

The state of democracy in Europe and the democratization of the European Union after the 2024 elections

IMPRESSUM



AUTHOR

Dario Čepo

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Bojan Crnić

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Oriana Ivković Novokmet

Ulica Antuna Mihanovića 14

10 000 Zagreb

gong@gong.hr

www.gong.hr

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Introduction

Numerous crises affecting the global, but also the European international field - from the Russian aggression against Ukraine, the COVID-19 pandemic, the ongoing conflict in the Middle East, the accelerated climate changes to the problems brought by mature and uncontrolled capitalism - and whose consequences are the crises of political systems around the world, lead us to believe that democracy is in crisis. This feeling is confirmed by many scientific and professional studies that deal with the state of democracy. They show that democracy has been in retreat over the last decade, that it has completely disappeared in some countries, while in others only its façade is maintained, behind which political actors interested in strengthening their own power use all autocratic means to stay in power (e.g., the results of the v-dem project¹, Freedom House reports², etc.).

1 → [LINK](#)

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This crisis in which democracy finds itself is global and affects not only countries such as India, Brazil or Ethiopia, where democratic impulses have always been weak or under pressure, but it can also be observed on the threshold of the European Union, which according to some is the largest area of democratic life in general. Countries such as Turkey, Serbia, Russia and Azerbaijan have either never had a democratically established political system or it is so weak and constitutionally unprotected that opportunistic political actors could simply take it over and then change the democratic rules of the game to ensure their continued survival in power, all under the guise of democratic legitimacy.

We need not go further than Serbia³ to see a practical example of how democracy collapses, democratic institutions are taken over, and democratic processes and rules of the game are adapted to the political party that has seized power and manipulates it. Even the carrot of future membership in the European Union, as we see again in the example of Serbia, but also Bosnia and Herzegovina, Albania and Turkey, no longer has the transformational power it had during the nineties of the 20th century, as well as in the first decade of the 21st century, when helped the transition and transformation of many countries in Central and Eastern Europe through the process of democratization.

One of the reasons why the carrot and stick of enlargement policy no longer have such a strong effect is, of course, the state of democracy in the European Union itself, in its Member States⁴. You can hardly have a strong moral position to criticise others for the state of democracy in their countries, while your membership includes countries such as Hungary, Romania, Malta, Poland, Italy and Bulgaria. Croatia should certainly be included in this group of members with a problematic state of democracy. However, when we talk about the state of democracy in the European Union, we should not only consider the health of democracy in the Member States. To get the full picture, we need to look at the democracy of the European institution itself, i.e., we need to focus on democracy at supranational level. There, too, the situation is not overly optimistic.

Despite all the above facts related to the crisis of democracy in the world, and despite the disappointment of citizens with the democratic processes in many countries, democracy remains the only way to organise life in a political community that allows the peaceful coexistence of many individuals focused on their private interests, needs, desires and aspirations. Against this background, it is important to see what can be done to defend it where it is under attack, to strengthen it where

3 Stojić, M. (2024). Anchoring or Undermining Democracy: The European People's Party and Democratic Backsliding in Serbia. *JCMS: Journal of Common Market Studies*, 62(2), 546-563.

4 Burljuk, O., Dandashly, A. i Noutcheva, G. (2024). External democracy promotion in times of internal rule-of-law crisis: the EU and its neighbourhood. *Journal of European Public Policy*, 31(3), 900-924.

it has been weakened, and to restore it in those political systems where it has been replaced by autocratic or dictatorial tendencies.

While this report will focus on only one aspect of improving the state of global democracy, it will concentrate on democracy in the European Union, its institutions, inter-institutional relations and decision-making processes. At the same time, it will take a very brief look at the concept of democracy itself and democratization as a dynamic process of its construction in order to extract key ideas from the existing knowledge on the subject that can help in the practical reform of European democracy. Democracy is probably one of the most common terms in people's daily lives. At the same time, due to its complexity, it is very easy to misunderstand it, to be disappointed by its achievements and to decide that one should not overly endeavour to protect it (through voting, protests, personal political engagement, learning about democracy and civic education of young people).

The continuation of the report gives a very brief overview of the state of democracy in Europe, the European Union and its Member States. It will be a kind of "blood count" of democracy in our environment, which is necessary to find optimal solutions to the obvious democratic crises facing the European Union. The focus will then be on the democratizing the political community in order to learn from past examples of good practise what is successful in developing and strengthening democracy and what is no longer as effective in stabilising the democratic foundations of a society. At the very end of the paper, an analysis of possible reforms within the Lisbon constraints, but also beyond, is offered based on all previous ones.

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Democracy in Europe: A Brief Overview

Although democracy (of the classical type) has its roots in ancient Europe and there are also some mediaeval examples of proto-democratic political formations on the European continent, democracy in Europe is a fairly recent phenomenon and in its modern version represents a kind of import from the USA, adapted and valorised by theoretical, philosophical and historical examples developed in Europe (from the Magna Charta and the results of the French Revolution to the Encyclopedist, the theory of the social contract and Montesquieu's tripartite government). Of course, the key processes of suppression and destruction of democracy through the development of absolutism, imperialism and finally the ideology of fascism were also developed precisely in Europe. To fully understand the current success or failure of democracy in the European Union and its Member States, it is therefore important to understand the whole context of Europe and the place of democracy within it, especially outside the borders of the EU itself.

If we look at the big picture, the situation of democracy on the European continent is not the best. The countries outside the European Union, especially those in the East, are either suffering the serious consequences of a damaged democracy or are experiencing democratic stagnation and regression, and in some the democratic system, weak as it was at the beginning, has completely disappeared and been replaced by autocracy in some form. Expectations for the future of democracy in this part of the world are not exactly optimistic, especially against the backdrop of Russian aggression against Ukraine, the conquest of Nagorno-Karabakh by Azerbaijan, the persistence of the breakaway Georgian territories, the unresolved situation in Moldova's Transnistria and the persistence of the Belarusian dictatorship, as well as the ongoing crises that the Western Balkans are experiencing as a result of the disintegration of the former Yugoslavia.

Such a situation in the European Union's neighbourhood also has an impact on the state of democracy in some, especially neighbouring, Member States. Even if the unstable democratic situation in the neighbourhood is not conducive to the consolidation of democracies in the European Union itself⁵, the weakening of democracy in many EU Member States is not only a product of exogenous factors, but also the result of internal political, social, economic and cultural trends. This influence also goes in the opposite direction, from the Member States to those that are not. Few, for example, have encouraged the further erosion of democracy in Bosnia and Herzegovina, Serbia and North Macedonia more than the Orbán regime in Hungary, which supports anti-democratic and even anti-systemic forces in these countries, especially Dodik and his secessionism. Against this background, it is necessary to paint a true picture of the state of democracy in the European Union, focussing on the Member States, in order to see how democratic erosion is taking place today.

Starting with probably the only non-democratic country in the European Union at the moment, Hungary⁶, this framework for the actions of political actors focussing on non-democratic practises is more than clear and has subsequently been applied with more or less success in other countries inside and outside the EU. Orbán's two-thirds majority led to the almost complete eradication of free and critical media during his almost one and a half decades of rule. Orbán's government has cancelled or seriously threatened the autonomy of the academic community, as well as independent and controlling institutions, including those crucial for the protection of the rule of law within the judiciary, i.e., the judicial system⁷. Ultimately,

5 Kelemen, R. D. (2024). Will the European Union escape its autocracy trap?. *Journal of European Public Policy*, 1-24.

6 Riaz, A. i Rana, M. S. (2024). Hungary: The Perfect Autocracy?. U: *How Autocrats Rise: Sequences of Democratic Backsliding* (str. 113-142). Singapore: Springer Nature.

7 Krekó, P. i Enyedi, Z. (2018). Orbán's laboratory of illiberalism. *J. Democracy*, 29, 39.

it completely captured the flow of money⁸, both between Brussels and Budapest and between individuals and companies in Hungary itself, which favoured the enrichment of Orbán's family and people close to him, as well as the spread of corrupt practises. All of this is accompanied, as is usual with political rulers bent on destroying democracy and consolidating power in their own hands, by extremely ultra-nationalist, anti-immigrant, anti-Islam and anti-Roma policies and rhetoric, as well as a fascist focus on the territories of neighbouring countries and the glorification of the narrative of historical victimhood. In this way, the public's attention is diverted from the problems that this form of government creates, and in the place of the real culprit, the Other is brought in who must play the role of a scapegoat. There is no end in sight to Hungary's turning away from democracy, partly because Orbán has carved out a system⁹ that ensures him maximum power, and partly because of the financial and other assistance that the European Union provides him, through the weakened European Commission.

In the other problematic Member States of the European Union, the situation is not much better, even if it has not yet reached the level of Hungary. This is mainly due to the constitutional, social and political brakes that are built into the system and which the political regimes of these countries have been unable to remove because, unlike Orbán, they have not managed to find a sufficient majority to change the rules of the game on their own. In all other countries, too, the situation is not problematic in all areas, as is the case in Hungary, but only in a few areas that undermine the democratic character of the system or its stability. Other, unaffected parts of the system try to maintain the balance and correct the problems arising from the first part. For example, countries such as Romania and Bulgaria suffer from extremely widespread political corruption, in Malta and Slovakia the problem lies in the threat to media freedom that has culminated in the murder of journalists, while the problem in Greece or Italy is linked to inhumane and undemocratic practises of violence against migrants that take place with the tacit blessing of the European institutions

8 Kelemen, R. D. (2021). The European Union's authoritarian equilibrium. U: *Strategic Responses to Domestic Contestation* (str. 153-171). Routledge.

9 Ágh, A. (2022). The Orbán regime as the 'perfect autocracy': The emergence of the 'zombie democracy' in Hungary. *Politics in Central Europe*, 18(1), 1-25.

There are still problems, and they are not limited to the countries of Central and Eastern Europe. But there are also examples of an, at least temporary, improvement in the situation. One of them is certainly the victory of the democratic opposition in the 2023 elections in Poland and a complete turnaround in a whole range of public policies compared to the previous government, especially on the issue of protecting the independence of the judiciary, as well as a more conciliatory relationship with the European Union. This example shows other countries, from Croatia to Hungary, what needs to be done to defend the democratic political system by acting through the system itself, i.e., beyond extra-institutional means of struggle.

3/

How to Democratize the Political System

Unlike democracy, which is a static concept because it explains the state of affairs in a given political moment at a given time - whether the country is a democracy or not - democratization¹⁰ is a dynamic concept. It creates democratic institutions through the creation and consolidation of the democratic order. It describes the process by which a democratic state of one level reaches a democratic state of a higher level, that is, how a non-democratic political system becomes a democratic one. The opposite process, in which democracy in a country is weakened, declines or disappears, is called autocratization¹¹.

10 Welzel, C., Haerpfer, C. W., Bernhagen, P. i Inglehart, R. F. (ur.). (2018). *Democratization*. Oxford University Press.

11 Lührmann, A. i Lindberg, S. I. (2019). A third wave of autocratization is here: what is new about it? *Democratization*, 26(7), 1095-1113.

What are the preconditions for the success of democratization? There are several assumptions about the internal and external factors that promote the success of democratization and lead to democratic stability. A country has a greater chance of establishing, maintaining and improving its own democratic character if at some point in the past it already had some form of democratic regime or at least certain democratic institutions such as the separation of powers or a constitution based on limiting the power of political actors. Therefore, a previous democratic experience helps to restore democracy. The success of democratization is also facilitated by the democratic neighbourhood, i.e., the favourable international circumstances in which the state undergoing the democratization process finds itself. The fact that the surrounding countries are also democracies - which was one of the fundamental advantages and attractions of the European Union - will sooner or later also lead to the democratization of a particular country. And finally, economic stability and prosperity, i.e., the progress of economic development and general social well-being, also have a positive effect on the success of democratization.

The tools for successful democratization are many, they should be used in combination with others, and they should be constantly developed to perfect and strengthen them in the face of new challenges and problems that arise in the system. It is a set of well-known but highly complex activities and instruments, including strengthening independent institutions, promoting and defending media freedom, continuous international integration and educating citizens about life in democracy.

4/

Attempts to Democratize the EU and Existing Obstacles

The original idea of European integration involved the creation of a completely independent body, the High Authority, detached from the nation-states and their particular interests and focussed entirely on the interests of European integration at that time. The High Authority organised in this way was the first and most important factor in the independence of the newly created supranational organization and was the first indicator that it would develop from an international organization of states into a *sui generis sui generis*¹² political system.

12 Alter, K. J. i Steinberg, D. (2007). The theory and reality of the European Coal and Steel Community. U: Meunier, S. i McNamara, K. R. *Making History: European Integration and Institutional Change at Fifty*. Oxford: Oxford University Press.

Unfortunately, the idea of the High Authority was not transferred to other integrations in the subsequent agreements, but the European Commission was established, whose actors, especially the President, were still autonomous, but under a much greater influence of the Member States, i.e., the national governments. With the subsequent consolidation of the institutions, the High Authority disappeared and with it this completely new and rather unusual constellation of relations between the supranational and the national, which had an impact on the organization of democratic practise within the European Union.

Another important step in the democratic direction of European integration was the introduction of direct elections to the European Parliament in 1979¹³, the culmination of a decade-long endeavour to introduce, improve, strengthen and secure the role of citizens in the precursors of the European Union. This included the establishment of an institution representing the citizens (thus balancing the dominance of the governments of the Member States), the decision to have one institution represent all three areas of integration, the willingness of the members of this institution to act not according to the interests of the countries they come from, but according to the interests of those they represent, based on their own political ideologies.

The formation of European party families, linked by ideological rather than national proximity, was a step in the right direction, necessary to recognise the true importance of acting beyond particular national interests and in the interests of common European integration. The current role of the European party families, which are intent on keeping as much power as possible in the hands of their national sister parties at all costs, even sacrificing democratic practise, does not diminish the importance of the decision that the citizens' representatives in Strasbourg should sit together according to ideology and not according to nation, has resulted in a further development of the European democratic structure.

There are, however, a whole series of obstacles that still stand in the way of the full democratization of the European Union's political system and which must be removed (or at least reduced) if we hope that the future democracy in the European Union will be better than the current situation. Of the whole series of obstacles, the most important are probably those related to the continued strengthening of the role of the national executives, i.e., the governments of the Member States. Linked to this is the problem of intergovernmental decision-making¹⁴ and all its consequences, including the dominance of the European Council

13 Lodge, J. (1979). Direct elections to the European parliament: A step towards political union. *The Round Table*, 69(273), 65-74.

14 Blauburger, M. i Sedelmeier, U. (2024). Sanctioning democratic backsliding in the European Union: transnational salience, negative intergovernmental spillover, and policy change. *Journal of European Public Policy*, 1-27.

and the “diplomatization” of the decision-making process, as probably the most important problem currently facing the European Union’s political system.

The last problem – the work of the European Council ¹⁵ – is perhaps the most important. The functioning of this body and the procedures it applies, as well as the transparency of its decision-making, are far from democratic practises and customs in the Member States and in no way contribute to confidence in democracy in the European Union. Decisions at European Council meetings are usually taken in all-night marathon sessions, regularly behind closed doors and with only partial access to information about the decision-making and voting process.

Such a process resembles diplomatic negotiations within international organizations or conferences rather than the decision-making process in a democratic political system and indicates the lack of interest of the most powerful political actors in the European Union - the heads of states and governments of the European Union Member States - to contribute to strengthening democratic capacities and to increase the trust of European citizens in the European Union and its policies.

Apart from all the other problems that weaken the democratic character of the European Union, the European party families are perhaps the most important factor contributing most to this process ¹⁶. They are all much more interested in preserving and increasing their political power and in wielding the levers of power at both national and European level than they are in limiting the worst anti-democratic impulses of their national sister parties in the interests of protecting democracy.

The European People’s Party is currently the strongest political option in the European Union and a large number of Member States, either by directly supporting anti-democratic political options in countries inside (e.g. Bulgaria, Greece or Croatia, and until recently also in Hungary) and outside the European Union (e.g. Serbia), or by more or less openly flirting with anti-democratic forces of the radical or extreme right, not only by the European People’s Party itself but also by its national constituencies. The situation is no better in the other party groups either, but the common people, currently the strongest European force, are still crucial to the process of democratic erosion. If the short-term preservation of power is more important to the leaders of the European party families, even at the cost of sacrificing democratic customs and traditions, democracy in the European Union and its Member States is under threat.

15 Puetter, U. (2013). *The European council: the new centre of EU politics*. Swedish Institute for European Policy Studies.

16 Ladrech, R. (2005). *Political parties and the problem of legitimacy in the European Union. U: Legitimacy and the European Union* (str. 93-112). Routledge.

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CONCLUSION

What is Next for the Democratization of the European Union?

The approach to the problem of democratizing the European Union is complex and requires an approach that considers both the sub-national and national levels and the supranational level, i.e., the level of the European Union itself, as a sui generis political system or a polity in the making. At the same time, it is important to understand what citizens, on the one hand, and national political parties and national and international civil society organizations, on the other, can do, as they are the most direct actors in the transmission mechanism of the sovereign will of citizens to the political system. Then we need to understand what role the Member States can play in this process in relation to the European Union and its institutions. Finally, we must not forget the role that the European Union, through its institutions, has and can have on the Member States, as well as on the states that still want to become members of the European Union.

As far as the relationship between the institutions of the European Union and the Member States, i.e., their governments, is concerned, it is necessary to restore the current imbalance in favour of the (governments of the) Member States to a balance in which the institutions and the Members have a partnership relationship. This is particularly important in matters where they have shared or joint powers, but also in those where the dominance of one party is guaranteed by fundamental treaties. This concerns above all the role of the European Commission, which over the last 15 years has evolved from a staunch defender of the interests of the European Union and the fundamental treaties on which it was founded to an extension of the governments of the Member States. The main reason for this change is the dependence of the President of the European Commission on the heads of government of the Member States for election and re-election and the lack of any possibility to influence the decisions of the Member State governments as to who is nominated as a Commissioner in the European Commission. For this dependency to disappear, it is necessary that the mandate of the President of the European Commission be limited to a one five-year cycle, that the candidates for this office can only come from the top of European (or national) politics and that they must not be politicians of lower rank, and that these candidates insist that the Member States offer them more names for Commissioners, from which they will choose their own team with which they will continue to work for European interests.

The second reform proposal is partly related to and largely dependent on the first, as it requires a strong and independent European Commission. For only such a Commission can introduce the most important and most successful instrument of its foreign policy, or more precisely its enlargement policy, into the internal political relations of the European Union - conditionality, i.e., the principle of carrots and sticks. Although it has been shown that in many cases the reforms introduced by the candidate countries during the negotiation process with the aim of joining the European Union disappeared or were stopped after the country's accession, it is difficult to deny that the policy of carrots and sticks (reward for reform measures, i.e. punishment in the form of slowing down or stopping the enlargement process in the event of crises in the reform process) applied by the European Commission in this process has been successful. However, many analysts rightly point to the problems that have arisen following the disappearance of this important instrument in the hands of the European Commission. Although the institutions of the European Union are increasingly addressing this issue, especially in a situation of crisis of the rule of law, we will only be able to expect a significant democratization of the decision-making process in the European Union if the European institutions set concrete expectations on national governments and their leaders and offer clear incentives and penalties for the fulfilment or non-fulfilment of these expectations.

The third important reform concerns the further democratization of the electoral process at European level. This is not surprising, because from the very beginning, when reflecting on the democratic deficit of the European integration process, the focus has been on improving the process of electing the representatives of the citizens of the European Union. Much has been done in this sense, but there is still room for improvement in two areas, one “before the election” and one “after the “election”. On the first point, political parties, civil society organizations, the European Parliament and even the Member States themselves should work towards the establishment of truly transnational lists, where the ideological, value-based or policy orientation of the candidates standing for election would be more important than their national affiliation. This would give voters the opportunity to cast their vote based on their own interests and views on the future of the European Union, and not based on the country in which they live or whose nationality they hold at the time of the election. This would strengthen the European party families vis-à-vis their sister parties at national level, give the European Parliament new momentum and dynamism and, for the first time, the citizens of the European Union would have genuine representatives in Brussels/Strasbourg who are detached from national particular interests. This is followed by the second part of this reform - the acceptance of the Spitzenkandidat as the only game in town. The European Parliament must insist, even under pressure from the European Council, i.e., the national governments, that before the elections the candidate of the party group that obtains the majority in the European Parliament must also become the candidate for the office of President of the European Commission. Presenting a candidate before the election and then completely ignoring them after the election not only does not contribute to the democratization of the process but leads to a further collapse of citizens’ trust in the democracy of the European institutional structure.

In this context, the practise of continuously strengthening the European Parliament as the European institution with the greatest direct democratic legitimacy, which has been established and successful for decades, should be continued and turned into an institution without which literally no decision can be taken at European level. On the one hand, this means strengthening the European Parliament in comparison to other European institutions. On the other hand, it also means strengthening the position of the Members of the European Parliament vis-à-vis the countries from which they come and vis-à-vis the political parties from whose lists they were elected.

The European Parliament itself can now do this even more strongly by insisting that no decision in the European Union can be taken without its consent, because part of the power and authority of the representative bodies does not necessarily derive from the rules laid down, but from the interpretation of these rules and the laying of the foundations for the development of (inter)institutional practises that go beyond treaty norms. In this way, the European Parliament

strengthens its position, if not from the outset, then at least since the Isoglucose case, in which the European Court of Justice made it clear that no decisions can be taken in the European Union without the European Parliament,¹⁷ which strengthens the legitimacy of the entire process, as the only institution in the European Union that directly represents the citizens must be involved. Members of the European Parliament from transnational lists can only be helpful in this process, and they can also lead to greater independence for Members elected from national party lists, as they would provide a framework for alternative action for those politicians who put the interests of their constituents before the interests of their parties' leadership.

Furthermore, the role of the European Council must be limited by new future reforms of the fundamental treaties to a level that is commensurate with the importance of the actors sitting in it, but which does not restrict the development of the democratic political system of the European Union, as is the case now. Although it is unlikely that the role of heads of state or Member State governments will be reduced to the extent envisaged by the founders of the European integration project - as they envisaged virtually no role for these political actors in the institutional structure of the European Union - in the long term, the position in which The European Council established the Treaty of Lisbon: as a near-dominant institution that controls the entire integration process and decides on even the smallest details through a process of bargaining, imposition of decisions and blackmail, mostly far away from the public eye and without the possibility of transparent insight into the process of final decision-making. At the very least, it would be necessary to reduce European Council meetings to the level prescribed by the treaties and avoid frequent special meetings that shift the public focus from the usual political actors to the heads of state and government. In addition, meetings should be scheduled during normal "working hours" to avoid frequent night meetings and early morning meetings where compromises are reached not because of the interests of the European Union or the member states, but more often because of the tiredness and exhaustion of the members of the European Council.¹⁸ Finally, one of the possible reforms must include the further networking and even integration of national and supranational civil society associations that focus on the defence of democracy, the protection of (liberal) democratic values and the strengthening of European institutions, especially against encroachments from nation states, but also from some supranational actors (such as the European party families). This can be achieved through existing institutional arrangements such as the European Economic and Social Committee, through new forms of ad hoc or permanent co-operation, but also by offering a stronger alternative voice to the citizens of the European Union and protecting their interests by strengthening their own watchdog role. This can

17 → [LINK](#) (accessed on 11 January 2024)

18 → [LINK](#) (Bartsch, S. i Wessels, W. *The European Council: Tasks and Decision-Making.*)

be achieved if national and supranational civil society associations are able to recognise the main common democratic threats and their specific national manifestations. Namely, that which has led to the capture of independent institutions in Croatia, led to the curtailment of the freedom of the academic community in Hungary or the open flirting with clerical-nationalist forces in the creation of new public policies in Italy and the murder of independent journalists in Slovakia or Malta. All these are local manifestations of one and the same disease, i.e., an identical core problem - the decision of national political actors to survive in a system in which democracy is no longer a necessary condition. And not only to survive, but also to benefit from such a system, as the European Union and its institutions are unable to defend democracy within its borders in the same way as they demand it outside the borders of the European Union.

These reforms are nothing new, but they are neither simple nor easy to achieve, and they require the commitment of all those for whom democracy is a central concern. However, many of them do not require drastic interventions in the existing institutional and treaty structure but can be achieved by making small changes to current activities, developing new activities based on the existing values that the European Union emphasises in its founding documents, and changing the expectations that citizens have of the European Union. For although the integration process began as an integration of the member states, it has continued for many years as a process of integration of European societies, i.e., of all of us. For the continued success of the European Union, it is therefore necessary for citizens to feel that the European Union is working for them. And this can only be achieved through more democracy within the Union.



About the Author:

Dario Čepo is an associate professor at the Faculty of Law at the University of Zagreb. He teaches introductory courses in sociology and political science. He received his PhD in Comparative Politics from the Faculty of Political Science at the University of Zagreb in 2010. From 2013 to 2014, he was a Fulbright Visiting Scholar at Columbia University in New York City. In 2022, he was a visiting scholar at the University of Salzburg as part of the Joint Excellence in Science and Humanities Scholarship of the Austrian Academy of Sciences. His main research interests are political institutions, democratic backsliding, values and the political system of the European Union. He is the author of several scientific articles, two handbooks – Introduction to Political Science (co-author) and General Sociology with Introduction to the Sociology of Law (co-author) - as well as a book, Political Institutions of the European Union.

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