Democratic Legitimacy in the Context of Lisbon Treaty

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Abstract

Increasing democratic legitimacy in the whole European Union is a ‘healthy thing’, so as to avoid current crises in the future, which in one way or another are related to the lack of democratic legitimacy, lack of accountability, transparency, and so on. This analysis will show that the democratic legitimacy of the EU institutions and its policy-making process are the main challenges for the whole European project. The democratic legitimation should be based on a sort of “New Europe” and that will come only with “New Europeans”, who are probably missing at present. By the same token, however, the Treaty of Lisbon is a step ahead, and can be considered a very valuable document as it strives to improve the way the European Union functions, but it is still far away from making the whole process a real legitimate one.

Democratic legitimacy in the context of Lisbon Treaty

One of the core issues of democracy alongside is that all power vested in public authority belongs to the people and this public authority as such emanates from the people. The people, exercising their sovereign rights, can choose their representatives who will then become part of the public authority and this will make the representatives legitimate. As such the concept of democratic legitimacy is thus that the decisions that are taken can be seen as the outcome of people’s deliberations under free and equal conditions. Therefore democratic challenges are a matter of how the state institutions design and carry out the public policies. Based on the main principles and values in which the European Union was created we have a conferral of powers from the nation-state entities to the supranational institutions. The way in which power is conferred from one level to another is in itself unique. In relation to democracy it results in a new mode that some refer to as the “third democratic transformation”. According to these principles the sovereign states are the foundation of the European Union. So the Member States – sovereign states on the one hand and the EU on the other have been used to living together for decades and they complement each other. As Weiler pointed out ‘the European Community is not meant to eliminate the national State but to create a regime which seeks to tame the national interest with a new discipline’.

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1 Beetham, David & Lord, Christopher. ‘Legitimacy and the EU’, Longman (1998)
2 See, Treaty on European Union, Article 2
As a matter of fact the nation states democracies are converted into supranational democracy – hence the phenomenon of transnationally shared identities.\(^5\)

When it comes to the models of democracy the direct democratic model of the Greek polis and the democratic model of the nation state did not establish a perfect democracy as always some elements are missing. In the European Union we are also confronted with the same problem. In fact, today in relation to the European Union a big gap is perceived between on the one hand the powers conferred and exercised by the EU institutions and on the other hand the so called indirect democratic control by the people over the institutions. One of the main causes of disappointment among citizens in relation to the European Union has been the impression that the decision making process on the EU level is ruled by non-transparent, non-accountable and to a certain extent non-directly legitimate institutions that fail to solve the citizens’ problems. From this point of view the “democratic deficit” is the undivided part of the whole decision making process in the European Union.\(^6\) Therefore democracy in the EU is a sort of fragmented democracy which is realized through the comprehensive process of involvement intermediation – Community method. Under these circumstances, legitimacy has been in question. The European Parliament is the only ‘repository’\(^7\) of democratic legitimacy in the European Union. In the European Union, democratic legitimacy traditionally has been evaluated in the framework of direct elections for the European Parliament.\(^8\) To put it in other words the European Parliament was and still is the only one institution which relies in the votes of EU citizens. It derives the democratic legitimacy from direct elections. In fact experience has shown that the issue is much more complex.

The issue here is how the democratic legitimacy can be handled in a system which is neither a federal state nor purely intergovernmental organization. Before addressing this issue I think we should look for the model of democracy that will best fit within the EU. In a long term perspective the European Union should aim for liberal democracy.\(^9\) Usually the liberal democracy embeds in itself those features that take into consideration three important elements: the need to act in an effective way, to be able to cope with the global challenges and third to take into account the citizens concerns. Looking from the EU perspective these seems to be also the main concerns therefore these are elements that if met we consider will make the European Union much more democratic and efficient. If we analyse the Lisbon Treaty carefully, then to a certain extent, this document as such is approaching these liberal-democratic features, at least this is our assumption.

It is worth mentioning here the fact that since the beginning of the European Union project the European legal acts and policies derived their democratic legitimacy through national governments in the Council of Ministers\(^10\) – hence the democratic legitimacy of the national officials has been realised through national elections.

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\(^8\) See, Andersen, Svein & Eliassen, Kjell “The European Union: How Democratic It Is?” Published by SAGE, 1996, p.264.

\(^9\) Note, Liberal democracy is a political system that has free elections, a multiplicity of political parties, political decisions made through an independent legislature, and an independent judiciary on law enforcement.

In the first decades of establishment of the European Community, input legitimacy was not a real concern. In the early years of the Community it was assumed that there was a widespread consensus about the future development of Europe, and that decisions by the Council of Ministers were broadly in line with public opinion. The existing idea, at the beginning, was to produce output legitimacy. European Governments had long pursued European integration on the working assumption of a “permissive consensus” by the public. To say it in other words the permissive consensus means ‘I don’t understand what you are doing but I agree with that what you are doing’. Or, as Walter Hallstein the first President of the European Commission observed in the first decades of the EU project: ‘equality results in unity – this is rationale behind the Treaty of Rome’.11

Only after decades, the Member States as well as EU citizens understood that the input legitimacy was becoming a problem because the EU started to influence their lives. Some argue that this issue emerged during the ratification process of the Single European Act.12 According to them the problem of democratic legitimacy with the decisions reached at the EU level has developed with the move from unanimity towards qualified majority voting. As long as these decisions were reached according to the intergovernmental mode through unanimity, these decisions became legitimate through accountability of each and every government of the Member States towards their national parliaments. With the shift from unanimity towards majority voting system in the Council things have changed and consequently the EU supranational institutions are in need of developing a new mode for legitimation of their actions. But other analysts argue that ‘input legitimacy’ came up as a question only at the time of the initial stage when the EURO was launched after the Maastricht Treaty. This is because people for the very first time felt the psychological influence of the EU project.13 From then on we have questioned how decisions are made at the EU level? Therefore output legitimacy lost its importance with the increasing influence of the European Union on its citizens14 and input legitimacy was turned into debate. As we have said before the issues related to democratic principles were a matter of discussion under the Maastricht, Amsterdam and Nice Treaties but to make the long story short they never got a real answer.

The vision of political Union was added sometime ago at the beginning of the 1990s but this vision was not accomplished with clear objectives. There is a conclusion that the European Union and the democratic legitimation process of its institutions have lacked architectural design. The real architectural design of the EU institutions up to now has been a matter of discussion on only two occasions: firstly with the ‘Draft Treaty establishing the European Union’ in 1984 at that time strongly urged by Alterio Spineli - Italian federalist and secondly with the ‘Draft Treaty for a Constitution for Europe’. Unfortunately in both cases these ideas failed for different reasons. This architectural design with the Treaty of Lisbon to a certain extent will be clarified while as we said before this document will introduce around 95 per cent of the changes that were embodied in the Constitution for Europe. However, there are some constitutional features that were written in the Constitution for Europe but were removed from the Lisbon Treaty for example, the name Constitution, legislative acts, anthem, flag and so on. If this is the case then we definitely should say in this regard that the European Union is still an

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11 See, Hallstein, Walter ‘Der unvollendete Bundesstaat europäische Erfahrungen und Erkenntnisse’, Published in 1969 Econ Verlag (Düsseldorf), p.33
12 See, Beate Kohler-Koch and Rittberger, Berthold, ‘Debating the Democratic Legitimacy of the European Union’, Published by Rowman & Littlefield 2007, p.4
13 Interview with professor Eckart D. Stratenschulte, Akademieleiter Europäische Akademie Berlin, held in Pristina on 25 of November 2008
14 Ibid
unfinished political project, a political project that is in progress.\textsuperscript{15} Even though we agree to the point that the European Union and its institutions have lacked the architectural design however, it is more than evident that the European Union has produced its unique political system. And these unique features have served sometimes as obstacles in redesigning the EU project. It is another issue whether this system was designed in a way that will make it more acceptable for everyone or not, again I am referring to the permissive consensus. The standards of democratic legitimacy presumably are foreseen to exist in any political system as well as in the European Union.\textsuperscript{16} But the EU as a political system differs with its typical features i.e. supranational institutions, conferral of sovereignty from national to supranational institutions, as Lenaerts and Gerard emphasise ‘the European level of governance is rooted in a system of divided sovereignty’.\textsuperscript{17} Therefore democratic legitimacy in the European Union depends on two issues: there should be the appropriate balance of powers and exercising authorities between the supranational institutions and secondly, the ability of the entire decision making processes to embody in itself efficiency, transparency and accountability.\textsuperscript{18} From this point of view the Lisbon Treaty is another attempt to make this picture clearer, to modernise its governance system. But there is a another impression that heads of states and governments so called elite driven basically dealt with the discussion how to reshape the EU institutional framework, to modernize decision making procedures – formal legitimacy, which of course are important elements while it seems they failed on addressing those problems that are real concerns of the people – social legitimacy. Increasingly people are worried that they have no ability to influence decisions that govern their lives and as such EU institutions are not serving its citizens.\textsuperscript{19} In the meantime not only the EU institutions should be blamed for this issue but also national authorities have to show some credibility in this respect. National leaders should also be European leaders. Deciding to go for the elite driven legitimacy – result treaty reform – based on the experiences of the past and under the vision of the founding fathers of European Union in order to explore further the European Project, definitely will not be the last source of solution but will continue to govern the European Union for a period of time. It is worth mentioning here that as soon as we know that this document is an elite driven document, it gives us the first impression that this document as such from the start lacks the core element – input legitimacy. Furthermore by abandoning the process of using referendums to approve European Union treaties, the European Union has cut itself off from a significant source of input legitimacy.

The Lisbon Treaty might be a signal of newly established relations between Europe’s citizens and the European Union institutions or as Dominique Moisi called these relations “Profound divorce”.\textsuperscript{20} In fact these newly established relations are not something that have fallen out of the blue sky and that no one was and is aware of. No. These “relations” appeared significantly in previous referenda during the ratification process of the


\textsuperscript{16} See, Schmitter, Philippe, ‘What is there to legitimize in the European Union ... and How might this be accomplished’, The Jean Monnet Working Papers, The Jean Monnet Program No.6.2001

\textsuperscript{17} See, Lenaerts, Koen &Damien Gerard, The Structure of the Union according to the Constitution for Europe: the emperor is getting dressed, (2004) 29 E.L.Rev. 313.


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Maastricht Treaty, the Nice Treaty and more dramatically with the failure of the Constitution for Europe. EU citizens can feel these relations everyday and a recent reaction might be the one we got after the first Irish referendum on Lisbon Treaty. If one reads the Shuman Declaration carefully then we will immediately understand that the European Union was founded to promote democratic values in Europe. Democratic values and standards are embodied also in the treaty documents. Yet EU institutions leave much to be desired with regards democratic values and standards. In the meantime strengthening democracy at the level of the European Union is often seen as happening at the direct expense of democracies at the national level as powers are conferred from the national to the European level.

When it comes to the global challenges, Europe will be able to handle only if it is lead by strong, political leadership. Therefore the Lisbon Treaty is in a step towards the creation of this political leadership.

Now we should try to compare the institutional reform agreed under the Lisbon Treaty with the aspects of democratic legitimacy.

European Parliament – The European Parliament without any doubt is probably the most transparent Parliament in the world. In carrying out its activities the European Parliament produces two things: Legitimacy – citizens are represented indirectly at the European Parliament through their elected members - elective democracy and transparency which is a prerequisite for democracy. As we have pointed out earlier the European Parliament is a winner with the Lisbon Treaty as it will gain more powers under the ordinary legislative procedure which will replace the previous co-decision procedure. This procedure ‘best incarnates’ the double democratic legitimacy of the legislative process in the EU. Indeed the primary motivation of the Member States in delegating legislative powers to the European Parliament was to increase the democratic legitimacy of European Community legislation by increasing the powers of the European Parliament. The role played by the European Parliament in the process of decision making particularly through co-decision procedure reflects ‘fundamental democratic principles that the people should take part in the exercise of power through intermediary representative democracy’.

However the question whether the European Parliament has fulfilled this mission until now is another issue. A lower turnout at elections for the European Parliament is one of the main concerns in this regard. Strengthening the political bound between the European Parliament and the European Commission will strengthen the legitimacy of the European Commission and the role of the European Parliament as legitimacy leverage of the European Union. The European Parliament will become a mechanism which will legitimate the President of the European Commission and this is another significant change. This will give the President of the Commission

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21 See, Shuman Declaration, 9 May 1950.
22 Treaty on European Union Article 6 (1); see also Consolidated version of the Treaty on European Union, Article 1 third paragraph; see also ‘Declaration of the EU Presidency on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome’, Berlin, 25 March 2007
24 The expression is borrowed from Koen Lenaerts & Gerard,Damian, The Structure of the Union according to the Constitution for Europe: the emperor is getting dressed, (2004) 29 E.L.Rev. 310
27 Note, in Parliamentary elections of June 2004, voter turnout was 45.7%, the lowest it has been ever. For details see http://www.election2004.eu.int
greater democratic legitimacy, which is of major importance in an institution often seen as being "disconnected" from its citizens. Furthermore this possibly will serve as bases to politicize the European elections and undoubtedly raise interest levels of European voters whose vote will then have sway over European political life. The Lisbon treaty will make further progress towards providing decision making process in the EU with stronger democratic foundation in so far as the European Parliament will participate in it on equal footing with the Council through ordinary legislative procedure. Increased powers of the European Parliament would substantially reduce the democratic deficit. By strengthening the role of the European Parliament, the political system in the European Union is given more features of a parliamentary system.28

Voting system in the Council- Double majority voting system in the council decision making process is a step towards improving democratic aspects. Every decision in the Council needs a majority of states and a majority of the people. Therefore democracy in the EU has to do also with demographic aspects. More efficiency – the decision making process will be based on a double majority system from 2014, meaning that a vote can only be carried by 55 per cent of Member States, who must represent at least 65 per cent of the EU’s population. Increasing the majority voting in the Council reinforces the Union’s capacity to act. However the double majority formula will not apply to all cases in which the Council votes by qualified majority. The treaty sets forth that qualified majority is defined as 72 % of the Council members, and representing 65 % of the population of the Union when the Council is not acting “on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy” 29 The typical example of this case is when the Council acts upon its own initiative on certain issues in the Area of Freedom, Security and Justice.

The so called Ioannina Compromise – controversial compromise30, reached informally in 1994 and discarded under the Treaty of Nice, has been re-adopted and adapted for the Treaty of Lisbon. Treaty lays down the terms for the Ioannina Compromise in the transitional period from 201431, when the new rules on qualified majority voting in the Council take effect, to 2017. According to this provision, the Council must delay voting if members of the Council representing 75 % of the population or 75 % of the number of Member States required for a blocking minority – i.e. 26.25 % of the Union’s population or 26.25 % of the Council members – indicate opposition to voting by qualified majority.

According to some analyses the European Union is functioning based on a principle of digressive proportionality32 and this is against democratic principles. Digressive proportionality means that the bigger the country is the less representation it gets in the European Parliament and the Council. The voting system in the Council introduced with the Nice Treaty is not rationale it was just a negotiation compromise which was based on digressive proportionality, without taking into consideration the objective criteria.

29 See, Consolidated versions of the Treaty on the functioning of the European Union Article 238, second and third paragraph point (b)
31 See “Declarations Concerning Provisions of the Treaty”, the Declaration on Article 9 C(4) and Article 205(2) of the Treaty on the Functioning of the European Union
32 Note, on proportional representation, the weights of the votes are proportional to the countries’ population size. In between these extremes, we can let the weights increase as a function of population size, but smaller countries receive greater weights and larger countries receive lesser weights than proportionality would warrant. Such weightings are called degressiv proportionality.
The Lisbon Treaty as it was agreed formally bases the Union on the principle of representative democracy and reaffirms that the Union is founded on representative democracy.\textsuperscript{33} Moreover it identifies two ways of representation; that of citizens via the European Parliament and that of Member States via the Council. So the European citizens are represented at the Union level through the European Parliament while the Member States are represented in the Council of Ministers by their governments. From the pragmatic point of view this formulation is further clarification towards establishing the bicameral legislative system in the European Union. Anyhow the real political representation of EU citizens at the EU level is bound to having European political parties. We still do not have any European political party with its own European profile. The political parties at the national level in their election campaigns never refer to the EU project as such – hence they do make a reference to the EU project as such but only at times of their failures at home and then they blame the European Union. Anyhow what is not disputable is the fact that European elections are still the place where national political parties compete amongst each other.\textsuperscript{34}

The extension of majority voting in the Council is another step towards improving the efficiency in the EU decision making process. The majority voting system in the Council diminishes the national sovereignty while for the sake of the European Union and democracy in general this is a healthy and democratic value. Of course this aspect is added value in the newly established relations between the EU institutions. But the policy outcome from this process then should be accepted by the Member States and this is an additional concern.\textsuperscript{35} The acceptance of EU decisions by the citizens of the EU is an essential element in strengthening democratic values. In doing so, there is a need that the decision making process in the European Union should be legitimised by further involvement of the European Parliament and national parliaments. All in all the attempt should be made to reconcile the requirements of democracy with those of efficiency.

The Role of National Parliaments - One of the aspects of strengthening the democratic ties through the Lisbon Treaty will be the inclusion of national Parliaments in the process of policy making\textsuperscript{36} although this could block the initiatives of the European Commission. In general the EU project has turned the national parliaments into administrative devises of the EU governance.\textsuperscript{37} The involvement of the national parliaments is a step towards improving both the input and output legitimacy. National Parliaments should work closer with Brussels. Due to the principle of subsidiarity the National Parliaments should be brought close to the decision making process in order to make this principle work. The European Commission under the Lisbon Treaty will have to notify the European Parliament, Council of Ministers and National Parliaments about any legislative initiative. At the same time National Parliaments have time to respond to them if they have the feeling that the principle of subsidiarity is not taken into account. Then they can see simply whether this legislative measure proposed by the European Commission breaches the principle of subsidiarity and if so then one third or 9 out of 27 of national parliaments can block the initiative. If this is the case then here there are two possible steps:

\textsuperscript{33}See, Consolidated version of the Treaty on European Union Article 10(1)
\textsuperscript{34}See, Thomassen, Jaques & Schmitt, Herman ‘Political Representation and Legitimacy in the European Union’, Published by Oxford University Press, 1999, p.15
\textsuperscript{36}See, Consolidated version of the Treaty on European Union Article 12
First possibility, the European Commission is not obliged to make any change regardless of any suggestion that is coming from the national parliaments but it has to take into account their concerns.

Second possibility, all national parliaments according to the Lisbon Treaty have the right to bring the European Commission before the European Court of Justice if they consider that legislative proposal breaches the principle of subsidiarity – hence the emergence break. Only the possibility as such means that they – EU institutions have to stick to the rules and this will affect the behavior of the European Commission. If we make a simple comparison between these two possibilities which are part of the decision making process in the EU with the ‘soccer game’, the first possibility is like the yellow card while the second one is same as the red card which national parliaments can show the European Commission. There are arguments in favor and against this new formulation, but without any doubt this is an advantage for democracy. It passes the democratic control from national parliaments towards EU bureaucracy but at the same time it reduces efficiency. This brings more control into the hands of the people – direct control of the people.

Another significant change introduced with the Lisbon Treaty is that one million citizens under the condition that this represents a significant number of Member States can initiate any piece of legislation. As it was formulated by Mr. Proinsias De Rossa, Irish Member of European Parliament, "Participative democracy is acknowledged through social dialogue and the new 'Citizens' Initiative' which obliges the Commission to consider citizens' proposals". I think this is a very important element but one should understand this does not fit in the field of decision making but in the field of decision shaping. This element will strengthen the sense of ownership, that is missing now, as well as participatory democracy. In supranational polity like the EU, democratic institutions should find the most efficient way of aggregating citizens – individual preferences into common actions.

Transparency - Transparency as one issue has grown due to two fundamental aspects that have enshrined the EU institutional live: growing mistrust among citizens towards governments and the emergence of civil society which also in most of the cases opposes the behavior of EU institutions. With the Lisbon Treaty, Council of Ministers in its decision making capacity will pass legislation in open meetings, open to the public only when involving debates and votes on legislative acts. This will strengthen transparency of the decision making process in the European Union. EU citizens from now can hold someone responsible for the decisions that will be made in Brussels. Nevertheless in the sessions that do not pertain to legislation acts Council of Ministers will continue to decide behind closed doors.

The Lisbon Treaty brings more transparency also due to the fact that there would be much higher visibility in the council decision making process. This higher visibility allows people to cope more easily with the EU policy making process. The transparency of the decision making process as such strengthens the democratic nature of the institutions and the public’s confidence in the entire administration. If one of the goals of transparency is to strengthen public confidence then EU institutions should pay much more attention towards this issue. The previous failures in passing the message of the need for further reform within the EU was, to a certain extent, a matter of weak public confidence or mistrust by EU citizens in the project of EU integration. Or to put it in

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38 See, Consolidated version of the Treaty on European Union Article 11 fourth paragraph,
40 See, Consolidated version of the Treaty on European Union, Article 10
41 See, Official Journal .1992, C 191/101
other words we are missing the internal cohesion between the EU institutions as well as Member States on the one hand and its citizens on the other. The EU has not reached everybody’s heart. Taking euro-scepticism seriously while trying to reduce their role is something that we should pay particular attention to because one should also not forget that through this we might end up with all kinds of criticism within the EU. Even though this might be a matter of further discussion, euro-scepticism should play its pragmatic role. It is our assumption that officials from the Member States should not manipulate with euro-scepticism into account of the EU project.

However, what has long been the major source of the transparency deficit in the European Union is the EU’s multiplicity of legislative procedures differentiated by policy area. From this point of view it is clear that the legislative and decision-making processes, as designed by the Lisbon treaty, have been simplified. Nevertheless the series of opt-outs, blocking minorities, emergency breaks, exceptions to the new and improved rules on qualified majority, and transitional provisions make us to believe that EU citizens, specialists will continue to face difficulties in trying to comprehend which voting rules apply, when and why.

When it comes to efficiency then only democratic decisions are sustainable. Therefore sustainability is a very important feature for the EU decision making process and it is acknowledged with the Lisbon Treaty. Efficiency and democracy to a certain extent are contradictory and usually associated with tension. There are certain tensions between efficiency and democracy but we in the European Union should find something in the middle and this should be the effectiveness of the process. Efficiency means that through the decision making process we have to do things in the right way while effectiveness means that we have to do things right. Therefore taking into account the uniqueness of the EU project we consider that strengthening the effectiveness is of particular importance. The Democratic system can never be said to be satisfactorily efficient anywhere, even in the most democratic systems as effectiveness is a process of and is in continuation. It is more than evident that democratic decisions are more effective than undemocratic decisions. The idea of the Lisbon Treaty is that the coherent way of the decision making process in the European Union is the method that provides best results, with input and output legitimacy in place, to try to match with effectiveness. For an efficient decision making process and of particular importance is also the applicability of these decisions and when it is necessary also enforcement.

The new EU and its elite driven should be more focused on that which they offer their citizens. In line with this they should look back to the paradigm of the past. Following the past developments in the EU and up to the present then whatever we intend to inherit as policy content, should have a close tie with institutional innovation.

In answering the main question whether the Lisbon Treaty manages to overcome problems related to democratic legitimacy then we can argue ‘yes’ to a certain extent. If we refer to the preliminary distinction of Joseph Wiler between the formal and social legitimacy then our conclusion is that Lisbon Treaty fits much more with formal legitimacy. The social legitimacy or the issue of social acceptance of the political system

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43 Ibid
44 Ibid 56
46 See Council Conclusions of December 1989 Strasburg;
has not been matter of sufficient discussion. The EU should make it clear that the Union is in fact in the interest of all its citizens. This should remain as one of the main massages that they have to transmit to European citizens. The new Europe is in a defensive mode to find “New Europeans”. The Europe of six was made of its founding fathers. Their spirit was converted to following generations in the next decades. Suddenly recent generations, mainly of elite driven, have lost this élan. Therefore “New Europe” is in need of finding “New Europeans”, as Pat Cox former President of the European Parliament would say, “the great double paradox is that having found our New Europe, we struggle within it to find new Europeans”.

What was coal and steel for the six founding fathers of the EU, today should be replaced with energy and climate change in order to strengthen the idea of EU integration.

The author of this article is a firm believer that EU citizens are not against the peace, stability and democracy in the Old Continent; hence they are not against the EU project. They might be against the way the Union is functioning and to this point; we should draw much more attention. It remains to be seen whether the Lisbon Treaty will manage to address these issues as they have been agreed.

**Conclusion**

The new changes which are foreseen with the Lisbon Treaty will strengthen the democratic legitimacy in light of the democratic deficit that unfortunately has been identified in the EU institutions and its decision-making process. By the same token, the Lisbon Treaty creates a good substrate for the development of the democratic features in the European Union. The idea of the Lisbon Treaty is that the coherent way of the decision-making process in the European Union is the method that provides best results, with input and output legitimacy in place, to try to match with effectiveness. However, despite all other suggestions made in this analysis, the need for further strengthening of democratic legitimacy is one of the main conclusions. This is the direction in which the European Union should proceed. This would in turn serve the strengthening of democratic legitimacy and the features linked to it, namely efficiency, transparency, participatory democracy and accountability. As a matter of fact, the Lisbon Treaty fits much more with formal legitimacy rather with social legitimacy. It remains to be seen if European Union, its leadership and civil servants, will find courage to take the concerns of its citizens seriously and also find ways to regain democratic legitimacy. In the contrary they will continue down the path of self-justification and advocating a system that increasingly inspires apathy instead of democratic participation.

If this is the case then we definitely should say in this regard that the Lisbon Treaty is a step ahead in the deepening process of European integration, but the European Union as such is still an unfinished political project, a political project that is in progress. Consequently the constitutional debate in Europe will undoubtedly continue in the future.

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48 See, Cox, Pat ‘Why we need a new model of participatory democracy’ in “Challenging Europe” at European Policy Centre, December 2007, p.68

49 The European Union project was established with the aim of achieving the peace, stability and democracy, see e.g. Shuman Declaration.