

# **SUPRANATIONAL VERSUS INTERGOVERNMENTAL APPROACHES IN THE EUROPEAN UNION GOVERNANCE PROCESS**

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**Abstract:** *The European Union (EU) is a complex system of governance that involves various institutional actors and decision-making processes. The ongoing debate among scholars regarding the most important mode of governance and institutional actor in the EU's development is indicative of the significance of this topic. This paper explores the supranational and intergovernmental approaches to governance. The paper highlights the tension between the community method and intergovernmentalism in the EU institutional framework and explores the various perspectives regarding the locus of power and interest in the EU. Ultimately, this paper aims to provide a nuanced analysis of EU governance and the potential implications for its future.*

**Keywords:** *integration, supranational, intergovernmentalism, governance, European Union*

## **1. Introduction**

The European Union (EU) is an organization comprising 27 European countries that follow rules, pay dues, and receive benefits. It is similar to other international organizations, like the United Nations and NATO, but differs in two main aspects. Firstly, the EU is involved in various areas of public policy, ranging from trade and agriculture to regional development and foreign policy. Secondly, it has institutions, including the directly elected European Parliament, that give it a quasi-country status (Citizens Assembly, 2017).

The EU originated from the European Economic Community (EEC) established in 1957, with six founding members aiming to promote economic growth and reconciliation after World War II. Over time, membership expanded significantly, especially after the Cold War, incorporating former communist nations. Currently, several countries, namely, Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Turkey and Ukraine, are candidates for EU membership (European Union, *Joining the EU*).

The EU operates through four key institutions: the Council of the European Union (or European Council), the European Parliament, the European Commission, and the European Court of Justice. Decision-making processes vary, but the most common is the Ordinary Legislative Procedure, where the Commission proposes legislation, which is then reviewed and potentially amended by the Council and Parliament. Approval from member states is necessary, with certain policy areas requiring unanimity (European Union, *Types of institutions and bodies*).

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The European Parliament has gained more powers over time but cannot propose new laws or change taxes. Implementation of decisions largely rests with member states, overseen by the Commission, which can refer non-compliant states to the European Court of Justice for potential fines.

## **2. Historical Overview of EU Integration Process**

The history of European Union integration dates back to the aftermath of World War II. In the wake of the devastation caused by the war, European leaders sought to establish a framework that would promote peace, stability, and economic prosperity in the region. One of the earliest steps in this direction was the establishment of the European Coal and Steel Community (ECSC) in 1951, which aimed to coordinate the production and distribution of coal and steel among its member states. The ECSC was followed by the European Economic Community (EEC) in 1957, which sought to create a common market among its member states, with free movement of goods, services, and people. Over the following decades, the EU continued to expand and deepen its integration. In 1973, the United Kingdom, Denmark, and Ireland joined the EEC, and in 1986, Spain and Portugal became members (European Union, History of the EU).

The European Union was officially established in 1993 with the signing of the Maastricht Treaty. The treaty aimed to create a more unified Europe by introducing a common currency, the Euro, and by promoting greater political and economic integration among member states. The EU initially consisted of 12 member states, which included Belgium, Germany, France, Italy, the Netherlands, Luxembourg, Denmark, Ireland, Greece, Spain, Portugal, and the United Kingdom.

The early years of the new millennium saw a number of significant developments in the process of European integration. One of the most significant of these was the enlargement of the EU in 2004, which saw ten new member states join the union. These included the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Cyprus, and Malta. The enlargement was a significant step forward for European integration, as it helped to promote greater political and economic stability across the continent.

Another major development in the process of European integration, in the early 2000s, was the introduction of the Euro as a common currency. The Euro was first introduced in 1999, but it wasn't until 2002, that the currency was adopted by the majority of EU member states. The introduction of the Euro was a major milestone in the process of European integration, as it helped to promote greater economic cooperation and stability across the continent.

In addition to these developments, the early 2000s saw a number of important steps taken towards greater political integration within the EU. One of these was the creation of the position of High Representative for Common Foreign and Security Policy, which was established in 1999 to coordinate EU foreign policy. This was a significant step towards greater political unity within the EU, as it helped to promote a more coordinated approach to foreign policy across member states.

Another important development, in the process of European integration in the early 2000s, was the adoption of the Lisbon Strategy in 2000. The Lisbon Strategy was designed to promote economic growth and job creation within the EU, by establishing a number of ambitious targets and objectives for member states to achieve. While the Lisbon Strategy was not without its critics, it helped to promote greater economic

cooperation and coordination across the EU, and it laid the foundation for further economic integration in the years to come.

Despite these significant steps forward, the process of European integration faced a number of challenges in the early 2000s (Parsons and Matthijs, 2015:210-232). One of the most significant of these was the rejection of the proposed European Constitution in 2005. The European Constitution was intended to replace the existing treaties that governed the EU, but it was rejected by voters in France and the Netherlands, effectively bringing the process of European integration to a halt.

Despite this significant setback, the process of European integration continued relentlessly in the years that followed. The EU continued to expand, with Bulgaria and Romania joining in 2007, and Croatia joining in 2013. The Euro continued to be adopted by new member states, with Slovenia joining in 2007, Cyprus and Malta in 2008, Slovakia in 2009, Estonia in 2011, Latvia in 2014, and Lithuania in 2015. The EU also continued to pursue greater political, economic and social integration, with the adoption of the Treaty of Lisbon in 2007 and the creation of the European External Action Service in 2010.

Today, the EU consists of 27 member states, with a combined population of over 447 million people. The EU has become a major player on the world stage, with a significant role in shaping global policies and promoting human rights, democracy, and the rule of law.

However, the process of European integration has also faced significant challenges in recent years. The financial crisis of 2008 and its aftermath highlighted the economic disparities between member states, and the subsequent migration crisis led to a rise in nationalism and anti-EU sentiment in some countries. The Brexit vote in 2016 saw the United Kingdom, one of the EU's largest and most influential member states, vote to leave the union, further complicating the process of European integration.

Despite these challenges, the EU has continued to push forward with the process of European integration. In 2019, the EU adopted the European Green Deal, a comprehensive plan to achieve climate neutrality by 2050. The COVID-19 pandemic in 2020 led to a significant increase in cooperation among member states, as they worked together to address the public health crisis and its economic fallout.

Looking ahead, the process of European integration is likely to continue, albeit with some challenges and obstacles along the way. The EU will need to continue to address issues related to economic inequality, migration, and political fragmentation, while also working to promote greater cooperation and unity among member states. Despite these challenges, the EU remains a key player in the global arena, and its continued success will be crucial in promoting peace, stability, and prosperity in Europe and beyond.

### **3. Brief overview of the supranational and intergovernmental approaches**

The Treaty of Rome established the European Commission and granted it the authority to propose and negotiate legislation and external economic relations. Decision-making powers were primarily given to the Council, while Parliament had a consultative role. However, over time, Parliament's influence has steadily grown. It started with reforms in 1970 and 1975, followed by the Treaty of Maastricht, which introduced the concept of codecision with the Council, thereby increasing Parliament's involvement in decision-making processes and appointments.

Subsequently, the Single European Act empowered Parliament to authorize the ratification of accession and association treaties. Maastricht further expanded Parliament's authority to include certain types of international treaties. The Treaty of Amsterdam played a significant role in democratizing the European Community by simplifying the codecision procedure, broadening its application to new areas, and reinforcing Parliament's role in appointing the Commission.

Building on this progression, the Treaty of Nice significantly enhanced Parliament's powers. It extended the codecision procedure to nearly all new areas where the Council previously had the authority to decide by qualified majority. Additionally, Parliament gained the same powers as the Member States in terms of referring matters to the Court of Justice.

The Treaty of Lisbon represented another significant advancement, aiming to achieve full equality between Parliament and the Council in matters of EU legislation and finance. It marked a qualitative step forward in strengthening Parliament's position and influence within the European Union.

The decision-making procedures in the Common Foreign and Security Policy (CFSP) and other areas of EU cooperation differ from the regular legislative process. These fields emphasize greater intergovernmental cooperation. The public debt crisis has caused a greater dependence on these decision-making mechanisms, especially in relation to European economic governance (European Parliament).

#### **4. The Supranational Approach**

##### **4.1. Key institutions and mechanisms of supranational decision-making in the EU**

Next, I provide an overview of the legislative procedures in the European Union (EU) as outlined in the Lisbon Treaty. It explains the three main procedures: the Ordinary Legislative Procedure, the Consultation Procedure, and the Consent Procedure (Schonard, 2023).

###### *Ordinary Legislative Procedure*

Applies to 85 legal bases and involves equal decision-making power for the European Parliament and the Council.

The procedure begins with a proposal from the European Commission.

The first reading takes place in the Parliament, where it adopts its position by a simple majority.

The first reading in the Council involves qualified majority voting.

In certain areas, the proposal can be submitted to the European Council or continue under enhanced cooperation if consensus is not reached.

The second reading in both the Parliament and the Council allows for the adoption of the act if agreements are reached.

If disagreements persist, a Conciliation Committee is formed to find a joint text that needs approval from both institutions.

###### *Consultation Procedure*

The Council must consult the Parliament, as well as the European Economic and Social Committee and the Committee of the Regions, before making a decision.

If the Council intends to make substantial amendments to a proposal, it must consult the Parliament again.

#### *Consent Procedure*

Applies to specific cases such as budgetary flexibility, combating discrimination, association agreements, Union membership, etc.

The Parliament has the power to approve or reject a draft act forwarded by the Council, without the ability to make amendments.

The text also mentions the increasing trend of first reading agreements through informal negotiations between the Council and Parliament. It notes that some bridge clauses allow the European Council to extend the application of the ordinary legislative procedure to exempted areas. Additionally, it highlights the importance of consultation and consent from the Parliament in various stages of the procedures.

#### **4.2. Examples of supranational approach**

Appointment procedures in the European Union involve different entities and processes. The President of the Commission is elected by Parliament, while the High Representative for Foreign Affairs and Security Policy is appointed by the European Council through qualified majority voting. The Council, also using qualified majority voting, approves the list of proposed Members of the Commission, as well as members of the Court of Auditors, the Committee of the Regions, and the European Economic and Social Committee. The European Ombudsman is elected by Parliament (European Parliament, 2019).

When it comes to international agreements, the EU has the ability to enter into such agreements now that it has legal personality. The European Parliament's consent is required for agreements related to the Common Commercial Policy or policies falling under the ordinary legislative procedure. The Council makes decisions through qualified majority voting, except for specific types of agreements. The Commission or the High Representative provides recommendations to the Council, which determines the negotiation mandate and appoints a negotiator. The Parliament must be fully informed at all stages of the process.

In quasi-constitutional procedures, certain matters follow specific processes. The Commission proposes the system of own resources, which is then consulted with Parliament, and the Council unanimously decides, subject to adoption by Member States according to their constitutional requirements. The provisions for the direct universal suffrage election of the Parliament are proposed by Parliament, and the Council decides unanimously after obtaining Parliament's consent and recommending the proposal to Member States for adoption according to their constitutional requirements. The adoption of the Statute for Members of the European Parliament and the Statute for the Ombudsman is proposed by Parliament, with the Commission providing an opinion, and the Council gives consent through qualified majority voting (unanimity for tax arrangements for Members/former Members). The amendment of the protocol on the Statute of the Court of Justice can be proposed by the Court of Justice (with consultation of the Commission) or the Commission (with consultation of the Court of Justice), and both the Council and Parliament are involved in the decision-making through the ordinary legislative procedure.

## 5. The Intergovernmental Approach

I have continued with the description of various procedures and mechanisms within the European Union (EU) for different actions and decision-making processes.

### *A. Procedure for amendment of the Treaties (Article 48 of the TEU)*

Proposals for treaty amendments can be made by any Member State, Parliament, or the Commission.

The Commission participates in intergovernmental conferences and provides consultation.

Parliament is consulted before the intergovernmental conference and has increasing influence.

The Governing Council of the European Central Bank is consulted on monetary changes.

Amendments require unanimous agreement among governments and subsequent ratification by Member States.

### *B. Procedure for the activation of passerelle clauses*

The European Council unanimously decides on the activation of general passerelle clauses.

Other passerelle clauses can be decided by the Council, either unanimously or by qualified majority.

### *C. Accession procedure (Article 49 of the TEU)*

European states complying with the EU's principles can apply for accession.

The European Council determines eligibility conditions.

The Commission plays an active role in the negotiation process.

Parliament's consent, by an absolute majority, is required.

The Council makes the final decision unanimously, followed by ratification by Member States.

### *D. Withdrawal procedure (Article 50 of the TEU)*

A Member State intending to withdraw notifies the European Council.

A withdrawal agreement is concluded by the Council with Parliament's consent.

The agreement is reached through a special qualified majority of the Council.

### *E. Sanctions procedure for a serious and persistent breach of Union principles by a Member State (Article 7 of the TEU)*

Main procedure:

A serious breach proposal can be made by one third of Member States or the Commission.

Parliament's consent requires a two-thirds majority.

The European Council determines the breach's existence unanimously.

The Council, by a qualified majority, can suspend certain rights of the Member State.

Precautionary system:

A proposal for a clear risk of breach can be initiated by the Commission, Parliament, or one third of Member States.

Parliament's consent requires a two-thirds majority.

The Council, by a four-fifths majority, can decide on a clear risk after hearing the Member State.

### **5.1. Examples of intergovernmental policies**

The financial crisis in some EU Member States in 2010 led to various measures to provide aid. The European Financial Stabilisation Mechanism and the European Financial Stability Facility (EFSF) were established to manage the financial assistance. The EFSF, created by an intergovernmental agreement among euro area countries, required decisions at the level of the European Council or the Heads of State or Government of the Eurogroup. This was due to the no-bail-out clause and the resistance of some national constitutional courts to transferring financial and budgetary powers to the EU (European Commission, European Financial Stabilisation Mechanism (EFSM)).

An amendment to Article 136 of the Treaty on the Functioning of the European Union (TFEU) was adopted in 2011, allowing the establishment of permanent crisis prevention mechanisms like the European Stability Mechanism (ESM). The ESM, created by an intergovernmental treaty, became operational in 2013. Its executive board has a voting procedure that includes an "emergency procedure" requiring a qualified majority of 85% in urgent financial assistance decisions as determined by the European Commission and the European Central Bank.

The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG), which entered into force in 2013, was developed by Member State governments. It includes a requirement for a balanced budget rule in domestic legal systems (the Fiscal Compact). Out of the 25 contracting parties to the TSCG, 22 are formally bound by the Fiscal Compact, including the 19 EURO area Member States, Bulgaria, Denmark, and Romania.

## **6. Advantages and disadvantages of supranational and intergovernmental approaches**

Stone Sweet and Sandholz propose a theory of integration that relies on three causal factors: exchange, organization, and rules. Transnational exchange provokes supranational organizations to make rules designed to facilitate and regulate the development of transnational society, which in turn encourages private and public actors to forge new or intensify existing linkages. The integration-relevant behavior of governments is best explained in terms of the embeddedness of governments in integration processes (Stone Sweet and Sandholz, 1997:297-317).

Their paper dismisses intergovernmentalism as a body of causal propositions about how integration has proceeded and argues that intergovernmental bargaining is an ubiquitous feature of supranational governance, but not a satisfying general theory of integration. The proposed theory accounts for causal relationships between variables that are systematically downplayed by intergovernmentalism and expects integration to produce new political arenas that will qualitatively differ from purely intergovernmental politics, and that this difference will have an impact on subsequent policy processes and outcomes.

It is argued that supranational bodies work to enhance their own autonomy and influence within the European polity to promote the interests of transnational society and the construction of supranational governance. The long-term interests of member state

governments will be increasingly biased toward the long-term interests of transnational society, those who have the most to gain from supranational governance.

The tension between the community (supranational) method and intergovernmentalism in the EU institutional framework is addressed in the working document discussed by the Committee on Constitutional Affairs of the European Parliament (Devesa, 2021, 1-22). The rapporteur presented the community method as a unique framework for sharing sovereignty and establishing a common polity.

However, the emergence of the Union method has challenged the community method's democratic and institutional integrity. Members of the Committee support the rapporteur's approach and agreed that the community method's efficiency and simplicity benefit citizens. Members also highlighted areas where unanimity often leads to blockages and restricts the use of the community method. They criticized the European Council's *modus operandi*, which risks being exposed to the capture of its agenda by few Member States and highlighted a shift of power to informal structures such as sherpas, which undermines the institutional mandate of the European Council and the community method's proper functioning.

The ongoing debate among EU experts regarding the most important mode of governance and institutional actor in the EU's development is also being discussed by Schmidt (Schmidt, 2016, 5-31). Some scholars believe intergovernmental decision-making by the Council is most important, while others emphasize supranational decision-making by the Commission and other technical actors. The author argues that there is an increasing empowerment of all EU institutional actors, and a complex set of interactions involving consensus-seeking deliberation as well as contestation.

The paper suggests that the locus of power and interest has moved up to the EU level, which has unsettled national democracies. The author concludes by stating that the EU is like a double-decker bus with member-state governments sitting in the driver's seat, but supranational EU actors are pumping gas through the system and ensuring the brakes don't lock. However, the main danger is that member-states' citizens find themselves far from the steering wheel and unsure who is in control.

Borzel argues that viewing the European Union (EU) as a political system with different governance approaches, allows for a more nuanced analysis of EU integration. By moving beyond the dichotomy of intergovernmentalism and supranationalism, scholars can make comparisons with other systems of multilevel governance at the national and international level. The paper examines how the EU responded to financial and refugee crises and found that deepening financial integration strengthened supranational centralization, while attempts to centralize political authority for migration and asylum policy failed. The failure to find a viable solution to several challenges may result in the EU's disintegration (Borzel, 2018, 1-27).

## **7. Impact on Policy Areas: the Covid crisis case study**

The paper by Salvati discusses the early response of the European Union (EU) to the COVID-19 pandemic and its consequences. The response has been mixed, with both supranational and intergovernmental actions, but has been hindered by the incapacity of EU supranational institutions to exercise the function of resource extraction. This lack of power and authority deprives the EU of the opportunity to have a political production able to deploy quick and effective redistributive instruments designed to absorb internal and external shocks. The article highlights the limitedness of the anti-crisis provisions that can

be directly attributed to supranational institutions and emphasizes the "unrealistic character of the state-like approach pursued by supranational actors" in managing the COVID-19 crisis (Salvati, 2020:1-19).

The member states are keener to develop new intergovernmental structures and tools than to accept the greater influence and authority of supranational actors, thus triggering a process of vertical political disintegration. The only exception to this marginalization of supranational institutions is the European Central Bank (ECB), which is a technocratic, non-majoritarian institution. Its indispensable activism, timely and of vital importance in providing a strong economic response to the crisis, underlines the weakness of EU politics and the existence of the permanent difficulty in coordinating quick and effective responses.

The only way of overcoming this limitation and of implementing the political dimension of EU integration would entail a definitive weakening of the power and legitimacy of member states as a result of the complete supranationalization of core state powers, thus effectively achieving full system building for the EU. However, the EU's recent history indicates that such an outcome is highly unlikely, with developments pointing to a partial retrenchment within national boundaries and to the victory of the intergovernmental approach over the supranational option.

The paper concludes that the national reaction to the broadening of the pervasiveness of core state powers has been characterized by the transnationalization of the pro/anti-EU cleavage and the rise of Eurosceptic and nationalistic political entrepreneurs, capable of influencing national political agendas and forcing mainstream parties in government to drop new plans for broader integration or to opt for incomplete, ineffective solutions which result in a more highly-differentiated integration. The lack of autonomous extractive capacity of supranational institutions, in particular in those sectors and policy fields that go beyond the traditional scope of the EU, reveals the diminished power of the supranational system.

## **8. Conclusion**

The supranational approach in the European Union (EU) has evolved over time, with the Treaty of Rome establishing the European Commission and granting it legislative proposing and negotiating powers. The role of the European Parliament has also grown, starting with reforms in the 1970s and further expansions in subsequent treaties such as Maastricht, Amsterdam, Nice, and Lisbon. These treaties have increased Parliament's involvement in decision-making processes and appointments, empowering it in areas such as legislation, finance, and international treaties. On the other hand, the intergovernmental approach emphasizes cooperation between member states in fields like the Common Foreign and Security Policy (CFSP) and economic governance. Decision-making in these areas relies on intergovernmental mechanisms, with a greater role for national governments. The financial crisis led to a greater reliance on intergovernmental decision-making, particularly in relation to economic governance.

*The supranational approach* in the EU involves key institutions and mechanisms for decision-making. The Ordinary Legislative Procedure is the primary procedure, giving equal decision-making power to the European Parliament and the Council. It involves multiple readings, consultations, and negotiations between the institutions. The Consultation Procedure requires the Council to consult the Parliament, as well as other bodies, before making a decision. The Consent Procedure applies to specific cases where

the Parliament can only approve or reject a draft act forwarded by the Council. The supranational approach also includes various appointment procedures and decision-making processes for international agreements and quasi-constitutional matters.

*The intergovernmental approach* in the EU involves procedures and mechanisms for actions and decision-making processes. The amendment procedure allows proposals for treaty amendments from member states, Parliament, or the Commission, requiring unanimous agreement among governments and subsequent ratification. Passerelle clauses can be activated by unanimous or qualified majority decisions of the Council. The accession procedure involves the European Council determining eligibility conditions for European states applying for membership, with the Commission playing a role in negotiations and Parliament's consent required. The withdrawal procedure is initiated by a Member State notifying the European Council, followed by a withdrawal agreement concluded by the Council with Parliament's consent. The sanctions procedure for a breach of Union principles involves proposals, consultations, and decisions by various institutions, requiring majority approvals.

Scholars have different perspectives on the *advantages and disadvantages of supranational and intergovernmental approaches* in the EU. Some argue that supranational bodies enhance their autonomy and influence to promote transnational society's interests, while others highlight the potential biases and tensions between member state governments and supranational governance. The intergovernmental approach is seen as a feature of supranational governance but not a comprehensive theory of integration. The EU's institutional framework faces challenges in terms of democratic integrity, efficiency, and decision-making processes. The increasing empowerment of EU institutional actors and complex interactions among them raise questions about the distribution of power and control.

*The response of the EU to the COVID-19 pandemic* has involved a mix of supranational and intergovernmental actions. However, the limited power and authority of supranational institutions have hindered their ability to effectively manage the crisis. Member states have shown a greater inclination towards intergovernmental structures and tools, leading to a process of vertical political disintegration. The European Central Bank (ECB) stands as an exception with its vital economic response, highlighting the weakness of EU politics and the challenge of coordinating effective responses. Fully supranationalizing core state powers could strengthen the political dimension of EU integration, but recent developments suggest it is less likely to happen.

Hence, I have highlighted the importance of exploring the tension between supranational and intergovernmental approaches in the EU integration process, as well as the potential implications for policy outcomes. Future research could further investigate the impact of integration on policy areas beyond the ones discussed in this paper, such as environmental policy, social policy, and foreign policy. Additionally, further research could explore the role of non-state actors in the EU integration process, including civil society organizations, interest groups, and multinational corporations. Finally, research could examine the impact of recent events, such as the Brexit referendum and the COVID-19 pandemic, on the future of EU integration and the balance of power between supranational and intergovernmental approaches.

In conclusion, this paper has provided an analysis of the supranational and intergovernmental approaches to European Union integration and their impact on policy outcomes. While intergovernmentalism has been a dominant feature of the EU

institutional framework, this paper argues that integration will produce new political arenas that will qualitatively differ from purely intergovernmental politics. The tension between the community method and intergovernmentalism has important implications for the future of EU integration, and this paper suggests that future research could explore the impact of integration on policy areas beyond the ones discussed in this paper, as well as the role of non-state actors in the EU integration process.

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