

# **I. Introduction**



# Central leitmotifs of Germany's European Policy<sup>1</sup>

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This introductory contribution outlines the central leitmotifs of Germany's European Policy, which are further elaborated upon throughout this book. Despite numerous crises it faces, including the Financial and European Debt crisis, the migration crisis and Brexit. In its distinctly pragmatic nature, Germany's European Policy has largely been shaped by continuity.<sup>2</sup> Within these constant parameters, Germany's European Policy has evolved over the past decades and remains adaptable to arising challenges. This book particularly emphasises the significance of the European Union for Germany and how membership of the European Union strengthens Germany's capacity to act in today's globalised world.

Amidst growing Euroscepticism, the purport of this book is to demonstrate the importance of European integration for Germany and to elucidate Germany's impact on the development of the Union as well as on concrete decision-making processes. A handbook of Germany's foreign policy<sup>3</sup>, building upon a forty-year old classic text<sup>4</sup>, exists, which on fifteen pages addresses the "European Union and Germany's European Policy".<sup>5</sup> Similarly, two further comprehensive texts on Germany's foreign policy outline Germany's European Policy somewhat more in detail<sup>6</sup>, whilst other publications discuss specific aspects of it.<sup>7</sup> However, there is a lack of a systematic overview, which synthesises and develops the existing literature. The Handbook of Germany's European Policy therefore intends to fill this conspicuous gap in the literature.

The Handbook aspires to be a combination of a reference text and in-depth analysis by providing plenty of facts, figures, and interpretations. Its target audiences are academics and students, practitioners such as politicians, teachers, and economists, as well as

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- 1 This article was first published in: Katrin Böttger/Mathias Jopp (eds.): Handbook of Germany's European Policy, Baden-Baden 2016, p. 13-28. Translation by: Leonard Schütte.
  - 2 See Heinrich Schneider/Mathias Jopp/Uwe Schmalz (eds.): Eine neue deutsche Europapolitik? Rahmenbedingungen – Problemfelder – Optionen, Bonn 2001.
  - 3 See Siegmund Schmidt/Gunther Hellmann/Reinhard Wolf (eds.): Handbuch zur deutschen Außenpolitik, Wiesbaden 2007.
  - 4 See Hans-Peter Schwarz (ed.): Handbuch der deutschen Außenpolitik, München 1975.
  - 5 Josef Janning: Europäische Union und deutsche Europapolitik, in: Schmidt/Hellmann/Wolf (eds.): Handbuch zur deutschen Außenpolitik, 2007, p. 747-762.
  - 6 See Ulrich Roos: Deutsche Außenpolitik. Eine Rekonstruktion der grundlegenden Handlungsregeln, Wiesbaden 2010, p. 209-270; Sven Bernhard Gareis: Deutschlands Außen- und Sicherheitspolitik. Eine Einführung, 2. Ed., Opladen 2006, p. 97-128.
  - 7 See Timm Beichelt: Deutschland und Europa. Die Europäisierung des politischen Systems, 2. ed., Wiesbaden 2015; Heinrich Sturm/Roland Pehle: Das neue deutsche Regierungssystem. Die Europäisierung von Institutionen, Entscheidungsprozessen und Politikfeldern in der Bundesrepublik Deutschland, 3. ed., Wiesbaden 2012; Hanns Jürgen Küsters (eds.): Deutsche Europapolitik Christlicher Demokraten. Von Konrad Adenauer bis Angela Merkel (1945-2013), Düsseldorf 2013; Jan Grünhage: Entscheidungsprozesse in der Europapolitik Deutschlands. Von Konrad Adenauer bis Gerhard Schröder, Baden-Baden, 2007; Gisela Müller-Brandeck-Bocquet et al.: Deutsche Europapolitik von Adenauer bis Merkel, 2. ed., Wiesbaden 2010.

members of the civil society. The reader will obtain a concise, yet scientifically sound overview over the fundamentals and concepts of Germany's European Policy, domestic determinants and actors, internal and external policies of the European Union, and selected bilateral relationships within the European Union. Based on the contributions in this book, the following leitmotifs of Germany's European Policy can be discerned:

### **Politicisation of Germany's European Policy**

European policy in Germany, like elsewhere in Europe, has been undeniably politicised. This process began in the late 1980s and early 1990s in the context of the ratification of the Treaty of Maastricht. The deepening of European integration through *inter alia* the Single Market,<sup>8</sup> the decision to introduce the common currency,<sup>9</sup> and the expansion of majority voting in the Council of the European Union in parallel to the elevation of the European Parliament at cost of national parliaments,<sup>10</sup> had gradually changed the image of the European Union. EU-related topics became increasingly subject to public debates and scrutiny. In many cases, the "permissive consensus" gradually gave way to a "constraining dissensus".<sup>11</sup> The verdicts of the German Constitutional Court,<sup>12</sup> as well as the debates about the Euro and the subsidiarity principle<sup>13</sup> during the treaty reforms of Amsterdam and Nice only contributed to the politicisation. Due to the ratification of the Charta of Fundamental Rights of the European Union, processes of constitutionalisation and the introduction of the Euro, the early 2000s were marked by growing approval of the European Union in Germany. However, political controversies surrounding European integration continued, epitomised by the failure of the Constitutional Treaty in 2005, but also by critical public debates about the secondary EU legislation, for example pertaining to the EU services directive. The onset of the Financial and European Debt Crisis caused a notable deterioration of the public's support for the European Union. The necessity to ratify bailout packages from 2010 onwards, nascent controversies revolving around the transatlantic free trade agreement TTIP<sup>14</sup> and, finally, the refugee crisis<sup>15</sup> in 2015 reinforced Eurosceptic tendencies and, accordingly, the politicisation of Germany's European Policy. European Policy has consequently become an integral part of domestic politics. The executive is no longer the exclusive actor in this realm; today, an effective European policy requires an

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8 See in this volume Henning Klodt: Deutsche Prioritäten hinsichtlich Binnenmarkt und Wettbewerbspolitik, p. 281-290, and Thomas von Winter: Die Europapolitik der deutschen Interessenverbände, p. 187-200.

9 See in this volume Hendrik Enderlein/Jörg Haas/Katharina Gnath: Deutschland und die Stabilität der Wirtschafts- und Währungsunion, p. 247-260.

10 See in this volume Sven Hölscheidt: Die Mitwirkungsrechte des Deutschen Bundestages in europapolitischen Angelegenheiten, p. 105-114, and Gabriele Abels: Die Rolle des Bundestages in der deutschen Europapolitik aus politologischer Perspektive, p. 115-130.

11 See in this volume Wilhelm Knelangen: Ende des europapolitischen Gleichklangs? Die öffentliche Meinung zur europäischen Integration in Deutschland, p. 201-214.

12 See in this volume Christian Calliess: Die Rolle des Grundgesetzes und des Bundesverfassungsgerichts, p. 149-170.

13 See in this volume Rudolf Hrbek: Die Rolle der Länder und des Bundesrates in der deutschen Europapolitik, p. 131-148.

14 See in this volume Stormy-Annika Mildner: Deutsche Interessen in der europäischen Handelspolitik. Deutschland – das Zünglein an der Waage?, p. 357-376.

15 See in this volume Funda Tekin: Europapolitische Prioritäten Deutschlands in den Bereichen Innere Sicherheit, Asyl- und Einwanderungspolitik, p. 341-354.

unprecedented effort of public persuasion and cooperation among numerous actors. Moreover, the arrival of the Alternative für Deutschland (AfD) as an openly eurosceptical party constitutes a caesura for German politics, historically dominated by Europhile parties. The right-wing, national-conservative party had significant recent electoral successes in the regional state elections. National opinion polls suggest that the AfD is considerably more popular than the liberal FDP which, like the AfD, narrowly missed gaining entry to the Bundestag in 2013, and appears to settle at a similar level than the Green party<sup>16</sup>. The AfD thus threatens to become a serious force in German politics, which will have a significant impact on the political discourse vis-à-vis the European Union in Germany.

### **Parameters of Germany's European Policy**

To understand Germany's European Policy, it requires introducing its fundamental guiding parameters. On the surface, many political decisions may appear improvised and ad-hoc in nature, often as a result of frequent elections. Yet, most specific actions are guided by strategic considerations and conceptions of Germany and Europe, as well as the role of Germany on the continent and among the concert of great powers.<sup>17</sup> Due to Germany's historical responsibility for the two world wars, a policy of reconciliation through integration (particularly with France, but also Poland) and unambiguous alignment with the West constitutes the central pillars of Germany's foreign and European Policy<sup>18</sup>. Economic integration through the Single Market and a common trade policy, from which Germany has profited more than most other EU member states,<sup>19</sup> is particularly congruent with such leitmotifs. The country's military restraint, unilaterally or within the European Union's Common Security and Defense Policy (CSDP), fits into this picture.

Germany's policy vis-à-vis the configuration of the Single Market, such as of the European Economic and Monetary Union (EMU), likewise follows clear guiding principles, namely ordoliberal beliefs about the market economy, competition, and the monetary system.<sup>20</sup> These include the insistence on an independent competition authority, here the European Commission, an independent European Central Bank with the concise mandate to maintain price stability, and individual member states' liability. These principles provide the context for the Federal Government's actions during the Eurozone crisis.<sup>21</sup>

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16 See in this volume Oskar Niedermayer: *Deutsche Parteien und Europa*, p. 171-186; infratest dimap: *ARD-Deutschlandtrend Mai 2016*. An opinion poll commissioned by ARD-Tagesthemen and the newspaper DIE WELT, available at: [http://www.infratest-dimap.de/fileadmin/user\\_upload/dt1605\\_bericht.pdf](http://www.infratest-dimap.de/fileadmin/user_upload/dt1605_bericht.pdf) (accessed 9.5.2016), p. 9.

17 See in this volume Martin Große Hüttmann: *Leitbilder deutscher Europapolitik*, p. 31-44.

18 See in this volume Gisela Müller-Brandeck-Bocquet: *Deutsche Prioritäten für Europas Außen-, Sicherheits- und Verteidigungspolitik*, p. 377-392; Hanns Maull: „Zivilmacht“: Ursprünge und Entwicklungspfade eines umstrittenen Konzeptes, in: Sebastian Harnisch/Joachim Schild (eds.): *Deutsche Außenpolitik und internationale Führung. Ressourcen, Praktiken und Politiken in einer veränderten Europäischen Union*, Baden-Baden 2014, p. 121-147.

19 See in this volume Christian Dreger: *Der wirtschaftliche Nutzen Europas für Deutschland*, p. 77-90.

20 See in this volume Große Hüttmann sowie Ansgar Belke: *Die WWU als Prozess ‚grand political bargains‘ zwischen Deutschland und seinen EU-Partnern*, p. 261-280.

Beyond this general framework of Germany's foreign and European policy, there are more specific objectives for the European integration process.<sup>22</sup> The notion of a "United States of Europe" had been prevalent from the early beginnings of European integration all the way to the early 1990s,<sup>23</sup> but has since faded.<sup>24</sup> The verdicts of the constitutional court, which qualified the European Union as an association of states (Staatenverbund) rather than a federal union, have left their marks.<sup>25</sup> Notwithstanding this restriction, the mantra of "supranationalisation" by communitisation of policy areas and structuring Europe along federal principles, whilst respecting the subsidiarity principle, has dominated German thinking on the European Union.<sup>26</sup>

Integral to this view is to elevate the EU-institutions, first and foremost the European Parliament, and to extend majority voting in the Council of the European Union. This conviction has defined Germany's European Policy from the intergovernmental conferences, to the Treaty of Maastricht, to the plans for a Constitutional Treaty in the early 2000s, to the negotiation of the Treaty of Lisbon.<sup>27</sup> During the Financial and European Debt Crisis, the so-called Union method – based on intergovernmental elements of crisis management and arrangements outside of the existing treaties<sup>28</sup> – became the preferred *modus operandi* of European policy makers. Yet, the Union method complements rather than replaces the Community method.<sup>29</sup>

The Union method implies that whenever there are no legal provisions within the treaty framework and even marginal contractual adjustments are opposed by individual member states (particularly Great Britain), arrangements outside the existing treaties will be made with those states that are willing to push integration further. Examples include the Schengen Agreement, the Protocol on Social Policy, and European Charter of Fundamental Human Rights. The rationale behind many of these initiatives is to eventually incorporate them into the treaty framework; the European Fiscal Compact of 2012, for example, is designated to become part of the treaty framework within five years.<sup>30</sup> After Willy Brandt coined the concept of differentiated integration in the 1970s and latest since the Schäuble/Lamers paper proposed the notion of a "Kerneuropa"<sup>31</sup>, the EU member states have sought to establish legal provisions within the treaties that would enable deeper integ-

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21 See in this volume Enderlein/Haas/Gnath, also Hans-Wolfgang Platzer: Deutschland und die Europäische Sozialpolitik, p. 329-340, hier p. 330 und p. 338; Sebastian Dullien/Ulrike Guérot: The long shadow of ordoliberalism: Germany's approach to the euro crisis, European Council on Foreign Relations, Policy Brief, 2012.

22 See Mathias Jopp/Andreas Maurer/Heinrich Schneider (eds.): Europapolitische Grundverständnisse im Wandel, Bonn 1998.

23 See Walter Hallstein: Der unvollendete Bundesstaat. Europäische Erfahrungen und Erkenntnisse, Düsseldorf/Wien 1969.

24 See in this volume Große Hüttmann.

25 See in this volume Calliess.

26 See in this volume Hrbek.

27 See in this volume Daniel Göler/Mathias Jopp: Deutschlands konstitutionelle Europapolitik, p. 45-60.

28 See speech by Chancellor Merkel 2.11.2010, available at: <https://www.bundeskanzlerin.de/ContentArchiv/DE/Archiv17/Reden/2010/11/2010-11-02-merkel-bruegge.html> (accessed: 18.4.2016).

29 In this volume Sturm: Die Europäisierung des deutschen Regierungssystems, p. 61-76, here p. 64.

30 See Ministry of Finance: Vertrag über Stabilität, Koordinierung und Steuerung in der Wirtschafts- und Währungsunion (SKS-Vertrag), Brussels, 2.3.2012, Art. 16, available at: [http://www.bundesfinanzministerium.de/Content/DE/Downloads/2013-04-19-fiskal\\_vertrag-deutsche-fassung.pdf?\\_\\_blob=publicationFile&v=3](http://www.bundesfinanzministerium.de/Content/DE/Downloads/2013-04-19-fiskal_vertrag-deutsche-fassung.pdf?__blob=publicationFile&v=3) (accessed: 21.4.2016).

ration for willing member states. Rather than to exclude the slower members, the motif of a multi-speed Europe is to grant them more time to follow suit, based on an “Avantgarde-model”<sup>32</sup>. The stronger intergovernmental nature of the enhanced cooperation procedures is here accepted as the necessary evil.

Whilst Germany has in recent years increasingly relied on intergovernmental cooperation, since larger member states thereby tend to exercise greater influence, one should not overemphasise it. Intergovernmental solutions may provide the opportunity to increase public approval of decision-making in realms of European policy, regarding the Eurozone crisis management or the CSDP for example, since the Federal Government and the Bundestag retain the final say. An intergovernmental Europe, however, has clear disadvantages; it suffers from slow decision-making, given the need for unanimity, and weak enforcements of intergovernmental agreements. Moreover, Germany has benefitted from its pursuit of communitisation, not only because this model has proven constructive in previous treaty reforms since the Single European Act, but also because Germany's embeddedness in European institutions has effectively reassured its European partners.<sup>33</sup> Germany's readiness to restrain has contributed substantially to the stability and development of the considerably more efficient Community system compared to intergovernmental cooperation.<sup>34</sup>

Germany's integration into the European and later transatlantic community constitutes the fundamental guiding principle of its European Policy. After the Second World War, the express objective of European supranationalisation and the constitutionally obligatory integration into Europe were crucial to regain not only the trust and acceptance of the European community, but also the prospect of national sovereignty of a united country. From a German perspective, European integration did not entail the renunciation of sovereignty, but was conversely means to reclaim it.<sup>35</sup> The course of history thereby answered the old question, whether the partition of Germany would be deepened and cemented through integration into the West, or whether it was necessary to enable the eventual reunification.<sup>36</sup>

The negotiations for the creation of the European Union within the framework of the Maastricht treaty and for a common currency, which commenced shortly after the German reunification, played a key role in creating acceptance for German unity. The abolition of the Deutschmark calmed French fears, as the common currency was widely conceived to weaken its newly expanded neighbour.<sup>37</sup> Likewise, the USSR acquiesced in the reunifica-

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31 See CDU/CSU: Überlegungen zu europäischen Politik, 1.9.1994, available at: [https:// www.cducsu.de/upload/schaeublelamers94.pdf](https://www.cducsu.de/upload/schaeublelamers94.pdf) (accessed: 18.4.2016).

32 See Joschka Fischer: Vom Staatenbund zur Föderation – Gedanken über die Finalität der europäischen Integration, in: *integration* 3/2000, p. 149-156.

33 See Peter J. Katzenstein: United Germany in an Integrating Europe, in: Peter J. Katzenstein (eds.): *Tamed Power. Germany in Europe*, Ithaca (NY) 1997, p. 1-48.

34 See in this volume Ulrich Krotz/Joachim Schild: Frankreich – unverzichtbarer Partner deutscher Europapolitik, p. 435-448, here p. 442.

35 See Gisela Müller-Brandeck-Bocquet: Europapolitik als Staatsräson, in: Manfred G. Schmidt/Reimut Zohlhörer (eds.): *Regieren in der Bundesrepublik Deutschland. Innen- und Außenpolitik seit 1949*, Wiesbaden 2006, p. 467-490.

36 See Beichelt: *Deutschland und Europa*, 2015, p. 131 ff.; Wilfried Loth: *Europas Einigung. Eine unvollendete Geschichte*, Frankfurt/New York 2014, p. 26-119; Heinrich August Winkler: *Der lange Weg nach Westen. Deutsche Geschichte vom „Dunklen Reich“ bis zur Wiedervereinigung*, 5. ed., München 2010.

37 See in this volume Belke.

tion given Germany's civil power character and the non-hegemonial nature of the European Community/European Union. With the cessation of the Occupation Statute once the Two Plus Four Agreement was signed, which sealed German reunification, the question of Germany's future role in Europe emerged. Would Germany be prepared to delegate sovereign prerogatives to the European level and remain a committed member of the community to the same extent as before, now that it had reached its principle objective of regaining national unity and national sovereignty? Would it become a "normal" member state,<sup>38</sup> which pursues its national interests at all times, or even seek to return to its hegemonial position on the continent?<sup>39</sup>

### **Restraint and pragmatism**

Germany's continuing restraint and readiness to self-commit to European integration has diminished its European partners' fear of German hegemony and thus containment efforts. Germany's motifs for pursuing European integration, however, have somewhat evolved. After achieving reunification, her focuses shifted towards overcoming Europe's division and reunite the continent. From a German perspective, this primarily meant to achieve reconciliation with Poland,<sup>40</sup> develop new markets, and to stabilise Central and Eastern Europe following the collapse of the communist regime.<sup>41</sup>

For Germany, European integration had proven to be a successful framework for action. The country had benefitted economically, and the European institutions operated rather smoothly in spite of the historically unique institutional nature consisting of supra-national and intergovernmental elements. Her own awareness of her new status as a fully sovereign, reunited country spread only slowly. A first attempt to materialise its new political clout, by recognising Slovenia and Croatia three weeks before its European partners to increase the pressure to deploy UN blue helmets, met with little approval. Of course, Germany's unwillingness to contribute troops to the UN's military mission (UNPROFOR) contributed to its partners' reluctant stance.<sup>42</sup> Overall, reunification did not substantially alter the course of Germany's European policy. Whilst no propensity for unilateralism arose, realising its national interests in the European Union came increasingly to the fore.

Germany had acted upon its perceived interests prior to reunification too, but since the 1990s it grew increasingly confident, embodied by Chancellor Gerhard Schröder.<sup>43</sup> Foreign Minister Joschka Fischer's initiative to reinvigorate the project of a European constitution, backed by Chancellor Schröder, concurrently expressed Germany's readiness to commit to European integration to a high degree.

In reference to its restrictive role<sup>44</sup> during the budget negotiation of the European Union or attempts to assert particular interests, for example regarding the automotive

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38 See Simon Bulmer/William E. Paterson: Germany and the European Union: from 'tamed power' to normalized power?, in: *International Affairs* 5/2010, p. 1051-1073.

39 See in this volume Barbara Lippert: Die Bundesrepublik Deutschland und die Erweiterung der Europäischen Union, p. 393-406, here p. 367.

40 See in this volume Agnieszka Łada: Die bilateralen Beziehungen Polens mit Deutschland und das Weimarer Dreieck – eine polnische Sichtweise, p. 473-486.

41 See in this volume Lippert.

42 See Mathias Jopp (ed.): *The Implications of the Yugoslav Crisis for Western Europe's Foreign Relations*, Chaillot Papers 17, Paris 1994; Mathias Jopp: *The strategic implications of European integration*, London 1994.

43 Mildner (in this volume) also identifies this trait in the context of EU-trade relations.

industry, observers have notwithstanding identified a 'normalisation' of the Federal Republic's foreign and European Policy and attributed a greater degree of 'realism' or 'pragmatism'.<sup>45</sup> Her experience of decisively shaping European integration, as well as recognition that in an increasingly interdependent and multipolar world, she successfully exerts influence through the European Union's market power and common currency, largely explain Germany's continuing readiness to commit to the European Union. This understanding rests on an appreciation of the European Union's political clout in the global distribution battle for raw materials and export markets. Furthermore and in accordance with its interest-based pragmatism, which is addressed by many authors throughout this volume, Germany tends to resort to the European Union whenever it is beneficial, and otherwise rely on other means, i.e. acting through different multilateral organisations such as NATO or the Organization for Security and Co-operation in Europe (OSCE).<sup>46</sup> The crucial difference between these organisations and the European Union is that the latter constitutes the "preferred framework for pursuing national preferences and interests".<sup>47</sup> Unlike in NATO, dominated by the United States, or the United Nations, where Germany is not a permanent member of the Security Council, the Federal Republic wields the greatest influence in the European Union of all member states.

### **The German hegemon?**

In the context of the Financial and European Debt Crisis in the Eurozone and, consequently, the accentuated intergovernmental cooperation, discussions about Germany hegemony resurfaced.<sup>48</sup> In Italy, the notion of the "Fourth Reich"<sup>49</sup> emerged, whilst in Germany, the renowned scholar Münkler engaged with the old "Zentralmacht" (central power) concept.<sup>50</sup> In "Macht in der Mitte"<sup>51</sup> (power in the centre), he emphasises Germany's responsibility for the deepening and functioning of European integration, based on its size and central geographical location. Yet, the debate about German hegemony remains futile, as the country lacks the will and capacity of a hegemon, namely to provide public goods and military protection to others.<sup>52</sup> The fact that Germany's gross domestic product is higher than France's by a third, whose gross domestic product in turn is larger than Great Britain's and Italy, combined with the largest population in Europe, self-evidently manifest itself in great political clout. Within the intergovernmental setting of the financial crisis management, the Federal Republic is the crucial actor. Characterising Germany as a veto player rather than hegemon is therefore more accurate, particularly

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44 See in this volume Peter Becker: *Zwischen Zuchtmeister und Zahlmeister – Deutsche Europapolitik und die europäischen Finanzverhandlungen*, p. 217-230.

45 See in this volume Lippert, Große Hüttmann and Göler/Jopp.

46 See in this volume Becker and Müller-Brandeck-Bocquet, also Barbara Lippert: *Deutsche Europapolitik zwischen Tradition und Irritation. Beobachtungen aus aktuellem Anlass*, SWP Working Paper, Berlin 2015, p. 6.

47 Beichelt in this volume, here p. 184.

48 See Simon Bulmer/William E. Paterson: *Germany as the EU's reluctant hegemon? Of economic strength and political constraints*, in: *Journal of European Public Policy* 10/2013, p. 1387-1405.

49 See Vittorio Feltri/Gennaro Sangiuliano: *Il Quarto Reich. Come la Germania ha sottomesso l'Europa*, Milano 2014; in this volume Michael Kreile: *Deutsch-italienische Renaissance?*, p. 457-472, here p.460.

50 See Hans-Peter Schwarz: *Zentralmacht Europas. Deutschlands Rückkehr auf die Weltbühne*, München 1998.

51 Herfried Münkler: *Macht in der Mitte. Die neuen Aufgaben Deutschlands in Europa*, Hamburg 2015.

52 See in this volume Krotz/Schild, here p. 448.

since Great Britain, by not being a member of the Eurozone, and Italy and France, due to their domestic crises, have remained on the sidelines.

### Europeanisation

The degree of Europeanisation of Germany illustrates the futility of the hegemony debate.<sup>53</sup> Throughout this volume, authors demonstrate that Germany is deeply entrenched in the European Union in numerous policy fields.<sup>54</sup> The ‘Energiewende’ (energy transition), initially implemented in a national framework, illustrates, however, that many politicians remain unaware of these close-knit connections.<sup>55</sup> Since Maastricht and latest since Lisbon, the European Union has become an integral part of Germany, and, in reverse, Germany of the European Union, to an extent that they can hardly be differentiated in multiple policy areas. This is demonstrated by the following policies: (1) the competition policy of the Single Market,<sup>56</sup> which eventually induced even the most powerful German energy suppliers to adjust to the demands of the European Commission;<sup>57</sup> (2) the environmental policy, which Germany, on the one hand, has pushed since the 1980s, but, on the other hand, has attempted to block or at least water down, particularly when concerning specific interests of the automotive industry;<sup>58</sup> (3) the asylum and visa policy, which prior to the refugee crisis met with rather lukewarm support in Germany, but has since become a policy priority, among others to redistribute refugees based on quotas;<sup>59</sup> (4) consumer protection, in which Germany has been engine or brake at times;<sup>60</sup> and (5) the European monetary policy, which has incrementally deviated from the German expectations.<sup>61</sup> This process becomes further apparent in the Europeanisation of German interest groups,<sup>62</sup> the Bundestag in relation to the Treaties of Maastricht and particularly the Treaty of Lisbon,<sup>63</sup> and the attempts of the constitutional court to establish a collaboration with the Court of Justice of the European Union in matters of legal disputes arising from the exercise of formerly sovereign prerogatives on the European level.<sup>64</sup> The German Länder have developed resistance towards further Europeanisation, whilst simultaneously having obtained legal rights to participate in the decision-making processes in Germany to safeguard their competences vis-à-vis education and domestic policy, as well as public services, based on article 23 of the basic law.<sup>65</sup> Even in the realms of foreign and security

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53 See Beichelt: *Deutschland und Europa*, 2015, also Sturm in this volume.

54 Chapters IV and I in this volume; Wolfgang Wessels: An ever closer fusion? A dynamic macropolitical view on integration processes, in: *JCMS: Journal of Common Market Studies* 2/1997, p. 267-299.

55 See in this volume Severin Fischer: *Die deutsche Energiewende in der Europapolitik*, p. 317-328.

56 See in this volume Klodt.

57 See in this volume Fischer.

58 See in this volume Barbara Saerbeck/Helge Jörgens: *Deutsche Interessen und Prioritäten in der europäischen Umweltpolitik*, p. 305-316.

59 See in this volume Tekin, here p. 343.

60 See in this volume René Repasi/Cara Catharina Stauf: *Deutsche Positionen in den Verbraucherschützenden Politiken*, p. 229-316.

61 See Enderlein/Haas/Gnath, also Belke in this volume.

62 See in this volume von Winter.

63 See in this volume Hölscheidt and Abels; Axel Schäfer/Fabian Schulz: *Der Bundestag wird europäisch – zur Reform des Beteiligungsgesetzes EUZBBG*, in: *integration* 3/2013, p. 199-212.

64 See in this volume Calliess.

65 See in this volume Hrbek.

policy, Germany has moved towards the prevalent French and British intergovernmental expectations.<sup>66</sup>

### **Shaping the political system of the European Union**

Europeanisation, however, is not a one-way street. Like probably no other member state, Germany has shaped, influenced and, through the constitutional court's verdicts, restricted the development of the polity of the European Union. The design of the Single Market and the competition regime constituted early examples of successful upward Europeanisation, in contrast to unsuccessful French attempts in the agricultural policy. The German ideas to democratise European law-making were also crucial in elevating the European Parliament to the role of a co-legislator in conjunction with the Council by introducing the co-decision procedure (Treaty of Maastricht) and subsequently the ordinary legislative procedure (Treaty of Lisbon).

The design of the Economic and Monetary Union also rests heavily on German preferences. The European Central Bank is closely mirrored on the German Bundesbank. Initial objections that potential deflation perils, persistent stagnation in some member states, and the weighting of votes on the Governing Council of the European Central Bank could undermine German interests were largely dismissed at the time. As long as the European Central Bank remained independent and adhered to its mandate of maintaining price stability, it was not regarded as problematic.<sup>67</sup> The extent to which retrospective attempts of restricting the bank's expansionary monetary policy through lawsuits before the German Constitutional Court<sup>68</sup> or recently expressed criticism by Minister of Finance Schäuble<sup>69</sup> can be successful remains to be seen.

Last but not least, Germany's capacity to shape the political system of the European Union has manifested itself in the Common Foreign and Security Policy (CFSP). The merger of the positions of the High Representative of the Union for Foreign Affairs and Security Policy and that of the vice president of the European Commission can largely be ascribed to German preferences, which have been geared towards communitarising this policy field ever since the days of the European Political Cooperation.<sup>70</sup> Due to French and British opposition, this reform constitutes a compromise, combining the traditional inter-governmental and community elements, embodied by the High Representative, who was granted a right of initiative comparable to that of the European Commission.<sup>71</sup> The Federal Republic's great skill of "Shaping the regional Milieu"<sup>72</sup> does not always follow the same stringency as in other policy areas, where Germany, as aforementioned, can be engine or brake at times.

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66 See in this volume Müller-Brandeck-Bocquet.

67 See in this volume Belke.

68 See in this volume Enderlein/Haas/Gnath.

69 See *Frankfurter Allgemeine Zeitung*: Schäuble: Geldpolitik mitverantwortlich für Erfolge der AfD, 9.4.2016; Philip Plickert: Weidmann betont Unabhängigkeit der Notenbanken, in: *FAZ.NET*, 12.4.2016; Holger Steltzer: Wo war Schäuble, als es darauf ankam?, in: *FAZ.NET*, 15.4.2016.

70 See Jens-Christian Gaedtke: *Europäische Außenpolitik*, Paderborn 2009, here p. 31-41.

71 See Elfriede Regelsberger: Mehr Sichtbarkeit, Kohärenz und Effizienz für die GASP – Chancen und Risiken im neuen Verfassungsvertrag, in: Mathias Jopp/Saskia Matl (eds.): *Der Vertrag über eine Verfassung für Europa. Analysen zur Konstitutionalisierung der EU*, Baden-Baden 2005, p. 323-342.

72 Simon Bulmer/Charlie Jeffery/William E. Paterson: *Germany's European Diplomacy: Shaping the Regional Milieu*, Manchester 2000.

## The value foundation of Germany's European Policy

All Federal Governments since Konrad Adenauer have supported European integration, not for merely utilitarian but also ideational motifs. Germany's desire for peace and reconciliation with its European partners, search for an alternative Europe rather than national identity after the catastrophe of Hitler's Nazism, and the general desire to create a diametrically different relationship among European nations were constitutive of the beginnings of European integration. Over time, promoting democracy and stability in Europe also became part of the canon of values. This was applicable to southern enlargement after Portugal's, Spain's, and Greece's victory over dictatorship, as well as eastern enlargement following the collapse of the single-party states and command economies.<sup>73</sup> In the context of efforts to integrate the countries of the Western Balkans in order to overcome the wounds of the Balkan Wars of the 1990s, these ambitions remain relevant today, as recently underlined by the Conference of Western Balkan States, hosted by Chancellor Merkel in 2014.<sup>74</sup> The European Neighbourhood Policy and particularly the Ukraine Crisis constitute further examples for Germany assuming responsibility.<sup>75</sup> One should not underestimate the degree to which European integration is ingrained in Germany's value system.<sup>76</sup> Chancellor Kohl's vision that the incremental introduction of the common currency would guarantee peace in Europe and would make integration irreversible<sup>77</sup> was upheld by Merkel, when she argued that "If the Euro fails, Europe fails".<sup>78</sup>

The Charter of Fundamental Rights of the European Union, written under the auspices of former Federal President Roman Herzog in the years 1999 and 2000 and heavily supported by Germany, similarly stands in this tradition. For the first time, it summarises the European Union's fundamental rights in 54 articles, derived from the European Convention on Human Rights, the European Social Charter, and the national constitutions.<sup>79</sup> In addition, her value-orientated approach is apparent in the European Union's Rule of Law Framework, launched in conjunction with other partners. It provides the European Commission with legal instruments and processes to pursue violations of core values stipulated in the Treaty of the European Union. Hungary and recently Poland have been subject to measures. In 2014, the Early Warning Mechanism was adopted in the context of the Framework. The three-stage procedure – Commission assessment, Commission recommendation, and Follow-up of the Commission's recommendation – comple-

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73 See Peter Becker: *Die deutsche Europapolitik und die Osterweiterung der Europäischen Union*, Baden-Baden 2011; Mathias Jopp: *Germany and EU Enlargement*, in: Karl Kaiser/Martin Brüning (eds.): *East-Central Europe and the EU. Problems of integration*, Bonn 1996, p. 107-120.

74 See in this volume Lippert, here p. 351.

75 See in this volume Katrin Böttger: *Deutschland, die Östliche Partnerschaft und Russland*, p. 407-420.

76 See Ernst-Otto Czempiel: *Friedensstrategien. Eine systematische Darstellung außenpolitischer Theorien von Machiavelli bis Madariaga*, 2. ed., Wiesbaden 1998.

77 See Ulrike Kefler: *Deutsche Europapolitik unter Helmut Kohl. Europäische Integration als „kategorischer Imperativ“?*, in: Müller-Brandeck-Bocquet et al. (eds.): *Deutsche Europapolitik von Konrad Adenauer bis Angela Merkel*, 2010, p. 119-171; Stefan Fröhlich: *Die innenpolitischen Kontroversen in der Regierung Kohl*, in: Küsters (eds.): *Deutsche Europapolitik Christlicher Demokraten*, 2013, p. 363-381.

78 *Deutscher Bundestag: Rede von Bundeskanzlerin Angela Merkel. Scheitert der Euro, dann scheitert Europa*, 19. Mai 2010, available at: [https://www.bundestag.de/dokumente/textarchiv/2010/29826227\\_kw20\\_de\\_stabilisierungsmechanismus/201760](https://www.bundestag.de/dokumente/textarchiv/2010/29826227_kw20_de_stabilisierungsmechanismus/201760) (accessed: 18.4.2016).

79 See *Charta der Grundrechte der Europäischen Union*, in: *Amtsblatt der EG*, 18.12.2000, C364/1-22.

ments the rather cumbersome mechanisms, designated by Article 7 of the Treaty of the European Union in case of threats to the rule of law, which have never been invoked.<sup>80</sup>

By stressing Europe's nature as a community of values, insistence on the right for asylum, and opposition towards fences and other harsh measures, the German response to the refugee crisis in 2015 and 2016 was emblematic of the value-orientated element in its European Policy. It became clear that the Federal Government's policy went beyond an economic cost-benefit calculation,<sup>81</sup> but was intrinsically driven by the desire to preserve the European Union as an end in itself. Despite some voices from within the government that were demanding a more restrictive policy based on the legal Dublin regulations, such motifs largely explain the German stance in the refugee, but also the Financial and European Debt Crisis.<sup>82</sup>

### Theoretical perspectives

Throughout this volume, the authors employ multiple theoretical approaches to Germany's European Policy. The Europeanisation<sup>83</sup> of the German system<sup>84</sup> and its consequences for political structures and processes, as well as European decisions, is a recurring theme. Moreover, all Federal Governments have relied on "two level games"<sup>85</sup> to justify contentious domestic reforms by reference to European demands,<sup>86</sup> or, vice versa, to hint at domestic opinion to assert its position on the European level. The latter strategy was successfully employed during the crisis management of the Eurozone, during which Germany assumed the role of a veto player<sup>87</sup> within the institutional system of the European Union, although the longer-term stabilisation of the Eurozone has hitherto failed to materialise.<sup>88</sup> Moreover, Germany's European Policy has been guided by neo-functionalist necessities, or spillovers, in multiple policy areas, including the Economic and Monetary Union or Justice and Home Affairs.<sup>89</sup> Equally, Germany has resorted to package-dealing during treaty reforms, especially with France, congruent with intergovernmentalism<sup>90</sup> and liberal intergovernmentalism<sup>91</sup> respectively. There is also evidence for a degree

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80 See Europäische Kommission: Mitteilung der Kommission an das Europäische Parlament und den Rat: Ein neuer EU-Rahmen zur Stärkung des Rechtsstaatsprinzips, Straßburg, 11.3.2014, COM/2014/0158 final.

81 See in this volume Christian Dreger: Der wirtschaftliche Nutzen Europas für Deutschland, p. 77-90.

82 See in this volume Große Hüttmann, here p. 42 f.

83 See Claudio M. Radaelli: The Europeanization of Public Policy, in: Kevin Featherstone/Claudio M. Radaelli (eds.): The Politics of Europeanization, Oxford 2003, p. 27-56.

84 See Beichelt: Deutschland und Europa, 2015; Sturm/Pehle: Das neue deutsche Regierungssystem, 2012.

85 Robert D. Putnam: Diplomacy and Domestic Politics: The Logic of Two-Level Games, in: *International Organization* 3/1988, p. 427-460.

86 See in this volume Saerbeck/Jürgens, p. 314.

87 George Tsebelis: Veto Players. How political institutions work, Princeton 2002.

88 See in this volume Enderlein/Haas/Gnath.

89 Sabine Saurugger: Theoretical Approaches to European integration, Basingstoke/New York 2014, p. 34-53; Arne Niemann/Philippe C. Schmitter: Neofunctionalism, in: Antje Wiener/Thomas Diez (eds.): European integration theory, 2. ed., Oxford 2009, p. 45-66.

90 See Stanley Hoffmann/Robert O. Keohane (eds.): The New European Community. Decisionmaking And Institutional Change, Boulder (CO) 1991; Robert O. Keohane/Joseph S. Nye/ Stanley Hoffmann: After the Cold War. International Institutions and State Strategies in Europe 1989-1991, Harvard 1993.

91 Andrew Moravcsik: Preferences and Power in the European Community. A liberal intergouvernementalist approach, in: *Journal of Common Market Studies* 4/1993, p. 473-524.

of path dependency, addressed by *inter alia* historical institutionalism,<sup>92</sup> of German decision-making, notably in the realms of enlargement and neighbourhood policy. The aforementioned value-orientated base of its European Policy merits the social constructivist approach,<sup>93</sup> which is particularly relevant regarding the ideational leitmotifs, constitutional European policy, or civilian power-based foreign and security policy. Nonetheless, numerous contributions also identify an unequivocal realist pursuit of German national interests by, for example, using the clout of the European Union to balance<sup>94</sup> against the economic superpowers such as the United States or China.

### **The importance of bilateral relations**

The German-Franco relationship, historically the essential engine of European integration, currently faces numerous challenges in form of the Financial and European Debt Crisis, instability and conflicts in northern Africa and the Middle East<sup>95</sup>, and recently the terrorist attacks on French soil.<sup>96</sup> Diverging economic trajectories over the past years, however, have questioned the German-Franco parity and pose a fundamental problem to continued German-Franco leadership of European integration. France's lingering growth and sluggishness of economic reforms have undermined its position in the European Union and concurrently contributed to strengthening Germany's role by default.

Germany's relationship with Great Britain within the context of the European Union is ambivalent. On the one hand, it is subverted by British staunch opposition to further integration in numerous policy areas, whilst, on the other hand, they congenially pursue to liberalise the Single Market and drive free trade agreements.<sup>97</sup> Both have a great interest in completing the Transatlantic Trade and Investment Partnership with the United States (TTIP). In case of a positive outcome of the referendum on British membership of the European Union, they will strive to shape the economic values within the European Union and beyond.

Ever since the days of De Gasperi, the German relationship with Italy has played a significant role. The central question is, however, whether the bilateral relationship can be revived after the paralysis under former Prime Minister Silvio Berlusconi?<sup>98</sup> Or will the tensions from dichotomous views on the Financial and European Debt Crisis exacerbate the divisions? Recent evidence suggests that the relationship has undeniably suffered from the crisis, questioning whether a Renaissance, and thus a closer cooperation to stabilise and reform the political system of the European Union, is possible. The extent to which the relationship with Poland in the context of the Weimar Triangle<sup>99</sup> could contribute to

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92 See Melanie Morisse-Schilbach: Historischer Institutionalismus, in: Hans-Jürgen Bieling/Marika Lerch (eds.): *Theorien der europäischen Integration*, Wiesbaden 2012, p. 225-245.

93 See Daniel Göler: *Europapolitik im Wandel. Deutsche Integrationsmotive und Integrationsziele nach der Wiedervereinigung*, Münster 2004.

94 See in this volume Becker and Ines Hartwig/Andreas Maurer: *Redistributive EU-Politiken aus deutscher Sicht*, p. 231-246; Werner Link: *Auf dem Weg zu einem neuen Europa*, Baden-Baden 2006.

95 See in this volume Annette Jünemann: *Deutschland und die europäische Mittelmeerpolitik*, p. 421-432.

96 See in this volume Krotz/Schild.

97 See in this volume Almut Möller: *Konvergenzen und Divergenzen im Verhältnis zu Großbritannien*, p. 449-456.

98 See in this volume Michael Kreile: *Deutsch-italienische Renaissance?*, p. 457-472.

99 See in this volume Lada.

resolving current crises remains doubtful given the political stance of the current government.

If Great Britain was to leave the European Union, it would not only have significant consequences for Europe's reputation and its clout in the world, but also affect Germany. The triangular balance of power between London, Paris, and Berlin would be broken. Germany would lose a partner, who makes an important contribution to the European Union's budget, also has campaigned to limit the expenses of the European Union, and shares its conviction of the 'rules based behaviour' approach of strict implementation and enforcement of laws. In such a case, Germany and France would form the centre of the European Union. Given the aforementioned economic asymmetry between the two countries,<sup>100</sup> Germany would have to make concessions and engage with French President François Hollande's and Minister of Economy Emmanuel Macron's proposal to convene an intergovernmental conference to discuss institutional reforms, voiced in 2015. Specifically, the duo called for transforming the Economic and Monetary Union into a European economic government, equipped with a European minister of finance and Eurozone budget to stabilise and steer the Eurozone.<sup>101</sup>

It is unlikely that these rather traditional French demands will disappear from the agenda, even if polls for the parliamentary elections in 2017 suggest a neck-and-neck race between Les Républicains (24%), the Front National (23%) and the incumbent Parti socialiste (18%),<sup>102</sup> and predict that Marine Le Pen will reach at least the second round of the presidential elections in the same year.<sup>103</sup> By and large, the analyses in this volume recommend that Germany has to continue to engage with France and Italy, but should also devote greater attention to the small and medium-sized member states, which have often suffered from the pressures of the crisis management.

### **Structure of the book**

The contributions in this book provide an overview over the respective theme, including key concepts of Germany's European Policy, domestic determinants and actors, internal and external policies of the European Union, and selected bilateral relationships within the European Union.

The chapter 'fundamentals and concepts' comprises analyses of the formation of Germany's European Policy and current tendencies, from which the authors derive projection as to the future trajectory of Germany's European Policy.

The contributions within the chapter 'domestic determinants and actors' demonstrate the role of the respective domestic institutions for the Federal Republic's European Policy. They elucidate the German interests the institutions pursue in the formulation and implementation of policy, and evaluate their success.

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100 See in this volume Krotz/Schild.

101 Emmanuel Macron interviewed by the *Süddeutschen Zeitung*: Wir wollen eine Neugründung Europas, 31.8.2015, available at: <http://www.sueddeutsche.de/politik/emmanuel-macron-im-interview-wir-wollene-neugruendung-europas-1.2628139> (accessed: 21.4.2016).

102 See Le Frigaro: Sondage: la gauche serait laminée aux législatives, 2.12.2014 available at: <http://www.lefigaro.fr/politique/2014/12/02/01002-20141202ARTFIG00399-sondage-la-gauche-serait-laminee-aux-legislatives.php> (accessed: 18.4.2016).

103 See Ipsos: François Hollande dans une position toujours plus difficile avant la Présidentielle, available at: <http://www.ipsos.fr/decrypter-societe/2016-03-30-francois-hollande-dans-position-toujours-plus-difficile-avant-presidentielle> (accessed: 18.4.2016).

In the realm of internal policies, the contributions illustrate the role of Germany's European Policy in diverse policy areas in the European Union and explain her respective interests. The sequence of contributions follows logical cohesiveness rather than representing an order of relevance. Overall, the chapter presents a rather ambiguous picture as to Germany's influence on the individual policy areas.

Similarly, the contributions in the chapter 'external policies' highlight the German interests in the formation of policy and investigate the extent to which these have materialised.

The concluding chapter addresses key bilateral relationships and underlines their importance for successful initiatives on the European level. Despite current strains, it signifies the pivotal relevance of the German-Franco partnership and makes the case for a continued engagement with France, but also Italy and Poland.

The chronology at the end of the book provides a convenient overview of the most important stages of Germany's European Policy, embedded within their respective context. The index should facilitate the search for specific terms. We hope that the reader will appreciate the extensive bibliography as gateway for further readings.

The IEP websites, available at <http://iep-berlin.de/forschung/deutschland-und-europa/> and [www.wissen-europa.de](http://www.wissen-europa.de), offer a list of links, addresses, additional information, and updates to the Handbook.

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