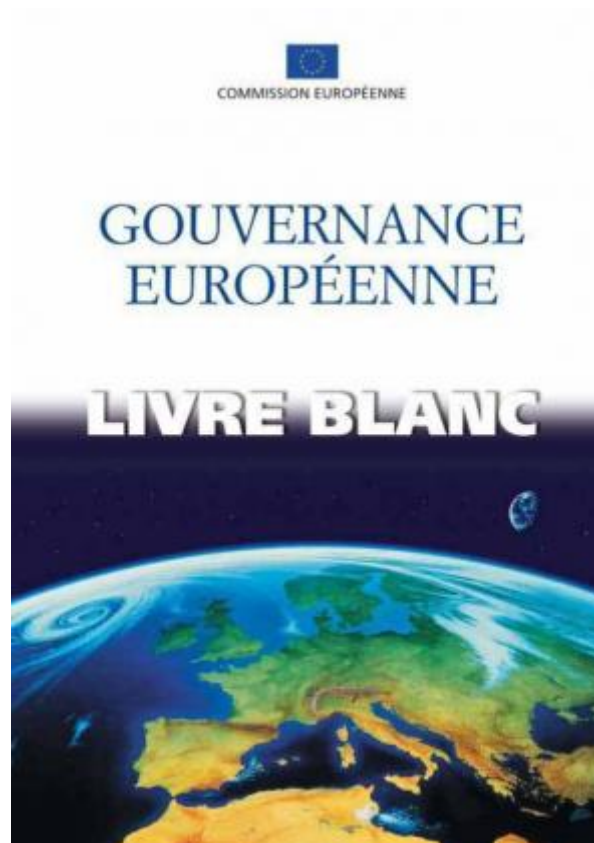


The European Commission's White Paper on European Governance (2001)

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ABSTRACT

In 2001, the European Commission published *European Governance: A White Paper*, after six years of preparatory work conducted by civil servants and academics. The notion of participation by civil society plays a fundamental role in the work. A genuine *discourse of European participatory governance* is established, one of whose primary functions, we believe, is to confer a kind of democratic legitimacy onto Commission civil servants and experts at a key moment in its history.



From 1995 to 2000, a number of academic researchers and European Commission civil servants studied the question of European Union (EU) governance. One of the results of this reflection was the Commission's publication in 2001 of a text entitled *European Governance: A White Paper* (hereafter *WP*, [accessible here](#)). This official document, which was highly publicized in all Member States, sets out five principles of "good governance": openness, participation, accountability, effectiveness, and coherence. "Participation" plays a key role. It is presented as a necessary condition for the implementation of the other four principles, and is what justifies speaking of a genuine *discourse of European participatory governance*.

The European context surrounding the Commission's work and publication of the *WP* is complex, however two events bear mentioning. The first is the famous "mad cow crisis," which reached its peak in 1996. In an associated report published by the Commission the same year (2001), entitled *Governance in the European Union* (hereafter *GEU*), Jérôme Vignon, Leader of the Governance Team of the *White Paper*, wrote that despite "the organisation of sophisticated consultation... the system unduly favours sectoral perspectives at the expense of both the pluralism of expertise and the problems to be resolved. The BSE [Bovine spongiform encephalopathy] crisis is a case in point." (*GEU*, p. 4). The second event that conferred a sense of urgency upon the EU's work on governance was the collective resignation in 1999 of all members of the Commission that had been presided over by Jacques Santer since 1995. The legitimacy of the Commission was called directly into question at the time.

The contemporary notion of "governance" is very difficult to define. It has three primary sources of inspiration: US academic analysis of public policy beginning in the 1930s; the corporate governance practiced by certain US corporations as early as the interwar period that was analysed by economists in the 1970s; and the institutional addresses of the World Bank during the 1980s and 1990s. The *WP* offers a very wide definition for the term: "'Governance' means rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence" (*WP*, p. 8). The five principles formulated at the end of this definition anticipate the much more normative notion of "good governance" defined a few pages later (*WP*, p. 10-11). These five principles are then briefly explained. "Openness" is here a synonym for "transparency," and is primarily addressed to EU institutions, which must subsequently display greater transparency in their operation, both toward Member States and the "general public." "Participation" designates the "inclusive" participation in "all stages" of European policy decision-making. "Accountability" invites every "actor," whether institutional or not, to provide clear explanation, and to assume his role in the policy decision-making process. With regard to "effectiveness," the *WP* considers "effective" those policies that "deliver what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience" (*WP*, p. 10). Finally, "coherence" is required on account of the three-part heterogeneity that is characteristic of the EU: the diversity of Member States, the different areas of political activity, and the different levels of geographical political space, from the local to the trans-national level.

Two of these five principles occupy a leading role in the *WP*. They are participation and effectiveness, respectively presented as the necessary condition for, and the fundamental goal of, "good governance." The primacy of these two principles is well summed up in the following phrase: "policies can no longer be effective unless they are prepared, implemented and enforced in a more inclusive way" (*WP*, p. 10). More precisely, "civil society organisations" are the ones called on to participate in European public policy, including "trade unions and employers' organisations ('social partners'); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities" (*WP*, p. 14).

Institutionally, the development and implementation of European public policy requires a highly extended bureaucratic apparatus. One of the primary goals of the *WP* is thus to offer solutions to ensure the democratic legitimacy of this bureaucracy. Moreover, the *WP* asserts that technological developments and the complexity of problems with a scientific dimension require growing use of expert advice in the conducting of European public

policy. The role of scientific and technical experts is thus presented as fundamental, much more so than that of political staff. In this context, the *WP* dedicates an entire page to the necessary improvement in the “confidence in expert advice”: the authors insist on the “independence” and the “plurality” of European expertise (*WP*, p. 19).

Finally, the discourse of European participatory governance is underpinned by a major goal: the search for “democratic legitimacy” (*EUG*, p. 169-187). The driving idea of the *WP* is that with the completion of the common market, its construction can no longer be a source of legitimacy for the public powers of the EU, which must now possess another type of legitimacy, founded on the notion of “participation.” The *WP* thus states that the EU “will no longer be judged solely by its ability to remove barriers to trade or to complete an internal market; its legitimacy today depends on involvement and participation” (*WP*, p. 11). It is crucial to remember here that the *WP* came from an institution, the European Commission, whose members at the time could not claim democratic legitimacy through universal suffrage. The primary *raison d’être* for this discourse of European participatory governance—whose neoliberal aspects have been pointed out by various critics—is hence to develop a form of political functioning in which democratic legitimacy is ensured by the independence that bureaucrats and experts enjoy with respect to elected political staff, and especially through the participation of citizens via civil society organisations. We will conclude by noting that this European discourse of participatory governance did not disappear after publication of the *WP*. In remarkable fashion, the Treaty of Lisbon in 2007 continued to develop this discourse, which today remains very widespread within EU institutions. As for the reality of the practical application of this discourse, especially with regard to GMOs or nanotechnologies, it is the subject of numerous polemical debates.

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