



Newsletter

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To be in, or to be out: Reflections on the Danish referendum

by Catharina Sørensen (Think Tank EUROPA)

Can any referendum on the EU today be won in the current political climate? The results of Denmark's vote on December 3rd suggest that the task facing the organisers of Britain's 'stay-in' campaign is enormous. The Danes said no to changing their blanket opt-out on all justice and home affairs (JHA) cooperation in the EU to the more nuanced opt-in model adopted by the UK and Ireland. The upshot of the result is that Denmark will be legally prohibited from taking part in any existing or future law within this rapidly growing area of EU cooperation. The alternative position, rejected by the voters, would have allowed the Danish parliament to decide on a case-by-case basis which JHA laws to opt into.

The first casualty of this referendum will be Denmark's ability to participate in the activities of the EU police cooperation agency Europol, which, perversely, most Danes have in fact expressed approval of.

The 'no' faction won because the Danes believe that national sovereignty and European cooperation is a zero-sum game. The idea behind the vote was to empower the parliament, but the formal handing over of sovereignty was deemed to be unacceptable. A powerful ambition behind the novote was to close the country's borders and shield itself from any negative spillover from the multiple crises afflicting the EU. Some two-thirds of the Danish people believe that border control is efficient in combating cross-border crime.

Aided by the refugee crisis, which became an unexpected factor in the campaign in September, the no-side managed in the course of merely three months to reverse its 20 percentage point handicap in the polls to win the vote. The weak liberal government's promise not to opt-in to any asylum or immigration laws was never fully trusted by the Danes.

The outcome reflected the two separate ‘languages’ deployed in the referendum – the emotional discussion about sovereignty, which appealed to the heart, and the technical argument about cooperation, which appealed to reason. In using these two languages, the campaigners spoke past one another, failed to understand each other and divided Denmark into two opposing camps.

Danish euroscepticism is evenly represented across social divides. There is a slight underrepresentation of well-educated people among the no-sayers, but income, age, gender and geographical situation do not explain the scepticism of the society. Neither does knowledge about the EU.

Few Danes on either side of the issue were able to communicate what was at stake in the referendum. Polls suggest that two-thirds felt unable to explain what it was about, and more than one-third reported that they were more confused by the campaign than they had been before it started. This is not the voters’ fault – the problem should be attributed to the referendum instrument itself, which in this case polarised voters by asking them to reduce a highly complex issue to a (not so) simple yes or no response.

Denmark’s sovereignty-based euroscepticism trumps that of any other EU member state, including Britain. Throughout recent decades, Eurobarometer polls show that when asked about qualified majority voting in the Council or flying the EU flag on public buildings, the Danes are the European champions in euroscepticism by a wide margin.

Surprisingly, with respect to their assessment of the EU’s economic impact, the Danes also rank at the top, but this time as the most enthusiastic EU member state. Denmark also ranks high in terms of general support for EU membership – the no-vote was not a rejection of Europe as such. Curiously, this strong backing co-exists alongside the strong sovereignty-based scepticism. Which side dominates depends on the issue at stake, and the referendum on December 3rd, just like Denmark’s previous six EU referenda, happened to activate latent concerns about national sovereignty.

The question now is whether a major EU referendum is able to win at all in a crisis-hit Union. Britain is next. The main difference between Danish and British scepticism is that the latter brand combines strong sovereignty-based euroscepticism with strong economic euroscepticism and widespread criticism of membership as such.

The Danish vote offers three lessons for other EU member states holding referenda in times of crisis:

- Demystify national sovereignty. The aspiration to

reconsider the balance of competencies between the EU and its member states is a valid political stance. But what use, exactly, can Denmark make of the sovereignty that it preserves within the field of justice and home affairs when in practise it means that the country cannot participate in any part of the cooperation, even when it is in its national interest? A Danish law-expert compared it to a footballer who declines to play on a team because he may lose his prerogative to play exactly as he wants. In the public’s mind, safeguarding sovereignty has, quite wrongly, become synonymous with maintaining things as they were in a pre-globalised world.

- Keep it simple. The yes campaigners should have emphasised trust in the parliament’s administration of the opt-in model and not speculated about the nature of cooperation anno 2025 or individual regulations. Tweets on the regulation establishing a procedure for European orders for payment (in Danish: *Betalingspåkravsprocedureforordningen*) never trended in Denmark, despite being part of the referendum package.
- Know the consequences of a no-vote. While it was clear to most Danes that a yes implied a hand-over of sovereignty to the EU, the consequences of a no-vote were not so clear. This left ample space for the no-side’s ‘guarantees’ that Denmark could obtain more favourable arrangements with the EU than under the opt-in arrangement. Such speculation did not serve to advance an informed debate.

If a referendum campaign leaves voters more confused than they were initially, one can hardly say that it has served as a valuable instrument of democracy. At the same time, once the instrument is used, the voice of the public can and should be heard. In the case of Denmark’s referendum, the outcome should now result in the gradual exclusion of the country from all justice and home affairs cooperation in the EU. The future will not be so black and white, however. Denmark may be able to participate as a third-country signatory to certain specific laws or it may even try to vote again (and would not be the first time).

To be in, or to be out, that is still the question in Denmark – and one that even the referendum failed to fully answer.

This article is also published as an EPIN Commentary:
<https://www.ceps.eu/publications/be-or-be-out-reflections-danish-referendum>

General elections in Spain: From a two- to a multi-party system?

by Salvador Llaudes and Miguel Otero-Iglesias (Real Instituto Elcano)

Spaniards will decide on December 20th whether the Government's performance over the last four years in dealing the crisis has been good enough to merit their support again. Europe's austerity framework was translated in Spain into a series of unpopular measures in the shape of (considerable) cuts and (some) reforms. The economic crisis has been accompanied by a political crisis, which undoubtedly will have an effect in the electoral results with the emergence of two strong political forces.

Despite the imposed austerity 'cure', the still-high level of unemployment at 21%, the pro-independence challenge from Catalonia and the multiple cases of corruption, the most likely scenario is the victory of the centre-right Popular Party. This win, however, will take place with a decreased share of the vote compared to 2011, in line with the trend of the 2014 elections to the European Parliament and the 2015 local and regional elections, when it was also the strongest party but already losing citizens' support.

Despite losing its overall majority, the likely victory of the ruling party – an anomaly in Europe during the economic crisis – is caused by the weak position of its traditional rival for power in Spain, the PSOE. The Socialist party is still suffering from the loss of credibility of the second half of the second legislature of Rodríguez Zapatero, and has been unable to regain the electorate's confidence in spite of changing its leadership.

Two parties have emerged from nowhere, benefiting from the lack of trust in both the PSOE and PP. Contrary to what we have witnessed in recent years in other European countries, neither of them has an anti-European or xenophobic attitude. On the one hand, there is Ciudadanos, a centre-liberal and reformist party and on the other, Podemos, which carries the spirit of the Indignants Movement and encroaches on PSOE's support from the left. Both parties are strong contenders and may be kingmakers after December 20th, as they are now polling above 15% of the vote.

What can we expect the day after the elections? At least four scenarios can be envisaged:

1) PP-Ciudadanos. This is the most probable scenario. As said, PP will win the elections but it will still need a partner to rule. If the drop in support for the PP is great, it is difficult to see Ciudadanos becoming part of the Government or simply supporting Rajoy to become the next Prime Minister. He is still tainted by the corruption scandals. However, with a different head of government (possibly Soraya Sáenz de Santamaría, the

current Vice President) and a clear pro-reform agenda and anti-corruption emphasis, a deal is likely. Nevertheless, to maintain stability, Ciudadanos might also support a minority government led by Rajoy if he obtains a strong result.

2) PSOE-Ciudadanos-Podemos. A united front between the three political forces seems the only way of preventing the PP altogether from ruling. But this would be difficult to negotiate as the stances of Ciudadanos and Podemos only coincide in the fight against corruption and political regeneration, and both have very different visions on many issues, from their economic programme to dealing with Catalonia or their social policy. If PSOE could rule only with Ciudadanos or Podemos it would be easier, as its positions are more flexible towards the two emerging parties.

3) PP-PSOE. This scenario is highly unlikely, as in Spain, like in other countries such as the United Kingdom (and unlike Germany), the main party "has to be" in the Government, and the main opposition party "has to be" in the opposition. If this coalition were to materialise, it could cause even more damage to the Socialist party, which has already rejected the possibility of ruling with the Popular Party.

4) PP-PSOE-Ciudadanos. A remote, although interesting option could be that both PP and PSOE obtain bad results and humbly accept to form a consensus pro-reform government together with Ciudadanos. In this scenario, Rajoy – a divisive personality – would step down and let the three parties agree on a compromise figure – Santamaría, for example. Under this arrangement, the three parties would start a series of pending structural reforms that need a broad consensus, such as reforming the labour market, the administration, the education system and even the Constitution. This scenario would be the most promising for dealing effectively with the Catalan crisis.

In any of these scenarios, what seems self-evident is the fact that the traditional Spanish two-party system will not work for these elections (although it might re-emerge in the future). This will have an effect on the way in which the Congress operates and on how the future Government decides upon its policies. The stability of the Government will suffer, but it may also increase the quality of the debate and the plurality of the policy options in what some describe as the "second transition period" for Spain. Still, there is a risk that the new Government will only rule for a short mandate if the agreements between parties are not solid enough. Indeed, after December 20th, we will see whether Spain's democracy is fit for multi-party, consensus-based and possibly even coalition governments.

Conclusion of EPIN-event 'The UK and the EU: Simulating the agendas for EU reform'

Brussels, 7-8 October 2015



Against the backdrop of British Prime Minister David Cameron's quest to renegotiate the UK's membership of the EU, on October 7-8 CEPS and the Bertelsmann Foundation organised a 'Model European Council' to simulate the negotiations between EU heads of state or government - represented by EPIN member's researchers - on this issue. The aim of the exercise was to learn more about the UK's reform demands and other member states' 'red lines' and flexibility on these and related issues.

Under discussion was a possible derogation from the treaty clause on "ever closer union"; increasing the role of national parliaments in guaranteeing respect for the principles of subsidiarity and proportionality; strengthening the single market; protection of non-euro member states from EMU decision-making; and the abuse of welfare-benefits by out-of-work EU migrants.

Speeches from former Prime Minister of Italy Enrico Letta, CEPS Senior Research Fellow Associate Michael Emerson and Global Counsel Advisor Tom White served as valuable frames of reference for the mock negotiations.

EPIN members from a representative cross-section of 14 member states, assisted by three former Permanent Representatives to the EU, acting as so-called jurisconsults, eventually reached agreement on all the issues. The conclusions of this 'model' European Council were published in the commentary "**Will Cameron get what he wants? Anticipating reactions to Britain's EU reform proposals**" by Steven Blockmans (CEPS) and Stefani Weiss (Bertelsmann Foundation), with reflections of the national positions. The commentary can be accessed via this link: <https://www.ceps.eu/publications/will-cameron-get-what-he-wants-anticipating-reactions-britain%E2%80%99s-eu-reform-proposals>

The participating EPIN members have now submitted national position papers based on the simulation event discussions. These papers will be developed into a longer report that will be presented at the third edition of the CEPS Ideas Lab in Brussels on 25-26 February 2016.

We would like to take this opportunity to thank all participating EPIN-members! They were: Centre for European Reform (CER), United Kingdom; Istituto Affari Internazionali (IAI), Italy; ELIAMEP, Greece; ELCANO, Spain; Centre for Liberal Strategies, Bulgaria; Think Tank EUROPA, Denmark; Polish Institute of International Affairs (PISM); German Institute for International and Security Affairs (SWP); IFRI, France; Research Center of the Slovak Foreign Policy Association (RC SFPA); EUROPEUM Institute for European Policy, Czech Republic; Clingendael, the Netherlands; and IIEA, Ireland.

Upcoming event 'CEPS Ideas Lab 2016: An EU Fit for Purpose'

Brussels, 25-26 February 2016

It is with great pleasure that we would like to invite all our EPIN members to participate in the third edition of the CEPS Ideas Lab, which will be organised in partnership with - and under the auspices of - the Dutch Presidency of the European Union, and take place on 25-26 February 2016 in Brussels.

The second edition of the Ideas Lab attracted more than 550 participants from 36 countries around the globe.

The overall theme of the 2016 edition will be: "An EU Fit for Purpose". There will be 11 parallel 'Labs' on Finance, Economy, Foreign Affairs, Energy, Climate Change, Digital Economy, etc. which will deal with this question from their respective angles.

Each Lab session will comprise of around 35-40 participants and will be totally interactive, without long speeches.

We would like to invite you as a participant to actively contribute to the Institutions Lab, which we co-organise with Centro Studi sul Federalismo and the Bertelsmann Stiftung.

There will be three sessions:

- The meaning of democracy in the EU: 29 shades of grey?
- 'Ever closer union': What's in a phrase?
- Reforming the EU: Managing centripetal and centrifugal forces

To register for the event, as well as to download the programme, please follow the below link:

<https://www.ceps.eu/civicrm/event/info?id=950&reset=1>



Latest EPIN-publications

“To be in, or to be out: Reflections on the Danish referendum” by Catharina Sørensen (Think Tank EUROPA)
<https://www.ceps.eu/publications/be-or-be-out-reflections-danish-referendum>

“Greece as an example of ‘post-politics’ in the eurozone” by Filippa Chatzistavrou and Sofia Michalaki (ELIAMEP)
<https://www.ceps.eu/publications/greece-example-%E2%80%9Cpost-politics%E2%80%9D-eurozone>

“Awkward partner once again? Repercussions for Europe of Poland’s elections” by Yann-Sven Rittelmeyer
<https://www.ceps.eu/publications/awkward-partner-once-again-repercussions-europe-poland%E2%80%99s-elections>

“What direction for Turkey? A plea for political reconciliation” by Umut Uzer
<https://www.ceps.eu/publications/what-direction-turkey-plea-political-reconciliation>

News from EPIN-member institutes

New CER publication:

“Cameron’s EU reforms: Will Europe buy them?” by Agata Gostyńska-Jakubowska
http://www.cer.org.uk/sites/default/files/pb_reform_ag_14dec15_0.pdf

New ISP publication:

“Baltic Group. Poland, Lithuania, Latvia and Estonia. In search of common interests” by Aleksander Fuksiewicz and Agnieszka Łada
<http://www.isp.org.pl/uploads/pdf/204396664.pdf>

New IIR publication:

“Mapping Europe-China Relations - A Bottom-Up Approach” edited by Mikko Huotari, Miguel Otero-Iglesias, John Seaman and Alice Ekman
http://www.dokumenty-iir.cz/News/ETNC_Report_2015.pdf

New IFRI publication:

“Greek-German Relations in times of Crisis” by George Tzogopoulos
<http://www.ifri.org/en/publications/enotes/notes-cerfa/greek-german-relations-times-crisis>

CLS New York Times op-ed:

“Why Poland Is Turning Away From the West”
by Ivan Krastev
[http://www.nytimes.com/2015/12/12/opinion/why-po-](http://www.nytimes.com/2015/12/12/opinion/why-po-land-is-turning-away-from-the-west.html?_r=1)

[land-is-turning-away-from-the-west.html?_r=1](http://www.nytimes.com/2015/12/12/opinion/why-po-land-is-turning-away-from-the-west.html?_r=1)

Volume 15 of the Romanian Journal of European Affairs, edited by the European Institute of Romania
http://rjea.ier.ro/sites/rjea.ier.ro/files/revista/RJEA_2015_vol15_no4_site.pdf

Recent LIIA event “Eastern Neighbourhood Economies between the EU and Russia”

The public discussion was aimed at providing an expert assessment, and discussing with the society how the EU and Russia affect the economic situation in the Eastern Partnership states and assessing the social and political implications of this influence. The goal was to identify the available legal and strategic tools that could be applied by the EU in order to more substantially impact policies of the Eastern Neighbourhood states.

SIEPS project ‘European Security’:

The research project outlines a series of issues that connect with EU security cooperation. What sort of security actor does the EU constitute? What is the cooperation between member states? What sort of security does the EU strive for? While covering traditional conceptual divisions such as internal/external and civil/military security, the project also incorporates new areas of security policy such as energy security and the forthcoming energy union.

Associated publications:

“Completing the Union: Is the European Energy Union Really Real?”
<http://www.sieps.se/en/publications/european-policy-analysis/completing-the-union-is-the-european-energy-union-really-real>

“Big Brussels is Watching You? Enhancing Transparency in EU External Energy Deals”
<http://www.sieps.se/en/publications/european-policy-analysis/big-brussels-is-watching-you-enhancing-transparency-in-eu>

“The challenge of completing the EU internal market for natural gas”
<http://www.sieps.se/en/publications/european-policy-analysis/the-challenge-of-completing-the-eu-internal-market-for-natural>



SEASON'S GREETINGS



Best wishes for the holiday season!



We look forward to a new year of EPIN cooperation in 2016!

Please visit the EPIN-website for more publications, information about ongoing projects and upcoming events.

<http://www.epin.org/new/>

We kindly ask you to keep sending news from your institutes as well as publications for posting on the EPIN webpage and newsletter. Please contact Vilde Renman (vilde.renman@ceps.eu)