennych procesów integracyjnych w Europie (Theorising European Integration Ex Post – Evolutionary Adaptation of Analytical Approaches to Post-War Integration Processes)*, "Przegląd Politologiczny" No. 4/2008, p. 61.

¹³ M.A. Pollack, *Theorizing the EU: international organization, domestic polity, or experiment in new governance?*, "Annual Review of Political Science" No. 8/2005, p. 386.

decisions and acceptance of the effects achieved. It is accepted that for the analysis, which is based on the selected theory of European integration, we are allowed to adopt one of the research perspectives presented above: either input or output legitimacy. In this article the analysis is based on the output legitimacy perspective.

One popular theoretical approach, applied already for more than two decades and based on the principles inherent in the concept of governance, is that of multi-level governance (MLG), although it has not been interpreted and applied in the same way by all scholars.¹⁴ This article – reflecting the sense of dissatisfaction with the current analyses and looking for new research approaches while remaining within the current of governance – proposes a verification of the principles of the revised concept of neo-neofunctionalism. The fundamental differences between MLG and neo-neofunctionalism lie in two analytical areas. The first concerns the way in which it explains reality and the related classification to one of theoretical groups in the triad polity-policy-politics.¹⁵ The other involves the way of explaining the problems concerned.

MLG does not attempt to explain the nature of the European Union (polity), but instead focuses on the functioning of institutions and other entities in the mechanisms of decision-making (politics).¹⁶ As noted by P. Stephenson: ‘MLG has been used to try to provide a simplified notion of what is pluralistic and highly dispersed policy-making activity, where multiple actors (individuals and institutions) participate, at various political levels, from the supranational to the sub-national or local’.¹⁷ It is a theoretical explanatory model describing both vertical and horizontal relations and interdependencies, without aspiring to forecast the future and the final result and shape of the integration processes. The popularity of this approach and its numerous permutations stems from the fact that researchers recognise and

¹⁴ P. Stephenson, *Twenty years of multi-level governance: ‘Where Does It Come From? What Is It? Where Is It Going?’*, “Journal of European Public Policy” No. 6/2013, p. 817.

¹⁵ *European Integration Theory*, 1st edition, eds. A. Wiener, Th. Diez, op.cit. The Authors propose three different areas, which they have delineated using a theoretical approach along the triad of polity, policy and politics.

¹⁶ (...) “Politics” comprises the process of policy-making and the daily struggles and techniques of political actors dealing with each other. It is about the bargaining between governments, the influence of particular interest groups, or the dominance of a specific style of how decisions are reached. Approaches concerned with politics look at such issues as why technocratic governance prevails over participatory governance, how interest groups try to influence the policy-making process, or how particular groups are systematically disadvantaged by the dominant political style. (...), in: *European Integration Theory*, 1st edition, eds. A. Wiener, Th. Diez, op.cit., p. 19.

¹⁷ P. Stephenson, *Twenty years of multi-level governance*, op.cit., p. 817.

identify both non-state actors and various intermediate levels of decision-making. P.C. Schmitter described MLG in the following words:

‘MLG can be defined as an arrangement for making binding decisions that engages a multiplicity of politically independent but otherwise interdependent actors – private and public – at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/implementation, and that does not assign exclusive policy *compétence* or assert a stable hierarchy of political authority to any of these levels.’¹⁸

The theory of neo-neofunctionalism, in turn, is classified in this analytical triad to the group of polity,¹⁹ because it presents the theoretical framework for the target form of European integration, i.e. the *consortio*. According to P.C. Schmitter, it is a form of collective acting of many entities, structures, agendas and institutions undertaking autonomous actions towards integration. It is hard, however, to say whether the author determined any specific degree of formalisation/institutionalisation of these entities. For the purpose of this analysis, I have chosen examples that fit the adopted definition of the subject of transnational studies.

The theory of neo-neofunctionalism is the result of a revision of theoretical principles, an answer to criticism of the theory of neofunctionalism. It adapts the latter to the present stage of the processes of integration and the emerging challenges, including the crisis and the process of disintegration. It explains the course of integration from its beginning until the present day. Its hypothesis distinguishes the variables that influence the course of integration and the determinants for achieving its goals. All this makes neo-neofunctionalism a universal explanatory instrument, looking for answers to the emerging problems. The principles of this theory can surely be applied to the demonstrable evidence of the development of the European Union, as well as for explaining one of the aspects of the ongoing crisis in the EU, which is the democratic deficit. Due to the limited framework of this article and the fact that the actual subject of this study is participation, the search for improvement of the EU’s democratic legitimacy is restricted to a single type – output.

The main focus of the neo-neofunctionalist reflections is on the reasons for integration, the phenomena, and processes which spur it. The fundamental

¹⁸ P.C. Schmitter, *Neo-neofunctionalism in: European Integration Theory*, 1st edition, eds. A. Wiener, Th. Diez, op.cit., p. 47.

¹⁹ ‘(...) “Polity” refers to the political community and its institutions. Approaches falling into this category would be those analysing the “nature of the beast”, those explaining how the EU’s institutional structure came about or those trying to find constitutional alternatives on the basis of normative considerations, to give examples taken from all three functions of theory. (...)’ in: *European Integration Theory*, 1st edition, eds. A. Wiener, Th. Diez, op.cit., pp. 18 and 254.

assumption is the existence of supranational institutions pursuing their goals, which can be shaped not only by the original subjects of integration, that is the EU Member States, but also by other non-state entities that participate in this process, including citizens.²⁰ Therefore, neo-neofunctionalism is indeed the right theoretical approach for disproving the hypothesis that integration impulses come from non-state entities.

P.C. Schmitter illustrates the dynamics of this approach through a model of decision cycles: the initiating cycle, the priming cycle, and the transformative cycle.²¹ The initiating cycle concerns the past history of European integration. Presently, the European Union is in the second cycle, i.e. priming. In his revised theory, P.C. Schmitter rejects the ‘automaticity of spillover’ assumption.²² He points out that, ‘as far as European integration is concerned, so far each of the (priming) decision cycles has generated further imbalances and contradictions, thus avoiding a state of stable self-maintenance (‘encapsulation’). The EU has not yet reached the ‘transforming cycle’, where the potentialities for functionally integrating their economies (would) have been exhausted and the emphasis would be placed on the integration of polities’.²³ Consequently, this article proposes an attempt to verify the neo-neofunctionalist thesis that the phenomenon of ‘encapsulation’ exists. Within the scope of the study as defined in the introduction to this article, the verification shall be performed on the example of transnational participatory processes.

According to the author of the theory, P.C. Schmitter, when characterising the system of the European Union it is more important to stress the existing divisions in the functional dimension than in the territorial jurisdiction dimension. Therefore, he suggests to replace multi-level governance (MLG) with the term ‘Polycentric Governance’ (PCG), positing that ‘(a) system of Polycentric Governance (PCG) can be defined as an arrangement for making binding decisions over a multiplicity of actors that delegates authority over functional tasks to a set of dispersed and relatively autonomous agencies

²⁰ P.C. Schmitter, *Neo-neofunctionalism in: European Integration Theory*, 1st edition, eds. A. Wiener, Th. Diez, op.cit., p. 49.

²¹ P.C. Schmitter, *Neo-neo-functionalism*, op.cit., pp. 60–69.

²² ‘Strategic responses’ other than spillover are conceptualised, such as (a) ‘spill-around’, the proliferation of functionally specialised independent, but strictly intergovernmental, institutions; (b) ‘build-up’, the concession by Member States of greater authority to the supranational organisation without expanding the scope of its mandate; (c) ‘muddle-about’, when national actors try to maintain regional cooperation without changing/adjusting institutions; and (d) ‘spill-back’, which denotes withdrawal from previous commitments by member states.’; after: A. Niemann, P.C. Schmitter, *Neofunctionalism in: European Integration Theory*, 2nd edition, eds. A. Wiener, Th. Diez, Oxford 2009, pp. 51–52.

²³ A. Niemann, P.C. Schmitter, *Neofunctionalism*, op.cit, p. 52.

that are not controlled – *de jure* or *de facto* – by a single collective institution.²⁴

To sum up, neo-neofunctionalism seems to be the right approach for achieving the scientific objective set out in this article and for finding solutions to the democratic deficit in the European Union. But only after this analysis is completed and the principles of this theoretical approach are applied to transnational participatory processes will it be possible to verify whether this is indeed so.

2. Course and development of transnational participatory processes in the European Union

In the narrow research approach, transnational entities are non-state, non-governmental, non-sovereign, and non-territorial participants whose deliberate activity crosses state borders relatively freely and exerts an influence on intrastate and international relations.²⁵ For the purpose of this analysis, however, we shall adopt a broader definition, covering all forms of activity, phenomena and processes regarding participants from many states, with the reservation that at least one of these entities cannot be a government representative.²⁶ As the English adjective ‘transnational’ (*transnarodowy* in Polish) is often translated into Polish as *ponadnarodowy* (‘supranational’ in English), many authors have come to consider transnationality and supranationality as equivalents, or synonyms.²⁷ However, the transnational approach should be considered an independent concept, or an alternative to the supranational approach.

Transnationality is a search for dynamic relations based on accidental contacts and network links with state and non-state actors. Their distinguishing feature is their casual nature. Once these relations become institutionalised and included in other structures, they usually take the form of international or supranational relations.

²⁴ P.C. Schmitter, *Neo-neo-functionalism*, op.cit., p. 48.

²⁵ A. Dumała, *Uczestnicy transnarodowi – podmioty niezależne czy kontrolowane przez państwa? (Transnational Actors – Independent or State-Controlled Entities?)* in: *Państwo we współczesnych stosunkach międzynarodowych (The State in Contemporary International Relations)*, eds. E. Halizak, I. Popiuk-Rysińska, Warszawa 1995, p. 196.

²⁶ K. Skjelsbaek, *The Growth of International Nongovernmental Organization in the Twentieth Century* in: *Transnational Relation and World Politics*, eds. R.O. Keohane, J.S. Nye, Cambridge, Massachusetts, London 1981, p. 70.

²⁷ After: J. Ruskowski, *Ponadnarodowość w systemie politycznym Unii Europejskiej (Supranationality in the Political System of the European Union)*, Warszawa 2010, p. 80.

The analysis of the course and development of transnational relations in the European Union is important from the point of view of the position and role of the Member States. This article verifies the correctness of the assumption adopted in the theory of neo-neofunctionalism about the importance and the significant role of non-state actors, as well as the possibility that they could influence the impulses of European integration.

The analysis covers selected participatory processes in the European Union, divided according to their functional representation of the levels of the system (sub-national, national, transnational, supranational), according to the theoretical principles of neo-neofunctionalism and the definition of poly-centric governance (PCG) presented earlier. The sub-national level will be analysed on the example of cooperation between the representations of local and regional authorities; the national level on the example of the cooperation network between government administration officials; the transnational level on the example of networks of non-governmental organisations; and the supranational level – on the example of public consultations and the interrelations between political parties. The European Citizens' Initiative has not been taken into account in the analysis due to the limited framework of this article and the fact that this instrument has only been functioning for a short time.²⁸

PCG assumes that the various levels overlap with each other, that entities cooperate and that governance is de-hierarchised. Therefore we should take into account that the listed transnational processes overlap as well, that they are not separated from each other, and that, for example, the network relations at the sub-national level include a component of the transnational and the supranational levels. The processes described have been ordered and classified into the various groups only for the purpose of the present analysis, to further its clarity and explanatory value. The analysed phenomena and processes have a participatory character, as these are only actions which are undertaken by non-state entities, in the phase of initiating and making decisions, and not in the phase of implementation. For this reason, the analysis does not include, among others, the comitology process taking place on the supranational level.

The entities which represent sub-national interests in the European Union are representatives of local and regional authorities. The institutionalised form in which they express their interests in the EU is the Committee of the Regions. The Committee is often accused of being used to marginalise the

²⁸ The use of participatory solutions to conduct the European Citizens' Initiative was analysed in: M. Witkowska, *Regulacja europejskiej inicjatywy obywatelskiej przykładem oddziaływania społeczeństwa obywatelskiego w Unii Europejskiej* in: *Europa dla młodych – szansa ou d'illusion*, eds. A. Olejniczak, Ł. Zamecki, Warszawa 2013, pp. 25–44.

role of regional and local authorities. The EU's decision-making bodies treat the representatives of the regional level in the Committee as a backup representative entity in the development of the Community's regional policy.²⁹ Apart from that, there also emerge alternative forms of representation of regional interests, focusing mainly around the European Commission. The reason for this is that the Commission has the competence to initiate legislative processes and manage the Structural Funds. These alternative forms of representation are European associations of local self-government organisations, as well as numerous representation offices established by the constituent states, regions and other territorial self-government units from the EU Member States. Apart from affirming the demands and needs of regional and local authorities, they also perform an additional function as a forum for exchanging experiences, information, and implementing joint projects. Their activity focuses on maintaining close contact with the EU institutions, pointing out the problems with which the regions struggle, suggesting best solutions, and sometimes even putting forward their own legislative proposals.³⁰ This spontaneous activity of the representatives of local and regional authorities, bypassing the institutionalised forms of representation such as the Committee of the Regions, is an example of transnational participation. This statement is confirmed by the fact that they use the same channels of access to EU institutions as other interest groups. Furthermore, representatives of the local and regional interests do not represent strictly public interests, but rather group interests. In order to win greater support, they interact with stakeholders, e.g., with those NGOs interested in their objective, idea, or undertaking.

The activity of the representatives of regional and local authorities has been a success, as they have managed to change the Commission's approach to examining and considering sub-national interests. This new format was born in response to the demands voiced by the regions during consultations on the white paper *European governance* of 2001.³¹ The Commission proposed the format of organised (regulated) dialogue conducted with associations of regional and local authorities. It takes place during the early phase of EU policy development. On 19 December 2003, the Commission issued a Communication³² establishing the permanent character of the dialogue and specified the

²⁹ For more see: M.I. Neshkova, *The impact of subnational interests on supranational regulation*, "Journal of European Public Policy" Vol. 17(8)/December 2010, pp. 1193–1211.

³⁰ F. Skawiński, *Reprezentacja interesów regionów w Unii Europejskiej (Representation of Regional Interests in the European Union)*, Warszawa 2008, p. 223.

³¹ *European governance – A white paper*, OJ 2001 C 287/1–29.

³² *Dialogue with associations of regional and local authorities on the formulation of European Union Policy*, Brussels, 19.12.2003, COM (2003) 811 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0811:FIN:EN:PDF> (last visited 20.08.2013).

extent of participation of the Committee of the Regions.³³ The aim of the dialogue is to improve knowledge of the main directions and guidelines of EU policy and coordinate the implementation of EU policies between the Commission and regional and local authorities.³⁴ Under this new format of consultations we can distinguish between general dialogue – concerning general issues (e.g. the Commission’s annual work programme); and thematic dialogue – concerning a specific field of EU policy (e.g. agricultural policy, maritime policy, competition policy etc.). The format of the dialogue does not imply institutionalisation or formalisation of contacts and accentuates its transnational characteristics. It highlights the need to undertake and maintain this cooperation and strives to increase its transparency and ensure equal access.

Transnational relations also involve representatives of national interests. Transnational participatory processes with the participation of these representatives take the form of interactions between officials. National functionaries can be delegated and work in the Commission’s Directorate-Generals, but they stay in touch with their colleagues from their home country who work in thematically close sectors of the administration, participate in meetings and conferences organised by European NGOs concerning the issues in which they specialise, and can fulfil the role of advisors to the European Commission during the preparation of working papers, Green Papers or legislative proposals. The transparency of the rules for using this kind of tool has been secured by the Communication from the Commission of 2002.³⁵ Representatives of state administration participate in, for example, the activities of the Council’s working groups, officials acting under the Presidency in the Council, and work with each other and exchange good practices. The meetings of the Council’s working groups are attended by delegated state officials, although sometimes the state government only sends its written position and the meeting is instead attended by an official of the state’s permanent representation in Brussels. These are occasional professional contacts, but with a very specific goal. They are then used during subsequent negotiations and are also useful at the stage of implementation of legislation into the national legal systems.

Furthermore, representatives of parliamentary administration from the Member States and the MPs themselves can also participate in transnational

³³ *Mission Statement*, Committee of the Regions, 21.04.2009, see: <http://cor.europa.eu/en/about/Documents/Mission%20statement/En.pdf> (last visited 20.08.2013).

³⁴ Official website of the Committee of the Regions, see: <http://cor.europa.eu/pl/activities/structured-dialogue/Pages/structured-dialogue.aspx> (last visited 20.08.2013).

³⁵ Communication from the Commission on the collection and use of expertise by the Commission: principles and guidelines, *Improving the knowledge base for better policies*, COM (2002) 713 final, see: http://ec.europa.eu/governance/docs/comm_expertise_en.pdf (last visited 20.08.2013).

processes.³⁶ Interactions between entities representing different levels of the EU system can take place, for example, at thematic meetings dedicated to proposing solutions to certain specified problems.

However, the entities most commonly associated with transnational processes are non-governmental organisations and loose networks of cooperation between them. The examples of how their cooperation can be organised include:

- national associations of non-governmental, professional and thematic organisations active in the area of socio-political life of EU citizens, which select specialised representatives and/or establish offices in Brussels, including representations of regions, e.g. the office of the Italian ecological organisation *Legambiente* opened in Brussels in 1999, or the Representation of the Polish Non-Governmental Organisations in Brussels established on the initiative of the Stefan Batory Foundation and the Association for the Non-Governmental Initiatives' Forum;
- international non-governmental organisations, e.g. *Greenpeace*, *Amnesty International*, *Oxfam*, which set up their representations in Brussels;
- patronage organisations, including non-governmental organisations from the entire EU which deal with similar political issues, e.g. *European Environmental Bureau*, *European Anti-Poverty Network*;

Transnational relations between non-governmental organisations can take the form of cooperation between patronage organisations and European branches of international non-governmental organisations and other non-governmental organisations from various sectors in order to combine knowledge and competences regarding issues of common interest to them. European non-governmental organisations can also create various groups with the goal of expressing a common position in horizontal issues. The most commonly singled out patronage organisations and groups working with the European Commission on developing EU actions and policies include:

- The Platform of European Social NGOs, also referred to as the Social Platform;³⁷

³⁶ For example, in the following forms of interaction: Conference of the Speakers of European Union Parliaments, Joint Parliamentary Meetings, Joint Committee Meetings, European Parliamentary Week on the European Semester for Economic Policy Coordination.

³⁷ One of the five network organisations composed of more than 40 organisations, federations and networks striving after proper application of the principles of equality, solidarity and non-discrimination, as well as promoting and respecting fundamental rights for everyone in Europe, especially in the European Union. Official website: <http://www.socialplatform.org/> (last visited 20.08.2013).

- Human Rights and Democracy Network;³⁸
- The Green 10 group, composed of environmental organisations;
- The EU Civil Society Contact Group³⁹, supporting the principles of participatory democracy and including the eight largest platforms of non-governmental organisations;
- The European NGO confederation for relief and development (CONCORD).⁴⁰

The organisational forms mentioned above consist of so-called issue networks, common interest groups, non-governmental organisations, expert groups, and associations interested in the shape of a given regulation or programme.⁴¹ Networks of European non-governmental organisations represent their members and proponents in the political arena by exerting pressure on political actors in specific issues (e.g. drafting legal acts, documents presenting a position, or press releases), through gathering and passing information between the national and European levels, as well as through strengthening the network's ability to participate in the European process (e.g. training national organisations in EU-related issues).

The principal actions stimulating transnational participatory processes are the consultations conducted by the European Commission. They are either open to a broad representation of the general public or, depending on the subject, conducted with a narrow target group of selected partners – the so-called targeted consultations. The most common forms of consultation are Green Papers⁴² as well as other consultation documents and questionnaires contain-

³⁸ The HRDN is an informal grouping of various non-governmental organisations interested in working together within the European Union with respect to the protection of human rights, democracy and preventing conflicts; its members include Amnesty International (AI) and la Strada International, among others.

³⁹ The EU Civil Society Contact Group was established in February 2002 to represent the third sector in contacts with the bureau of the Convention on the Future of Europe. The Group's official website can be found at: <http://www.act4europe.org>. Presently, the Group includes the eight largest European networks of non-governmental organisations active in the following fields: culture (*culture action europe*), development (*CONCORD*), environmental protection (*Green 10*), human rights (*HRDN*), lifelong learning (*EUCIS-LLL*), public health (*EPHA*), social issues (*Social Platform*), and women's rights (*EWL*).

⁴⁰ One of the largest issue networks, composed of 42 member organisations, 20 international networks and 22 national platforms. It is part of The EU Civil Society Contact Group. Its official website can be found at: <http://www.concordeurope.org/> (last visited 20.08.2013).

⁴¹ D. Długosz, J.J. Wygnański, *Obywatele współdecydują. Przewodnik po partycypacji społecznej (Citizens Co-decide. A Guide to Social Participation)*, Warszawa 2005, p. 14.

⁴² The aim of green papers (introduced in 1984) is to evoke reflection and initiate consultation at the European level on a specific subject. Consultations initiated by a green paper can later lead to the publication of a white paper, which will propose a set of specific measures of Community action. An analysis of the intensity of the use of these instruments is presented in:

ing questions requiring a written response. Furthermore, the Commission takes advantage of support from advisors, experts⁴³ and committees.⁴⁴ The consultations conducted by the European Commission are regulated primarily by:

- Commission communication of 2001 on Interactive Policy Making,⁴⁵
- Commission communication ‘Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission.’⁴⁶

Following the adoption of the two above-mentioned documents, both of which were of key importance for the process of consultation, the next step was to devise an online register of expert groups providing advice in various policy fields, taking note of the category to which the experts belonged (e.g. scientists, representatives of the industry, trade unions, non-governmental organisations, or national governments). Since 2000, the number of expert groups has risen by 40 per cent, which proves that the consultations conducted with their participation have become an integral part of policy development in the EU.

There was also the need to establish a definition of ‘interest representation’, which was done in a Communication from the Commission of 2008.⁴⁷ According to this definition, ‘interest representation’ is comprised of actions

Z. Cieślak, M. Górka, *Informacja na temat zielonych i białych ksiąg jako instrumentów wykorzystywanych w ramach postępowania legislacyjnego (Information on Green and White Papers as Instruments used in the Legislative Process)*, “Zeszyty Prawnicze Biura Studiów i Ekspertyz Kancelarii Sejmu”, No. 3(7)/2005, pp. 39–52.

⁴³ Commission communication on the collection and use of expertise by the Commission: principles and guidelines, *Improving the knowledge base for better policies*, COM (2002) 713 final. Furthermore, an evaluation and description of the said phenomenon has been performed by: Å. Gornitzka, U. Sverdrup, *Who Consults? Expert Groups in the European Union*, available at: http://www.arena.uio.no/publications/working-papers2007/papers/wp07_12.xml (last visited 12.02.2009).

⁴⁴ For instance, the official website of the so-called CONECCS (*Consultation, the European Commission and Civil Society*). This was a database containing information on formal consultation bodies. Its goal was to provide information on committees and other bodies in which participation could allow organisations representing civil society to take part in consultations. On 21.03.2007 the Commission adopted a communication regarding the European Transparency Initiative, COM (2007) 127 final. In consequence of the actions undertaken, the Commission made the decision in spring 2008 to establish the Voluntary Register For Interest Representatives, which entailed the closing down of the CONECCS database.

⁴⁵ Commission communication, *Interactive Policy Making*, COM (2001) 1014 final.

⁴⁶ Commission communication, *Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission*, COM (2002) 704 final.

⁴⁷ Communication from the Commission, *European Transparency Initiative – A framework for relations with interest representatives (Register and Code of Conduct)*, COM (2008) 323 final.

aimed at exerting influence on the processes of policy development and decision-making by European institutions. In the document in question, the European Commission announced that it would develop a Code of Conduct for interest representatives⁴⁸ and create a new register⁴⁹ for all entities, regardless of their legal status, conducting activity falling under the aforementioned definition.

The crowning achievement of the process of regulating transparency and the forms of dialogue with interested parties is the Communication on *The Working Methods of the Commission 2010–2014*, prepared by the President of the European Commission and aimed at improving its effectiveness.⁵⁰

The most common source of information and the one most readily available to the general public and which, at the same time, serves as a tool for expressing individual's own opinions, is the Internet. Online consultations are conducted through the website *Your voice in Europe*.⁵¹ These electronic consultations are open, meaning that everyone who wishes to share their experience can participate.⁵² The topics are also published on the website of the Directorate-General responsible for the development of a given draft regulation. Usually, these websites are linked with the online consultation homepages. Furthermore, consultations can also be conducted with only selected organisations registered in the Transparency Register.

The public consultations have so far failed to meet all the expectations of active citizens. First of all, during consultations one can only express his/her opinion on the set issues and evaluate the presented proposals. One cannot ask questions or bring up problematic issues. The Commission's response to this limitation was the organisation of so-called citizens' panels. Meetings with a limited number of participants from various Member States are dedicated to discussing important issues of public interest. In 2009, for the pur-

⁴⁸ An excerpt from the Code of Conduct can be found on the official website of the European Commission: <http://ec.europa.eu/transparencyregister/info/about-register/codeOfConduct.do?locale=pl> (last visited 20.08.2013).

⁴⁹ Transparency Register; see: http://europa.eu/transparency-register/index_en.htm (last visited 20.08.2013).

⁵⁰ Communication from the President, *The Working Methods of the Commission 2010–2014*, Brussels, 10.02.2010. See: http://ec.europa.eu/commission_2010-2014/president/news/documents/pdf/c2010_1100_en.pdf (last visited 20.08.2013).

⁵¹ The website can be found at: http://ec.europa.eu/yourvoice/index_en.htm. It has been set up under the Interactive Policy Making initiative, i.e. establishing the Commission's minimum standards regarding consultation, and when used as an instrument, it should allow the EU to find better ways to manage legislation.

⁵² A good example of very extensive participation in consultations is the REACH package, where more than 6400 opinions were collected. REACH is short for Registration, Evaluation and Authorisation of Chemicals. The project's aim is to establish a more uniform, transparent and safer management of chemicals in the European Union.

pose of implementing the provisions of the Treaty of Lisbon, the European Parliament adopted a resolution⁵³ in which this type of public consultation was called civil dialogue. The meetings, concerning issues considered problematic by citizens, are held with the participation of the relevant Commissioner and are organised in various cities in various EU Member States.⁵⁴

Table 1. Main tools and methods of consulting used by the Commission

open public consultations	<ul style="list-style-type: none"> – consultation documents, questionnaires, – publications on the Internet,
targeted consultations	<ul style="list-style-type: none"> – consultation documents, questionnaires, meetings with stakeholders, public hearings, workshops, conferences, etc., – network links with large stakeholder groups (e.g. consumers, regions, etc.),⁵⁵ – institutionalised consultations with social partners,
gathering expertise	<ul style="list-style-type: none"> – advisory bodies, expert groups, external analyses and studies, workshops, seminars, etc.

Source: Commission Staff Working Document, *Review of the Commission Consultation Policy Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Regulatory Fitness*, Strasbourg, 12.12.2012, SWD (2012) 422 final.⁵⁶

Consultations aimed at including citizens on a broad scale in the process of EU policy development are not the only actions undertaken to improve social approval for the EU's actions. At the EU level, media platforms have been established for citizens and their representatives. These allow for direct access

⁵³ European Parliament resolution of 13 January 2009 on the perspectives for developing civil dialogue under the Treaty of Lisbon, doc. ref. 2008/2067(INI), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:046E:0023:0026:EN:PDF> (last visited 20.08.2013).

⁵⁴ The official website, *Debate on the future of Europe*, containing current information on the debates organised, can be found at: http://ec.europa.eu/debate-future-europe/index_en.htm (last visited 20.08.2013).

⁵⁵ An example of the application of the principles of the *Better Regulation* programme is the establishment of the European Business Test Panel, which is used by the European Commission to conduct broad consultations of existing and draft solutions regarding EU law.

⁵⁶ http://ec.europa.eu/smart-regulation/better_regulation/documents/document_travail_service_part1_en.pdf, p. 7 (last visited 20.08.2013).

to the institutions' documents and provide the opportunity to voice opinions regarding legislative proposals. There are satellite television channels such as EUROPARLTV and Europe by Satellite, websites of institutions, as well as several specialist websites, such as: <http://www.cafebabel.com>, <http://www.EUtube.eu>, *Your voice in Europe* (<http://ec.europa.eu/yourvoice>). Their task is to stimulate the development of the European public debate. In this brief analysis, I shall not delve into the issue of whether we are dealing with a European debate or the sum of national debates. However, the very fact that a debate is being conducted allows for the exchange of information and impetuses between society and the decision-making centres of the EU Member States. It becomes an additional plane of communication when participation at the national level does not bring about the expected benefits. The existence of a European public debate is necessary for the emergence of a political identity at the European level and, in the long run, of a European society as well.

Another opportunity for citizens to participate in political processes in the European Union is that provided by political parties. In the literature on this subject it is stressed that transnational interactions taking place between the political parties take two forms. The first form are political groups (factions), which function only in the European Parliament. The second form emerged as a result of the development of the processes of European integration and consists of transnational federations of political parties (Europarties). The legal basis for the establishment of such European institutional structures, which would allow for determining the will of the society by means of debates and political dialogue, was introduced only under the Treaty of Maastricht of 1993. The relevant provision was included in the then Article 191 TEC: '*Political parties at European level are important as a factor for integration within the Union.*'⁵⁷ A few years later, in December 1996, the European Parliament adopted a resolution dedicated to this issue. It expressed the demand to create political organisations under the principle of transnationality. However, this was implemented only in the first decade of the 21st century. The names 'European parties' or 'Europarties', which appear in various publications, in fact refer to the cooperation of national political parties acting on the European level. However, even despite the existence of legal statutory principles⁵⁸ and a liberal financing system, European political parties are

⁵⁷ Under the changes introduced by the Treaty of Lisbon, this provision has been rescinded and replaced by the new Article 10 (4) TEU: '*Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.*'

⁵⁸ What is now commonly referred to as the statute of European political parties is Regulation (EC) No. 1524/2007 of the European Parliament and of the Council of 18 December 2007 amending Regulation (EC) No. 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding, OJ 2007 L 343/5.

not fully-formed political structures, if only for the reason that EU citizenship does not include the right for citizens to establish ‘European’ political parties. Secondly, so far election campaigns are conducted in the Member States by domestic parties. Thirdly, these Europarties are not parties by definition, as they do not fulfil the fundamental goal of a party – exercising power. They are a manifestation of transnational processes and interactions taking place between political parties from EU Member States.

The above paragraph illustrates the actions taken on the supranational level to institutionalise the cooperation between political parties from the Member States. In addition, transnational interactions and contacts between the organisational structures of political parties have been taking place for many years. They occur with different intensity in different ideological families – from occasional interpersonal contacts between individual politicians, to official visits and the exchanges of good practice during congresses and national election campaigns, through to establishing international secretariats, offices or committees for cooperation and international exchanges at the general secretariats of the parties’ central bodies. Similarly, the young wings of political parties have frequent transnational contacts.

The functioning of European political parties, also called Europarties, does not exclude the transnational cooperation of political parties. It simply makes it easier to find a suitable partner, contributes to a greater transparency of funding and the citizens’ access to politics. The transnational channels make it possible for political parties from various EU Member States to communicate with each other, make agreements, exchange non-material content, ideas, and solutions when problems arise. So far, European cooperation between parties has proven effective in working out joint manifestos announced before elections to the European Parliament. Occasionally these contacts are taken advantage of to prepare a joint position in important negotiations, as a political base for the MEPs, e.g. at an intergovernmental conference preparing amendments to the Treaties⁵⁹ This cooperation is brought about by the limited competences of the EP in making binding decisions. Therefore, these Europarties are striving to develop extra-parliamentary influence on the EU decision-making process. These efforts are a good example of transnational participatory processes. Political parties are the direct exponent of the will of the Member States’ societies, both in theory and in practice, and additionally they have been legitimised by the Treaties.⁶⁰

⁵⁹ S. Lightfoot, *The Party of European Socialists and the Treaty of Amsterdam: Really a Policy-Seeking Party?*, “Perspectives on European Politics and Society” Vol. 4(2)/2003, p. 219.

⁶⁰ Art. 10 paragraph 4 of the Treaty on European Union: ‘*Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union*’.

The unique solutions of the EU system, particularly the functional solutions and principles of decision making, give both forms of transnational cooperation between political parties from the EU Member States the opportunity to participate in EU political life and to determine its shape. In the period preceding the emergence of Europarties, factions in the EP achieved a sophisticated level of organisation, manifested e.g. in managing their own finances, the creation of leaders, the support of administrative staff, participation in the intra-parliamentary decision-making process, as well as in various committees and work groups.⁶¹ The emergence of the second form is connected with the first direct elections to the European Parliament, when the opportunity arose to fight for the European electorate.

Conclusions

The forms of citizen participation in the European Union presented in this article exhibit a number of special characteristics. The main distinguishing feature of the phenomena examined here is the fact that they go beyond the territorial and legal boundaries of a single state. The entities taking part in these processes are linked to each other in various ways, but these links are not permanent. Thus in this article they have been labelled transnational processes. Transnational participatory processes are not regular, but rather accessorial and accidental. The examples provided in this article illustrate selected actions of a participatory nature, and concern only the possibility of implementing an individual or group interest in the EU decision-making process at the stage of formulating and consulting the content of decisions. In no case should the committee forms of cooperation with representatives of the civil society be associated with comitology or the process of exercising and implementing EU law. Transnational participatory processes in the European Union effectively improve the functioning of the system, being a direct form of exchange of material and non-material values and bringing people together within an entire network of relations and interdependencies.

In order to maintain clarity of the analysis, the conclusions were formulated while taking into account the division into functional representation of the levels of the EU system (sub-national, national, transnational, supranational) in accordance with the theoretical principles of neo-neofunctionalism. The analysis has shown that the processes of transnational participation can take the form of mutual interactions and cooperation between representatives

⁶¹ S. Hix, *The political system of the European Union*, New York 1999, p. 186.

of local and regional authorities, interest groups, non-governmental organisations, as well as political parties. Transnational participatory processes can be observed in the form of platforms for cooperation, thematic dialogue, public consultations, representation offices, committees, and Europarties. These can be networks, relationships or loose cooperative groups, voluntary and self-organised. To elaborate further, I would like to emphasise that while it is not necessary to explain why EU institutions are labelled as supranational, the analysed processes are labelled as transnational because they are neither managed nor organised by EU institutions or the EU Member States. It is these kinds of independent entities, structures and agencies that P.C. Schmitter wrote about in his theory.

The paradigm of neo-neofunctionalism seeks to explain the dynamics of integration processes through both bottom-up impulses, originating with entities which do not represent national interests (as a result of transnational interactions), and through top-down impulses originating within the EU institutions themselves. The present article has positively verified the assumption that participatory processes have a two-way character.

The bottom-up direction is a spontaneous and circumstantial process of expressing the citizens' will through independently established channels of articulation of group interests. The manifestations of bottom-up transnational participatory processes in the European Union have been broadly discussed in this article. Their participants include representatives of local and regional authorities, state officials, non-governmental organisations, interest groups, and political parties. Interest groups have developed a practice of joining each other in thematic platforms and other forms of cooperation with the European Commission, referred to as networking. As for political parties, they join each other to form federations of political parties commonly referred to as Europarties. These structures are legal entities separate from the entities which constitute them. They act on different levels and fulfil different roles in the system as a whole.

The process of increasing access to EU institutions and to the EU decision-making process has been taking place in the opposite direction as well. The top-down character of these processes means the creation of legal and institutional solutions which enable participation by the societies of the EU Member States, perceived as a form of decentralisation of power. An example of such an action is the Commission's regulation of public consultation and civil dialogue and the establishment of fundamental rules in the Commission's rules of procedure. As it has been demonstrated in this article, consultations can have a different course and format, can serve as a way of gathering of opinions or as a way to provide specialist knowledge support. This conclusion also positively verifies the application of the principles of

neo-neofunctionalism to the participatory processes described herein. The above-described model of ‘decision cycles’ assumes strengthening of the process of integration by the ‘encapsulation’ of what has already been achieved, and the top-down activities of the institutions facilitating political participation clearly further this goal. In this context, ‘encapsulation’ should be understood as a strategy of shutting away, hermetising the system, and consequently drawing attention away from the crisis and from the real problems facing the participants of integration.⁶² We can draw an even more far-reaching conclusion, namely that these actions give the supranational institutions an information advantage. They can influence the willingness of these institutions to establish epistemic communities, that is communities (institutions) based on knowledge.⁶³ In the P.C. Schmitter’s neo-neofunctional model of decision-making which constitutes the fundamental assumption of this article, the driving force behind the transformation of the priming cycle into the next (transforming) cycle is the cooperation of supranational institutions with entities representing sub-national interests and non-governmental organisations.⁶⁴

Top-down processes also concern, albeit to a lesser extent, cooperation between political parties. The planned reform of the voting system in European Parliamentary elections – creating a single European election list – is at the last stage of legislative discussion.

The co-existence and the two-way nature of the processes in question is proved by the activity of the Committee of the Regions and the European Economic and Social Committee. Institutionalisation of the aspirations of regional and local authorities and the activity of interest groups, as well as their consolidation and enclosure in a formal legal framework, has not halted the transnational processes, as shown by the high number of representations, contact offices of business groups, industrial groups and other lobbyists in Brussels. Bottom-up participatory processes are numerous and precede the action of supranational institutions. This confirms the thesis that the analysed phenomena are in fact participatory processes, as they are spontaneous, their initiators being citizens who voice their expectations of

⁶² C. Giering, *Europa zwischen Zweckverband Und Superstaat. Die Entwicklung der politikwissenschaftlichen Integrationstheorie im Prozess der europäischen Integration*, Bonn 1997, p. 83, after: Z. Czachór, *Kryzys i zaburzona dynamika Unii Europejskiej (The Crisis and the disturbed dynamic in the European Union)*, Warszawa 2013, p. 64.

⁶³ J. Ruskowski, *Autotransformacja instytucji Unii Europejskiej w teorii neo-neofunkcjonalizmu na przykładzie Komisji Europejskiej (Autotransformation of European Union Institutions in the Neo-Neofunctionalist Approach on the Example of the European Commission)*, op.cit., p. 181.

⁶⁴ P.C. Schmitter, *Neo-neo-functionalism*, op.cit., p. 34.

politics and attempt to influence the decision-making process. Processes that are managed top-down are, in a sense, the answer to rising social expectations as they legitimise new relations, introduce transparency and guarantee equal access with respect to exercising influence on decisions. These conclusions show that there is indeed a relation between transnational participation and social approval for the actions taken by the EU – i.e. its output legitimacy.

The value underlying strengthening the principle of democracy in the EU is the aspiration of entities expressing non-state interests to exert direct influence on the EU's policies and actions without the agency of state representatives. Non-governmental organisations create impulses for activities which national decision-makers – the national governments – do not pursue or for various reasons do not want to pursue. They can also become involved in areas which a single state may not be able to deal with. There is the possibility for citizens of different states to cooperate on the same issues, which increases their potential – they become more effective and their joint voice carries greater weight. Hence they effectively integrate Europe. These organisations allow EU citizens from different countries to cooperate across borders. Consequently, a broad spectrum of entities representing various interests – from individual, to sub-national and national, through to supra-national – participate in the mechanisms of decision-making in the European Union and influence the selection of goals and means to achieve them. All these processes of transnational participation provide citizens with greater access and the ability to co-develop EU policy and law, which correspondingly improves overall social approval of the way the EU achieves its goals, thus strengthening the EU's output legitimacy.

Furthermore, transnational participatory processes are very important in the multi-level system of the EU since they improve the guarantee of legal protection by putting it at the European level and, at the same time, enhance civil control of European political institutions. In doing so, they increase the EU's responsibility, which is necessary for the legitimisation of the system in its procedural aspect. This leads to the conclusion that the legitimisation effect, measured by the level of involvement in policy shaping, is related to the principle proposed by D. Beetham and Ch. Lord, according to which a system is legitimate when its authority is accepted and remains the function of acceptance of other legitimate authorities.⁶⁵ The decision-making entities of the EU draw their legitimacy from outside the system and most

⁶⁵ D. Beetham, Ch. Lord, *Legitimacy and the European Union* in: *Political theory and the European Union. Legitimacy, constitutional choice and citizenship*, eds. A. Weale, M. Nentwich, London and New York 1998, p. 18 ff.

of their actions are outside the system as well. These are the governments of the Member States, regional and local authorities, as well as political parties and civil organisations of European range. These entities are participants in the EU system and support it, while not being exclusively involved in this system. But by participating and taking responsibility for the decisions made and submitting to the rules and norms of the EU system, they are more eager to recognise it and thus the system is consolidated – its legitimacy increases.

The characteristic features of the transnational participatory processes examined in this article are that they permeate and amplify each other, that the entities participating in them represent the interests of various levels of the system, as well as the fact that they take place on several levels of the EU system. The participation of various transnational entities in the various interrelations is most often motivated by the need to coordinate positions and expectations, but these links do not imply only cooperation. They also include forms of self-limitation, including mutual adjustment.⁶⁶ In the case of transnational participatory processes with the participation of political parties, we are dealing with the mutual cooperation of entities from various levels of the EU system. For instance, during the election campaigns to the European Parliament, the leading element is the national level political party. It requires support from both the Europarties and political groups in the EP. They provide the opportunity to work out common electoral programmes and ensure a financial and HR base. Transnational interactions contribute to strengthening the process of European integration. They consolidate the ties and the multi-directional process of interaction between the levels of the European Union. Due to the fact that transnational participatory processes take place on all levels and with various decision-making entities, EU citizens can influence the directions of programmes and the implementation of EU policies.

From the formal point of view, the intensive development of interest groups active on the European level has contributed to an increase in the level of openness regarding information and in the transparency of the process of decision-making in the European public sector. There are no barriers to the relationship between EU institutions as well as its agencies and governmental institutions of the Member States, local authorities, NGOs and individual citizens. In the course of negotiations and consultations, by providing opinions and information as well as by observing the principles of social dialogue – independence and equality of the parties in the dialogue, trust and compromise, acting in accordance with the law – European interest

⁶⁶ *Politik in Mehrebenensystemen*, ed. A. Benz, Wiesbaden 2009, p. 17.

groups reach an agreement in order to influence European social standards and play an important role in managing the affairs of the European Union. Cooperation between the EU authorities and non-governmental organisations is based on the belief that the quality of EU policy depends on ensuring the broad participation of society in developing concepts and implementing EU policies.⁶⁷

⁶⁷ After: *Spoleczeństwo obywatelskie w Unii Europejskiej (Civil Society in the European Union)*, official website of the Polish Ministry of Labour and Social Policy, section *Spoleczeństwo obywatelskie (Civil Society)*, see: <http://www.mpips.gov.pl/index.php?gid=640> (last visited 12.06.2009).