

SUPRANATIONAL EUROPE 2020 COMPETITIVENESS – QUESTIONABLE EFFECTIVENESS, EFFICIENCY AND VALUE COMPLIANCE

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Abstract

Neither the Lisbon Agenda 2000 nor the Europe 2020 Strategy has transformed the EU into the most competitive and knowledge-based economy in the world. A logical objective in this context is to research and analyze EU policies and laws linked to competitiveness and based on the critical and comparative Meta-Analysis of the yielded information developed through a multi-disciplinary discussion about the feasibility of a supranational competitiveness policy. The results indicate that supranational over-ambitious and beyond the competency going initiatives and strategies coming bureaucratically from above aimed at making a unified competitiveness, might not only be ineffective and inefficient, but not even in compliance with the EU's proclaimed values.

Keywords

Competitiveness, Europe 2020, Innovations, Institutions, Lisbon Agenda

I. Introduction

Modern European integration is a complex phenomenon entailing an abundance of complicated processes in various fields (Večeřa, 2012) within our post-modern, global and strongly virtualized society (Pelikánová & MacGregor, 2015). The identity of the EU may have normative and other characteristics, and they all point to the conclusion that the EU equals a large single market with significant institutional features and a competing interest group (Damro, 2012), often belonging either to the supranationalists or intergovernmentalists. EU law is neither a typical international law nor a typical federal or state law, it is a law challenging both the monist and dualist perception of the state, domestic, and national law and it is a law marked by an intergovernmental approach as well as by a supranational approach (Pelikánová & MacGregor, 2015). In addition, EU law is integrated into national laws in a fierce and penetrative manner, behaving like an occupying authority on a foreign soil, by making use of a national procedural setting to directly incorporate and enforce its norms with the national jurisdiction of the EU member state (Azolai, 2011).

Competitiveness, and its related policy or policies, is inherently linked to spheres of economics, politics and law. These spheres overlap and can both support and contradict each other (Vivant, 2016). Since modern European integration is based upon the doctrine of the famous four freedoms of movement on the single internal market (Cvik & Pelikánová, 2016), both aspects of competition are at its heart, i.e. to quantitatively have competition protected by public law and to qualitatively have a well-played competition protected by private law. Competitiveness should be promoted and generated by the European single market and European businesses should have a strong drive to be more successful than others and to outperform their competitors, not only on the EU level but as well on the global level. The EU wants to be a top global player, even in the sphere of economics, pursuant to the Lisbon Agenda 2000 to have the “*most competitive and dynamic knowledge based economy in the world*” and, pursuant to the Europe 2020 strategy, to have an illustrious “*smart, sustainable and inclusive growth*.” These desires are engraved in the fundamentals of EU policies, including EU economic policy internally as well as externally, i.e. vis-à-vis the whole world's post-modern global society. These desires of rather an economic nature are paralleled by the desires of a rather political nature, namely a strong drive for more integration. The supporters of “more

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Europe” are both outsiders, i.e. representative of certain “old” member states, as well as insiders, i.e. the seven EU institutions with their human apparatus. In particular, the pro-integration internal tandem and engine, the Commission and the Court of Justice of EU (“CJ EU”), is notorious for its synchronized pro-integration efforts, and not just in the fields of the EU, and there are no signs that this will be terminated. The Commission and the CJ EU have often reasoned more based upon the goals and spirit of founding treaties rather than on the positive wording of provisions’ primary or secondary legislation (Burley & Mattli, 1993). A cursory overview of the last seven decades suggests mainly that the primary EU law sources are intergovernmental, while secondary EU law sources are supranational and, along with the case law of the CJ EU, being a supplementary EU law source. However, even more interestingly, it suggests that rather supranational actors by low level politics (such as legal rulings, jurisprudence, etc.) than intergovernmental actors by high level politics (such as international treaties, parliamentary business) have pressured for changes and their institutionalization (Favell & Gedess, 1999).

The concept of economic + political integration, the dominance of technocratic over political institutions (Lianos, 2010), plus the emergence of the supranational approach and its co-habitation with the slowly evaporating intergovernmental approach (and the original triumph of the realist and graduating attitude) have significantly marked and shaped European institutions and the current post-Lisbon EU (Pelikánová, 2014a). As well, in the area of reporting, the EU Accounting Directive (2013/34/EU) aims for closer harmonization and incorporation of elements of European regulations to national accounting legislatures (Jindrichovska & Kubickova, 2017). The move from the common to the single internal market was accompanied by a set of spin-off preferences and priorities proposed and pushed by well known personalities holding official EU functions, e.g. the president of Commission Jacques Delors, architect of the single currency, as well as EU staff and some external politicians and experts. The supranational drive to go further and even beyond the competencies as described by treaties was and remains omnipresent. Therefore, the current EU policy related to the pivotal concept of competitiveness and oriented globally, towards the external world, is definitely more than what an intergovernmental reading and literate interpretation of the EU “constitution,” i.e. Treaty on EU (“TEU”), Treaty on the functioning of EU (“TFEU”) and EU Charter of Fundamental Rights (“Charter”), would suggest. To explore and assess their setting, a study of both legislative sources and Commission and other statements and papers needs to be performed. In fact, the Commissions and their presidents have been very active and explicit regarding strategies and policies linked to competitiveness during the period 2000–2017. For the period 2000–2010, the Lisbon Agenda 2000 was issued and basically failed to meet the set ambitious goals. For the period 2010–2010, the strategy Europe 2020 was launched by the Commission and clearly covers the competitiveness in the EU. Since seven years has expired, it is instrumental to assess this strategy while focusing on competitiveness, to identify key issues and propose improvements. Hence, the aim of this paper is to holistically scrutinize the current EU leading strategy, namely the effectiveness, efficiency and value compliance of the supranational Europe 2020 competitiveness. Effectiveness means choosing right and legitimate priorities, objectives and targets and to reach the right results with respect to the competitiveness, and logically should be predominantly assessed statically, based on the exploration of Europe 2020 as was set up in 2010 along with a short overview of the historic roots (doing right things). Efficiency means proceeding in the right way and should be approached more dynamically while using the time span 2010–2017 (doing things rightly). The compliance with EU fundamental values is both critical and ephemeral; it is about the integrity and ultimate legitimacy, if not directly justice. Its assessment can hardly be done in a unanimously accepted manner and thus its analysis is a Socratic invitation for a discussion.

II. Sources and methods

A scientific and academic study and assessment of the Europe 2020 competitiveness policy and its supranational fundaments requires an open minded selection and search of multidisciplinary

primary and secondary sources. This involves a myriad of instruments and processes going from a field search and observation over the literate description and teleological interpretation of legislative and political acts and commentaries to academic materials.

The cross-disciplinary nature suggests that the data yielded by the indicated search is to be processed by Meta-Analysis (Silverman, 2013), while using a critical comparison of EU legislative and political documents, generally initiated by the Commission, and economic and other data. This needs to be supported by the holistic perception of recent history and by glossed studies and events. The primary and secondary sources, both conventionally and academic, as well as unconventional and journalistic, are explored and the yielded knowledge and data are confronted with the real *status quo*. Since this article covers legal and economic aspects, it focuses more on qualitative data and methods than quantitative, and includes deductive and inductive aspects of legal thinking (Matejka, 2013) as legal theoretic orientation reflects legal science which is argumentative, not axiomatic (Knapp, 1995). The dominating qualitative research and data is complemented by the quantitative research and data and their discussion is refreshed by Socratic questioning (Areed, 1996) and glossing. The selected methods reflect the presented perspectives and determine the structure of this article.

Namely, the Europe 2020 strategy is a clear initiative of the Barroso Commission, perhaps the hallmark presented immediately after José Manuel Barroso was re-elected for another 5 years in the context of the crisis, or better to say crises and their aftermaths. Its supranational features and nature are worthy of comments. The single internal market concern and positive recognition is omnipresent in the Europe 2020 strategy and is highly illustrative to critically assess primary and secondary sources regarding Europe 2020 with respect to the competitiveness and its effectiveness. This exploration and assessment related to the competitiveness effectiveness needs to follow the EU preferred interpretation method, teleological and purposive, with an openness to appreciate the prior evolution, i.e. information up to 2017. The explored sources are both legislative documents as well as political statements. In contrast to the this backward looking analysis, the analysis of the efficiency of the Europe 2020 strategy, along with respect to competitiveness, a multi-disciplinary research of sources dated after 2010 until now is needed. Most complex is the discussion about the projection of the EU values. The above indicated cannot be translated in conventional hypotheses, the Meta-Analysis and Socratic methods are methods par excellence for this assessment.

III. The (in)effectiveness of Europe 2020 competitiveness – improving business environment?

The concept of economic integration has been a hallmark element of post-war economic thinking over trade and international economic relations (Machlup, 1977) and even the post-Lisbon EU, constitutionally determined by the TEU, TFEU and Charter, focuses on the internal single market, economic union, competition and competitiveness. Indeed, integration is not merely economic integration, and economic integration cannot refer simply to an erosion of regulatory differences by the application of negative integration rules or the European (federal) harmonization of national regulatory standards (Lianos, 2010). However, does the constitutional and institutional framework justify the competitiveness policy under Europe 2020 – is it right, i.e. effective?

The TEU underlines the EU *“is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights“* (Art.2) and *“shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance... It shall promote economic, social and territorial cohesion, and solidarity among Member States.”* These proclamations must be understood and applied in the institutional, jurisdictional and legitimacy context. Since *“competences not conferred upon the Union in the Treaties remain with the Member States“* (Art.4),

EU and Europe 2020 have to obey these competence boundaries. In other words, regarding competencies, the EU shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties. Since the EU has competencies only conferred upon it (Art.4 TEU), the EU can establish and enforce only economic policies in the extent of the explicitly conferred competencies, which are either exclusive or shared with EU member states (Art.2 TFEU). In addition, the use of these conferred competencies is governed by the principles of subsidiarity and proportionality (Art.5 TEU). In other words, the EU can do only to what it is empowered by Treaties, and only to work to the necessary extent towards stated objectives (Art.5 TEU). The Commission shall promote the general interest of the EU and take appropriate initiatives to that end, and its President shall lay down guidelines within which the Commission is to work (Art.17 TEU). In sum, the TEU covers a general competency framework and does not deal specifically with the market, competition and competitiveness; it leaves these issues to the 2nd document from the post-Lisbon constitutional trio – TFEU.

TFEU states “1. *When the Treaties confer on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.* 2. *When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence*” (Art.2). The TFEU confirms the competency setting provided by the TEU and specifies that EU member states shall coordinate their economic policies within arrangements as determined by the TFEU (Art.2 TFEU). The EU has a conferred exclusive competence for establishing competition rules for the functioning of the internal market (Art.3 TFEU, Art.26 TFEU) and a conferred shared competence regarding internal market and consumer protection (Art.4 TFEU). The EU shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of the conferral of powers (Art.7 TFEU), while EU member states shall coordinate their economic policies within the EU (Art.5 TFEU). Regarding the conferred exclusive competence, in order to establish competition rules necessary for the functioning of the internal market (Art.3 TFEU), the EU and EU member states shall adopt an economic policy which is based on the close coordination of EU members states economic policies, on the internal market and in accordance with the principle of an open market (Art.119 TFEU). The principle of an open market economy with free competition is explicitly emphasized (Art.119 TFEU). The EU and EU member states shall entail compliance with the following guiding principles: stable prices, sound public finances and monetary conditions and a sustainable balance of payments (Art.119 TFEU). EU member states shall conduct their economic policies with a view to contributing to the achievement of the EU objectives and act in accordance with the principle of an open market economy with free competition, favoring an efficient allocation of resources, and in compliance with the principles set out in Art.119 TFEU (Art.120 TFEU). Economic policies of EU member states are a matter of common concern (Art.121 TFEU) and both, the EU and EU member states, shall ensure that the conditions necessary for the competitiveness for the EU’s industry exist (Art.173 TFEU). For that, in accordance with a system of open and competitive markets, their action shall be aimed at speeding up the adjustment of industry to structural changes, encouraging an environment favorable to initiative and to cooperation between undertakings, and fostering better exploitation of the industrial potential of policies of innovation, research, and technological development (Art.173 TFEU).

The Charter cannot be omitted and it would be remiss not to mention the EU „constitutional rights and freedoms“ directly linked to the Europe 2020 competitiveness. Indeed, the Charter explicitly recognizes the freedom to conduct a business, right to property, consumer protection and even the right to good administration! Pursuant to the Charter, „*The freedom to conduct a business in*

accordance with Union law and national laws and practices is recognised“ (Art.16) and „1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. ... The use of property may be regulated by law in so far as is necessary for the general interest. 2. Intellectual property shall be protected“ (Art.17). Slightly more vaguely, it is stated that „Union policies shall ensure a high level of consumer protection“ (Art.38). The perhaps most surprising and potentially for the Europe 2020 competitiveness binding is the mandate that „1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union“ (Art.41).

This literate overview of key primary law sources reveals that the EU has a conferred exclusive competence only for establishing antimonopoly and anti-cartel rules needed for the protection of the existence and basic function of the internal market (Art.3, Art.26 TFEU). This does not entail the quality and intensity of the competition and does not deal with the competitiveness per se. The only at least remote conferred competence regarding competitiveness is the shared competence regarding the internal market and consumer protection (Art.4 TFEU). However, the broad concept of the internal market can, but does not need to, imply the competitiveness (Pelikánová, 2017a) and the consumer protection can, but does not need to, parallel with the competitiveness, i.e. more consumer protection does not necessarily imply a stronger and better competitiveness (Pelikánová et al., 2017). In this context, the drive of the Commission to harmonize or even to regulate the B2B (Pelikánová, 2014b) and B2C interaction (Pelikánová, 2015), their (un)fair commercial practices and to combine it with the consumer protection seems at least questionable (Pelikánová et al., 2016). At the same time, it needs to be pointed out, the CJ EU generally endorses the Commission even in this arena (Pelikánová, 2017b) and that the competence insufficiency is at least partially “compensated for” by direct mentions of the principle of an open market economy with free competition (Art.120 TFEU), of competitiveness and open and competitive markets (Art.173 TFEU). Well, this seems to be the “law” reality and truth, i.e. the effectiveness in the sense of being right means that the Commission is not in a strong and sustainable position to make and impose initiatives regarding competitiveness in an autonomous and independent manner, i.e. to move from the intergovernmental to the supranational approach. However, the history of modern European integration testifies to the fact that the literate-legislative restrictions can be overcome and that the spirit of Treaties, as understood by the Commission and CJ EU, creates the potential for a completely different perspective (Pelikánová, 2014a). “*Where there’s a will there’s a way*”. But is it right? Is it effective? Knowing the background, the answer to this burning question moderately depends upon the assessment of Europe 2020’s precursor, the Lisbon Agenda 2000, and heavily depends upon the Europe 2020 as such, in particular its approach towards competitiveness.

In 2000, following a meeting of the heads of the EU member states in Lisbon, the EU committed itself to the Presidency conclusions of the Lisbon European Council of 23 and 24 March 2000 (“Lisbon Strategy” aka “Lisbon Agenda 2000”) with the new strategic goal “*to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth by 2010*”. The Lisbon Agenda 2000 was adopted in the era of the changing global knowledge-based economy associated with a very high rate of economic growth in the US, and the EU plainly wanted to at least catch up (Balcerzak, 2015). It was an ambition of EU political and economic elites, with objectives impossible to be achieved, and this became very clear within a few years after its launching. EU elites and bureaucrats reacted to blame for the ineffectiveness and inefficiency of the Lisbon Agenda 2000 and its implementation of new EU states, i.e. that the enlargement of the EU brought such a structural diversity, that Lisbon Agenda 2000 could not succeed (Wanilin, 2006). Such a “justification” is hardly in compliance with the TEU, TFEU and Charter, and even less with their spirit as interpreted by the CJ EU. Also, 2008 was for sure worse than 2004 for the EU ... was it not! However, regardless of all these issues, the Lisbon Agenda 2000, without significant changes, reached its deadline, 2000, and the bitter last judgment came.

The bad news in 2010 was that the EU was not only far from achieving world leadership in knowledge-based commerce. The worse news was that the EU, to its horror, saw during 2000–2010, the gap between its performance and that of the US widen every year (Walburn, 2010). The ugly news was that in 2007 and 2008 crises hit. In sum, the over-ambitious Lisbon Agenda 2000, as set by the European Council failed and most of its goals were not achieved. It was an utopia project with a weak realization, i.e. it was neither effective nor efficient.

In 2010, another EU institution stepped into a “global” strategy for the EU with respect to economic, as well as other spheres. Instead of the intergovernmental and consensus driven European Council, there came into the picture the supranational Commission. As a matter of fact, after the decades of the glory and executive and legislative powers of the Commission, the Lisbon Treaty with TEU and TFEU seemed *prima facie* to reduce the Commission to a rather humble institution designed to promote the general interest of the EU and take appropriate initiatives to that end and present proposals for future regulations and directives (Art.17 TEU). Well, already a rundown of the names of the presidents of the Commissions (Jacques Delors, Jacques Santer, Romano Prodi, José Barroso and Jean-Claude Juncker) suggests that these personalities have more ambitions, especially if re-elected. This was the case of Jacques Delors as well as of José Barroso, who immediately after re-election took steps towards issuing the Europe 2020 strategy. Since the fruits reflect their tree, it is worthy to remember that José Barroso is a law graduate and has a MSc in economics and social sciences and that while prime minister of Portugal demonstrated the commitment to the Maastricht criteria, such as to lower the public deficit to 3% of GDP. However, in 2004 became a president of the Commission and both, before and after, launching of the strategy Europe, made a number of highly controversial statements and steps, hardly matching with the TEU, TFEU, and Charter. Spending a week on the yacht of a Greek shipping billionaire, Spiro Latsis, and one week later (coincidentally?) approving 10 million EUR of Greek state aid to Latsis’ company (Castle, 2005) raises red flags. Similarly, his response to the criticism for his choice of a less fuel efficient Volkswagen Touareg that “*I don't think this climate of over-zealous moralism on the environment helps us*” (BBC, 2007) does not truly match with the smart, sustainable and inclusive growth. Conceptually and institutionally the most controversial is his criticism of national governments by stating that “*decisions taken by the most democratic institutions in the world are very often wrong*” (Hannan, 2010). Regarding his integrity, most controversial was his move from being the president of the Commission to the position of the senior adviser of Goldman Sachs, a firm which infamously nearly broke the EUR, in London, immediately after the Brexit referendum, and which led to a petition signed even by Francois Holland stating that the such a behavior of ex-President of the Commission is “*morally unacceptable*” (Noonan, 2016). (Un)surprisingly, the independent panel established by the new Commission concluded there were “*not sufficient grounds to establish a violation of the duty of integrity and discretion*” and accepted Barroso’s assurances that he would not be lobbying on behalf of the bank’s clients (Rankin, 2016). Well, this does not sound as a very robust legitimacy to be the right person to make the right choice for the EU strategy. However, let’s not be pre-judgmental, let’s check on whether the strategy Europe 2020 is rightly set to bring right results, i.e. is truly effective.

On March 3, 2010, the Commission issued the COM(2010) 2020 final Communication Europe 2020 – A strategy for smart, sustainable and inclusive growth (“strategy Europe 2020” aka “Europe 2020) which put forwards three mutually reinforcing priorities – smart, sustainable and inclusive growth. It was a second “one decade” strategy in the 21st century aiming at building conditions for a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion (Balcerzak, 2015) and without asking whether it is feasible to get all that! Europe 2020 was adopted in an environment where the recent global financial crisis and other crises have shaken the European economy drastically, and the economic indicators were back to 1990s levels (Çolak & Ege, 2013) and where the Commission concluded that the EU economy has structural weaknesses which must be fixed.

The first priority of Europe 2020, smart growth, means developing an economy based on knowledge and innovation. These three priorities translate into five headline targets, including the target of 3% of the EU's GDP to be invested in R&D, and into seven flagship initiatives, including "The Innovation Union", "A Digital agenda for Europe" and "Industrial policy for the globalisation era". Regarding the competitiveness, the most relevant is the "Industrial policy for the globalisation era" which aims "to improve the business environment, notably for SMEs, and to support the development of a strong and sustainable industrial base able to compete globally."

Table 1 Strategy Europe 2020 – overview chart with key policy features

Priorities	Targets	Flagship Initiatives	Key policy features
Smart growth	75% population working	A digital agenda for Union	Shaping digital market...
	3% of GDP for R&D	Innovation Union	EU knowledge patent market...
		Youth on move (Education)	EU study and learning programs
Sustainable growth	20/20/20 climate/energy	Resource efficient Europe	Energy Union, EU and climate, ...
	90% primary education, 40% tertiary	Industrial policy for global.	Internal market & Competitiveness!
Inclusive growth	20 million less at poverty	Agenda for new skills & jobs	Flexibility, security, quality of jobs..
		EU platform x poverty	Better use of EU funds for inclusion

Source: Prepared by the author based on Europe 2020 and http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/flagship-initiatives/index_en.htm

In Europe 2020, the Commission is pretty explicit, in a qualitative as well as quantitative manner, and e.g. states that R&D spending in Europe is only just below 2%, while in the US it is 2.6% and in Japan 3.4%, mainly due to a lower level of private investment. Via flagship initiatives, the Commission does not hesitate to assign tasks to be done at the EU level, as well as at the national level, and in the case of R&D, this is done based on the Innovation Union flagship initiative. In the context of the Industrial policy for the globalization era flagship initiative, the Commission firmly states that at the EU level, "the Commission will work to establish an industrial policy creating the best environment to maintain and develop a strong, competitive and diversified industrial base ... and to develop a horizontal approach to industrial policy..., to improve the business environment, especially for SMEs..., to promote the restructuring of sectors." The Commission does not hesitate to order that EU member states must at the national level, "to improve the business environment, especially for innovative SMEs, including through public sector procurement to support innovation incentives, to improve the conditions for enforcing intellectual property, to reduce administrative burdens on companies, and to improve the quality of business legislation and to work closely with stakeholders in different sectors..." Well, recent changes in EU meta-governance in order to resolve crises are just the latest phase in a project to secure "continual adjustment" in the EU to the systematic demands of competitiveness (Nun, 2015). Indeed, allegedly, the Barroso Commission had produced Europe 2020 to avert Europe's gradual decline to the second rank of the new global order (Walburn, 2010), i.e. to make it more competitive in the global environment. The above presented short overview clearly indicates that Europe 2020 is not a modest and unpretentious document issued after the fall of the bombastic Lisbon Agenda 2000 and to be applied in the crises and post-crisis era, while closely observing competence delimitation. Indeed, Europe 2020 carries an embedded complexity and determination to change the model of development in order to overcome the structural weaknesses and to improve its competitiveness and productivity and underpin a sustainable social market economy. The main reason of the inherent complexity, and consequently as well the insufficient effectiveness of Europe consists in the fact that it focuses on areas where Barroso's Commission did not have full jurisdictional competence. In other words, one of the key obstacles for an effective setting of such supranational (!) strategy is that some of the

main policy areas, including competitiveness, are outside of the EU's legal competence (Pasimeni & Pasimeni, 2016). Here we should pause and repeat, one more time, the EU, even via an intergovernmental approach, did not have the competency for Europe 2020, i.e. it could not be done even via a consensus of all EU member states. However, the Commission did it, supra-nationally, as if this would be a matter of conferred exclusive competence for which the "legislative" power was delegated by the Council of ministers and Parliament to the Commission. In this perspective, the effectiveness of the Lisbon Agenda 2000 setting by the European Council and of the Europe 2020 setting by the Commission does not differ significantly, i.e. Europe 2020 is just slightly less laudatory and self-ambitious. In sum, like its predecessor, Lisbon Agenda 2000, Europe 2020 aims vainly to increase the EU's global competitiveness (Erixon, 2010). It focuses way too much on areas beyond the EU's legal competence and departs from the TEU and TFEU. Protection of the internal single market and consumer protection do not translate into a power of a Commission to re-structure and re-organize the business environment and to restructure sectors, and even less in ordering EU member states to shape national business environments according to the uniform and universal template of the EU.

However, the cardinal sin of Europe 2020 regarding competitiveness does not rest in the competence deficit. Even worse is that Europe 2020 contains goals which have very little to do with increasing competitiveness (Erixon, 2010). Perhaps the Commission can be forgiven in its exceeding its competence and impetuously going for innovation and competitiveness, i.e. for an economy based on knowledge and innovation and for a more competitive business environment and businesses. However, the Commission does not really support bottom-up healthy competitiveness. Regulating, ordering, re-distributing, re-structuralizing from above, etc. can hardly lead to robust and independent EU businesses beating other businesses in the global market.

IV. The (in)efficiency of Europe 2020 competitiveness – business environment improved?

Clearly, there are flaws in the setting, goals and in both expected and achieved results of Europe 2020. Yet, even an imperfectly set project with imperfect results can be performed and materialized in a good and beneficial manner. Is this the case of Europe 2020? Is Europe 2020 efficient and does this efficiency help to promote competitiveness? Or even, perhaps, can Europe 2020 efficiency (at least partially) offset the shaky and highly questionable Europe 2020 effectiveness?

In this context, it is worth noting that pursuant to the TEU, the EU "*shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.It shall promote economic, social and territorial cohesion, and solidarity among Member States... shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties*" (Art.3) and that "*competences not conferred upon the Union in the Treaties remain with the Member States...The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security*" (Art.4). In addition, "*The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality*" (Art.5). Well, this clearly shows that not only regarding setting objectives and policies, but even during their implementation, the EU is "constitutionally" restricted. This is cemented by TFEU, which states "*The scope of and arrangements for exercising the Union's competences shall be determined by the provisions of the Treaties relating to each area.*"(Art.2).

So far, it seems that Europe 2020 is likely to be ineffectual, and not just because of the competence deficit and of missing the competitiveness issue. Namely, not only the effectiveness, but also the efficiency is at stake. Indeed, Europe 2020 lacks recourse for non-compliance (Erixon, 2010) and its realization and execution is very problematic. The blame falls not exclusively on the Commission as the main factors affecting the realization of Europe 2020 point to formal and informal institutions, mainly at the EU member states' level. It is argued that formal institutions, such as laws and rules that define the system in which economic agents operate, and informal institutions, such as social capital social interactions linked to the trust, explain more the different performances of EU member states vis-à-vis Europe 2020 and competitiveness, than do other economic variables based on GDP (Pasimeni & Pasimeni, 2016). Although this "institutional" view shouldn't be overplayed, it needs to be holistically and pragmatically confirmed that, not only a good setting and rightly selected results, but also good governance and daily realization are fundamental. Thus the original sin competence deficiency, in re to the effectiveness, is magnified by the fact that the realization of Europe 2020, i.e. its efficiency, is dependent more upon EU member states and their governments than on the EU with the Commission. Europe 2020 is a supranational strategy which is mostly dependent on initiatives, actions and the discipline of national governments (Pasimeni & Pasimeni, 2016) and thus efficient performance needs a strong monitoring mechanism and a high level of accountability of all (!) the EU member states and their governments. Well, this doesn't seem to be feasible at all, and the notorious and politically perhaps incorrect categorizations of the EU member states come in the picture. The dichotomy between the old and new EU member states, between the North and South EU member states, between "good" member states and "rebel" member states is resonating in this context. Data and numbers are uncompromising and indicate clearly that the strategy index and three growth priorities reach the best results in Nordic states (Çolak & Ege, 2013). In particular, the smart growth index reflecting knowledge-innovation is highest for Nordic states, followed by old EU member states. The sustainability growth index reflecting the environment friendliness and the competitiveness of the economy is again highest for Nordic states, but there are no such gaps between old and new EU member states. The inclusive growth rate reflecting employment and poverty levels is again highest for Nordic states, followed by old EU member states except Italy, Spain and Greece (Çolak & Ege, 2013). This reminds us of the infamous PIGS states constellation during the Eurocrisis (MacGregor, 2013 and Pačlík et al., 2012).

Moving to the five targets of Europe 2020, naturally, and as indicated above, the second target (3% of GDP to be invested in R&D) is the most relevant for the competitiveness. Even if the expenditure on R&D cannot be treated mechanically as a, per se, guaranty of the creation of an effective and efficient knowledge-based economy (Balcerzak, 2015), there is a well-established belief about their critical importance for competitiveness, which is backed by solid hard data comparing Scandinavian countries to other EU member states. It should be exactly the assessment of this 2nd target achievement in the half-time of Europe 2020 to get indices about the efficiency or inefficiency of Europe 2020 competitiveness, i.e. how does it go with the implementation of Europe 2020 with respect to its focus on competitiveness.

Table 2 GDP domestic expenditure on R&D (%) in selected EU member states in 2010 and 2015

	EU	BE	BG	CZ	DK	GE	GR	ES	FR	IT	HU	NL	AT	PL	PT	FI	SE	UK	NO
2010	1.9	2.1	0.6	1.3	2.9	2.7	0.6	1.4	2.2	1.2	1.2	1.7	2.7	0.7	1.5	3.7	3.2	1.7	1.7
2015	2.0	2.5	1.0	2.0	3.0	2.9	1.0	1.2	2.2	1.3	1.4	2.0	3.1	1.0	1.3	2.9	3.3	1.7	1.9

Source: Prepared by the author based on Eurostat (2015) available at http://ec.europa.eu/eurostat/tgm/table.do?tab=table&plugin=1&language=en&pcode=t2020_20

The "usual suspects" from the old 15 EU member states, PIGS, have attained, in 2010 and 2015, very poor rates, i.e. Portugal 1.28%, Italy 1.33%, Greece 0.96%, Spain 1.22% in 2015, while the results from 2010 were similar and sometimes even slightly better! These numbers and their trends

look even worse if compared to the US and Japan, where the GPD domestic expenditure on R&D, for over one decade, oscillates between 2.5% and 2.9% (US) and between 2.9% and 3.6% (Japan). However, even the current hard-core EU trio, Germany, France and Italy, don't excel. Their lack of significant progress regarding investment in R&D and resulting weakened competitiveness for over ten years shows the scale of structural problems of the EU (Balcerzak, 2015). Since this trend was not satisfactory before and after the 2004 enlargement, before and after the 2008 crises, and during both the Lisbon Agenda 2000 and Europe 2020, it could be legitimately suggested that this is an indicator of insufficient implementation of Europe 2020 and generally insufficient efforts in this respect by the economically most important EU member states. The supranational approach of the Commission to the competitiveness materialized by Europe 2020 does not seem to be efficiently implemented even by those EU member states generally expected to be the builders and foundation stones of smart, sustainable and inclusive growth. So far, there is not enough data in re whether these EU member states resist and don't implement efficiently Europe 2020 because they prefer the intergovernmental approach, as even indicated by the TEU and TFUE, and/or because they perceive Europe 2020 as ineffective and so not worthy of efficient implementation and/or because they do not have the resources and/or have other priorities, etc. This is mere speculation and hypotheses, to be confirmed or rejected at the moment of the final judgement of Europe 2020, i.e. in three years. Yet, each judgment should be objective and both parties need to be heard – *Audiatur et altera pars!*

Well, what does the Commission inform us about the implementation of Europe 2020 with respect to the competitiveness, namely flagship initiatives regarding the Innovation Union and the Industrial policy for the globalization era? In 2013, the EU Committee of the regions issued a Summary of a Survey on the Europe 2020 flagship initiative “An Industrial Policy for the Globalization Era” which revealed two key problems linked to the competitiveness – the effects caused by globalization and the consequences of the economic and financial crisis, and which specified that, in particular, the problematic access of SMEs to the credit market undermines the competitiveness (EU CR, 2013). Although a lot of laudatory comments on EU support via funding followed, it demands our attention, this, the only self-criticism – the access of SMEs to the credit market. Indeed, the EU and Commission were very active in this arena and this in a rather controversial manner (Pelikánová & MacGregor, 2016 and Cvik & Pelikánová, 2016).

In 2015, Eurostat released a “radar chart” about the progress vis-à-vis Europe 2020 in which it admitted that, despite substantial progress in the area of climate change, energy, and education, there has been a more limited R&D expenditure, and the distance to the employment and poverty targets has increased! (Bourgeois & Gebhard, 2015). Further, in 2015, the Commission issued a fiche on Industrial Competitiveness Policy, in which it underlined the importance of innovation for competitiveness, and admitted the overall reduction in investment, that the innovative performance of the EU is pulled by Sweden, Germany, Denmark and Finland, and that the innovation performance is particularly low in Romania, Bulgaria and Latvia (EC, 2015a). The used innovation union scoreboard 2015 revealed that, under the EU average, and relatively close to last-place Romania, is the PIGS quartet, while the conclusions did not miss the opportunity to include a self-laudatory proclamation that the Commission fosters the modernization of EU industry, shifting to higher value added production, and this through regulatory and financial levers at the disposal of the EU member states (EC, 2015a)! Well, it would seem that, during the implementation of Europe 2020, the Commission has faced issues that, as a result, makes it open to return from the supranational approach to the intergovernmental approach, does it not? This is so far a mere speculation, but it is already clear that the Commission confirms the focus of the industrial competitiveness on innovation and sustainability in the EU member states (EC, 2015b). In 2016, the Commission issued a fiche Research and Innovation (“R&I”), in which it admitted that R&I is at the heart of Europe 2020, given its essential role in triggering smart and sustainable growth and job creation (EC, 2016). The included charts imply that Bulgaria, Romania and other states have a very weak science base, while Scandinavian states, the Netherlands and the UK have a very strong

science base. Interestingly, the Netherlands, Denmark, Sweden, and Finland reach the top results, e.g. by producing the most cited scientific publications, while benefiting by robust government expenditures on R&D, while the UK reaches similar results with a much lower public support. So, in this context the UK is very efficient – getting a lot for just a little public money, while France (!) is on the opposite side of spectrum, or in this instance, coin would perhaps be a more apt term – few cited publications for a lot of public money! These figures indicate the obvious, that the R&I system, industry if you will, and the business sector need to cooperate, and even the Commission admits this (EC, 2016). With the usual self-reflection, and facing up to the inefficiency of Europe 2020 competitiveness, the Commission (finally) admits that the ongoing deficit in R&D and the R&D intensity of the EU vs. that of the US reflects *“the lesser ability of the EU to develop competitive science-based business... It is a key issue that, when new firms are founded in the EU, they grow more slowly than in the US or emerging economies; fewer of them join the ranks of the world’s largest.”* (EC, 2016). In sum, the Commission recognizes the critical role of financial investment in R&D, especially in the public R&D sector, and a mismatch between the public research capacities and the needs of the economy. It seems that the Commission got the message, links the competitiveness to R&D and realizes that the funds are not spent efficiently. Firstly, the EU “investment” is not matched by national investment and secondly, both the public and private sectors and the theoretic academia and practical business spheres do not communicate efficiently.

However, the Commission was, with its critical review, at least two years late, because in 2014 was issued the Insight Report – The Europe 2020 Competitiveness Report: Building a More Competitive Europe (“Insight Report 2014”), which had already included the above information and even added interestingly more detailed information about competitiveness in general as well as in EU members’ states (Galvan et al., 2014). Insight Report 2014 underlines that *“at the heart of competitiveness is the level of productivity of economy”* and regarding the EU in 2014 boldly states that *“while the fiscal situation is improving, Europe continues to record modest growth... The EU continues to underperform in comparison to the US and other advanced economies in terms of building a smart, innovation-based, knowledge-driven economy.”* These statements are backed by solid data and it is obvious that the EU is doing much better with respect to the inclusive and sustainable growth than with respect to the smart growth. Even more worrisome is the fact that the knowledge divide between EU member states persists. Insight Report 2014 uses sets of sub-indexes regarding each Europe 2020 priority and the smart growth sub-index entails four pillars – enterprise environment, digital agenda, innovative Europe and education and training.

Table 3 Ranking on the Smart Growth Sub-Index in 2014 – the best and worse EU member states

	Smart Growth Ranking (Score 1-7)	Enterprise Environment	Digital Agenda	Innovative Europe	Education and training
Finland	1 (5.78)	2	1	1	1
Sweden	2 (5.60)	1	2	2	6
Netherlands	3 (5.55)	3	3	5	2
Germany	4 (5.32)	6	7	4	4
United Kingdom	5 (5.25)	5	4	9	9
Greece	25 (3.70)	28	26	23	23
Slovak Republic	26 (3.69)	22	27	25	26
Bulgaria	27 (3.64)	24	25	27	27
Romania	28 (3.51)	23	28	28	28

Source: Prepared by the author based on Insight Report 2014 available at <http://reports.weforum.org/europe-2020-competitiveness-report-2014/#>

Table 3 reveals that the best smart growth EU member states excel regarding all pillars and the worse smart growth EU member states fail regarding all pillars. In addition, Table 3 confirms that the most innovative states with the highest competitiveness are persistently the same EU member states while the less innovative states with the lowest competitiveness are again the same EU member states. Not only is the EU doing much better regarding inclusion and environment, than regarding the smart growth, but (and this is much worse) the smart growth rate and success does not change. Regardless of Europe 2020 and its alleged effectiveness or ineffectiveness, the gaps concerning enterprise environment, digital agenda, innovation, education and training, remain. Boldly, if in 2020 these gaps remain and the ranking and sub-ranking do not change, then only one conclusion can be drawn – that the implementation of Europe 2020 aiming to change failed, i.e. that the Europe 2020 is (was) inefficient with respect to the smart growth and competitiveness + innovations in particular. Since the Commission has already willingly entered in this murky water, it should do something about (or better to say against) these gloomy expectations!

The President of the Commission, Jean-Claude Juncker, a lawyer who has never practiced the law profession and has always been a politician, became President of the Commission in 2014 by presenting 10 priorities for the period until 2019. The 1st was about a new boost for jobs, growth and investment and stated “*We must not stifle innovation and competitiveness with too prescriptive and too detailed regulations, notably when it comes to SMEs. SMEs are the backbone of our economy, creating more than 85% of new jobs in Europe and we have to free them from burdensome regulation*”, the 2nd priority was about a connected digital single market (Juncker, 2014). This appears fully in compliance with the Europe 2020 and its (alleged) drive for competitiveness as well as with the Charter proclaiming the freedom to conduct a business (Art.16), right to property, including intellectual property (Art.17) and right to good administration (art.41). However, the legislative action of the Commission, e.g. regarding mortgages (Pelikánová & MacGregor, 2016) or unfair competition (Pelikánová et al., 2017), indicates a determination to regulate more and to prefer integration ideas (if not chimeras) over pragmatic support to the healthy and innovative competitiveness. The integration mandate along with the (alleged) consumer protection vaguely stated in the Charter (Art.38) overshadows other values and principles included in TEU, TFEU, Charter and, even more importantly, in constitutional orders of EU member states. Even more interestingly, in March 2017, Juncker’s Commission presented a White paper “Future of Europe” with five policy scenarios: carrying on, nothing but the single market, those who want more do more, doing less more efficiently, and doing much more together (EC, 2017a). All these five scenarios react to “*a profoundly transformed economy and society,*” the aftermath of “*the global financial and economic crisis that started in 2008 in the US and shook Europe to its core*” and probably should remove doubts about the “*EU’ social market economy*” (EC, 2017a). Although this Rhine capitalism socioeconomic model based on the Freiburg school certainly does not violate Art. 3 TEU, it is hardly a model supporting competitiveness of EU businesses facing the harsh and aggressive global competition with eager competitors from much more *laissez-faire* jurisdictions. It might appear that the implementation of Europe 2020, the following White Paper and other not only legislative actions of the Commission are fully and consistently supporting the competitiveness. However, the Commission, two months later, in May 2017, presented another statement paper belonging to the “Future of Europe” process, namely “Reflection Paper on Harnessing Globalisation” (EC, 2017b). This paper includes a chapter “*Europe’s internal response: building resilience through better sharing of benefits and promotion of long-term competitiveness*” which litigates for more redistributive policies and for smart regulation which “*does not mean deregulation or a race to the bottom.*” This does not go very well along with Europe 2020 and the reinforced call for redistribution and regulated inclusiveness hardly helps SMEs enterprises wanting to be innovative and to freely compete. Where will the implementation of Europe 2020 go? It does not do a very efficient job vis-à-vis the Europe 2020 competitiveness, does it?!

V. Conclusion

Supranational Europe 2020 competitiveness has a highly questionable effectiveness and efficiency and even value compliance. The Lisbon Agenda 2000 was a failure magnified by the recent crises, but the Commission does not seem to learn much from it and, though Europe 2020 is more realistic, still it is a project exceeding the competence of the Commission and not reflecting the bottom up approach. Europe 2020 reflects its author – the supranationally driven Commission, rejecting a lean approach and its own competence boundaries. Even worse is that the Commission's vision of a social market economy is hardly reconcilable with true competitiveness on the post-modern global market. Europe 2020 appears to attempt to achieve contradictory objectives and a constantly increasing amount of regulations and directives with re-distribution can hardly help the competitiveness. The data indicates clearly that more pragmatic and less “integration dreaming” Northern EU member states, often even labeled by EU as “troublemakers”, keep doing much better with respect to innovation, competitiveness, etc. than other hardcore “good” EU member states.

Europe 2020 is in its second half and the information about its implementation reveals that the deficient legitimacy and unrealistic mix-and-match goals setting is further magnified by its partially inconsistent and hesitant transposition. It cannot be overstated that, during the last few years, the EU has not been faced with any unmanageable crisis, yet still the first priority of Europe 2020, smart growth, is not met. Recent openness to speak about five scenarios, including “doing less more efficiently” suggests a certain self-reflection of the Commission. However, given the admission of the low effectiveness and efficiency of Europe 2020, particularly vis-à-vis the competitiveness, innovation, etc., the necessity to really change and become more modest, pragmatic, and competences and value observing, is a long way off. The very near future will more clearly show, spell out, the exact extent of the ineffectiveness and inefficiency of Europe 2020 and whether finally the message went across or whether the EU needs a third one decade long questionable policy. For the sake of the EU, and while observing one of the five most competitive and innovative EU member states leaving it, it is doubtless the highest time to change. Edmund Burke famously stated “*Those who don't know history are doomed to repeat it.*” The EU, with something like Lisbon Agenda 2000 or Europe 2020, can hardly afford something like another 2008 crisis period. The EU should stay within its competencies, exercise them while observing its own legal framework, and keep a bottom-up approach, while respectfully communicating with all stakeholders. A sustainable EU cannot afford a supranational bureaucracy going for more integration “at any price.”

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