THE DEMOCRATIC DEFICIT AND PARTICIPATION IN THE EUROPEAN UNION ENERGY POLICY

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Abstract

The European Union (EU) is an organization which consists of democratic states. However, paradoxically, both politicians and researchers of the European integration process notice the deficit of democracy existing in the EU and point to its negative consequences for the future of the European integration process. In search of the legitimacy of their actions, EU institutions refer to the tools of participatory democracy, which was recognized in the Lisbon Treaty as a complement to a representative democracy underlying the functioning of the European Union. Participation is more and more often applied in the shaping of EU policies. However, an increased interest of citizens in the participation in the designing of EU policies is noticeable only in some areas of functioning of the EU. These matters include decisions in the sphere of energy policy. This article attempts to present the reasons for this situation. The attention is focused, on the one hand, on the problem of the democratic deficit in the European Union as well as on the ways of gaining democratic legitimacy by EU institutions, on the other hand, on the interest of European citizens in participation in shaping the EU's energy policy.

Key words: *democracy in the European Union, democratic deficit, participation, democratization, energy policy, renewable energy sources*

INTRODUCTION

In this article we adopt the assumption that basic principles of democracy are associated with legitimacy, transparency, control of operations of power and participation of governors in the process of governance, and that democracy itself is not just a sum of institutional devices forming and articulating a political bond

between citizens and governing institutions, expressing in the last instance the political will of the people, but it also means a certain way of taking political decisions on the basis of unfettered deliberation and the principle of majority (Schmidt, 2002). The political practice shows, however, that the adoption of a specific perspective changes the meaning of participation. An example of this is the perspective of the governing and the governed. The first group can treat participation as an opportunity to optimize political decisions and gain legitimacy for undertaken actions, the other as an opportunity and a tool to exert influence on final political decisions. We acknowledge that participation should be a constant element of democratic decision-making processes. We assume that it represents, on the one hand, a form of participation in the decision-making process desired by society or citizens, and on the other hand, the activity of society in this process which is optimal for decision-makers. Adopting these two perspectives, we focus primarily on finding answers to the questions: What main problems does democracy pose for the process of European integration and what challenges does the problem of participation in EU energy policy face?

1. DEMOCRATIC DEFICIT IN THE EUROPEAN UNION

Interactions between its ideals and reality lie at the roots of democracy. For this reason, we can assign at least two dimensions: instrumental and normative to democracy. The concept of participation is at the crossroads of normative and empirical social sciences. The instrumental understanding of participation is associated with the empirical or realistic approach to democracy, while the normative concept with idealistic approaches (Friedrich, 2011).

Democracy as a postulate and concrete political act encounters a number of limitations due to which, despite uniform premises (cultural, ideological, political, structural, systemic, etc.), the degree of democratization varies (Schmitter and Karl, 1995). Moreover, democracies differ in the level of agreement on basic political objectives and the role of the state, the scope of participation in the political life, the degree of access to power, the way of enforcing political accountability, the scope of the principle of the majority, the level of sovereignty of the parliament, the scope of the rule of the party, the way of implementing the principle of pluralism , the scope of the spatial distribution of a power, the scope of the powers of the head of state and the way of implementing the principle of separation of powers. The basic condition for the existence of a democratic system is the people as a sovereign subject of politics, encompassing all citizens equipped with equal political rights and holding the institutionally ensured possibility of exercising direct and indirect governing actions. What is also important is the existence of constitutional institutions which guarantee the representative nature of power and administration, mainly coming from the direct election of the Parliament and the accountable government, and institutions structuring the current political life of the people, representing the interests of citizens and translating them into concrete proposals and political agendas – and therefore, parties and socio-political associations – and public opinion allowing the formation of political will of the people through the exchange of views and dialogue (Schmidt, 2002). Democratic political systems differ in institutions of political participation and exerting

influence, and institutions of the distribution and exercising of power. According to Robert Dahl and Bruce Stinebrickner, the most convincing indirect evidence is the differentiation of institutions providing citizens with opportunities to participate in the process of making decisions carried out by the state government (Dahl and Stinebrickner, 2007).

In the case of a supranational organization, such as the European Union, the definition of democracy has become an important practical problem and a difficult theoretical challenge. There is no consensus as to whether the European Union can be a democratic organization; among those who consider it to be possible there are proponents of "discovering" democracy anew within the union's original and unprecedented political and institutional structure. They stress that democracy cannot be instilled in a political vacuum, that is without political unification there can be no democratization (Nevola, 2001). They support their thesis with the argument that in the process of building democratic institutions, political unification precedes democratization, the condition for passing the democratization test by a political system is passing the unification test. In other words, "first «let us get together», let us establish where we are, where our home is, and who we are; then let us discuss, let us divide into groups, if necessary – let us argue, let us fight for our views and our interests, and let us agree how to settle our disputes, let us establish who owns what. In the end, if any good, including power, is to be divided in accordance with the rules and principles of democratic pluralism, firstly the property should be divided; only in a common and unified political space, and only among its parties it is possible to discuss and compete in sharing of available goods" (Walzer, 1983).

An increased interest in the problems of democracy in the European Union can be associated with the development of European integration. The establishment of the European Union and the clarification in the content of art. 1 of the Treaty on European Union (TEU) of the task of creating an ever closer union among the peoples of Europe, in which decisions are taken with the greatest possible respect for the rule of openness and as close to citizens as possible, placed the question of democratization of this organization and democracy of decision-making processes in the heart of the issues important to the future of Europe. Due to the changes taking place in the EU as a result of the entering into force of revision treaties and subsequent accessions, the European Union has become one of the most important sources of relevant decisions in Europe. Moreover, most observers agree that since the creation of the Communities in the 50s of the twentieth century decision-making powers have moved largely from the Member States to the European level. There is, therefore, a clear and growing need to understand how to create policy in the EU context (Rosamond, 2007).

The issue of the need to take action to democratize the European Union has become one of the topics of the discussion on the way out of the "constitutional crisis" connected with the rejection of the Constitution for Europe by citizens of the EU (Kużelewska, 2011). This event was defined as a fall of the "permissive consensus", i.e. a situation in which European citizens were not interested in integration, had no opinion about it, or they supported governments promoting integration. Paradoxically, increasing awareness and knowledge of citizens on European issues largely turned against integration processes (Mrozowska, 2012).

In terms of the democratic deficit at the EU level, there are positions in favour of its absence or indicating that its existence is not critical for the development of the organization (Moravcsik, 1993, 2005) or is impossible (Czaputowicz, 2014), and the institutional system of the EU is as democratic as it is possible in the realities of a supranational organization, and those that emphasize its existence on many levels (Modrzejewski, 2016; Majone, 1998; Kuper, 1998).

Moreover, *a crisis of Western democracy* is pointed to, defining this phenomenon as a result of many phenomena, including excessive liberalization of markets; increased role of institutions and international law; change of the role of the media which control public authorities to an increasingly smaller extent, and create political events instead; disappearance of substantive debate or pushing it to niche environments; increased role of political marketing manipulating social moods. The development of civil society only slightly counteracts tendencies to weaken the democratic system. As a result of the above phenomena the basic principle of political legitimacy through a general election becomes limited. The possibility to implement the "will of the people" weakens and the evolution of the political system in Western countries increasingly moves to the actual oligarchy of the system while maintaining basic democratic institutions. In part this is done by a symbiosis of national elites with transnational elites (Grosse, 2011).

If we adopt the assumption that the European Union should be democratic, the problem is to define democracy at supranational level. The level of democracy in the EU is often examined through the prism of the conditions of democracy at the national level (Mihálik and Juhás, 2012). The allegation appears that something like ethos on the European scale has never existed, and will not exist, because the European continent is characterized by ethnic and cultural pluralism. In Europe there are also no genuinely European socio-political organizations, operating in the trans-national space and expressing trans-national aspirations, European in the proper sense. Similarly, European political parties are European in name only, and not due to their activity, also no genuine European public opinion exists (Grzeszczak, 2002).

From this perspective, the tendency of the European Union to increase the opportunities for participation of citizens in the EU political life is associated with a desire to eliminate the democratic deficit in political, institutional and social terms. The social approach emphasizes the absence of the European *demos* and enumerates elements necessary for the emergence of a community of Europeans, which is a prerequisite for the democratization of the European Union. The social democratic deficit is considered to be particularly dangerous for the further development of the European integration process. It manifests itself in the estrangement of an ordinary citizen from EU institutions, the lack of a sense of relationship of citizens with the European integration process and the lack of awareness of the impact of decisions taken at European level. This type of democratic deficit results in low turnout in the elections to the European Parliament, ratification crises, and a decline of citizens' interest in EU issues and their knowledge on the subject. The essence of the social democratic deficit is the fact that "the European Union makes decisions on a wide range of issues directly affecting citizens, but they are only indirectly and not fully entitled to influence these decisions" (Christiansen, 2008).

Scientific attempts to indicate the solution of the democratic deficit problem have been undertaken for many years. Abromeit (1998) believed that the democratic system of political decision-making should have the possibility of transferring conflicts to the level of operating representative elements of the system to effectively take relevant decisions accepted and implemented in relevant sectors, and ensure adequate participation of members of these organizations. Therefore, he proposed the reorganization of the territorial and sectoral representation at the institutional level and the system of the right of veto enjoyed by such representations (including the possibility for their members to express themselves in a referendum). In turn, Cini (Cini, 2003) argued that democratization of the European level is only possible using the parliamentary and/or federation approach. Biernat (Biernat, 2001, p. 40) indicates, however, that the solution to this problem is "largely «encoded» in its nature which, as it seems, is located at three different planes". As the first of them the author mentioned citizens' perception of and attitudes towards the surrounding political reality, stressing that it is the perception through the prism of the nation-state, with the whole current and past ballast which is connected with this form of political organization of society. As the second element he recognized the nature of the legal system and, in fact, not the content of individual standards of this system, but what can be defined as its specific morphology. The third one is the creation of the administrative structure, as a kind of a *sui generis* fact, which, in accordance with the assumptions accepted at the earliest stage of the creation of the European Communities, diverges from conventional forms. Moreover, he stresses that in the situation in which the EU is, clinging to "models of democracy" learned from the practice of functioning of the state is justified only to a small extent. He proposed to start the reorganization of the legal system in order to liquidate the democratic deficit by calling into existence the constitution containing a charter of fundamental rights. In the end, he noticed that the third plane is the most controversial, because it concerns the administration which actually performing political functions is excluded from political control to the same extent as in a democratic state. According to the author, the introduction of control mechanisms should be preceded by a clear indication of the direction in which united Europe is to develop. Grosse (Grosse, 2011, p.88-89) proposed a different solution, and suggested a reflection on three solutions. The first of these was to limit the existing expansion of the European integration and revert it to the period of intergovernmental cooperation. In this way, borrowed legitimacy would be sufficient social justification for the functioning of the Union. This would entail the need to restore unanimous voting in intergovernmental institutions, as for proper legitimacy of intergovernmental cooperation each party of the agreement should have the equal scope of exercised power. He regarded the strengthening of political institutions in the Union elected by universal suffrage in whole Europe as the second mechanism eliminating the democratic deficit. According to the author, it would have to mean such a reform of the existing system of the Union which would introduce mechanisms of a democratic federation. In the author's view, the third way to reduce the democratic deficit is an attempt to build ways of obtaining social legitimacy in the Union which are alternative to democratic ones.

2. PARTICIPATION AND LEGITIMATION

Due to the changes taking place in the EU as a result of the entering into force of revision treaties and subsequent accessions, the European Union has become one of the most important sources of relevant decisions in Europe. Moreover, most observers agree that since the creation of the Communities in the 50s of the twentieth century decision-making powers have moved largely from the Member States to the European level. In this context, the issue of decision-making in the European Union and participation of European citizens in this process has become an important problem.

The basis of the functioning of the EU is representative democracy, but forms of participatory democracy also occupy an important place in the Treaty of Lisbon (Treaty of Lisbon, 2007). The relationship between representative democracy and participatory democracy was defined as complementary. Art. 11 of the Treaty points out the preferred form of participation of European citizens in the decision-making processes, and mentions horizontal civil dialogue, vertical civil dialogue, consultation of the European Commission (EC) and the European citizens' initiative, which has been identified as the first ever case of the inclusion in the Treaty of concrete provisions relating to the procedure of direct democracy at the supranational level.

However, not all instruments proposed by the EU have the potential to increase the participation of citizens in shaping EU policy. On 31 March 2015, the European Commission published its first report on the European citizens' initiative in the years 2012-2015, which shows that in the three years EC received fifty-one applications, among which thirty-one concerned matters within the competence of the Commission and were registered. Three initiatives reached the threshold of one million signatures, the organizers of twelve failed to collect enough signatures, and ten were withdrawn (Report from the Commission to the European Parliament and the Council, 2015).

An example of an instrument of vertical civil dialogue is the "Agora" of the European Parliament[1]. It was to provide a forum connecting the voices of European citizens with the voices of their elected representatives. Its participants were supposed to have the opportunity to present specific policy strategies based on everyday experiences in order to solve the problems faced by the EU. The results of the "Agorae" work were to help Members of the European Parliament in their further work. Creating this forum, the European Parliament was to move beyond the framework of the traditional division of civil society into sectors. In order to achieve this, the creation of interdisciplinary working groups was planned consisting of representatives of various communities and social groups. Their exchange of views was be a complement to the existing programme of hearings in committees. The "Agora" was to enable voters and the elected from all sectors of society and Member States to gather together to openly discuss the future of Europe.

In the years 2007-2016 there four debates were held in the framework of the "Agora": The future of Europe (08–09.11.2007), Citizens' Agora on climate change (12–13.06.2008), The economic and financial crisis and new forms of poverty (27–

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[1] http://www.europarl.europa.eu/atyourservice/en/20150201PVL00041/Agora

28.01.2011) and Citizens' Agora on youth unemployment (06–07.11.2013). Thus, the original assumptions about the organization of debates twice a year was not realised. After more than ten years since the creation of the "Agora" this instrument cannot be considered significant for the process of democratization of the EU.

In turn, researchers of EC consultations note (Kurczewska, 2015, p. 44) that "the EU moves towards increasing the communication dimension and building relationships with civil society. The European Commission tries to create a European space of communication through bureaucratic procedures and inclusion of stakeholders in the deliberations, although they are often too technical and require expert knowledge. The consultations are highly formalized and conducted with the standards of transparency, openness and inclusion. However, we should remember that they serve EC primarily as an instrument to legitimize its decisions and strategies and to strengthen the political position and prestige in the institutional structure of the EU".

One of the problems of democracy in the EU is the weakness of social actors of politics and the lack of European identity and common public opinion, which inevitably lead to the reduction of legitimacy of power (Jasiecki, 2008, p. 39.). Moreover, in the discussion about the creation of EU civil society the conditions, the fulfilment of which would increase a bottom-up pressure on the democratization of the Union institutions are often characterised. These include the instilment in citizens of the awareness of the functioning of the will of the collective entity (organizations, movements and coalitions), commitment to common democratic values, social awareness of participation in transnational political processes, the will of democratic shaping of the future of the whole Union, as well as the ability to create a counterweight to the dominance of economic interests.

From the empirical point of view, an expression of recognition by EU institutions of the value of participation are created institutions, cooperation networks, programmes, and various kinds of representative bodies such as: the European Commission and Civil Society[2]; Transparency[3]; Europe for Citizens Programme[4]; Dialogue with Civil Society[5]; Your Voice in Europe[6]; Citizen's Agora[7]; Civil Society, European Economic and Social Committee[8]; Liaison Group[9]; The Council of Europe and Non-Governmental Organizations[10].

Other activities aimed at increasing the participation of European citizens in the decision-making processes include all attempts to unblock one-way flow of information from European institutions to citizens and two-way communication. In the latter area a number of documents have been prepared (Communication on a new framework for co-operation on the information and communication policy of

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[2] http://ec.europa.eu/transparency/civil_society/ [accessed: 02.05.2016].

[3] http://ec.europa.eu/transparency/index_en.htm [accessed: 02.05.2016].

[4] http://ec.europa.eu/citizenship/europe-for-citizens-programme/index_en.htm [accessed: 02.05.2016].

[5] http://ec.europa.eu/citizenship/europe-for-citizens-programme/structured-dialogue-with-civil-society/index_en.htm

[6] http://ec.europa.eu/yourvoice/index_en.htm

[7] http://www.europarl.europa.eu/atyourservice/en/20150201PVL00041/Agora

[8] http://www.eesc.europa.eu/?i=portal.en.civil-society

[9] http://www.eesc.europa.eu/?i=portal.en.liaison-group

[10] http://www.coe.int/t/ngo/text_adopted_en.asp

the European Union, COM(2001) 354; Opinion on an information and communication strategy for the European Union, COM(2002) 350; Communication on implementing the information and communication strategy for the European Union, COM(2004) 196 the European Commissioner responsible for communication was appointed (Gniatkowski, 2007). As early as 2005 the so-called Plan D for Democracy, Dialogue and Debate was created COM (2005) 494, and a year later White Paper on a European communication policy (White Paper, COM(2006) 35).

3. PARTICIPATION IN EUROPEAN UNION ENERGY POLICY – THE EUROPEAN DIALOGUE ON ENERGY

In the framework of international negotiations on climate the EU pledged to reduce by 2020 greenhouse gas emissions by 20% compared to 1990 levels. Renewable energy sources are supposed to play one of the main roles in the implementation of these commitments. It was assumed that if by 2020 Europe managed to meet the targets on renewable energy and energy efficiency, it would be able to exceed the currently set level of emission reduction by 20% and reach the level of 25% reduction by 2020 compared to 1990 level. These indicators are reflected in the strategy *Europe 2020* (Europe 2020, COM(2010)2020). In Energy Roadmap 2050 (Opinion on the "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Energy Roadmap 2050", COM(2011) 885) it is assumed that renewable energy will be the basis of the EU energy system in the future. The idea of "green growth" is treated as an additional opportunity for both the transition to modern technologies of exploitation of natural resources and the creation of new jobs. This priority is linked to the EU's ambition to become a leader in environmental technologies and environmental protection. Member States have undertaken to meet their obligations to achieve national indicators of the Europe 2020 strategy. Individual EU states are diverse in both economic and social terms - therefore they were given different target values to achieve, which they undertook to do using the means and tools adapted to their specificity and their capabilities. The effects of their actions are supposed to lead to the realisation of common objectives.

The differences in the perception of the objectives of EU energy policy by citizens of Member States were noticed by the European Economic and Social Committee which engaged itself in building a dialogue on energy[11]. It justified its decision by the fact that "if the EU is to meet energy targets, society must stand by its side". The European Energy Dialogue was defined as a coordinated, multi-level, action-oriented conversation on energy policy within and across EU countries, and as a synonym of transferring reliable information about energy in a language ordinary people can understand (Press release of the European Economic and Social Committee. An effective EU energy policy needs informed and structured public dialogues, 27/2013).

The dialogue is to serve consumers in obtaining explanation of trade-offs and expressing preferences and to constitute a negotiation space where policy choices

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[11] Promotion of civil society involvement and participation in energy issues through the European Energy Dialogue is the responsibility of the Permanent Study Group on the European Energy Community of the European Economic and Social Committee.

would be discussed against a background of societal impact and acceptance, investments and resource strategy. It is supposed to be a new structure taking into account social and civic involvement, consequently leading to deepening of public debate on energy, influencing policy making pertaining to all types of energy and playing a role in stimulating the convergence at the level of the European Union in close liaison with the framework of energy policy and climate protection policy for the period after 2020. The objective of the Economic and Social Committee was to establish and direct a permanent European dialogue on energy conducted at the national, regional, metropolitan and local level with the support of the European Commission.

The opinion of the European Economic and Social Committee on the development of the governance system proposed in the context of the 2030 climate and energy framework contained a clear diagnosis of the situation, specifying social deficit as a barrier to achieving the objectives of EU energy policy. EESC indicated that: "EU and national energy policies have a direct and significant, impact on the lives of citizens. However, the content and rationale of these policies is often not clear to the general public and can be misunderstood by civil society. This leads to generally weak public support or misconceptions involving essential aspects of future EU development. Detrimental consequences follow and there are many instances of not informing and involving civil society in both national and EU energy policy which leads to a general lack of trust and to policies not always achieving desired results" (Opinion of the European Economic and Social Committee on the development of the governance system proposed in the context of the 2030 climate and energy framework, 2015).

The most important benefits of the European energy dialogue included the following: a better understanding of policy formulation and implementation of the Energy Union, contributing to the visibility, acceptance and success of this key priority of the Commission; an informed view of the public, providing more political certainty, and the evidence of an open, focused and results-oriented process. This informed view will result from the practical combination of the European-wide interactive EED conversation and everyday knowledge; a better understanding by energy users of their role and measures available to them for enhancing their energy economy, leading to more consumer engagement, the basis for a renewed and positive relationship with energy suppliers; a 'neutral conversation space', fostering trust and legitimacy through framing and facilitating discussion rather than through suggesting a predetermined conclusion (Opinion of the European Economic and Social Committee on the development of the governance system proposed in the context of the 2030 climate and energy framework, 2015).

In 2015 EESC presented the final report of the study of the role of civil society in the implementation of the EU Renewable Energy Directive (EESC Study, 2015). Conclusions from the study clearly confirmed that the potential of civil society to accelerate the transition to renewable energy is untapped. Moreover, "The study team could find no signs of a consistently-implemented government strategy aimed at promoting civic energy in any of the Member States. Public debates about energy policy are usually dominated by price concerns and may even fall victim to populism. An open and transparent public debate on energy costs and prices is needed". (EESC study on the role of civil society in the implementation of the EU Renewable Energy Directive, 2015, p. 34).

CONCLUSION

Activities aimed at the democratization of the EU have not produced the expected results. However, this organization cannot remain indifferent to the democratic deficit, among others, due to the fact that seeking to gain legitimacy it must take into account the fact that democracy is a value very highly rated by its citizens, and only 18% of them in 2015 gave a positive answer to the question of whether the European Union means democracy to them (Eurobarometer 83).

The views recognizing the democratic deficit as a barrier to the development of the European Union are dominated by positions indicating its two variants: institutional and social. The first of them refers to the institutional structure established in the process of European integration, the other to the situation of "estrangement" of an ordinary citizen from EU structures, and his sense of lack of influence on the process of shaping European policy. The remedy for the social deficit are attempts to implement tools of participatory democracy, which was recognized in the Lisbon Treaty as a complement to representative democracy underlying the functioning of the European Union.

Participation of European citizens in the decision-making processes is still a big challenge for the European Union: it is accepted as a tool for the democratization of the EU by European institutions, but increased interest of citizens in participating in the shaping of EU policies is noted only in some areas of functioning of the EU. Those matters include decisions pertaining to energy policy.

EU initiatives to build a dialogue are often referred to as idealistic and difficult to implement. An exceptional example of an institutional attempt bringing the citizen nearer to the European Union is a European dialogue on energy – an initiative of the European Economic and Social Committee – undertaken in connection with the strategic development of renewable energy in the European Union. The dialogue is to serve consumers in obtaining explanation of trade-offs and expressing preferences and to constitute a negotiation space where policy choices would be discussed against a background of societal impact and acceptance, investments and resource strategy. It is also supposed to be a new structure taking into account social and civic involvement, consequently leading to deepening of public debate on energy issues. The idea of the energy dialogue contains elements of effective communication and participation: recognition of different interests and perception of the local community; understanding of local communities, communication addressed to specific groups essential from the point of view of acceptance, transmission of information using tools and channels compatible with the needs of residents and continuous dialogue with local, especially opposition groups.

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