

**Already published in the CONNEX Report Series:**

**Volume 1:**

Michael Marsh, Slava Mikhaylov and Hermann Schmitt (Eds.):

*”European Elections after Eastern Enlargement -  
Preliminary Results from the European Election Study 2004”*

The CONNEX Report Series No 1  
575 p., Mannheim, Germany, January 2007  
ISSN 1864-1539

**Volume 2:**

Claes de Vreese and Hermann Schmitt (Eds.):

*”A European Public Sphere -  
How much of it do we have and how much do we need?”*

The CONNEX Report Series No 2  
426 p., Mannheim, Germany, July 2007  
ISSN 1864-1539

**online: <http://www.connex-network.org/series>**

# **Institutional Dynamics and the Transformation of Executive Politics in Europe**

Morten Egeberg (ed.)

CONNEX Report Series Nr. 03

ISSN 1864-1539

online: <http://www.connex-network.org/series>

Copyright © by the authors, CONNEX 2007

CONNEX – Network of Excellence

University of Mannheim

Mannheim Centre for European Social Research (MZES)

68131 Mannheim, Germany

Tel: ++49 621 181 2840

Fax: ++49 621 181 2845

<http://www.connex-network.org>

<http://www.mzes.uni-mannheim.de>

Mannheim, December 2007

Cover, Layout & Typo by: Thomas Schneider, Oliver Schommer (MZES)

Cover picture © by the European Commission

## **Editor**

Morten Egeberg is Director of ARENA Centre for European Studies, and Professor of Political Science, University of Oslo, Norway. The CONNEX research group 1, 'Institutional dynamics and the transformation of European politics' gathers about 35 participants and has been coordinated by Morten Egeberg since the beginning of CONNEX in summer 2004. He has published several books, chapters and articles in international journals on governance and public administration at a national, as well as a European Union level. His latest book is: 'Multilevel Union Administration - The Transformation of Executive Politics in Europe', Palgrave 2006.

## Table of contents

<b>Introduction</b>	
<i>Morten Egeberg</i> .....	1
<b>Chapter 1</b>	
BRIDGING THE GAP: POLITICAL AND ADMINISTRATIVE LEADERSHIP IN A REINVENTED EUROPEAN COMMISSION	
<i>Anchrit Wille</i> .....	7
<b>Chapter 2</b>	
BUREAUCRATIC CHANGE IN THE EUROPEAN ADMINISTRATIVE SPACE - THE CASE OF THE EUROPEAN COMMISSION	
<i>Tim Balint and Michael W. Bauer and Christoph Knill</i> .....	43
<b>Chapter 3</b>	
BEYOND THE MYTH OF NATIONALITY: ANALYZING NETWORKS WITHIN THE EUROPEAN COMMISSION	
<i>Semin Suvarierol</i> .....	83
<b>Chapter 4</b>	
ETHICS MANAGEMENT IN THE EUROPEAN COMMISSION	
<i>Michelle Cini</i> .....	119
<b>Chapter 5</b>	
“KEEPING COMPETENCE.” POLICY COORDINATION AS A MEANS FOR THE INSTITUTIONAL EMBEDMENT OF EUROPEAN ENVIRONMENTAL POLICY AND REGIONAL POLICY	
<i>Andrea Lenschow and Renate Reiter</i> .....	149

<b>Chapter 6</b>	
WHO CONSULTS?	
EXPERT GROUPS IN THE EUROPEAN UNION	
<i>Åse Gornitzka and</i>	
<i>Ulf Sverdrup</i> .....	191
<b>Chapter 7</b>	
ACHIEVING CONSENSUS WITHIN	
EUROPEAN PARLIAMENT COMMITTEES:	
HOW DOES THE PARLIAMENT (CONTINUE TO) MANAGE?	
<i>Christine Neuhold and</i>	
<i>Pierpaolo Settembri</i> .....	231
<b>Chapter 8</b>	
THE EU TIMESCAPE: AN EMERGENT TEMPORAL ORDER	
<i>Klaus H. Goetz</i> .....	263
<b>Chapter 9</b>	
NATIONAL AGENCIES IN THE EUROPEAN ADMINISTRATIVE SPACE:	
GOVERNMENT DRIVEN, COMMISSION DRIVEN OR NETWORKED?	
<i>Morten Egeberg and</i>	
<i>Jarle Trondal</i> .....	291
<b>Chapter 10</b>	
ADMINISTRATIVE INTEGRATION THROUGH THE BACK DOOR?	
THE ROLE AND INFLUENCE OF THE EUROPEAN COMMISSION IN	
TRANSGOVERNMENTAL NETWORKS WITHIN THE ENVIRONMENTAL	
POLICY FIELD	
<i>Maria Martens</i> .....	313
<b>Chapter 11</b>	
OF PHONES AND PLANES: POLICY TRANSFER IN THE LIBERALIZATION	
OF EU PUBLIC SERVICES	
<i>Simon Bulmer and</i>	
<i>Peter Humphreys</i> .....	343

**Chapter 12**

TWINNING PROJECTS:

ANALYSING THE EXPERIENCE OF “OLD” EU MEMBER STATES AND  
EVALUATING THE BENEFITS OF TWINNING OUT FOR THE “NEW”  
EU MEMBER STATES*Eliška Tomalová and**Elsa Tulmets* ..... 379**Chapter 13**

ADJUSTING TO THE EUROPEAN UNION:

WHAT ARE THE EFFECTS OF EUROPEAN INTEGRATION ON PARTY  
AND GOVERNMENT POLICY POSITIONS?*Jale Tosun and**Marc Debus* ..... 429**Chapter 14**THE EUROPEAN UNION AND THE SPANISH STATE OF THE  
AUTONOMIES*Francesc Morata* ..... 467**Chapter 15**MULTI-LEVEL GOVERNANCE AND SUSTAINABLE DEVELOPMENT IN  
SPAIN: THE CASE OF THE MISSING ACTORS*Kenneth Hanf* ..... 499**Chapter 16**BILATERAL DIPLOMACY IN AN INTEGRATED EUROPE:  
THE CO-EXISTENCE OF INSTITUTIONAL ORDERS?*Oivind Bratberg* ..... 533



# Introduction

Morten Egeberg  
*University of Oslo, Norway*

The common focus of the CONNEX Research Group 1 (RG 1) is an interest in how the executive branch of government actually works in a multilevel system like the European Union. Executive bodies' policy formulation and implementation activities are thought to be at least partly accounted for by considering the way they are organised and staffed, and by considering their relations to other institutions and the use of external incentives and sanctions. Understanding how executive institutions and their inter-institutional arrangements themselves change also constitutes a common focal point for our research group that gathers about 40 active participants organised in two teams.

Team A (*EU executive institutionalisation and reform*) deals with how institutional and organisational features of EU executive bodies and their inter-institutional arrangements might impact on politico-administrative behaviour (policy-making and -implementation). A key focus is to understand the institutional/organisational conditions under which executive behaviour might transcend an intergovernmental logic so that a multi-dimensional pattern of cooperation and conflict emerges. This package also

deals with how institutional and organisational features of EU executive bodies themselves change. What are the scope conditions for purposeful reform? Which role does crises, contingent events, path dependence, imitation and intergovernmental bargaining play in processes of change?

Team B (*Europeanisation of nation-state executives*) deals with implementation of EU policies at the national level. It also focuses on the particular conditions created by enlargement. In order to explain adaptation and implementation, it looks at the role of national administrative traditions/culture, external incentives, administrative capabilities, bureaucratic qualities and attention and motivation among executives.

During its period of existence RG 1 has started to portray a changing executive order in Europe. Executive politics has grown in complexity in the sense that the intergovernmental pattern inherited from the past has been clearly complemented by new patterns of cooperation and conflict cutting *across* national boundaries as well. Such new patterns are probably related to two institutional developments; one at the European level and one at the national level. At the European level the structuring and consolidation of the European Commission as a new executive centre seem to bring sectoral, functional and inter-institutional conflicts to the fore. At the national level “agencification” opens up for new partnerships and autonomous contacts between executive bodies at the EU level (particularly the Commission) and semi-detached (from ministerial departments) regulatory authorities at the national level. Thus, national agencies become, as regards their policy formulation and implementation activities, to some extent parts of *two* administrations; on the one hand their respective national governments, on the other hand an emerging “Union administration”.<sup>1</sup> Much in the same vein such duality seems to characterise regional governments in federalised states as well.

RG 1 held its third ‘general’ conference in Barcelona 7-9 June, 2007, hosted by Universitat Autònoma de Barcelona. The papers which are compiled in this volume were all presented on this occasion and all of them may be situated within the panorama outlined above. *Anchrit Wille* deals with how the Commission has become ‘normalised’ as a political executive in the sense that we see a clearer demarcation of the institution’s political and administrative spheres. *Tim Balint*, *Michael W. Bauer* and *Christoph Knill* show that the Commission administration has moved closer to a British or Scandinavian type bureaucracy which means a less politicised and thus more independent administration than its continental origin should indicate. This seems to have happened more as a result of enlargement and crisis (Santer resignation) than as a result of comprehensive institutional design. *Semin Suvarierol* documents that the information networks of Commission officials can not be explained by their nationality: it is rather their organisational role that seems to matter. As part of the Commission’s institutionalisation process *Michelle Cini* discusses the extent to which the Commission has succeeded in shaping an ‘ethical infrastructure’ within its organisation. *Andrea Lenschow* and *Renate Reiter* analyse how the Commission might be better equipped to keep its already acquired competences by linking and integrating policy fields.

As regards the Commission’s external relationships, *Åse Gornitzka* and *Ulf Sverdrup* unveil how the expert group system neatly reflects the Commission’s sectorally and functionally based organisation. *Christine Neuhold* and *Pierpaolo Settembri* touch upon the same sectoral and functional relationships as regards the Commission’s contacts with the European Parliament. The close relationships between on the one hand particular commissioners and directorates general and on the other hand particular committees in the parliament also point to the ‘normalisation’ of the Commission as a political executive. *Klaus H. Goetz* discusses how the EU timetable might affect the actual rhythms of politics across institutions and levels of governance. *Morten Egeberg* and *Jarle Trondal* show how national

agencies applying EU law are influenced not only by their respective ministerial departments and Commission directorates ('doublehattedness') but also by their counterparts ('sister agencies') in other countries and by EU-level agencies as well. *Maria Martens* finds that the Commission in this respect is particularly influential in its relation to agencies in new member states due to their 'noviceness' and lack of administrative capacity. *Simon Bulmer* and *Peter Humphreys* show that 'policy transfer' from the EU level to the national level is actually facilitated by clear Commission competences. This becomes particularly clear when comparing with a policy sector in which the implementation of EU policies is more dependent on national regulators interacting horizontally across borders. In their study of 'twinning projects', the practice of seconding experts from experienced member state administrations to new member states, *Eliska Tomalova* and *Elsa Tulmets* find a potential learning effect as regards implementation practices. Thus, twinning can be seen as one of many instruments used in building a European administrative space.

While national political parties tend to adjust to euroscepticism among voters in a rather direct manner, *Jale Tosun* and *Marc Debus* report that governments tend to become more favourable on European integration the longer the respective country has been a member of the EU. *Francesc Morata* discusses how regional governments in a regionalised state like Spain strive to establish autonomous relationships to EU-level bodies, thus by-passing their central government. *Kenneth Hanf* argues that the multilevel governance approach to the EU often leaves out the local level as the 'street level' of implementation, thus losing insights. Finally, *Øivind Bratberg* documents that although common European institutions have been erected and an integrated administration across levels of governance and national borders has emerged, bilateral diplomacy among EU member states has not been declining over the last couple of decades. Thus, old and new executive orders are co-existing in Europe.

## Notes

<sup>1</sup> Cf. summary of RG 1 activities and findings, and publications, in Report of Research Group Activities 2004–2007. Cf. also D. Curtin and M. Egeberg (eds.) *Towards a New Executive Order in Europe?* Special Issue of *West European Politics*, 31 (4), 2008.



# Chapter 1

## Bridging the Gap: Political and Administrative Leadership in a Reinvented European Commission<sup>1</sup>

Anchrit Wille  
*Leiden University, the Netherlands*

### **Abstract**

Over the past years the European Commission has undergone its most significant changes since its inception. Internal reforms, a long series of treaty revisions and enlargement have transformed the roles and relationship of commissioners and that of their top-officials. This paper describes how new recruiting patterns and changes in role interpretations have emerged and contributed to a growing differentiation between the political and administrative spheres in the European Commission. Commissioners and their top-officials live increasingly in distinctive worlds. Despite an emerging demarcation, political and administrative leaders in the Commission recognize the need for a collaborative relationship.

## Introduction

“Commission bureaucrats are getting too powerful”, stated European Commission vice-president Gunter Verheugen in an interview with the daily *Sueddeutsche Zeitung* October 2006.<sup>2</sup> The German commissioner in charge of the industry portfolio voiced unprecedented criticism of high-ranking Commission bureaucrats for their hunger for power in the EU executive resulting in a “permanent power struggle between commissioners and high ranking bureaucrats. Some of them think: the commissioner is gone after five years and so he is just a squatter, but I'm sticking around..... The most important political task of the 25 commissioners is controlling this apparatus”. Conducting interviews with high placed officials in the Commission at the time of the publication, I noticed that Verheugen’s performance created a great stir in the top of the Commission. Most Commission officials whom I interviewed expressed strong critical opinions about Verheugen’s media presentation. Eventually, Commission’s top permanent civil servant and Secretary-General, Catherine Day, took the trouble to give an official reaction in the media that “the civil service understands that we are not the bosses. It is the commissioners that are the bosses”.<sup>3</sup>

In the dramaturgy of European politics, bureaucrats are commonly perceived as powerful. The negative stereotype of top-civil servants in the Commission bureaucracy emphasizes the promotion of its status and power. As always, there may be an element of truth in such a caricature. Yet, the tension about the boundaries of the roles of politicians and civil servants is a persistent dilemma in many modern democratic systems. Even though there is a general idea that ‘this frontier’ is an important battle zone, there appears, apart from anecdotic, little systematic empirical evidence as to what is taking place *along these borderlines*. In this paper I want to examine ‘the frontier’ between politics and administration at the helm of the European Commission. There the *collaboration* between the political and the

administrative levels consists of a *ménage à trois*, a delicate threesome of commissioners, heads of cabinet and directors-general.

Over the past years the European Commission has undergone its most significant changes since its inception. The resignation of the Santer-Commission in 1999 pushed reform to the top of the political agenda of the Commission. Faced with a decline in the Commission's power, legitimacy and credibility political leaders of the institutions of the EU and the member States have been engaged to put their 'House' in order (Cram 2002: 310). A long series of treaty revisions—Maastricht, Amsterdam, Nice—since the early 1990s, changed the legal and political framework governing the appointment and tasks and accountability of the Commission (Egeberg 2006). Moreover, a range of internal reform measures—branded as the Kinnock reforms—transformed the administration of the Commission and its executive responsibilities (Bauer & Knill 2007). The achievement of the EU's largest and most complex enlargement in May 2004—the European Union was to include 10+2 new member states—was a further impetus for reform. New structures and rules with a range of *ex ante* constraints and *ex post* incentives combined to provide a system for more control in and over a 'reinvented' Commission (Peterson 2006).

This paper departs from the idea, that these changes have put new political pressures and demands on the working of the Commission in terms of its political executive function and its bureaucracy. The principal question to answer here is: how have these reforms changed the roles and relationships of the political and bureaucratic leaders at the top of the European Commission?

Studying institutional dynamics and the transformation of executive politics is not an easy job. One of the first troubles one has to face is, for instance, the indicator problem; if change is taking place how to detect it? It is always difficult to come up with a fruitful indicator or yardstick for gauging qualitative alterations in an organization (Egeberg 2006). I will use three

qualities of political-bureaucratic relationships to gauge its changing nature. These are: a) shifting recruiting patterns; b) changing role conceptions; c) altered patterns of interaction between senior bureaucrats and the commissioners. By studying developments in these three areas I hope to portray the changing nature of the relationship between politicians and top-level bureaucrats in the European Commission. Another problem of studying change is the time problem: the rhythms of institutional change are usually slow. Putnam (1993) indicates that often several generations must pass through an institution before its distinctive effects on culture and behavior become clear. This makes that a few years after the ‘big bang’ enlargement and the introduction of the Kinnock reforms, it is perhaps ‘too early to say’ what the actual impact of these changes is on the functioning of the Commission. But then again, some innovations have a slow pace and other changes go fast. Drawing on documentary and other evidence of politics during (and before) the Prodi and Barroso years, and on interviews held with political executives and top officials in the Commission, I try to paint a picture of how, up to now, reforms in the Commission affected the composition and the operation of the political-bureaucratic interface in the Commission.<sup>4</sup>

### **Images of Politics and Bureaucracy in the European Commission**

Gunter Verheugen and Catherine Day’s statements in the media can, in any event, be read as a sign that ‘something was cooking’ in between the Commission’s political and administrative levels. The picture that Verheugen depicted in the *Sueddeutsche Zeitung* is not exactly the most ideal relationship one could envisage between politicians and administrators.

The nature of this relationship between politics and administration has been an important topic in the literature since the writings of Woodrow

Wilson and Max Weber. In the traditional understanding of this relationship there was, or at least should be, a clear hierarchical distinction between the sphere of politics and the sphere of administration (Svara 2001; Overeem 2005). The politician functions as a sovereign representative of political values and interests. The bureaucrat is the subordinate expert advisor and policy executor, concerned about efficiency and not acting from biased, personal or partisan orientations.

This classical dichotomy has long been challenged. Several authors have argued that a clear division is impossible, and a number of empirical studies show varying intermeshing of the two spheres (Aberbach et al. 1981; Svara and Mouritzen 2002). These studies suggested that the interaction between politicians and administrators is more complex and differentiated (Putnam, 1975). Aberbach et al. (1981) pointed to a growing involvement of civil servants in what had traditionally been described as 'political' roles. Of their famous four images to describe the relationship between politicians and administrators, image IV (the complete blurring of roles) seemed to become the face of the future when they conducted their interviews in the eighties. The four images of the relationship between bureaucrats and politicians reflected a steady progression of bureaucratic influence in policymaking from Image I, with its emphasis on politicians making decisions and bureaucrats implementing them, to the 'pure hybrids' of Image IV where the line between policy making and administration essentially vanishes, producing a seamless partnership between politicians and bureaucrats (Aberbach & Rockman 2006).

A few years after Aberbach, Putnam and Rockman's seminal study, Guy Peters (1987) deduced five ideal-typical modes of interaction on a continuum of strict, formal, Weberian separation and hierarchy, in which political leaders prevail over neutral bureaucrats, to the administrative-state model, in which technical expertise, bureaucratic activism and command of information allows bureaucratic professionals to dominate the policy process.

In between both ends of the continuum there are the intermediate categories of ‘village life’, ‘functional village life’ and of ‘adversarial politics’. The notion of ‘adversarial politics’ refers to a strongly politicised relationship in which politicians and bureaucrats compete for control over public policy. Most governmental organizations reflect a village life type of model, where backgrounds and behaviour lead to more convergence than divergence between politicians and bureaucrats. Fifteen years later Guy Peters together with Jon Pierre (2001) indicated that public sector reform and administrative reorganization have had a profound effect on the relationship between politicians and administrators. New management techniques and the changing recruitment and career patterns of officials tend to undermine both the classical dichotomy and the more cooperative ‘village life’ in which jointly socialised politicians and top officials blend smoothly. Moreover the NPM-driven emphasis on performance and measurable outcomes rather than procedural correctness and hierarchical compliance may, paradoxically, have lessened the capacity of politicians to control bureaucrats and created more conflict between them.

Examining the organization of the political-bureaucratic interface within the European Commission at the end of the nineties (before the different reforms), the thing to notice is that this was a rather complex one.<sup>5</sup> This complexity was intentional from the start. Jean Monnet’s design for the European Coal and Steel Community (ECSC), today’s European Commission, gave a High Authority of appointed experts administrators responsibility for both determining and implementing the policies of the ECSC (Stevens 2001: 220). The Commission was designed as a technocratic body to propose solutions to policy problems, to broker deals, to provide the impetus for integration (‘motor of integration’) and to be the guardian of the common European interest. Monnet believed that decisions on the way in which that interest was to be practically specified and pursued, ought not to be subject to some kind of democratic majoritarian mechanism. The

integration and mediating function was to be guided by the judgement of a technocratic elite rather by political judgement since politicians are bound to be short-sighted and self-seeking, as they are subject to electoral mechanisms. It would make for better governance to take the impartial, the overall and long term view of the 'technocrat' as a guardian of the European interest. The Commission's role would hence depend on its expertise and its credibility as an impartial mediator between political views, conflicting national interests and interest group pressures.

The Commission political level was for this reason in the literature often portrayed as a 'depoliticised technocratic body; the Commission's civil service, on the other hand, was depicted as a politicized bureaucracy. Hooghe (2001: 200) described how consociational practices often were superimposed on hierarchical relationships in the Commission. In the EU systems, policies are not only subject to the extensive deliberations in the legislative phase, but are also bound to be renegotiated when it comes to their implementation in different national contexts. Christiansen (1997: 77) indicated that the Commission was less bureaucratic than other bureaux because of this nature of continuous bargaining in the Union: "having to manage the resultant clash between pervasive political interests and the rigidities of the *acquis communautaire* is what makes the Commission such a special type of public administration".

Moreover, the fact that the Commission was (and still is) a multinational bureaucracy had a fundamental impact, on its cohesion, demographic character and the form of political control (Page's 1997). The educational, professional and cultural background of top-officials was extraordinarily diverse and far more heterogeneous than that of top-officials in any national bureaucracy (Hooghe 2001). Those that entered the Commission with a genuinely European educational formation were for a long time a minority. Studies in the mid 90s showed that national identifications in the Commission were important for network-building (Egeberg 1996) and

sometimes became institutionalized in units, divisions and even whole DGs (Christiansen 1997: 83). As a result, promotions at the top depended on one's nationality and support from one's national government—not on merit or loyalty to the Commission hierarchy. National quotas and temporary contracts 'politicized' the Commission bureaucracy. The upshot of this all was that the line between politics and technocracy was far from clear in the Commission and was constantly blurred by the behaviour of many officials (Fouilleux a.o 2005). In the words of Hooghe (2001: 7): "in the complex setting of the European Union, Commission officials often find it impossible to resolve the tension between politics and expertise and impartiality".

Perhaps the pure hybrid of Aberbach's et al. (1981) Image IV described the fusion of roles between commissioners and their top-officials at best at that time. The interaction of the political (College) and the administrative level (services) in the Commission met the criteria of Guy Peters' (1987) administrative state model: political actors, nominally in charge, were ultimately controlled by the services with its greater access to information.

These descriptions of politics and bureaucracy refer to the state of the European Commission a decade ago. Although Verheugen still portrays the political-bureaucratic relationship in terms of the administrative state model, the literature on Commission reforms generally alleges that the Kinnock reforms, perceived as the most radical and comprehensive programme of modernization in the Commission's 50-year history, has turned the Commission into a high performance, policy focused and one of the world's most well-managed international organizations (Kassim 2004; Stevens & Stevens 2006; Bauer & Knill 2007; Peterson 2007). The question that rises is: what were the repercussions of the changes that came with the reinvention of the Commission for the political-bureaucratic relationship at its helm? To what extent have the reforms created new selection patterns and a redefinition of the roles of commissioners and their senior-officials? And how have these changes affected the nature of the relationships between the

political and administrative leaders in the European Commission? Did it produce an increased cooperation or a greater antagonism? I will examine these questions in the remainder of the paper.

### **Changing recruiting patterns**

In national governments politicians often differ from bureaucrats in their backgrounds, their training, careers and the way they are recruited for the office. This pattern is also marked in the European Commission. Commissioners reach office by a completely different route than their top-officials, the directors general. Whereas the latter typically take a long climb up the Commission ladder, commissioners usually come from outside. Whereas directors-general have spend all or most of their careers in the Commission (civil service 'lifers') before they reached the pinnacle of the service, commissioners in contrast are merely passing through the Commission, serving usually for relatively short periods and often set their sight on further advancement, for instance in other political positions. These differences in careers may influence their vision on leading the Commission. Incoming commissioners can bring new ideas, different experiences, and fresh approaches. Brought in from the outside they may, however, not fully understand the Commission's culture or values. Directors-general, being most of the time home-grown leaders, have spend a great deal of their careers inside the organization and may not recognize the need for change or have the necessary skills to pursue it effectively.

Recruiting patterns have altered for both commissioners and top-officials in such a way that we can observe the growth of a demarcation between the political and the administrative spheres. To start with the selection of commissioners, the growing ministerial background of commissioners, a significant trend which manifested itself since the first Commission (Macmullen 2000: 46), indicates a move away from the more

narrowly technical based roles characteristic towards a broader and more political approach. Wonka (2007) argues that an analysis of commissioners' prior jobs in the political arena shows that member states rely extensively on candidates which have a high political visibility. Over time the share of commissioners who previously served as ministers in their member states and who therefore are experienced in exercising political leadership over a large executive bureaucracy increased from 43% for the first seven Commissions to 64% of ex-ministers for Delors I to the current Barroso Commission (Wonka 2007). Increasingly the Commission also includes commissioners who have held a senior ministerial office (prime minister, foreign minister, finance minister, interior minister) or led a mainstream political grouping. This had the effect of making the College less technocratic and more political.

Not only their backgrounds, also the procedures of appointing commissioners seem to have become more 'political'. In a 1999 resolution the EP advocated a strong link between the preferences expressed by Union citizens in EP elections and the nomination of the College of Commissioners and its programme for the parliamentary term. Consequentially, the term of office of Colleges has been extended from four to five years so as to bring them into close alignment with the term of the EP elections. The EP has gradually gained more weight in the appointment procedure; the EP shall not only be consulted on the choice of the President, but also been assigned the right to approve his/her appointment. Steps have been taken to render the College directly accountable to the EP as illustrated by the EP committees' examination of nominated commissioners, its vote of confidence, and its right to dismiss the entire College. Moreover, the new investiture procedures by the EP may contribute to a new form of 'credit' that commissioners can build up for their internal and external leadership during their mandate; commissioners can claim to represent a legitimacy which is not simply based upon bureaucratic hierarchical rank but reflects the facts that their appointment is a political one—supported by the EP-procedure.

As the selection of commissioners has become more 'political', the appointment of top-officials is designed to become less 'politicized' (Wille 2007). In the past, time-serving and the right political and national connections were often more valuable for promotion prospects than a good performance record. The Santer as well as the Prodi Commission both claimed that more weight should be assigned to merit and internal recruitment and less to nationality and 'parachuting'. The new staff regulations that entered into force in May 2004, intended to change the Commission's personnel management practices. While the services should maintain a broad geographical balance, nationality would no longer be allowed to be the main determinant in appointing a new person to a particular post. Moreover, in addition to the proportionality concern, it is now required in the new system that the immediate subordinate and superior of top-officials should be of another nationality than himself/herself. A mix of nationalities in a Directorate General and within individual units has become the norm. A director general should not share the same nationality as the commissioner responsible for their service (Peterson 2004: 26). Directors general, in turn, should be of different nationalities from their deputy-directors general and their directors. The purpose is to ensure a wide spread of nationalities in senior positions and the avoidance of nationality clusters (Spence 2006: 143).

Moreover, a new procedure for appointments to posts at senior levels was established (Spence/Stevens 2006: 201) by the introduction of a system of compulsory mobility. Prodi directed, in the first few months of his Commission, that directors-general should be rotated to new posts periodically to ensure that permanent officials do not become too powerful in their relationship with commissioners. The incumbency in any post of director or director-general should be limited to five years with seven years as a maximum. The objective of this reform was to remove 'national flags' from the posts and to diminish the impact of informal networks.

Generally, the selecting of commissioners and their senior-officials has demarcated the two sets of elites. One element in the changes in recruiting appears, however, to advance a shift in the direction of Guy Peters (1987) village life model of interaction. In case of the current European Commission we observe at the top a decreasing number of specialist career patterns on both the political and the bureaucratic side. Most commissioners of Barroso's College have general and not specialist backgrounds and if we look at the top of the administration we also see a tendency towards the development of generalist career patterns among top-officials. Usually, the more generalist orientation of political executives contrasts with the more specialized background of top-officials. Generalist political executives will be less able to contests issues on substantive grounds than executives with more specialized training. Generalists are therefore associated with Peters' administrative state model. In the new mobility policy for top-officials managerial competencies being increasingly preferred over professionalism based on a specific knowledge about, and the handling of policy fields. This development towards generalist career patterns among both commissioners and their senior-officials, with generalist patterns of training—law and economics is the most typical study among both commissioners and their top-officials—may lead to an integration of values in the political-bureaucratic interface.

Cabinet heads occupy extremely important positions in the Commission's organisational system. They are in charge of a personally loyal group of advisors to be placed outside the mainstream bureaucracy.<sup>6</sup> Cabinet heads are personally appointed by and directly responsible to their commissioner and retain their post at his/her personal discretion. Commissioners choose heads of cabinet because they believe they can rely on these trustees.

The structure and the demography of the cabinets have truly changed in the past decade. Cabinets have become smaller, more European, and more like private offices. In the past the nationality of the head of cabinet directly

reflected the nationality of the lead Commissioner (Egeberg 2003:139). Cabinets were often national enclaves. The role of cabinets was transformed in crucial respects under the Prodi Commission. One of Prodi's first injunctions after his appointment as President was that all Commissioners would be required to appoint a head or deputy head from a Member State other than their own. Moreover, all cabinets should be staffed multi-nationally by representing at least three nationalities. This marked a significant break from the past, when each cabinet was required to include only one non-national. Moreover, at least half of the cabinet members should be recruited from within the Commission services. This also has implications for the role of nationality in the cabinets since those coming from the Commission administration usually have weaker ties to any particular national constituency.

This 'float' of officials that work for the commissioners and go back after a while to work in the services, increases the amount of both informal and formal interaction between the political and administrative levels (Jacobsen 2006: 307). When the commissioner leaves the Commission, this part of the cabinet staff is usually transferred back into the services. This is well established practice, because commissioners need staff who have a good understanding of how the Commission works (Nugent 2001: 122). Most heads of cabinets come from the Commission's administration (seconded to the cabinet for a five year term) because they possess 'inside' knowledge about the Commission's administrative machine; and for Commission officials a passage through a commissioner's cabinet is an undoubted key to a successful career in the Commission because it provides them with experience in the political sphere (see also Spence 2006: 65). This has also resulted in a high proportion of senior officials in the service that has served in one cabinet or another. The flow from central positions in the bureaucracy to central cabinet positions and vice versa can be perceived as a means promoting elite integration between the political and administrative level.

## **The Evolution of Political and Administrative Leadership Roles**

There has always been a differentiation between the roles of commissioners and their directors-general (Nugent 2001; Egeberg 2003). The political top was expected to provide the Commission's political direction and take its major decisions; the administrative top was directing the executive and administrative tasks. Yet, the hybrid nature of the Commission, being partly political and partly administrative in nature, contributed to a blurring of political-administrative roles in the Commission.

The changes in organizational designs in the last decade give not only effect to a shift in recruiting patterns. It became clear from the interviews they have also contributed to a change in the 'psychology' of roles and the behaviour of the political executives and top-officials in the Commission. I deal with the commissioner's role first. There is little doubt that changes in the political context have made the Commission's job more awkward and demanding in the last decade. Shifts in the commissioner's role are visible in four areas.

First, in the commissioner's policy making role; the reforms in the Commission and the emphasis on its improved public management are assumed to be best achieved when the political level in the Commission makes its objectives sufficiently explicit and transparent. Since the introduction of the Commission's reform strategy the organisation of work in the European Commission has been regulated by a Strategic Planning and Programming (SPP) system. Central in this system is a management cycle concentrating on the setting of political priorities and the appropriate allocation of resources and the focus on results. According to the reform model, the role held for commissioners is as strategists and opinion-leaders. From the interviews it became clear that commissioners are expected to clarify and communicate visions and values, choose appropriate strategies, and

to identify, allocate and commit resources at the macro-level. The managing operations will then be done by their directors-general, whose performance will subsequently be appraised against clear objectives and targets. The reform-system seems likely to encourage commissioners to adopt these 'political' roles more and more. Their political success (not their survival) depends upon their skills and creativity in putting together coalitions of support to steer through particular programmes. Most commissioners with a background as senior politicians in the member states find it no trouble in playing such a role.

Not only has the policy role of commissioners evolved, also the value commissioners attach to public responsiveness has become more significant in the past years. Since the seismic political shock in 2005 (after the French and Dutch referenda), EU leaders have been trying to do more than just pay lip-service to getting citizens on board of the "European project". The European Commission has launched a whole series of citizen-friendly initiatives and commissioners have gradually been obliged to give more attention to the needs and demands of the European public.

The interviews showed that the role of commissioners with regard to parliamentary politics has also grown. In their relation with the European Parliament many commissioners are obliged (as a result of the introduction of co-decision brought about by the Maastricht treaty) to include Members of European Parliament (MEPs) in their negotiating strategies. MEPs are taken more seriously by commissioners as policy experts and negotiators, and commissioners depend increasingly on the EP for support. The actual practice of securing accountability through a host of means have evolved and affected the roles of commissioners. Egeberg (2006a) argues that if the Commission's relationship to the European parliament continues to grow, both as regards to the appointment of Commissioners and their daily policy-making, it is reason to believe that more emphasis would be put on their 'political' role (party affiliation) in future colleges.

Finally, the revised Code of Conduct for commissioners allows them to 'be active members of political parties or trade unions.' If they are to play an 'active' role in an election campaign they have to 'withdraw from the work of the Commission for the duration of the campaign.' In previous years, the Commission and its commissioners tended to keep a distance between Brussels and national politics, hovering somewhat above the domestic fray. Yet under the Prodi and Barroso leadership commissioners appear to cultivate a more explicit political role. Louis Michel, the EU's commissioner for development, took on unpaid leave because he is taking part in Belgium's federal elections. Margot Wallström, the EU communications commissioner, has made an all-out plug for French socialist president candidate Segolene Royal in her blog. Dutch commissioner Neelie Kroes openly supported Angela Merkel to become chancellor just days before the German elections. During the last Commission Italian Prime Minister Romano Prodi actively campaigned in the general elections in Italy while still head of the Brussels executive and Greek commissioner Anna Diamantopoulou also took a leave of absence for domestic elections and then resigned after winning a seat.

These developments reflect the increasing trend towards politicisation of the European Commission (Wille 2008). The treaty itself says that commissioners should be impartial and work for the European cause, stipulating they must be 'completely independent in the performance of their duties' in the general interest of the European community. But as the European Union has evolved, the political level of the Commission has sought to rebrand itself as more of a political entity.

Reforms in the Commission have not only influenced the roles of the commissioners but of their directors-general too. As with the political executives, the roles adopted by top-civil servants manifest an important psychological element. The interviews revealed that the creation of management systems that secure performance according to Commission targets and standards has emphasized increasingly the accountability of senior

officials. The extent to which performance indicators and target regimes are employed in the Commission in order to set explicit goals, to apply performance measures, and to impose more demanding and transparent reporting and accountability regimes and the extraordinary growth of central auditing, inspecting, and monitoring moment has not been simple for top-officials in the services. This may account for the somewhat ambiguous responses from directors general—they have experienced greater freedom to deploy their inputs but at the same time they have felt themselves under closer scrutiny than ever before as far as their results are concerned.

As a result of the internal reforms, top-officials in the Commission are taking up a new role as ‘managerialist’ leaders. Policy oriented professionalism is being replaced by managerial skills, performance measurement and financial control. The focus for most senior officials is shifted from professional policy advisory role with a clear focus on content to a role of ‘process management’ as ‘getting thing done through people’. This tendency may fit Ezra Suleiman’s (2003) description of the gradual de-professionalisation of the upper echelons of public bureaucracies in terms of public policy orientation.

As the policy role of senior officials is diminished, the political responsiveness dimension is increased. Directors general have become more disposable in the new rotation-system; once it is perceived that a director general has gone over the line, his (or her) usefulness is at an end and the notion of continuity and experience of the civil service is evaporating. Whether or not the ‘speaking truth to power’ qualities suffer from this change is unknown presently, but it seems logical to assume that as the criteria for success become more arbitrary or capricious, top-officials will begin to behave more like political appointees whose job depend on personal loyalty to commissioners. One way or another short term contracts, in combination with performance goals and objectives created by the college of commissioners obviously increases the responsiveness of senior officials to political direction.

The Commission reform has thus had important implications for the job of senior officials: a reconfigured policy role, new performance demands and skill requirements, and new accountability expectations and mechanisms; and increasing demands for political responsiveness.

The role of the Cabinets Heads is a rather neglected one in the literature. Their main function is coordination and to serve the incumbent Commissioner. The role and success of commissioners is closely connected to that of their heads of cabinets and their teams. Cabinets can counterbalance a commissioner's shortcomings and they are used by commissioners to strengthen their own performance in areas where they might otherwise be weak.

The aim of the heads of cabinets ought, in principle, to be the same as that of directors-general: 'enhancing simultaneously the effectiveness of the Directorate General and the commissioner's profile by providing informal guidance on the commissioner's wishes' (Spence 2006: 73). For commissioners it means that they are advised from at least two sources: the director general who's primarily responsible for policy development; and the cabinet heads who's responsible for the operations at the political-administrative interface. Under this design the former never monopolizes the provision of advice and this of course diminishes the likelihood of commissioners captured by their services. In this advice directors general are more likely to be advocates for their DG, whereas heads of cabinets are more likely to represent the 'Berlaymont view'. Commissioners rely in the day-to-day practice usually more on what heads of cabinets as close advisors say, than on the experts in the services and DG's. Why is this? After all the latter are the policy experts, while the former are generalists. The answer is simple: the services may have greater expertise, but their loyalty to the commissioner is often smaller.

The reform of the recruitment to the cabinet system has redefined the role of cabinets as the interface between national governments and the

Commission. Thus multinational staffing and an increased emphasis on internal recruitment fit better with institutionalist explanations (Egeberg 2003). Moreover, cabinets featured a lot of new faces, in contrast with the pre-Prodi era when officials often served in multiple cabinets of multiple commissioners and thus effectively remained in post for long periods of time. Insiders conceded that the effect of this change has been that a more diverse range of views than in the past tend to be reflected within individual cabinets (Peterson 2004).

It seems sensible to think that with a shift in the roles of the commissioner, the roles of their heads of cabinets have changed too, but the data from the interviews are still moot on this point. It is clear though that the detachment of leading servants from the DGs to serve in the cabinets implied that the cabinets gradually has acquired a major influence over the day-to day running of the Commission. Heads of cabinets know usually enough about the services, the policies, and the European decision-making to know and understand the mechanisms for control. Besides, the cabinets appear increasingly to be drawn into the details of policy making and monitoring. As a result, the heads of cabinets (can) have an important role in setting priorities and dealing with problems of governance. How far they have actually been drawn into the day-to-day management of the Directorates General is hard to say. It seems to vary from cabinet to cabinet and often is a function of the approach of the individual commissioners and their heads of cabinets. But with the increasing role in the policy making process there is also the danger that the relations between cabinet heads and top-officials from the DG are becoming more delicate (see also Spence 2006).<sup>7</sup>

## Distinct worlds, Distinct Perspectives, but Overlapping Roles

While witnessing some considerable shifts in the conceptions of the roles that commissioners and their top-officials hold in the Commission, it is possible to say that there is also substantial role-overlap between politicians and the top-civil servants in the Commission. At the top, sharp distinctions do not always count. With some functions it is all ambiguity and shading. Commissioners and administrators have, for instance, distinct worldviews and perspectives on public affairs, but both act on the basis of value commitments. Both groups report a genuine concern for the general public European interest. There is also much overlap in the various roles in the policy-making process. As a result, directors general perform some of the same activities as head of cabinets or commissioners. Moreover, they all work in a political environment, but they differ in the kind of politics they were involved in. Commissioners deal mostly with broad ideas; parliamentary politics; member states and the politics of parties, where heads of cabinets and directors general deal most of the time with the politics of bureaucracies, advising commissioners, and so on.

**Table 1:  
Distinct Elements in the Roles of Commissioners, Top-Officials and  
Cabinet Heads (Model Adapted from Svava [2006A])**

	Commissioner's orientation	Director-general's orientation	Cabinets Head's orientation
Recruitment	By member states & Investiture procedure EP	Use merit as basis for selection and nationality balance. Influence by the political level	Patronage Float between cabinets and services
Functions	Initiate policies Sell Policies	Initiate and develop policies Policy Advice Management Deliver Policies	Policy Control Intervention Coordination Oversight
Means	Building coalitions,	Management	Exchange of

	consensus, find political support		information
Core values	Desire to advance Commission's workprogram Oversight Responsibility Responsiveness	Desire to Deliver Professionalism Independence Expertise Accountability	Coordination
Orientation to counterpart	Respect of the advice and information provided by the staff	Accept political supremacy	Loyalty to commissioner Respect for advice director general

Yet there are clear limits to the merging of roles. Commissioners and their top-officials have very different backgrounds, aims, jobs, and styles of work. Generally speaking, the interview data showed persistent and sharp differences in the perspectives of commissioners, heads of cabinets and directors-general. Their core values, functions and means, their ways of thinking about public policy were all largely distinctive across roles. Table 1 summarizes the essentials of the three roles. These differences very much reflected the different demands of each role. On the whole, I found that commissioners (as politicians) acted more and more as 'energizers' in the European Commission and director-generals (as top-bureaucrats) as 'equilibrators'. These images of Aberbach and Rockman (2006) are a good empirical approximation of their leadership. Heads of cabinets function gradually more as a 'third force between the distinctive worlds in the European Commission.

Peterson (2007) notes that the political side of the Commission—the College and cabinets—has over time, become a considerably different world from that of permanent officials in the DG. This distance also got a physical side. Under Santer (as under Delors) commissioners resided collectively in the Berlaymont, and later the Breydel while services and DG's have been

scattered across a multitude of different locations across Brussels. This added—practically as well as symbolically—to the perceived distance between political and administrative spheres of the Commission. Prodi's Commission decided to house commissioner in the DG's for which they were responsible. Commissioners had to 'move in' with their services to bridge the vertical divide between the political and the administrative levels.

Barroso decided to reverse the decision taken by Prodi and to bring his commissioners and their advisers (the cabinets) back to one location in Brussels.<sup>8</sup> The reuniting of all commissioners and their cabinets in the newly reopened Berlaymont, close to the office of the Commission President, can be perceived as a sign of a 'new' division between the services and the College. Peterson (2007) even goes that far to conclude that 'the two halves of the hybrid had drifted apart'. The growing differences in roles and recruiting patterns have contributed to the creation of a 'leadership gap' between political executives and the top of bureaucracies in the European Commission.<sup>9</sup>

### **Political-Administrative Relationships: Building Bridges**

Political and administrative leadership in the European Commission, the differences in their recruiting patterns signalling this disconnect between and roles, the question arises what does that mean for the collaborative relationship between commissioners and their top-officials? Did it lead to an increase in dramatic controversies and disputes over power? The interviews conducted with top-officials in the Commission reveal, however, some critical features of the current political administrative relationship that may help to bridge the leadership gap at the top of the Commission.

A first finding drawn from the interviews, concerns the nature of the political-bureaucratic relationship. Commissioners and top-officials talked

about one another as quite different breeds, as representatives of different worlds coming to the European Commission via different routes and bringing completely different outlooks to it. That does not mean that interviewees perceived their relationship as adversarial. On the contrary, just as in earlier studies of national and local executives (Mouritzen & Svava 2002; Hart & Wille 2006), politicians and their top-officials stressed the virtues of complementarity and teamwork along the lines of Svava's (2001) model. The interactions of commissioners and their top-officials appeared to share similar characteristics that Svava (2006a: 133) and others have observed in their studies of politicians and administrators.

The key notion of complementarity in Svava's (2001) model is based on the presumption that politicians and administrators are highly dependent upon each other for getting their respective jobs done. Top officials accept the control of commissioners and commissioners respect what top-officials do and how they do it. At the same time there is interdependency and reciprocal influence between politicians and administrators who fill distinct but overlapping roles in policy and administration. Complementarity does not equal 'blurring' (Aberbach et. al's Image IV) of roles, but is based on the conditions for maintaining the distinction between politics and administration, while at the same time describing how the two are intermixed. Once the College of commissioners did set a course, the details were more likely to be worked out by bureaucrats. The extensive sharing and interaction along with important differences and areas of separation indicate, in Svava's view (2001, 2006), the need for a dynamic view of the political-administrative relationship. At the end of the day, the relationship between commissioners and their director-generals is superior to subordinate. But, in the day-to-day practices they perceive each other as equals. Each set of actors, taken as an aggregate, brought unique assets and shortcomings to the process of government. Given these interdependencies, they realize that their relationship must be collaborative, not adversarial.

Second, it appeared from the interviews that political executives and top officials have the ability to turn conflict into cooperation. One would expect, from the sharp differences in the perspectives of bureaucrats and politicians, that the relationship between the two categories is to be hampered by role conflict. In a heterogeneous organization as the Commission, one might easily imagine and expect diverse political preferences, discussion and disagreement among political and administrative leaders. From the interviews it appeared that commissioners and their top-officials agreed to disagree. Both political executives and top-officials reported that there was a rather low level of conflict. Distinct roles and differences between commissioners, heads of cabinets and directors general are recognized, but they usually are not considered as problematical for the work situation. On the contrary, most interviewees perceive 'conflicting opinions' as a positive and healthy thing, an unstructured system of check and balances. In case of differences of opinion a gradual accommodation usually takes place that smoothes the differences away. These observations confirm the findings in a recent study of Jacobsen (2005) on political-administrative interactions at the local level; and echo the classic study of Heclo & Wildavsky (1974) on the relationship between ministers and bureaucrats. Heclo & Wildavsky's main point was that, even if political executives and bureaucrats had different personal opinions, interdependencies between the two spheres, structural arrangements and general values and norms to some extent disciplined both parts; they adjusted themselves to each other.

The rising levels of ambiguity and turbulence at the level of European governance are demanding a more paradoxical approach to the management of the political administrative interface—one that embraces the simultaneous need for conflict and collaboration. The complexities of political issues at the European level are clear; and there is clear and straightforward awareness at the top of the Commission that public problems cannot be tackled by any one organization alone (neither the college nor the services or the

Commission). This requires and stimulates an approach that is more critically about developing understandings and practices that accept accommodate tensions. In such situations, several elements of an individual behaviour nature are considered as important—and for the most part constitute common sense—for example ‘show respect to the other side’, ‘keep communication lines open’ etc. to make the interaction a safe haven for disagreement.

The inevitability of the complexity of the work at this level of the European Commission makes that top-officials will need to be able to manage conflict and collaboration simultaneously. The advice for effective communication of differences was: to avoid confrontational strategies and instead encourage trustful relations. These observations fit in a wider pattern of development in public leadership. Ingraham (2006: 377), for instance, indicates that new more sophisticated patterns of communication, trust building, interpersonal relations and competencies to work across organizational boundaries are becoming more and more critical leading capacities; leadership increasingly means collaborating with organizations that are different from each other.<sup>10</sup>

A third observation from the interviews is that the establishment of strategic frameworks and work agreements, which structure the work and the interaction in the Commission, helped to promote efficient and effective governance and administration. With the strategic frameworks the College tried to forge a consensus to minimize bureaucratic conflict and ensure that the political and administrative levels are pursuing the same goal. It intends to make commissioners and their services more effective when working together to advance the Commission’s agenda. Yet, it also introduced a new contractual element in the relationships between commissioners and their directors-general. Directions from the political level and controls for performance have taken on a new dimension where such ‘contracts’ have become the principal mechanism for linking policy and operations.

The contractual type of arrangements clarified and constrained the roles and responsibilities of Commissioners and their top-officials in the policy-making process. The adoption of these new systems highlighted the decoupling of responsibilities; commissioners are not to intervene in the management of operations in services; and directors-general are not their subordinates in the same way as most officials in the departmental model at the national level are. The contractual mode of the relationship emphasized the principal-agent like character of the liaison between commissioners and their directors general. In addition, the new Codes of Conduct, introduced as measures of Prodi's program of Commission reform, specified the distinct political-bureaucratic roles and responsibilities and intended to improve the working relationship between commissioners, their cabinets, and the top of the services. As soon as a commissioner takes office he or she has to lay down, in the first month of the Commission's term, together with the director-general and Head of Cabinet a working arrangement that describes and has to ensure an effective collaboration.

Despite the use of these contracts and working arrangements, the interviews showed that in terms of the day-to-day practices, the relationships between commissioners, heads of cabinets and directors general vary a great deal according to a number of factors. Relationships between individual commissioners and their director-generals and their heads of cabinets depended, among others, on their respective competencies, personalities, interests and leadership styles. Some commissioners have direct close and regular contacts with senior DG officials, whilst others commissioners keep a distance between themselves and 'their' top-officials and rely heavily on their cabinets to channel day-to-day contacts and communications (see also Nugent 2001). As in any 'arranged marriage', some relationships between commissioners and director generals are close and convivial, other more distant and formal, if not tense and uneasy. In most cases, relationships grow and mature over time. Thus when a new commissioner comes in, or a new

director general is appointed, there is usually a period of learning; as confidence and trust are built up, the relationship evolves; and in some cases this evolution may not happen.

The final observation emerging from the interviews is, therefore, that the relationship between the political and administrative spheres in the Commission should be perceived and conceptualized as a variable, rather than a steady, invariable form of interaction (see also Jacobsen 2006 for a similar observation). There are considerable variations in the relations between cabinets and services from harmonious and productive to full of tensions and resentment. Labelling the relationship as either a harmonic or as a conflict situation seems too simplistic. What I found was a rather a heterogeneous political and bureaucratic sphere. This means that the relationship needs to be expressed more in terms of ebb and flow than as a fixed format of less or more control. The relationship between commissioners, their heads of cabinets and directors-general should therefore at best be regarded as ‘mixed and interactive, fluid and integrative, not dichotomous or hierarchical’ (Svara 2006b: 12). It is a division of labour and different contingencies—environments, resources, policy sectors, leadership styles—will lead to different forms of interaction (Jacobsen 2006: 304).

## **Conclusion**

The Commission evolves and is slowly attaining the features of a normal core executive (Egeberg 2006). The college of commissioners has turned into a genuinely political rather than a technocratic body, something which is reflected in its composition. The top of the services is increasingly ‘depoliticized’ by changes in the recruitment system, which has become more merit and management based. The changes in organizational designs give not only effect to the recruiting patterns but also to the behaviour and interactions at the top.

Role research reflects changing governmental systems and, thus, changing role expectations (Aberbach and Rockman 2006). The conception of the Commission as ‘pure hybrid’ in which commissioners and bureaucrats act as in Aberbach and Rockman’s (1981) Image IV is gradually disappeared. The general tendency of the political changes examined here has been toward controlling the influence that the Commission exerts over the design and execution of policy making process. The motivation for this shift was that the Commission’s services were perceived as too powerful, and too unresponsive to political directions, and unable to ensure efficient performance. The new governmental arrangements assume actors (‘agents’) that need to be controlled, given proper incentives, and held accountable through contracts. It is safe to describe the intent of the changes as improved responsiveness to elected (EP) and appointed officials (college of commissioners). The desire to improve hierarchical political direction of the services has led to a significant redefinition of the role of commissioners and of higher officials.

This all has resulted in a clearer demarcation of the political and the administrative parts. Relations between bureaucratic and political leaders in the Commission is more closer to Aberbach and Rockman’s Image II -- “Facts/Interests,” with directors general bringing facts and knowledge (by management) to the policy process as their distinctive contribution and commissioners defining values and representing interests of the European public. The changing roles of political executives and senior officials have created a ‘leadership gap’ of a considerable size (see also Ingraham 2006).

At the same time people at the top recognized the need for joint activity, cooperation and a collaborative relationship. Several mechanisms in the working relationship are drawn upon to bridge this gap and to provide for a common base for political and administrative executives to cooperate. Faced at the end of the nineties with a declining societal and political acceptance for the Commission’s purposes and the way it pursues its mission, the Commission’s legitimacy and authority was seriously threatened. The

changes within the Commission's leadership are therefore best characterized as a response and adaptation of an institution to internal impulses and an increasingly demanding and changing political environment. Both commissioners and their top-officials recognize that for the Commission to continue playing a significant role at the European level, it must turn into a more credible and capable organization, in terms its agenda-setting responsibility and policy leadership role. The 'reinvention of the Commission may help to beget this. Reform has, in this case, not contributed to a larger conflict, as Peters and Pierre (2001) predict, but to further a collaborative relationship between political and administrative leaders while both roles have become clearly demarcated.

The complaints of euro-commissioner Verheugen at the start of this paper may be explained by the emerging leadership gap. Verheugen's remarks in the media reflect larger issues about the nature of control and the nature of public sector responsibilities. In many countries the introduction of public reform practices has had a pronounced impact on the relationship between politics and administration. Management reform has been a vehicle by which executive politicians have gained a tighter grip on their officials (see Pollitt and Bouckaert 2004: 144). Politicians in the Commission, as politicians in many countries, have been caught by a modern reform dilemma: on the one hand they have sought greater control over the services and its programmes; but on the other they have sought the advantages in decentralizing responsibility and trying to sit 'above' the dangerous cauldron of day-to-day operational failures and achievements (Pollitt and Bouckaert 2004: 146). The purport of this latter aspect is that it limits commissioners to 'indirect steering' (Svara 2006b: 6) and that the influence of the permanent bureaucracy remains substantial. Perhaps it was the day-to day practice of this conundrum that led Verheugen to make his observation in the media.

## Notes

<sup>1</sup> An earlier version of this paper was presented at the The Third Transatlantic Dialogue at the University of Delaware, Newark, Delaware, USA & at the CONNEX Workshop Meeting of Research Group 1, Barcelona, 7-9 June 2007, at the Universitat Autònoma de Barcelona. I wish to thank all the participants in these workshops for their helpful comments.

<sup>2</sup> Quoted in *EuObserver*, 10 October 2006.

<sup>3</sup> Quoted in *European Voice*, 19-25 October, p. 12.

<sup>4</sup> I conducted in 2006 a set of qualitative in-depth interviews with over 50 top-officials working at the apex of the European Commission. I asked them about their jobs in the wake of a reforming European Commission. All conversations were recorded (with the permission of the respondents) and transcribed.

<sup>5</sup> The bureaucrats in the Commission consists of a staff of several thousand full-time European career officials, responsible for public administration with on top the directors-general, the administrative heads of the Commission services. Above them floats the commissioner, who although appointed, is generally a politician by background. Together with his or her colleagues they form the college of commissioners. This college function much like a government (ministerial cabinet) in that each commissioner is responsible for a particular policy area and for overseeing one or more directorates-general (DGs), which in turn are the functional equivalent of national government departments. Each commissioner has a cabinet of personal appointed officials who offer policy advice, who function as the gate-keepers to the commissioner's desk, and who perform a crucial role in the political-bureaucratic divide. The result of this all is a very complex set of relations between political and bureaucratic officials within the European Commission.

<sup>6</sup> A staff of personally appointed officials--hired and fired by the commissioner, consisting of five to seven advisers, plus a number of clerical staff, which is organizationally separate from the administrative services.

<sup>7</sup> Complaints have long time been widespread in the Commission's permanent services that the cabinets interfered far too aggressively and directly in the work of the DGs (see Peterson 2004: 24) or that the cabinet evolve into a parallel bureaucracy.

<sup>8</sup> The Prodi Commission faced heavy criticism for its lack of coordination and collegiality. Housing commissioners and their cabinets alongside their Services, made communication among commissioners and among cabinets significantly more difficult and was considered as one of the factors contributing to the lack of collegiality in the Prodi Commission (Peterson 2004).

<sup>9</sup> Ingraham (2006) uses the term 'leadership gap' to describe the differences for political executives and bureaucratic leaders in the US.

<sup>10</sup> Pat Ingraham noted this in her keynote speech at the The Third Transatlantic Dialogue *Leading the Future of the Public Sector Conference* at the University of Delaware, Newark, Delaware, USA, May 31, 2007.

## References

- Aberbach, J. D. & R.D. Putnam, & B. A. Rockman. 1981. *Bureaucrats and Politicians in Western Democracies*, Cambridge: Harvard University Press.
- Aberbach, J. D. & B. A. Rockman. 2006. the Past and the Future of Political Administrative Relations: Research from Bureaucrats and Politicians to In the Web of Politics—and Beyond, *International Journal of Public Administration*, 29 (12)
- Bauer, Michael W./Knill, Christoph (eds.), *Management Reforms in International Organizations*. Baden-Baden: Nomos, 37-50.
- Christiansen, T. 1997. Tensions of European Governance: politicized bureaucracy and multiple accountability in the European Commission, *JEPP*, 4 (1): 73-90.
- Christiansen, T. 2001. Intra-institutional politics and inter-institutional relations in the EU: towards coherent governance? *Journal of European Public Policy*, 8: 747-769.
- Christiansen, T. & M. Gray. 2004. The European Commission in a Period of Change: A New Administration for a New European Union? *Eipascope* (3): 20-24.
- Christensen, T. & P. Laegreid, 2006. *Agencification and Regulatory Reforms*, in Christensen, T. & P. Laegreid (ed) *Autonomy and Regulation*, Edward Elgar Publishing Limited.

- Cini, M. 2004. Norms, culture and the Kinnock White Paper: the theory and practice of cultural change in the reform of the European Commission in: D.G. Dimitrakopoulos (ed), *The Changing European Commission*, Manchester University Press, 63-73.
- Cram, L. 2002. Introduction to Special Issue on the Institutional Balance and the Future of EU Governance: the Future of the Union and the Trap of the 'Nirvana Fallacy', *Governance*, 15 (3): 309-324.
- Egeberg, M. 1996. Organization and nationality in the European Commission services, *Public Administration*, 74: 721-35.
- Egeberg, M. 2003. The European Commission, in: M. Cini, *European Union Politics*, Oxford: Oxford University Press, 131-147.
- Egeberg, M. 2005. EU Institutions and the Transformation of European Level Politics: How to understand profound change (if it occurs), *Comparative European Politics* (3): 102-117).
- Egeberg, M. 2006a. Executive Politics as Usual; role behaviour and conflict dimensions in the College of European Commissioners, *JEPP*, 13 (1): 1-15.
- Egeberg, M. 2006b. Conclusion, in; M. Egeberg. *Multilevel Union Administration. The transformation of Executive Politics in Europe*, London: Palgrave MacMillan, pp.194-200.
- Hart, P. 't & A. Wille, 2006. Ministers and Top-Officials in the Dutch Core Executive: Living Together, Growing Apart, *Public Administration*, 84 (1): 121-146.
- Hecl, H & A. Wildavsky. 1974. *The Private Government of Public Money: Community and Policy Inside British Politics*, London: Macmillan.
- Hooghe, L. 2001. *The European Commission and the Integration of Europe*, Cambridge, Cambridge University Press.
- Ingraham, P.W. 2006. The Challenge and the Opportunity, *The American Review of Public Administration*, 36, 374-381.

- Jacobsen, Dag Ingvar. 2005. Sand in the machinery? Comparing bureaucrats' and politicians' attitudes toward public sector reform. *European Journal of Political Research* 44 (6), 767-799.
- Jacobsen, Dag Ingvar. 2006. Relationship between Politics and Administration: the Importance of Contingency Factors, Formal Structure, Demography and Time, *Governance*, 19 (2): 303-323.
- Kassim, H. 2004. A historic accomplishment? The Prodi Commission and administrative reform, in: D.G. Dimitrakopoulos (ed), *The Changing European Commission*, Manchester University Press, 33-62.
- MacMullen, A. 2000. European Commissioners, in: N. Nugent (ed). *At the Heart of the Union*, Studies of the European Commission, London: Palgrave.
- Majone, G. 2002. The European Commission: the Limits of Centralization and the Perils of Parliamentarization, *Governance*, 15 (3): 374-392
- Mouritzen, P.E & Svava J.H 2002. *Leadership at the Apex. Politicians and Administrators in Western Local Governments*, University of Pittsburgh Press.
- Nugent, N. 2001. *The European Commission*, Basingstoke: Palgrave
- Overeem, P. 2005. The value of Dichotomy: Politics, administration and the political neutrality of administrators. *Administrative Theory & Praxis*, 27, 311-319.
- Page, E. 1997. *People who Run Europe*, Oxford: Clarendon Press.
- Peters, B. Guy & J. Pierre (eds.), 2001. *Politicians, Bureaucrats and Administrative Reform*, London: Routledge.
- Peters, B. Guy. 1987. *The politics of bureaucracy*, New York: Longman.
- Peters, B. G. & J. Pierre (eds.). 2001. *Politicians, Bureaucrats and Administrative Reform*. London: Routledge.

- Peterson, J. 2004. The Prodi Commission: Fresh start or Free Fall, in: D.G. Dimitrakopoulos (ed), *The Changing European Commission*, Manchester University Press, 15-32.
- Peterson, J. 2006. Where does the Commission stand today? in: D. Spence (ed.), *The European Commission*. London: John Harper Publishing, pp. 502-519.
- Peterson, J. 2007. *Enlargement, Reform and the Commission: Weathering a Perfect Storm*, JEPP, Forthcoming.
- Pollit, C. & Bouckaert, G. 2004 (2 ed). *Public Management Reform. A comparative analysis*. Oxford: Oxford University Press.
- Putnam, R.D. 1975. *The Beliefs of Politicians*, New Haven, CT: Yale University Press.
- Putnam, R.D. 1993. *Making Democracy Work. Civic Traditions in Modern Italy*. Princeton, University Press.
- Spence, D. 2006. The president, the college and the cabinets. In: D. Spence (ed.), *The European Commission*. London: John Harper Publishing, pp. 25-74..
- Spence, D. & A. Stevens. 2006. Staff and personnel policy in the Commission, In: D. Spence (ed.), *The European Commission*. London: John Harper Publishing, pp.173-208.
- Stevens H. & A. Stevens.2006. The Internal Reform of the Commission, In: D. Spence (ed.), *The European Commission*. London: John Harper Publishing, pp.454-480.
- Svara, J. H. 2001. The Myth of Dichotomy: Complementarity of politics and administration in the past and future of public administrations. *Public Administration Review*, 61, 176-183.
- Svara, J.H. 2006a. Complexity in political-administrative relations and the limits of the dichotomy concept. *Administrative Theory and Praxis*, 28 (1): 121-139.

- Svara, J.H. 2006b. Politicians and administrators in the political process: A review of themes and issues in the literature. *International Journal of Public Administration*, 29 (12)
- Suleiman, E. 2003. *Dismantling Democratic States*, Princeton: Princeton University Press.
- Tsakatika, M. 2005. Claims to Legitimacy: the European Commission between continuity and Change, *Journal of Common Market Studies*, 43, (1): 193-220.
- Wille, A. 2007. Senior Officials in a Reforming European Commission: Transforming the Top?, in: Bauer, Michael W./Knill, Christoph (eds.), *Management Reforms in International Organizations*. Baden-Baden: Nomos, 37-50.
- Wille, A. 2008. *The Politicization of the Commission: An Evolving European Executive*. Forthcoming
- Wonka, A. 2007. Technocratic and independent? The appointment of European Commissioners and its policy implications, *Journal of European Public Policy*, 14:2, 169-189.



# Chapter 2

## Bureaucratic Change in the European Administrative Space – The Case of the European Commission

Tim Balint, Michael W. Bauer and Christoph Knill  
*University of Konstanz, Germany*

### **Abstract**

In this article, we compare bureaucratic change in the European Commission with developments of the public administrations of the member states of the European Union regarding two standard features of the study of comparative public administration: the degree of politicization of the higher management and the degree of openness of the career system. The empirical data shows that the Commission started as a public administration in the Continental tradition and over time partially moved towards the Anglo-Saxon and Scandinavian models. At the same time, the majority of the member states remained rather stable with regard to their position along the two administrative dimensions under study. We argue that none of the commonly invoked mechanisms to explain organisational change – functional adaptation, path dependency, isomorphism or policy windows – can convincingly account for the complete pattern and the magnitude of change that we observe in the case of the European Commission. While we find no

convincing support for the relevance of functional adaptation or path dependency, the concepts of isomorphism and policy windows provide a more promising basis for understanding at least parts of the empirical development.

## **Introduction**

In this article, we compare bureaucratic change in the European Commission with developments of the public administrations of the member states of the European Union regarding two standard features of the study of comparative public administration: the degree of politicization of the higher management and the degree of openness of the career system. The empirical data shows that the Commission started as a public administration in the Continental tradition and over time partially moved towards the Anglo-Saxon and Scandinavian models. At the same time, the majority of the member states remained rather stable with regard to their position along the two administrative dimensions under study. We argue that none of the commonly invoked mechanisms to explain organisational change – functional adaptation, path dependency, isomorphism or policy windows – can convincingly account for the complete pattern and the magnitude of change that we observe in the case of the European Commission. While we find no convincing support for the relevance of functional adaptation or path dependency, the concepts of isomorphism and policy windows provide a more promising basis for understanding at least parts of the empirical development.

Compared to national bureaucracies, the supranational administration of the European Commission constitutes a rather young institution. As a result, the Commission has often been characterized as ‘adolescent bureaucracy’ meaning that its structures, organizational practices and routines are still in an evolutionary stage and not yet completely institutionalized. Compared to

national administrations we should hence expect a higher degree of malleability of the supranational bureaucracy and higher responsiveness to internal and external pressures for administrative reforms. This perspective, however, could easily be challenged by the fact that the Commission bureaucracy is rooted in institutional choices that date back to the foundation of the Community in the mid-1950s. Although the Commission in its current structure was only established in 1967, it is based on the merger of three organizations that were set up in the early days of the Community, namely the High Authority of the European Coal and Steel Community (established in 1952), the Commission of the European Economic Community and the Commission of the European Atomic Energy Community (both established in 1958). From this perspective, the Commission bureaucracy reflects an institution with a tradition of more than 50 years – a period of considerable length when compared to other institutions. Consequently, the institutionalization and hence rigidity of supranational administrative structures and routines might be more pronounced as the picture of the ‘adolescent bureaucracy’ suggests. At the same time, we should expect more incremental patterns of administrative change along existing institutional paths rather than smooth responses to internal and external challenges or pressures such as performance crises, the global reform wave of the New Public Management, or respective demands from the member states.

Against the backdrop of these considerations, it is the central objective of this article to shed some light on patterns of administrative change within the European Commission. More specifically, we are interested in the following questions: (1) To what extent can we observe administrative change at the supranational level and to what extent are these changes characterized by a general trend or pointing into a specific direction? (2) How can the observed developments be understood? Are they simply the consequence of functional adaptation in the light of internal challenges? Do they reflect immediate responses to administrative developments and respective

preferences of the member states? Or can they be best interpreted as path-dependent adjustment?

To answer these questions, we do not limit our analysis to the sole investigation of persistence and change of administrative traditions at the Commission level. We rather pursue a more encompassing approach, embedding and interpreting the Commission development in the light of administrative trends and reform developments that took place in what can be termed a European administrative space. This means that we do not exclusively focus on the Commission but compare supranational administrative changes to respective developments in the public administrations of the member states of the European Union (EU). This more encompassing comparative perspective provides an innovative scheme for the interpretation of the Commission developments in a broader context. In conducting our analysis, we concentrate on two central dimensions of administrative change. First, we analyse the nexus between the administrative and the political sphere; i.e. the degree of politicization of the supranational bureaucracy. Second, as a policy-oriented organisation like the Commission highly depends on the quality of its personnel to realise its aims, we examine how issues of recruitment and career development are organised and have changed over time.

The paper is structured as follows: We first specify our research design and explain the selection of our indicators for measuring administrative change. In the next section, we present our empirical findings and compare the developments within the Commission to those within the broader European administrative space. The question of how these empirical developments might be interpreted in theoretical terms is addressed thereafter. We argue that none of the commonly invoked mechanisms to explain administrative change – functional adaptation, path dependency, isomorphism or policy windows – can convincingly account for the complete pattern and the magnitude of change that we observe in the case of the European

Commission. While we see no convincing evidence for functional adaptation or path dependency at all, the concepts of isomorphism and policy windows appear to help understand at least parts of the empirical puzzle. In the concluding section, we discuss the general implications of our findings and outline promising ways for future research.

## **Research Design and Method**

To measure administrative change within the Commission and the broader administrative space, we compare the development of respective administrative arrangements in the EU member states over time. On this basis, we are not only able to identify if and to what extent administrative characteristics within the Commission have changed. It is also possible to assess whether these changes constitute moves towards institutionalized patterns and traditions in the member states (Dyson 1980; Schnapp 2004). To measure such developments, we focus on two analytical dimensions that have been identified as important yardsticks for the distinction between different types of public administration systems (cf. Auer et al. 1996; Knill 1999, 2001; Peters and Pierre 2004; Schnapp 2004).

The first dimension draws on the distinction between open (position-based) systems and closed (career-based) civil service systems (Auer et al. 1996; OECD 2004). Patterns of an open system are typically found in countries associated with the Common Law or Scandinavian tradition of public administration; almost pure representatives of this model are the United Kingdom and Sweden (Bauer 2005; Schnapp 2004: 298;). These countries adopted a career system that can be compared to the private sector (Bossaert et al. 2003: 87-96). It is based on the merit principle to find the best-suited candidate for each position. In the United Kingdom, for example, there exist no formal recruitment procedures in the sense that “departments and agencies are themselves responsible for organising staff recruitment with

respect to timing, needs, requirements..” (Bossaert et al. 2003: 92). Moreover, in an open career system salary depends upon duty and not merely on years of service and formal rank as is the case in the closed system. If the United Kingdom and Sweden are usually referred to as ideal types of open systems, Germany and France represent civil services of the more closed Continental tradition (OECD 2004). Table 1 lists the indicators we use to measure the degree of openness of the recruitment and career system in the member states and the European Commission. For each factor, a value of ‘1’ indicates an open system, while a value of ‘0’ is assigned if the characteristics of a close system are given.

**Table 1:**  
**Indicators Measuring the Openness of Recruitment and Career Systems**

Indicators	open system	closed system
recruitment only to entry level	no (1)	yes (0)
specific diplomas needed for specific career	no (1)	yes (0)
probationary period for beginners	no (1)	yes (0)
formal recruitment procedures	no (1)	yes (0)
maximum age limits in recruitment	no (1)	yes (0)
recognition of experience in private sector	no (1)	yes (0)
public advertisement of jobs	no (1)	yes (0)
life-long employment/tenure	no (1)	yes (0)
statutory remuneration scheme	no (1)	yes (0)
set progression in pay	no (1)	yes (0)
performance-related pay	yes (1)	no (0)
seniority system for promotion	no (1)	yes (0)
specific regulations for labour negotiations	no (1)	yes (0)

*Source:* own specification on the basis of Schnapp (2004: 145) and Auer et al. (1996).

The second dimension under study refers to the degree of politicization of the higher management within a civil service. Following the pertinent literature, we define politicization broadly as the level of “substitution of

political criteria for merit-based criteria in the selection, retention, promotion, rewards, and disciplining of members of the public service” (Peters and Pierre 2004: 2). In this regard, the appointment procedure for senior staff and the use of political-administrative structures created to provide government control over bureaucracy are crucial (Bekke and van der Meer 2003: 281-2). Again, we can distinguish two major groups of countries that differ in this respect: In the Continental countries like France, Belgium or Greece ministers have so-called cabinets at their disposal that ensure the political control of the bureaucracy and coordinate the ongoing work in the service (Peters and Pierre 2004; Page and Wright 1999). In Germany, the same functions are fulfilled by deputy ministers and personal advisors. By contrast, in the United Kingdom and the Scandinavian systems we find a stricter separation between politics and administration. The advisers of the ministers have no formal role in the bureaucracy and ministers abstain normally – according to inherited norms of appropriateness – from interfering (Knill 1999, 2001; Page and Wouters 1995: 200).

Table 2 shows the indicators for measuring the degree of politicization in the European Commission and the EU member states. In this context, we take account of the fact that in the national systems, politicization primarily emerges from party politics. In the Commission, by contrast, this pattern is substituted by nationality cleavages. Once again, we calculate an additive index assigning ‘0’ to low or no politicization and ‘1’ to high politicization.

**Table 2:**  
**Indicators Measuring the Level of Politicization**

Indicators	low	high
senior staff jobs usually take part of an administrative career	yes (0)	no (1)
senior staff is recruited through formal procedures prior to the appointment	yes (0)	no (1)
senior staff can be dismissed by the minister without cause	no (0)	yes (1)
senior staff can be replaced when the government changes	no (0)	yes (1)
the incumbent minister can appoint senior staff	no (0)	yes (1)
it exists a formalized cabinet system	no (0)	yes (1)
the appointment of cabinet staff is formalized	yes (0)	no (1)

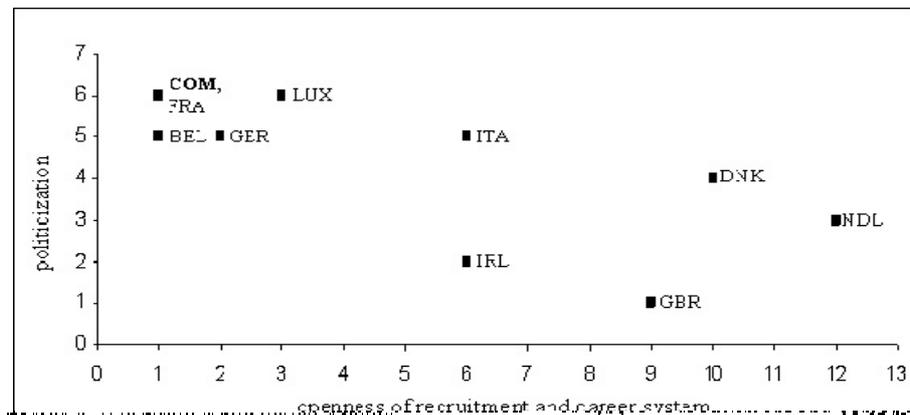
*Source:* own specification based on Schnapp (2004: 149) and Auer et al. (1996).<sup>1</sup>

To analyze administrative changes over time, we collect values for our indicators at the beginning of the 1980s and the beginning of the 2000s. The selection of the time period is based on the objective of covering the potential impact of different EU enlargements on administrative change at the Commission level. While there is a general consensus in the literature that the Commission bureaucracy was strongly influenced by the Continental administrative traditions of the founding members of the EU (especially France and Germany), the 1973 enlargement led to a considerable increase in administrative heterogeneity in the EU administrative space. This can be traced to the fact that the then new members (United Kingdom, Ireland and Denmark) belong to ‘administrative families’ that are quite different from the Continental model (Peters 2003). Focusing on administrative arrangements of the Commission several years after this enlargement can thus reveal to what extent the increasing administrative variety on the side of the member states is reflected in the supranational bureaucracy. The analysis of the current status quo thus provides the opportunity to study potential effects of further enlargement rounds during the 1980s and 1990s and hence growing heterogeneity within the EU administrative space.

## The Commission Between de-Politicization and Aperture of Recruitment and Career

Based on the indexes introduced in the previous section we are able to assess the characteristics of a public administration in two dimensions. Figure 1 is a ‘snapshot’ of the early 1980s showing the position of the public administrations of the then nine EU member states and the European Commission. Due to the additive logic of the indexes, a value of ‘13’ on the horizontal axis means the full openness of the recruitment and career system. In a similar vein, a value ‘7’ on the vertical axis resembles the maximum level of politicization of an administrative system.

**Figure 1:**  
**Patterns of Administrative Traditions in the EU-9 and the European Commission in the early 1980s**



Source: own illustration.

Figure 1 shows that the European Commission is located in perfect alignment with its alleged public administration ‘parent model’ France. The only odd-man-out from the founding members is the Netherlands, who phased out their career-based system in 1982 (Demmke 2005: 105–107). The United Kingdom, Ireland and Denmark – all joined the EU in 1973 –

enriched the European administrative space with a quite open recruitment and career system and an institutionalized separation between politics and administration. Nevertheless, the administrative features of the European Commission in the 1980s remained similar to patterns of the early Commission administration (cf. for an overview Heyen 1992).

Since 1961, a set of staff regulations (the Statute) regulates the recruitment and career of the Commission civil servants (Stevens and Stevens 2006: 455). They define the rights and obligations of officials, underlining their privileged position as guardians of the European interest. At that time, the formalization of recruitment and career was understood as a crucial step towards safeguarding the independence of the emerging European civil service and as a commitment of the six founding members to the supranational nature of the 'European project' (Coombes 1970: 140). The entry to the European civil service usually took place in the first grade, and the recruited civil servants got life tenure with set progression in payment (cf. Coombes 1970; Rogalla 1973; Getz and Jüttner 1972; Stevens and Stevens 2001). Moreover, the French way of recruiting civil servants (also used in Belgium and Italy) – the *concours* system – was adopted. It is based on a competitive entry examination with prior public advertisement in order to choose the best-suited candidates. Furthermore, age limits (candidates had to be younger than 45) as well as a probationary period of six months for every civil servant (apart from the senior staff) were specified (Getz and Jüttner 1972: 130).

The career structure was based on strictly segregated functional categories (A, B, C, D) being nearly totally impermeable (Coombes 1970: 138–41; Stevens and Stevens 2001). Similar to the German and French habits, specific diplomas and educational attainments served as entry conditions for a particular career track and were valued more than professional experiences or specific skills (Rogalla 1973: 333). To join category A, the candidate needed a university degree and for the D category at least several years of high school.

The categories were divided into eight grades with two to eight seniority steps respectively. Possible promotions were restricted to narrow ranges (Coombes 1970: 138–41). As a consequence, most officials reached the highest grade after 15 to 20 years of service, i.e. on average 15 years before their retirement (Stevens and Stevens 2001: 98). The deficiencies of the promotion and appraisal system had been emphasized already by the Spierenburg report of 1979, but until recently, seniority, good connections to senior managers and nationality continued to carry more weight for promotion than individual performance (Davies 2002: 178; Spence 1997: 75). Finally, the statutory remuneration scheme was fixed by the budget of the European Communities and the ‘method of annual salary adjustments’ that linked the salaries of European civil servants automatically to the development of the respective salaries in the member states (Stevens and Stevens 2001: 48).

The highly closed patterns of recruitment and career coincided with a high degree of politicization within the Commission bureaucracy. In the 1980s, the recruitment and selection of senior staff was poorly formalized and heavily influenced by individual Commissioners, cabinets and member states (Lequesne 1996: 405; Rogalla 1973: 338). The staff regulations even foresaw the possibility of initiating “a procedure other than the competition procedure”, thus giving the Commissioner a high degree of discretion for appointments in his DG (Coombes 1970: 157; Stevens and Stevens 2001: 82–4). Director-Generals could be replaced ‘in the interests of service’, i.e. they were sent to early retirement if they did not get along with the Commissioner. Furthermore, the member states intervened in the selection procedure by parcelling the positions out among each other in a process of ‘horse trading’ (Michelmann 1978: 23). Though an official quota system was not introduced, member states typically tried to ensure a high representation of their compatriots by influencing the appointment procedure in their ‘inherited’ Directorate Generals (cf. Cini 1996). As a consequence of the high politicization, the positions of Directors and Director-Generals were not

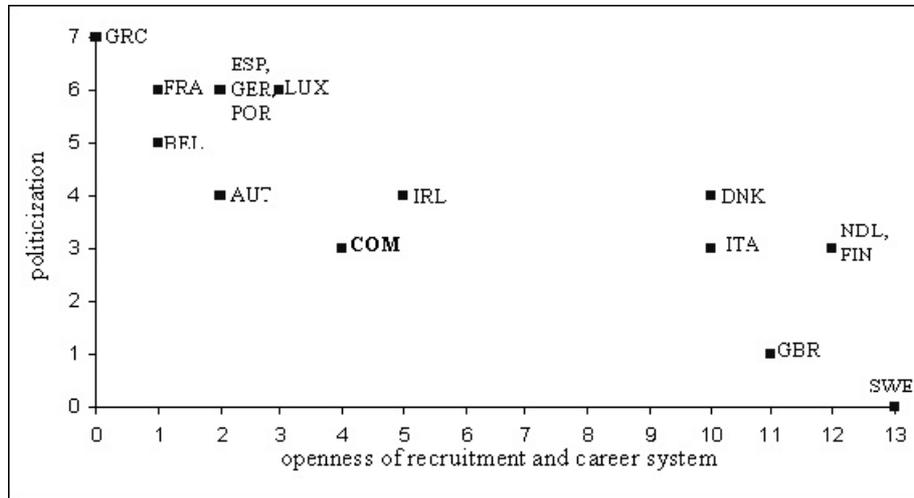
considered an achievable step in the career of European civil servants under normal circumstances (Coombes 1970: 146; Stevens and Stevens 2001: 74).

By contrast, the members of the Commissioners' cabinets had the best chances of getting quick promotion or circumventing ('parachuting') the standardized selection procedure for normal officials (Stevens and Stevens 2001). They had a formalized rank in the administration and became "the centre of a complex web of policy pressures, negotiations and package deals and an indispensable part of the policy-making process in the European Community" (Ritchie 1992: 106). Already Walter Hallstein, the first President of the Commission of the EEC, saw thus the danger of a politicized European civil service, because both the Commissioners and the member states used the cabinets as instruments to push through their interests (Cassese and della Cananea 1992: 94). A Commissioner could appoint more than six cabinet members and only one had to meet the formal condition to come from another member state than him (Donnelly and Ritchie 1997: 43-45). "Any dominance of single nations in the policy process is more possible in the College of Commissioners itself than in the civil service, since the *cabinets* are dominated by members from the commissioner's home state" (Page 1997: 136). In a nutshell, the nexus between politics and administration in the European Commission was quite firm and the Commission scores respectively high on the politicization axis.

20 years later, we observe profound changes in the Commission administration. Figure 2 shows that the European Commission has considerably departed from its Franco-German parent models. While patterns of recruitment and career have remained rather stable in these countries, the Commission has made a clear move towards an open career system. The changes on the politicization dimension are even more evident. The arrangements in the Commission are now much closer to the United Kingdom and the Scandinavian countries. This is even more significant since

the French and German parent models are just as or even more politicized than in early 1980s.

**Figure 2:**  
**Patterns of Administrative Traditions in the EU-15 and the European Commission (post-Kinnock and before 2004 enlargement)**



Source: own illustration.

The composition of the administrative space in the EU-15 suggests that the Commission is indeed coined by two distinctive groups of public administration models, with the group clustering around the right end of the horizontal axis (including primarily Scandinavian and Anglo-Saxon) and the second being located at the left top of the vertical axis (comprising countries with Napoleonic and German traditions). Exceptions hold for the Netherlands, Italy and Ireland. As already mentioned, the Netherlands had already opened up their recruitment and career system already in the 1980s. Italy, generally seen as a representative of the Napoleonic tradition, has moved considerably towards de-politicization as well as openness of the career system of the civil service after the massive political crisis in the 1990s (Kickert 2007: 37-48). Ireland represents the third exception. The

politicization of the Irish civil service generally departs the Common Law ideal type (cf. Millar and McKeivitt 2003). Notwithstanding these exceptions, however, our two-dimensional classification still fits very well with the common assignment of EU member states to specific administrative traditions. Although all EU member states have reformed their public administration in certain – sometimes profound – ways (cf. Pollitt and Bouckaert 2004; OECD 2005), reforms neither implied a complete departure from the pre-existing administrative traditions, nor did the reform developments lead to an overall convergence of civil service systems (cf. Pollitt et al. 2007).

Against this backdrop, the development patterns that can be observed for the European Commission constitute a rather outstanding model. The Commission has clearly departed from its Continental roots and – for both administrative dimensions under study – has moved somewhere in between the positions of the Continental and Anglo-Saxon/Scandinavian models.

Regarding the recruitment and career system, to begin with, the move towards a more open approach becomes first apparent with the abolishment of the maximum recruitment age. Initially, the reform advocates within the Commission as well as the President of the European Parliament sought to maintain this condition for entry into the European civil service (cf. European Ombudsman 2002). In the context of the Commission reform, however, a joint recruitment office was set up that is responsible for the selection of candidates for all European institutions, including Council, Parliament, ECOSOC, and the Committee of the Regions as well as the office of the European Ombudsman. Here, especially Jacob Söderman, the long-serving ombudsman, refused to sign the regulation for making EPSO, the new common recruitment office, operational. His major critique was that age limits were discriminatory and were contradicting the EU's own life-long learning and ageing policies. "An own-initiative inquiry by the Ombudsman has shown that more modern bodies such as the European Central Bank, Europol and most of the executive agencies have never used age limits.

Perhaps this is because they never formed part of the old-fashioned traditional administrative culture, which is proving so resistant to change” (European Ombudsman 2002). Eventually, Jacob Södermann got his way and the age limit was abolished.

Two other important administrative changes concerned aspects of the career structure and the linkage of promotion to the individual performance of civil servants (Bauer 2006). With the new staff regulation the European Commission abolished its rigid career structure by reducing the former four categories to two, namely Administrators (AD) and Assistants (AST). The new system contains 16 grades, each having five seniority steps (European Commission 2004b). The career system is now more permeable, with enhanced opportunities of horizontal differentiation (at the same grade), and much more merit based promotions than before. Promotion itself occurs automatically if the individual has collected a certain number of merit points (annually distributed from a fixed pool by its Head of Unit and the Director-General). European civil servants are now unlikely to reach ‘fin de carrière’ long before approximating their retirement age (Knill and Balint 2008). The seniority principle is still important, but the salary increase now proceeds digressively and is even frozen after five consecutive seniority steps without prior promotion.

As typically the case in closed recruitment and career systems, remuneration is statutory but in practice negotiated by the government, the public employers and the staff unions (Bossaert et al. 2001: 152). Whereas the 1980s were characterized by various pay disputes between member states, Commissioners and staff unions, the integration of the ‘method of annual salary adjustments’ into the staff regulations until 2013 avoids yearly negotiations and ensure social peace (Ahrens 2004: 447). Furthermore, the European Commission prolonged the probationary period from six to nine months and extended it also to the recruitment of senior staff (European Commission 2004b).

By contrast, the other features of the recruitment and career system have remained unchanged. The entry to the civil service still takes place in the first grade and the category AD is only open to applicants possessing a university degree. The recruitment procedure in the European Commission is still based on a highly formalized approach; specific professional experience and skills are still of minor importance. All permanent Commission staff is recruited through open competitions that are publicly advertised and published in the Official Journal of the European Union. Finally, the officials are employed on a lifelong basis and receive no performance-related pay.

While the changes as regards the openness of the recruitment and career system can still be characterized as relatively modest, the nexus between politics and administration have changed even more profoundly. To be sure, the Commissioners still have the authority to appoint Director-Generals and Directors, and informally there is the exit option for Director-Generals in terms of 'voluntary' early retirement (Wille 2007: 44). However, Commissioners have lost discretionary power, since the positions of higher management go through a formalised selection procedure in which the Consultative Committees of Appointments (CCA) plays a crucial role in evaluating the quality of the candidates (European Commission 2004a). The CCA serves as 'interviewing and evaluation board' and prepares a shortlist of candidates from which the Commissioner may choose. The CCA tries to avoid misrepresentation of certain nationalities. In the case of appointment procedures for Director-Generals, the CCA is now composed of the Secretary-General, the Director-General for Personnel and Administration, the Head of Cabinet of the President, the Head of Cabinet of the Commissioner for Personnel and Administration, the Permanent Rapporteur, the Rapporteur for the case and supporting actors. The Permanent Rapporteurs and the supporting actors are specialists in human resource management techniques and are responsible for making objective recommendations. At the same time, neither cabinets seem to have actually

much influence in the selection procedure, nor do national governments (Egeberg 2006: 39f).

For senior staff coming from new member states or for external candidates, the European Commission has introduced an additional layer in the selection procedure which is quite commonly applied in the private sector: the 'assessment centre method'. Here, candidates are subject to one-day tests and examinations in order to assess on the basis of sophisticated tools whether they have the generic competences to become a senior manager and whether they have the sense of leadership and communication (European Commission 2004a: 3). At the end of the selection procedure, the CCA sets up a (sometimes even ranked) shortlist of candidates that are recommended to the appointing Commissioner. The Commissioner is not obliged to choose a candidate from the shortlist, but, as showed by empirical studies, generally accept around 95 per cent of the proposed candidates (Egeberg 2006: 38).

A large majority of Director-Generals is now appointed from within the European Commission (Wille 2007: 41). There is evidence that the positions of Directors and Director-Generals more and more constitute a possible part of an administrative career track. As general rules, neither should a Director-General have the same nationality as his/her Commissioner, nor should the distribution of nationalities in one Directorate constitute national clusters of senior officials (Peterson 2004: 26; Spence 2006: 143). National influence is also diminished by the new compulsory job rotation policy introduced in 1999 (European Commission 2004a). Directors and General Directors have to move to another post after at least five to seven years.

While the formalized cabinet system and its influence on the establishment of informal policy networks still exists, potential channels for transmitting national interests were hence strongly restricted by formalizing the appointment of cabinet members. As one of his first actions in office, the then Commission President Romano Prodi decided that at least three nationalities have to be represented in the six-headed cabinet (Nugent 2001:

121; Spence and Stevens 2006: 175). Furthermore, the positions of Chef du Cabinet and Director-General should be filled with different nationalities than that of the respective Commissioner.

## **Explaining Administrative Change inside the Commission**

Based on our indicators we find substantial administrative change inside the European Commission. In 2004, the relationships between higher management and Commissioners were considerably less politicised and the career systems had become more open than 20 years before. However, compared to the developments in the member states, administrative change at the supranational level can hardly be interpreted as the product of a general trend within the emerging European administrative space. When focusing on the EU-9 – apart from a few exceptions – national public administrations remain pretty stable; i.e. according to our indicators, member states have hardly changed their positions over time. By contrast, the European Commission is the public administration in the sample that changed most significantly. How can this development be explained? To answer these questions, we will examine theories developed in organisation sociology and public sector reform in more detail. We argue that the observed developments can hardly be fully understood from perspectives that emphasize functional adaptation or institutional path-dependency. To understand both the direction and timing of the administrative changes, we rather have to rely on a combination of theories of institutional isomorphism and Kingdon's (1984) policy windows.

### **Functional Adaptation**

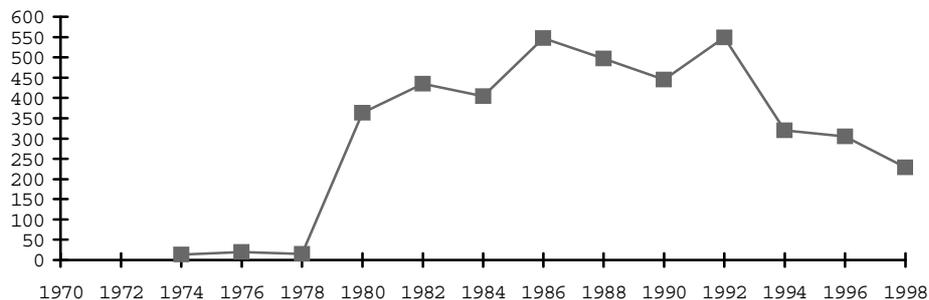
According to the perspective of functional efficiency, organisations adjust their structures and routines in the light of new challenges and problems.

From this perspective, administrative changes are primarily problem-driven; the emergence of new tasks, performance crises or the perception of functional inefficiencies should trigger respective organizational adjustments in order to cope with these challenges (March and Olsen 1989, 1995). The mechanism behind this explanation for change is functional adaptation. As needs and tasks change or new challenges emerge, organisations react in a deliberate and conscious way to fulfil their changing duties and live up to new expectations.

If the mechanism accounting for administrative change in the European Commission was functional adaptation, we should be able to link the observable reforms to new challenges. In the case of the Commission, two potential challenges can be identified. The first refers to the strong expansion of its tasks and duties caused by the intensifying and deepening of European integration process over the years. The second – related – challenge emerges from a vast and growing ‘management gap’ in the Commission, resulting from lacking organisational adjustments in order to manage the increasing level of integration reached by the European Union (Metcalf 1992).

These challenges and problems, however, did not result in respective administrative changes. It is hence highly unlikely that functional adaptation has been driving administrative change in Commission. First, empirical findings show that there has been a peak of activity towards the end of the 1980s and the beginning of the 1990s – usually related to the program of completing the Single Market and the successful years of the Commission presidency under Jacques Delors (see figure 3). Administrative changes, however, occurred more than ten years later instead of parallel or even prior to the peak of the task expansion.

**Figure 3:**  
**Council Output – Regulations and Directives**

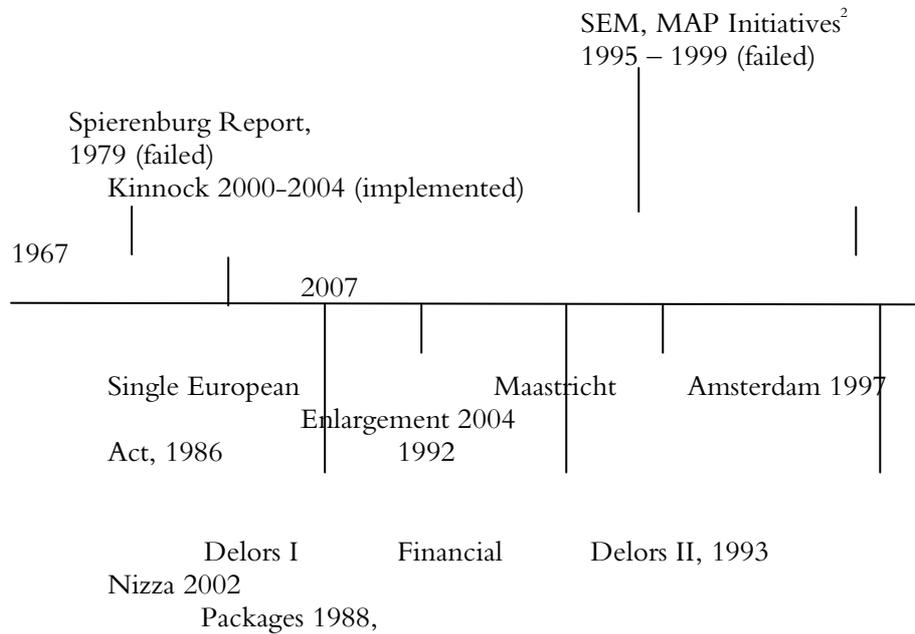


Source: Bauer (2001: 49)

Second, a similar argument can be made as regards internal organisational needs of the Commission. It has been known since the end of the 1970s, i.e. roughly since the Spierenburg report, that the Commission organisation is haunted by a number of grave organisational deficits, which were mainly due to the unstructured merger of the three forerunner organisations in 1967 and the organisational expansion since that time.

There is no discernible connection between attempts of administrative reform and windows of opportunity in terms of grand constitutional bargains (see figure 4). Reform attempts and organisational challenges are completely disconnected. For example, task expansion peaked under Jacques Delors while his presidency in terms of administrative change was definitely an absolutely low one (Bauer 2007a). In sum, there is no evidence that supports an interpretation of administrative change in the Commission as functional adaptation to organisational challenges. Given the huge time lag between the emergence of new demands and internal response, the functional adaptation explanation does not appear to explain much of the observed patterns of administrative change.

**Figure 4:**  
**Attempts of Organizational Reform and Task Expansion in the Commission**



Source: own illustration

## Institutional Path Dependency

The lack of an immediate and swift response to increasing problem pressure points to the need for a more differentiated theoretical perspective that takes account of the role of institutional factors. According to the theories of the new institutionalism (Hall and Taylor 1996), institutions matter. Existing institutional arrangements influence not only the strategic opportunities of the involved actors, but also shape the preferences and ideas of these actors (March and Olsen 1989; Thelen and Steinmo 1992). As a result, institutions are generally expected to be rather autonomous with respect to responding to

emerging challenges; respective adjustments should follow an incremental logic of change along trajectories or paths that are determined by earlier institutional choices.

Accordingly, we would expect the Commission's administration to change alongside and in harmony with those traditions and models that coined its very inception. There are two crucial empirical implications that should be expected to be discernible if the organisational change within the Commission was to be explained by the concept of path dependence. First, we would expect a rather low level of change. In addition, change should follow the original 'path' chosen when the Commission was created. Second, given that the initial administrative arrangements of the Commission were based on a melange of its French and German parent models, a path dependent logic would imply that administrative changes in the Commission occur within the same development corridor that can be observed for the parent models.

The comparison between figures 1 and 2 suggests, however, that both expectations are not born out by our data. First, compared to the 1980s, current administrative arrangements in the Commission clearly departed from the German or French developments. Moreover, the administrative changes in the Commission occurred on a scale that can hardly be classified as incremental.<sup>3</sup> The argument that path dependency does not solve our empirical puzzle is also supported by the fact that the Commission clearly moves into the direction of the Anglo-Scandinavian position, while the arrangements for its French and German parent models have remained highly stable over time. Although the Commission position remains somewhere in the middle between the Continental and Anglo-Scandinavian poles, the magnitude and direction of change appear big and clear enough to reject a theoretical explanation based on institutional path dependency.

## Institutional Isomorphism

In contrast to the theories analyzed so far, the framework of institutional isomorphism places particular emphasis on the explanation of administrative changes by developments in the organizational environment. This framework has been applied in order to account for phenomena of international spreading and diffusion of policy innovations and reform concepts, not least with regard to public sector reforms (DiMaggio and Powell 1991; Meyer and Rowan 1977; Meyer et al. 1997; Levi-Faur 2002; Knill and Balint 2008). The central argument advanced by DiMaggio and Powell is that legitimacy rather than functional efficiency is the major driving force of organizational change. To increase their legitimacy and ensure their persistence, organizations embrace rules, norms and routines that are widely valued in their organizational environment.

Hence, organizational change is essentially driven by external developments rather than intra-organizational concerns about the organization's efficiency. DiMaggio and Powell identify three mechanisms which drive isomorphic organizational change, namely coercive, mimetic and normative isomorphism. An important driving force of isomorphic organizational change emerges from coercion. Organizations adjust their structures and procedures to organizations from which they are financially or legally dependent (DiMaggio and Powell 1991: 74). However, organizational adjustment to the environment does not only take place as a result of coercive pressures but may also occur in constellations of high uncertainty; e.g. ambiguous goals, uncertain means-end relations or the confrontation with new problems. In such constellations it is argued that organizations imitate the structures of other organizations which they perceive as particularly successful. Instead of a long-winded search for own solutions to existing problems, organizations strive to ensure their legitimacy by emulation (DiMaggio and Powell 1991: 75; Guler et al. 2002: 213). Another mechanism driving

isomorphic organizational change is based on similar dominant normative orientations and beliefs of staff members. In this context, especially the impact of similar professional backgrounds and the role of professional organizations and epistemic communities (Haas 1992) in spreading common understandings and perceptions of policy problems and solutions are emphasized in the literature (Hasse and Krücken 2005: 26).

While our research design hardly allows a sound assessment of the relevance of the different mechanisms for the administrative changes in the Commission, it seems highly plausible to assume that isomorphic mechanisms might have played a role in this case. Coercive changes, for instance, could have emerged from respective pressures of the member states on which the Commission financially depends. Moreover, according to the principle-agent logic of the relationship between the Commission and the member states, the Commission is likely to adapt to the (anticipated) preferences and administrative practices of its member states principals. At the same time, the Commission might have incentives for emulating successful reforms in the member states, given the high uncertainty emerging from the unprecedented challenges of recent enlargements and deepening integration. Finally, there are good reasons to assume potential effects of normative isomorphism due to the emergence of a European administrative space which is characterized by intensified linkages and exchange among domestic and supranational administrations.

As already mentioned, institutional isomorphism predicts the adoption of such models that are highly valued or dominant in the organizational environment. This implies that isomorphic change requires a certain degree of homogeneity of the environment. In case of high heterogeneity, by contrast, no clear predications are possible. Exactly the latter scenario, however, is given with regard to the administrative space in which the Commission is located. While this space in the early days of the Community was still characterized by the dominance of a Continental administrative tradition, the

subsequent enlargement round contributed to considerable heterogeneity increases. It is thus hardly possible to identify dominant models of administrative arrangements and structures which might have served as a blueprint for the Commission reforms.

This conclusion, however, does not mean that institutional isomorphism constitutes no promising framework for our case. Rather, the analysis of the Commission reforms against the background of a heterogeneous environment might even serve as a starting point to refine this approach. The reason for this lies in the rather interesting way the Commission copes with this diversity. What a comparison of figures 1 and 2 impressively shows is that the Commission has moved between the two poles of Continental and Anglo-Scandinavian administrative systems over time. In other words, the Commission increased its legitimacy by adopting a balanced position between these poles rather than simply adopting one of the two dominant approaches. The robustness of this pattern is underlined by the fact that it holds for both dimensions of administrative change (career and recruitment as well as politicization), although these dimensions cover rather diverse characteristics. The argument is further supported by the fact that internal changes at the domestic level are unlikely to have had a major impact, because with respect to our indicators most member states have remained pretty stable over time; hence there has been no dynamic for this source of change. The major discernible dynamic between figure 1 and 2 emerges from enlargement, i.e. the proliferation of new member states from an administrative tradition distinct from that of the founding members and the European Commission during the 1980s.

### The Impact of Policy Windows

While institutional isomorphism provides a promising framework to understand the observed patterns of administrative change in the Commission,

its central weakness is the neglect of the process dimension. Institutional isomorphism helps us to understand the direction of administrative reforms, but tells us little about the factors that actually led to the adoption of the changes at a certain point of time. Why did the reforms of the Commission only take place very recently, while enlargements and hence heterogeneity increases in the EU administrative space took place many years before?

We argue that the framework of policy windows as developed by Kingdon (1984) or the garbage can model (Cohen et al. 1972) constitute useful approaches to answer this question. As argued by Kingdon (1984), the chance to set reforms successfully on the political agenda depends on the specific constellation of problems, solutions and processes which is needed for opening the famous policy window. In the case of the Commission reforms, administrative problems had been identified and spelled out continuously from the late-1970s onwards. As shown in figure 4, until the Kinnock reform several reform attempts had been undertaken, all of which failed (Bauer 2007b). At the same time, there was no shortage of potential solutions. They were developed not only inside the Commission. Their number grew constantly through the enrichment the EU administrative space in varying enlargement rounds. In addition, the global reform wave of NPM offered a large tool box for resolving administrative problems. Notwithstanding these developments, administrative reforms in the Commission only took place very recently.

This phenomenon can be explained when having a closer look at the process dimension. The fundamental political crisis of the Commission, which was triggered by highly politicized problems of corruption and fraud, crucially increased the need for political action. The Commission was under high pressure to demonstrate its willingness to cope with these problems. Moreover, this fundamental challenge strongly reduced the possibility for reform opponents to veto respective changes. In calibrating these reforms, however, the Commission looked at solutions that had already been

developed elsewhere (i.e. the garbage can) rather than going through an ideal-type rational process of problem analysis, search for solutions, evaluation solutions and finally adopting the best alternative (Schön-Quinlivan 2007; Committee of Independent Experts 1999). The political crisis hence provided the basis for linking problems and solutions that had been identified long before (Metcalf 2000; Bauer 2001, 2002). This way, we can understand the timing of administrative reforms whose adoption was eventually hardly based on a rationalist process, but required an accidental trigger in form of the Santer resignation crisis (Peterson 1999; Ringe 2005).

## **Conclusion**

In this paper we presented data on two administrative dimensions characterizing the European Commission, namely the degree of the politicization of its higher management and the degree of openness of its career system. In a two-dimensional space composed of these two features we estimated the position of the Commission in the early 1980s and in the early 2000s. In addition, we compared the position of the Commission at these two points in time with the position of the respective members states. The data shows that the Commission started from a position close to the Continental model of public administration and over time partially moved towards the Anglo-Saxon and Scandinavian model. The change of position of the Commission is striking insofar as the position of most member states in the two-dimensional space remained stable, i.e. they did not depart from well-established administrative arrangements (Pollitt and Bouckaert 2004).

As space and data availability did not allow to paint a complete picture of the Commission bureaucracy, our results have to be interpreted carefully. Although we applied established categories from the field of comparative

public administration, we do not claim to depict the full range of possible changes the public administrations in our sample may have experienced. Our results should thus not be misread as claiming that national public administrations which appear 'stable' in our dimensions would not have changed at all. Indeed, the purpose of this article was not to find out why (or why not) national administrations do change but whether and why the European Commission does change in accordance or in contrast to those member states administrations which taken together make up a European administrative space.

To settle this question we explored four explanatory mechanisms of organisational change. Taken individually, none of the four concepts – functional adaptation, institutional path dependency, isomorphism or policy windows – could convincingly account for the pattern of administrative change within the Commission as displayed by our data. However, while none of these concepts explains everything, regarding parts of the empirical puzzle some apparently do better than others. While we find little evidence for functional adaptation or path dependency, isomorphism and policy windows appear more promising. More precisely, if one accounts for the particular circumstance that – due to various rounds of enlargements – there is no longer a single dominant administrative standard but a competition between the Continental, Anglo-Saxon and Scandinavian model, isomorphism is able to specify the direction of the change we would expect the Commission to engage in. Legitimacy pressure from two peer groups makes it very plausible that the Commission seeks a central position in between without fully embracing either way of doing things. Moreover, the long time of stability – some would name it managerial stagnation – that is characteristic for the development of the Commission administration which is disrupted by a substantial change triggered by some chance event accurately describes the logic of a policy window as developed by Kingdon (1984). In other words, the Commission's fixation on the Continental model despite the

emergence of a new gravity centre with the increasingly strengthened Anglo-Scandinavian camp is part of the 'normal' irrationality of inter-organisational change in the public sphere.

Given the explorative logic of this paper we want to be very clear as regards the conclusion which may be drawn from our analysis. We do not claim that bureaucratic change in the European administrative space is always or exclusively to be explained by isomorphism and policy windows. More modestly, on the basis of our empirical observations we suggest that these two concepts appear to be the most promising theoretical approaches researchers should address to if they want to understand administrative change at the supranational level. In other words, our conclusion should be seen to open and not to settle the theoretical discussion on bureaucratic change in the European administrative space.

Following our argument, we should expect that the future patterns of bureaucratic change in the European Commission depends on the direction in which the public administrations of the new member states will develop. Unlike the EU-15 we see the public administrations of most of the newcomers – especially those with a background of transition from communism – still in search for orientation (Hajnal 2003; König 2002; Randma-Liiv and Connaughton 2005). It is still an open question whether the majority will move towards the Continental (which is due to historic reasons closest to most of the newcomers) or for the Anglo-Scandinavian model? If either the Continental or the Anglo-Scandinavian tradition may reach a dominance, we expect that the Commission at future change will converge into the direction of the then dominating model. If the European administrative space will continue to be coined by two competing models as equal gravity centres, bureaucratic change should bring the European Commission in a central position between those two models – just as our empirical data showed with respect to recent change in the area of politicization of higher management and openness of the European civil

servants career system. These predictions are, of course, open to falsification by future research.

---

## Notes

<sup>1</sup> Data on the member states are to a large extent taken from an index developed by Schnapp (2004) and were partially complemented (cf. Auer et al. 1996; Bouckaert et al. 2001; Millar and McKeivitt 1999; Nies-Berchem 1992; OECD 1996, 2004; Page and Wright 1999; Pollitt and Bouckaert 2004). For reasons of their rather recent accession, we excluded the member states that joined the EU in 2004 and 2007 from our sample. Data on the European Commission is based on our own empirical investigations covering the administrative changes as triggered by the recent Kinnock reforms until 2006 (Bauer 2006, 2007b; European Commission 2004a, 2004b; Knill/Balint 2008).

<sup>2</sup> The acronyms stand for Sound and Efficient Management and Modernisation of the Personnel and Administration Policy of the Commission, cf. Bauer 2001, chapter 3.

<sup>3</sup> Although it has to be admitted that the definition of what can be defined as incremental change is ill-specified in the literature on institutional path dependency; it is thus obviously difficult to empirically falsify the concept.

## References

- Ahrens, G. (2004), "Die Reform des EU-Beamtenstatuts - eine unendliche Geschichte vor dem Abschluss?", *Neue Zeitschrift für Verwaltungsrecht*, 23:4, 445-47.
- Auer, A., C. Demmke, and R. Polet (1996), *Civil Services in the Europe of Fifteen: Current Situation and Prospects*. Maastricht: EIPA.
- Bauer, M. W. (2001), *A Creeping Transformation? The European Commission and the Management of EU Structural Funds in Germany*. Dordrecht: Kluwer Academic Publishers.
- Bauer, M. W. (2002), "Reforming the European Commission - a (Missed?) Academic Opportunity", *European Integration online Papers (EIoP)*, 6:8, available at: <http://eiop.or.at/eiop/texte/2002-008a.htm>.
- Bauer, M. W. (2005), "Damit ist ein Staat zu machen: Verwaltungsstudium in Ostmitteleuropa", *Osteuropa. Zeitschrift für Gegenwartsfragen des Ostens*, 55:11, 55-66.
- Bauer, M. W. (2006), "Die Reform der Europäischen Kommission: Eine Studie zur Managementmodernisierung internationaler Organisationen", *Verwaltungsarchiv*, 97:3, 270-92.
- Bauer, M. W. (2007a), "Introduction: Management Reforms in International Organizations", in Michael W. Bauer, and Christoph Knill (eds.), *Management Reforms in International Organizations*. Baden-Baden: Nomos, 11-23.
- Bauer, M. W. (2007b), "The Politics of Reforming the European Commission Administration", in Michael W. Bauer, and Christoph Knill (eds.), *Management Reforms in International Organizations*. Baden-Baden: Nomos, 51-69.
- Bekke, H. A. G. M., and F. M. van der Meer (2003), "West European Civil Service Systems: Variations and Similarities", in Hans A. G. M. Bekke,

- and Frits M. van der Meer (eds.), *Civil Service Systems in Western Europe*. Cheltenham/Northampton: Edward Elgar, 275-90.
- Bossaert, D., C. Demmke, K. Nomden and R. Polet (2001). *Der öffentliche Dienst im Europa der Fünfzehn: Trends und neue Entwicklungen*. Maastricht: European Institute of Public Administration.
- Cassese, S. and G. della Cananea (1992), "The Commission of the European Economic Community: the Administrative Ramifications of its Political Development (1957-1967)", in Erk V. Heyen (ed.), *Early European Community Administration*. Yearbook of European Administrative History 4. Baden-Baden: Nomos, 75-94.
- Cini, M. (1996), *The European Commission. Leadership, organisation and culture in the EU administration*. Manchester: Manchester University Press.
- Cohen, M. D., J. G. March, and J. P. Olsen (1972), "A garbage can model of organizational choice", *Administrative Science Quarterly*, 17:1, 1-25.
- Committee of Independent Experts (1999). *Second report on reform of the Commission; Analysis of current practice and proposals for tackling mismanagement, irregularities and fraud*: 10 September 1999, available at: [http://www.europarl.europa.eu/experts/default\\_en.htm](http://www.europarl.europa.eu/experts/default_en.htm).
- Connaughton, B., and T. Randma (2003), *Teaching Ideas and Principles of Public Administration: is it possible to achieve a common European perspective?*, available at: <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN007836.pdf>.
- Coombes, D. (1970), *Politics and Bureaucracy in the European Community. A portrait of the Commission of the EEC*. London: Allen & Unwin.
- Davies, M. D. V. (2002), *The administration of international organizations: top down and bottom up*. Aldershot: Ashgate.
- Demmke, C. (2005), *Die europäischen öffentlichen Dienste zwischen Tradition und Reform*. Maastricht: European Institut of Public Administration.

- DiMaggio, P. J., and W. W. Powell (1991), "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields", in Walter W. Powell, and Paul J. DiMaggio (eds.), *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press, 63-82.
- Donnelly, M., and E. Ritchie (1997), "The College of Commissioners and their Cabinets", in Geoffrey Edwards, and David Spence (eds.), *The European Commission*. London: Cartermill, 33-67.
- Dyson, K. H. F. (1980), *The state tradition in Western Europe. A study of an idea and institution*. Oxford: Robertson.
- Egeberg, M. (2006), "Balancing Autonomy and Accountability: Enduring Tensions in the European Commission's Development", in Morten Egeberg (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe*. Basingstoke: Palgrave, 31-50.
- European Commission (2004a). *Document synoptique sur la politique concernant les fonctionnaires d'encadrement superieur. Communication de M. Kinnock*, available at: [http://ec.europa.eu/reform/pdf/SEC\\_2004\\_1352-2.pdf](http://ec.europa.eu/reform/pdf/SEC_2004_1352-2.pdf).
- European Commission (2004b). *Reforming the Commission. An Administration at the service of half a billion Europeans*, available at: [http://ec.europa.eu/reform/2002/index\\_en.htm](http://ec.europa.eu/reform/2002/index_en.htm).
- European Ombudsman (2002). *Press releases concerning the abolishment of maximum age limits*, available at: <http://www.ombudsman.europa.eu/age/en/default.htm>.
- Getz, H., and H. Jüttner (1972), *Personal in internationalen Organisationen*. Baden-Baden: Nomos Verlagsgesellschaft.
- Guler, I., M. F. Guillén, and J. M. Macpherson (2002), "Global Competition, Institutions and the Diffusion of Organizational Practices. The International Spread of ISO 9000 Quality Certificates", *Administrative Science Quarterly*, 47, 207-33.

- Haas, P. M. (1992), "Introduction: Epistemic Communities and International Policy Coordination", *International Organization*, 46:1, 1-36.
- Hajnal, G. (2003), "Diversity and convergence: a quantitative analysis of European public administration education programs", *Journal of Public Affairs Education*, 9:4, 245-58.
- Hall, P. A., and R. C. R. Taylor (1996), *Political science and the three new institutionalisms*. Köln: MPIFG.
- Hasse, R., and G. Krücken (2005), *Neo-Institutionalism*. Bielefeld: Transcript-Verlag.
- Heyen, E. V., ed. (1992), "Early European Community Administration", *Yearbook of European Administrative History* 4. Baden-Baden: Nomos.
- Kickert, W. (2007), "Public Management Reforms in Countries with a Napoleonic State Model: France, Italy and Spain", in Christopher Pollitt, Sandra van Thiel, and Vincent Homburg (eds.), *New Public Management in Europe. Adaptation and Alternatives*. Basingstoke: Plagrave, 26-51.
- Kingdon, J. W. (1984), *Agendas, alternatives and public policies*. Boston: Little, Brown and Company.
- Knill, C. (1998), "European Policies: The Impact of National Administrative Traditions", *Journal of Public Policy*, 18:1, 1-28.
- Knill, C. (1999), "Explaining Cross-National Variance in Administrative Reform: Autonomous versus Instrumental Bureaucracies", *Journal of Public Policy*, 19:2, 113-39.
- Knill, C. (2001), *The Europeanisation of national administrations. Patterns of institutional change and persistence*. Cambridge: Cambridge University Press.
- Knill, C., and T. Balint (2008), "Explaining variation in organizational change. The reform of human resource management in the European Commission and the OECD", *Journal of European Public Policy*, 15:2, forthcoming.

- König, K. (2002), "Zwei Paradigmen des Verwaltungsstudium – Vereinigte Staaten von Amerika und Kontinentaleuropa", in Klaus König (ed.), *Deutsche Verwaltung an der Wende zum 21. Jahrhundert*. Baden-Baden: Nomos, 393–423.
- Lægreid, P., R. S. Steinthorsson, and B. Thorhallsson (2004), "Europeanization of Central Government Administration in the Nordic States", *Journal of Common Market Studies*, 42:2, 347–69.
- Lequesne, C. (1996), « La Commission européenne entre autonomie et dépendence », *Revue française de science politique*, 46:3, 389–408.
- Levi-Faur, D. (2002), "The Politics of Liberalization. Privatisation and Regulation for Competition in Europe's and Latin America's Telecoms and Electricity Industries", *European Journal of Political Research*, 42:5, 705–40.
- March, J. G., and J. P. Olsen (1989), *Rediscovering Institutions. The Organizational Basis of Politics*. New York: Free Press.
- March, J. G., and J. P. Olsen (1995), *Democratic governance*. New York: Free Press.
- Metcalf, L. (1992), "After 1992: Can the Commission Manage Europe?", *Australian Journal of Public Administration*, 51:1, 117–30.
- Metcalf, L. (2000), "Reforming the Commission: Will Organisational Efficiency Produce Effective Governance?", *Journal of Common Market Studies*, 38:5, 817–41.
- Meyer, J. W., D. J. Frank, A. Hironaka, E. Schofer, and N. Brandon-Tuma (1997), "The Structuring of a World Environmental Regime, 1870–1990", *International Organization*, 51:4, 623–51.
- Meyer, J. W., and B. Rowan (1977), "Institutionalized Organizations. Formal Structure as Myth and Ceremony", *American Journal of Sociology* 83:2, 340–63.
- Michelmann, H. J. (1978), *Organisational effectiveness in a multi-national bureaucracy*. Farnborough: Saxon House.

- Millar, M., and D. McKevitt (2003), "The Irish Civil Service System", in Hans A. G. M. Bekke, and Frits M. van der Meer (eds.), *Civil Service Systems in Western Europe*. Cheltenham/Northampton: Edward Elgar, 36-60.
- Nies-Berchem, M. (1992), « L'administration luxembourgeoise et les débuts de l'administration européenne (1952-1967) », in Erk V. Heyen (ed.), *Early European Community Administration. Yearbook of European Administrative History 4*. Baden-Baden: Nomos, 255-68.
- Nugent, N. (2001), *The European Commission*. Basingstoke: Palgrave.
- OECD (1996). *Putting citizens first. Portuguese experience in public management reform*. OECD: Paris.
- OECD (2004). *Trends in Human Resources Management Policies in OECD Countries. An Analysis of the Results of the OECD Survey on Strategic Human Resources*, available at: [http://appli1.oecd.org/olis/2004doc.nsf/43bb6130e5e86e5fc12569fa005d004c/9af0f2e9e8fb0304c125700b003b7a13/\\$FILE/JT00184766.PDF](http://appli1.oecd.org/olis/2004doc.nsf/43bb6130e5e86e5fc12569fa005d004c/9af0f2e9e8fb0304c125700b003b7a13/$FILE/JT00184766.PDF).
- OECD (2005). *Modernising Government. The Way Forward*. Paris: OECD.
- Page, E. C. (1997), *People Who Run Europe*. Oxford: Clarendon Press.
- Page, E. C., and L. Wouters (1995), "The Europeanization of national bureaucracies?", in Jon Pierre (ed.), *Bureaucracy in the Modern State. An Introduction to Comparative Public Administration*. Aldershot: Edward Elgar, 185-204.
- Page, E. C., and V. Wright, (eds.) (1999), *Bureaucratic Élites in Western European States. A Comparative Analysis of Top Officials*. Oxford: Oxford University Press
- Peters, B. G. (2003), "Administrative traditions and the Anglo-American democracies", in John Halligan (ed.), *Civil Service Systems in Anglo-American Countries*. Cheltenham: Edward Elgar, 10-26.

- Peters, B. G., and J. Pierre (2004), "Politicization of the civil service: concepts, causes consequences", in B. Guy Peters, and Jon Pierre (eds.), *Politicization of the Civil Service in Comparative Perspective. The quest for control*. London: Routledge, 1-13.
- Peterson, J. (1999), "The Santer Era: The European Commission in Normative, Historical and Theoretical Perspective", *Journal of European Public Policy*, 6:1, 46-65.
- Peterson, J. (2004), "The Prodi Commission: fresh start or free fall?", in Dionyssis G. Dimitrakopoulos (ed.), *The changing European Commission*. Manchester: Manchester University Press, 15-32.
- Pollitt, C., and G. Bouckaert (2004), *Public Management Reform - A Comparative Analysis*. Oxford: Oxford University Press.
- Pollitt, C., S. van Thiel and V. Homburg, (eds.) (2007). *New Public Management in Europe. Adaptation and Alternatives*. Basingstoke: Plagrave.
- Randma-Liiv, T., and B. Connaughton (2005), "Public Administration as a Field of Study: Divergence or Convergence in the Light of 'Europeanization'?", *TRAMES*, 9:4, 348-60, available at <http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=844CA901-AD65-4857-8E89-C348C557CCD1>.
- Ringe, N. (2005), "Government-opposition dynamics in the European Union: The Santer Commission resignation crisis", *European Journal of Political Research*, 44:5, 671-96.
- Ritchie, E. (1992), "The Model of French Ministerial Cabinets in the Early European Commission", in Erk V. Heyen (ed.), *Early European Community Administration. Yearbook of European Administrative History* 4. Baden-Baden: Nomos, 95-106.
- Rogalla, D. (1973), "Das Dienstrecht der Europäischen Gemeinschaften", in Joseph H. Kaiser, Franz Mayer, and Carl H. Ule (eds.), *Recht und*

*System des öffentlichen Dienstes. ILO, IAEA, OECD, Europarat, NATO und Europäische Gemeinschaften.* Baden-Baden: Nomos, 305-66.

- Scheinmann, L. (1966), "Some preliminary notes on bureaucratic relationships in the European Economic Community", *International Organization*, 20:4, 750-73.
- Scheinmann, L., and W. Feld (1972), "The European Economic Community and national civil servants of the member states", *International Organization*, 26:1, 121-35.
- Schnapp, Kai-Uwe (2004), *Ministerialbürokratien in westlichen Demokratien. Eine vergleichende Analyse.* Opladen: Leske + Budrich.
- Schön-Quinlivan, E. (2007), "Administrative Reform in the European Commission: From Rhetoric to Relegitimization", in Michael W. Bauer, and Christoph Knill (eds.), *Management Reforms in International Organizations.* Baden-Baden: Nomos, 25-36.
- Spence, D. (1997), "Staff and personnel policy in the Commission", in Geoffrey Edwards, and David Spence (eds.), *The European Commission.* London: Cartermill, 68-100.
- Spence, D. (2006), "The Directorates General and the Services. Structures, Functions and Procedures", in David Spence, and Geoffrey Edwards (eds.), *The European Commission.* London: John Harper Publishing, 128-55.
- Spence, D., and A. Stevens (2006), "Staff and Personnel Policy in the Commission", in David Spence, and Geoffrey Edwards (eds.), *The European Commission.* London: John Harper, 173-208.
- Stevens, A. and H. Stevens (2001), *Brussels Bureaucrats? The Administration of the European Union.* Basingstoke: Palgrave.
- Stevens, H., and A. Stevens (2006), "The Internal Reform of the Commission", in David Spence, and Geoffrey Edwards (eds.), *The European Commission.* London: John Harper, 454-80.

- Thelen, K., and S. Steinmo (1992), “Historical Institutionalism in Comparative Politics”, in Sven Steinmo, Kathleen Thelen, and Frank Longstreth (eds.), *Structuring Politics. Historical Institutionalism in Comparative Analysis*. Cambridge: Cambridge University Press, 1-32.
- Wille, A. (2007), “Senior Officials in a Reforming European Commission: Transforming the Top?”, in Michael W. Bauer, and Christoph Knill (eds.), *Management Reforms in International Organizations*. Baden-Baden: Nomos, 37-50.



# Chapter 3

## Beyond the Myth of Nationality: Analyzing Networks within the European Commission

Semin Suvarierol  
*University of Utrecht, the Netherlands*

### **Abstract**

The current literature on the European Commission refers to the influence of nationality in the functioning of the Commission and in particular to the reliance on networks based on nationality, failing to give much evidence apart from anecdotes. This empirical study takes a systematic approach by applying concepts from organizational network analysis to examine the networking patterns of Commission officials and to explore the effect of nationality therein. The data clearly show that nationality is not a significant factor in shaping officials' information and advice networks. While variables related to nationality and socialization fail to explain the variation, the size of the member-state in terms of the amount of officials and whether the contacts occur within the Directorate-General determine whether an official relies on compatriots for information and advice. The organizational structure of the Commission renders nationality irrelevant for its daily work.

## **Introduction**

The current literature on the European Commission refers to the influence of nationality in the functioning of the Commission and in particular to the reliance on networks based on nationality, failing to give much evidence apart from anecdotes. This empirical study takes a systematic approach by applying concepts from organizational network analysis to examine the networking patterns of Commission officials and to explore the effect of nationality therein. The data clearly show that nationality is not a significant factor in shaping officials' information and advice networks. While variables related to nationality and socialization fail to explain the variation, the size of the member-state in terms of the amount of officials and whether the contacts occur within the Directorate-General determine whether an official relies on compatriots for information and advice. The organizational structure of the Commission renders nationality irrelevant for its daily work.

By the nature of their composition, nationality is a salient factor within international organizations. On the one hand, member-states demand to be represented within these organizations through their citizens; on the other hand, the same organizations are expected to be independent, i.e. to have an international outlook free of national influences. The need for representation is both linked to the question of legitimacy and to making successful policies taking the national circumstances into account. The need for independence in turn stems from the desirability of assuring an overarching global interest for all member-states. International organizations need to deal with this dilemma<sup>1</sup> starting with the recruitment of their officials. The United Nations (UN) has been the first to formally acknowledge this dilemma by embedding the "recruiting staff on as wide a geographical basis as possible" and "not seeking or receiving instructions from any government or from any other authority" principles into its Charter (Claude 1971: 193). The European Commission has followed suit by endorsing and applying them both to its College of

Commissioners (through the treaties) and to its officials (through its staff regulations).

Career aspects, however, are just one facet of the nationality issue within an international bureaucracy. Personnel management within a multinational context has challenges of its own as the diverse cultural backgrounds of officials might be seen as a barrier to creating a common working culture (Claude 1971: 192; Mazey and Richardson 1996: 419; McLaren 1997: 57-59; Page 1997: 97) or because the working culture might be “cross-cut and fractured by particularistic attachments and cultures” (Nugent 2000: 297) as has been argued for the case of the Commission.

The European Commission is not only the largest of the EU institutions, but it is unique among international organizations for its exclusive formal competence to initiate and draft EU legislation (Hooghe 2005: 863). Simultaneously, what makes the Commission an interesting institution to study from an organizational perspective is that its formal organizational structure makes it less likely for nationality and national attachments to play a role. Comparable to national ministries, the Commission is divided into Directorate-Generals (DGs) reflecting sectors or functions instead of being divided into territorial or national components (Egeberg 2004).<sup>2</sup> Furthermore, the geographical balance principle is applied from the bottom to the top, starting with the multinational composition of units to avoid national enclaves (ibid: 212).

Setting up a formal structure based on the multinationality ideal is, however, only one side of the story. Ethnographic studies have shown that most bureaucratic organizations tend to develop messy yet successful informal sectors that follow very different cultural codes and principles beneath the external appearance of order and formality (Shore 2000: 207). It is this informal culture of the Commission that has been at the origin of the reference to national influences, clubs, and networks. It has been argued that these national networks provide instrumental functions such as exchange of

information, contacts with more influential compatriots in and outside the Commission, and political opinionating (Hooghe 1999: 415).

The idea of compatriots seeking and supporting compatriots seems indeed plausible. As organizational network theory asserts, people interact more with their own kind, that is with people similar to themselves (what has been termed homophily), and this basic human tendency structures network ties of every type, from marriage and friendship to work, advice, support and information transfer (McPherson et al. 2001). But how about the networks of Commission officials? Are national networks a myth or everyday reality?

This article assesses whether European Commission officials are homophilic in terms of their networks. Put differently, do Commission officials have national networks and how can this be explained? While answering this question, this study moves beyond the current literature which confines itself merely to stating that networks are key to the functioning of the Commission (Hooghe 1999, Shore 2000, Stevens and Stevens 2001), and that they are partly shaped by nationality (Egeberg 1996: 731; Hooghe 1999: 405; Laffan 2004: 90; Shore 2000: 199). The concept of networks is defined and deconstructed, and a differentiation is made between work-related (formal and informal) and social (free time) networks to in turn focus on the informal task-related networks, i.e. information and advice networks, to analyze whether and how nationality plays a role in shaping Commission officials' networking behavior. The research is based on original empirical data consisting of 82 interviews with Commission policy officials of four Commission DGs between April-June 2005. The data analysis combines quantitative and qualitative elements.

### **Putting the Effect of Nationality into Perspective**

The role of national origins and culture within the European Union is a popular theme in the European integration literature. Michelle Cini (1996:

125) has argued that national affiliation remains a fundamental characteristic of internal Commission affairs, in spite of the non-nationalistic vision of the EU set out by the founders of the European Commission. It has been observed that the convergence that results from a common professional experience does reduce national identification to a certain extent and brings distance to relations with the native state (Bellier 1995: 60), but that individuals are notably still conscious of their differences and sensitivities (Abélès and Bellier 1996: 435). The assumption is, “However open-minded, flexible and adaptable an official may be, background matters because he or she will bring into work at least some of the values, presuppositions and habits that have been acquired in early life” (Stevens and Stevens 2001: 116).

The core issue here is not that officials have different backgrounds, which is a given, but that the differences are perceived to be influential on the behavior of officials from different backgrounds, and that these perceptions can feel empirically true (Abélès et al. 1993: 40-42). To manage these differences, officials tend to make assumptions about each other that emphasize such diverging characteristics (Page 1997: 87). These involve national stereotyping among a significant proportion of officials, which especially come to the fore during times of stress (Michelmann 1978: 494). One blatant example of this was when the Jacques Santer Commission (1995-1999) had to resign due to allegations of fraud and nepotism. In particular, Edith Cresson (then the French Commissioner responsible for Science, Research, and Development) was accused of favoritism involving the appointment of several associates to well-paid positions in the Commission.

[M]any Commission officials agreed that Cresson had been victim of an ‘Anglo-Saxon political crusade’ and deplored the way the ‘Germans had joined the [N]ortherners in a Protestant crusade against the [S]outhern culture of state administration’. As Cresson declared, much to the embarrassment of her colleagues, she was ‘guilty of no behavior that is not standard in the French administrative culture’ (Shore 2000: 202).

Even though the EU bureaucracy is relatively culturally homogenous compared to, for instance, the UN Secretariat, as the example above demonstrates, the differences between the North and South have been often cited as a dividing line (Abélès et al. 1993; Beyers and Dierickx 1997, 1998; Egeberg 1996; Hofstede 1994; Mc Donald 2000), where Austria, Britain, Denmark, Finland, Germany, Ireland, Luxembourg, Netherlands, and Sweden constitute the Northern group, and Belgium, France, Greece, Italy, Portugal, and Spain the Southern.<sup>3</sup>

In particular, the North-South division has been posited to influence how officials would behave in an administration. Culturally, Northerners are taken to be well-adapted to the rational, impersonal Weberian forms of bureaucracy, whereas Southerners tend to link loyalties and virtues to personal or patron-client type obligations (Egeberg 1996: 727; McDonald 2000: 67-68). A flagrant example concerns the flow of information in the Commission: The Northern officials complain of the lack of readily shared information, whereas those from the South find it simple to obtain information by making friends (McDonald 2000: 67).

These are by no means insignificant observations about life in the multinational administration of the Commission. Yet, for these observations to become practically significant for scholars of public administration and policy studies, the question has to be answered as to how these differences influence the behavior of administrators when it comes to their substantive work to be able to analyze whether this eventually has any consequences for policy-making. This is why nationality and national differences have to be put into perspective by looking into the organizational context of the Commission.

Such an organizational approach has been brought into the European integration literature primarily by Morten Egeberg (2001, 2004, 2006a, 2006b). While acknowledging the fact that Commission officials are pre-packed with national experiences, norms, and values, he argues: “Although

these personal attitudes may be seen as some sort of paradigm, belief system or conceptual lens that might somehow make a difference in a given decision situation, they are, nevertheless, of a relatively general nature. To become relevant in a given decision context, they have to be operationalized and pass several potential organizational filters.” (Egeberg 2004: 212). As aforementioned, the organizational structure of the Commission reflects closely that of a national administration where DGs are the ministries, each with its own policy area or function. Indeed, the DG attachment has been shown to be the best predictor of officials’ decision behavior (Cram 1994, Egeberg 1996). The fact that the posts of officials are organized according to purpose and function makes it less likely that officials will focus on territorial (national) concerns (Egeberg 2004: 212-213). Moreover, in order to avoid national clusters, units are multinationally composed and staff immediately above and below a given senior post are of a different nationality.

Still, “Formal relations coordinate roles or specialized activities, not persons” (Selznick 1957: 8). This is why nationality can still be expected play a role in contrast to or simultaneously with the formal role expectations, especially in areas where formal tasks and obligations leave leeway for individual fulfillment. It is when individuals use informal channels to conduct their formal tasks that the informal becomes relevant for the performance of an employee and in turn for the functioning of the organization.

### **Studying Networks in the Commission by Bringing Organizational Network Theory in**

Having access to the right information at the right time is vital, especially for conducting knowledge-intensive work such as professional services which requires employees to solve complex problems within short time horizons (Cross and Borgatti 2004: 137). For the most part, such issue-specific and problem-centered information is in individuals’ heads, since “specialization

(among other factors) ensures that each individual maintains different bundles of knowledge.” (Cross et al. 2001: 216)

When people are the only way to get information that matters (Cross and Borgatti 2004: 137), connections to other colleagues become very valuable. This is the underlying idea behind networks as social capital (Borgatti and Foster 2003: 993). An individual’s social capital consists of their personal network and their chances of accessing whatever are circulating there, e.g. information (Cross and Parker 2004: 11). Accordingly, “whom you know has a significant impact on what you come to know, because relationships are critical for obtaining information, solving problems, and learning how to do your work” (idem). As such, personal networks are an important factor in an employee’s performance within an organization (idem). This is why it is of particular interest to look into the networking behavior of individuals.

Stevens and Stevens (2001: 177) underline the value of information within the policy-making processes of the Commission and argue that information is a key resource in daily relationships within this organization. Information flow constitutes an important informal aspect of power relationships in the Commission (Abélès et al. 1993: 6). Consequently, it becomes a tool both for incorporating and excluding colleagues. “The Commission is riven with internal divisions and inclined to habits which prevent the free flow of information and ideas.” (Stevens and Stevens 2001: 243) In such a system, key personal contacts become vital for building support and alliances within the fixed deadlines (ibid: 178).

Before going on with a further discussion, it is fundamental to offer a clear definition of the concept of networks since it is one of those concepts commonly used without specification of what it exactly implies. Networks are taken here as the “personal contacts within the context of organizational contacts” (Jönsson and Elgström 2005: 3). They are complementary to formal hierarchical channels that are set by the hierarchical division of labor and

formal rules and procedures in an organization. Whereas hierarchical channels are used for task-oriented formal communication, networks come into play to fill in the gaps or to make up for the inefficiencies of the hierarchical channels. James March and Herbert Simon even argue that “formal hierarchical channels tend to become general-purpose channels to be used whenever no special-purpose channel or informal channel exists or is known to the communicator” (March and Simon 1958: 167-168). Networks involve a relationship of mutual exchange and dependency and usually remain highly informal and to a degree invisible (Morgan 1986: 174). Networking may occur over the telephone, through old-boy networks and other friendship groups, through informal meetings, or through chance contacts (*idem*). “The informality of networks rests on the personal relationships that develop as a result of frequent interaction.” (Elgström and Jönsson 2005: 3)

Networks are central to understanding the way the Commission works in practice (Shore 2000: 200). Liesbet Hooghe refers to some nationalities in the Commission having a strong reputation of clubness, which she defines as “a set of formal and informal networks within which members tend to act in concert” (Hooghe 1999: 405). Hooghe argues further that officials with weak national networks are at a disadvantage, as successful policy-making in the EU often depends on the quality of intelligence (*ibid*: 415). “Access to information can create a form of power parallel to the official hierarchies and sometimes much more efficient than them” (Abélès et al. 1993: 57-58).

In their study of the communication networks of national officials within European Council working groups, Jan Beyers and Guido Dierickx (1997: 436) found nationality to be a major factor when negotiators have to select partners to forge informal communication links with. Moreover, they tend to view their partners in terms of larger ‘regions’ (*ibid*: 465). The results of their study showed that Northern negotiators communicated more with other North Europeans and South Europeans were more attached to each other than to North Europeans (*ibid*: 437). The influence of nationality

within the Council setting is perhaps not so puzzling since the officials are expected to represent their nation-states there. It is more intriguing to look into the networks of Commission officials, where nationality is not supposed to play a role due to the Commission's sectoral organizational structure. In turn, one would expect officials to have supranational intra-organizational<sup>4</sup> networks, maintaining intensive contacts with all member-state officials. Is this the case or do officials rely on their national intra-organizational networks, predominantly contacting officials of their own nationality?

In order to be able to answer this question, the concept 'network' needs to be specified further. This deconstruction is not new to organizational network analysis. Daniel Brass (1984: 519) refers to the existence of three types of social networks within organizational structures as the workflow, communication, and friendship networks. I apply this tri-partite division to the Commission as follows:

- 1) Task-related formal network: formal contacts dictated by the official's task description and obligations
- 2) Task-related informal network (=information and advice network): informal contacts used to conduct one's tasks
- 3) Leisure network: contacts during social activities and gatherings which fall outside working hours and obligations.

In the case of the Commission, the fieldwork leads me to propose adding a fourth type:

- 4) Career network – contacts maintained for one's own career advancement.

The theoretical expectations and the pilot interviews conducted with Commission officials to fine-tune the questionnaire utilized for this study led to making the task-related informal networks (from hereon called the information and advice networks) the primary focus for studying the effect of nationality on shaping the intra-organizational networks of Commission officials. The reasoning behind is as follows:

- The task-related formal networks of Commission officials are hierarchically defined. There is no choice element involved here, so the organizational structure and formal responsibilities are the factors that determine these networks. Accordingly, nationality is by default not an explanatory factor here since these contact persons are pre-defined.
- There is no direct link between the pure leisure and career networks and policy-making processes within the Commission. These networks are a case apart. This does not exclude the possibility of using these contacts also for work purposes. Whether these contacts are activated for substantive work-related issues is conditioned, however, by the relevance of these contact persons to the official's work.

The information and advice networks, however, are where the formal and the informal merge. Moreover, the information and advice obtained through these networks have a direct effect on an official's performance and simultaneously on the functioning of the policy-making process in the Commission. I therefore argue that these are the most crucial networks for testing the effect of nationality.

I refer here to information that is not directly accessible through the formal channels, such as the intranet and official mailing lists. This is the kind of information one can usually only obtain through personal contacts, with the aim of receiving complementary information such as background information on an issue, analysis/interpretation of a problem, and advice on how to proceed with a given situation. When the issue at hand involves another DG or unit, this information might also merely be figuring out what is going on in the other DG since this information is not readily available until a draft proposal reaches a certain stage of maturity. These are mainly the types of information and advice which enable an official to build on what is formally available.

Firstly, informal practices require a measure of trust and a faith in commonality (Middlemas 1995: 680). “Similarity breeds connection.” (McPherson et al. 2001: 415) This principle, formulated by Aristotle simple as “[people] love those who are like themselves” (Quoted in *ibid*: 416), is called ‘homophily’ in social network research.

Homophily is a simple principle which asserts that contact between similar people occurs at a higher rate than among dissimilar people (*ibid*: 416). This principle rests on experimental literature in social psychology that established that attitude, belief, and value similarity lead to attraction and interaction (*ibid*: 428). Interacting with similar others is efficient as it facilitates transmission of tacit knowledge, simplifies coordination, and avoids potential conflicts (Borgatti and Foster 2003: 999). Crude as it may be, network research has shown that the homophily principle structures network ties of every type (McPherson et al. 2001: 415).

An interesting result of homophily research is that the strongest effect of homophily occurs with regard to race and ethnicity on a wide range of relationships from the most intimate bonds of marriage to work relations, networks of discussion about a particular topic, and “knowing about” someone else (*ibid*: 420). Furthermore, many facets of ethnicity (e.g., mother tongue, national origins, ethnic group, and region of birth) also display this characteristic” (*idem*). Research on multi-national companies is a case in point: “People in different countries preferred to interact with others of the same nationality” (Cross and Parker 2004: 16). Moreover, nationality is an easy characteristic to assess in comparison to personality and abilities (Pratt 2001: 25).

In this sense, the homophily theory forms a basis rationale to test the argument that Commission officials will generally try to deal, at least in the first instance, with people from the same country or from the general geographic area (Page 1997: 136; Stevens and Stevens 2001: 180). The first step in finding out whether Commission officials rely on similar others for

information or advice is to answer the question ‘Who do Commission officials contact?’.

**Hypothesis 1:** Officials rely relatively more on officials with the same nationality for information or advice.

**Hypothesis 2:**

a) North European officials rely relatively more on other officials from the North, and South European officials with others from the South for information or advice.

b) South European officials rely relatively more on officials with the same nationality than North European officials.

**Hypothesis 3:** Officials communicate relatively more with officials who speak their native language for obtaining information or advice.

To test these hypotheses, the contacts with similar others in terms of nationality-related variables are counted to see what the sheer numbers reveal in terms of the networking patterns of Commission officials. This analysis will be followed by an explanation of these results.

## **Research Design and Methodology**

The research questions are answered by means of interviews with policy-making, that is Administrator level (A-level)<sup>5</sup> European Commission officials. The interviews contained both structured and open questions derived from the literature and exploratory pilot interviews. To get the most interesting results with this number of informants, the study was limited to one policy area. Four DGs belonging to the ‘Social Regulation’<sup>6</sup> family have been included in the sample:

- Employment, Social Affairs, and Equal Opportunities,
- Environment,

- Health and Consumer Protection,
- Justice, Freedom, and Security.

Regulatory DGs are theoretically interesting since the EU is considered to be a 'regulatory polity' (Majone 1996). Methodologically, obtaining a high response rates is crucial, and reducing the respondents' burden is one of the main factors that influence the response rate (Lohr 1999: 261). To reduce the respondent burden, the costs (i.e. employee time dedicated to interviews) for each DG had to be minimized. To achieve this target, the policy area with the most number of DGs with large numbers of A-level personnel, i.e. social regulation, was chosen to derive the population.

The online Commission directory was utilized to compose the list of the population of officials from which a random sample of 120 officials has been drawn. A proportionate number of individuals were selected within each DG in order to guarantee an appropriate representation of each DG, as well as to spread the time costs across DGs. Moreover, proportionate stratified sampling, typically results in more precise survey estimates by reducing sampling error (Edwards et al. 1997: 58-59).

The interviews were conducted within the span of a total of five weeks, during the two periods between 5-22 April 2005 and 23 May-3 June 2005. The resulting overall response rate (out of 118 officials<sup>7</sup>) was 69%, i.e. 82 officials, which is considered to be a very good response rate (Babbie 1992: 267). Item non-response rate was very low: Only one of the 82 officials only responded to half of the survey questions and was excluded from most of the qualitative analyses. The results of the quantitative part of the survey were analyzed using the statistical software package SPSS 12.0.1.

In social network analysis, a network is a set of actors connected by a set of ties. A single focal actor is called an "ego" and the set of actors that ego has ties with are called "alters". The ensemble of ego, his alters, and all ties among these (including those to ego) is called an ego-network (Borgatti and

Foster 2003: 992). Since ego-networks can be collected for unrelated egos, ego-network studies blend a network-theoretic perspective with the conventional, individual-oriented methods of collecting and processing data (ibid).

First, some background information on the officials has been gathered to account for potential explanatory factors that determine the shape of an official's network, based on the studies and questionnaires of Beyers and Dierickx (1997, 1998), Hooghe (2001), and Trondal (2001). These elements included multinational family background and experience, command of foreign languages, past work experience (in national or international organizations), and length of service (socialization).

To obtain the network of each official, the respondents were asked to reflect upon the officials they regularly turn to for information or advice, specifying that this does not (necessarily) involve the officials they have to contact due to their task description and obligations. The respondents have then been asked to select the three officials<sup>8</sup> they considered to be the most important for conducting their policy-making work. The interviews focused subsequently on the attributes of and relationship with these three contact persons.

The structured interview questions were followed up by open questions concerning networks in the Commission, such as how Commission officials build their networks and more importantly to what extent, how, and why their networks affect policy-making processes. This qualitative data has been recorded, and the recorded material and the notes of the interviews have been transcribed.

## **National Networks in a Multinational Organization?**

Commission officials acknowledge that it is easier to establish contacts with officials from their own nationality (Officials #2, #22). The contacts with compatriots are more spontaneous (Official #76) and smooth (Official #82). This is mainly due to the simple fact that they “speak to each other in their own language and share the same cultural references” (Official #69). The communication is therefore faster and easier since they understand each other quicker (Officials #75, #76, #119). You know how to approach someone from your own country (Official #87), and you are more open to help a compatriot when approached (Official #17). You also have higher expectations of obtaining an answer or a favor when approaching a compatriot (Official #22). These aspects of same nationality contacts do indeed point to the advantages of speaking with someone of your own kind. Consequently, Commission officials might well be homophilic if cultural commonalities would determine their communication patterns.

The quantitative evidence, however, strongly refutes this argument: Only 17.8% of the contact persons are of the same nationality. The average of same nationality contacts is 0.53 out of the maximum possibility of three. At the opposite end, 49 of the 81 officials have no same nationality contacts, i.e. 60.5% of the officials have a purely multinational network which does not include any official of their own nationality. Officials with none or only one same nationality contact add up to 87.7% of the sample. These indicators strongly illustrate that networks are overwhelmingly supranational in the Commission, and that national networks are a myth when it comes to work in the Commission.

Still, it is often argued that some nationalities have stronger reputation of national clubness (Hooghe 1999, 2001), i.e. much more tendency to stick to each other even within this multinational environment (Officials #3, #7, #17, #26, #29, #69, #72, #116, #117, #120). The next question that has to

be answered is: Are there really differences<sup>9</sup> among nationalities when it comes to contacting own nationals?

**Figure 1:**  
**Aggregated Distribution of Same Nationality Contacts per Nationality**

Nationality	Ratio Contacts with Same Nationality: Total Contacts	Percentage of Same Nationality Contacts
Italy	7/20	35%
France	10/30	33.3%
United Kingdom	3/9	33.3%
Belgium	6/20	30%
Germany	10/39	25.6%
Greece	4/21	19%
Czech Republic	1/6	16.7%
Ireland	1/9	11.1%
Spain	1/15	6.7%
Finland	0/15	0%
Austria	0/12	0%
Denmark	0/12	0%
Sweden	0/9	0%
Netherlands	0/6	0%
Portugal	0/3	0%
Other	0/15	0%
TOTAL	43/241	17.8%

This figure indicates that contacts between compatriots, if at all, are a large member-state phenomenon with officials from Italy, France, United Kingdom, Belgium<sup>10</sup>, and Germany having the most same nationality contacts. Officials see this, however, as a mere effect and automatic consequence of size of these member-state contingents (Officials #30, #31, #76). This observation is also reflected in the quantitative analysis. While the mode is “0” for both small and large member-states<sup>11</sup>, the median is “0” for small member-states and “1” for large-member-states. Even though large member-state officials have relatively more same nationality contacts, their networks are still predominantly supranational.

The accounts of officials are supportive of these results: “There is not more contact with one nationality more than others. [...] Normally, the most part of colleagues who are here don’t think in national terms.” (Official #10)

“Nationality is not a dominating factor in networks. Work-related networks are multinational.” (Official #52) Nationality does not matter for work (Official #117). A lot of it is perception (Official #105).

### **The North-South Division: Another Myth?**

The successive enlargements of the EU have resulted in an increasing number of different nationalities. Arguably, as nationalities increased and spread out through the Commission, regional identities have become more relevant reference points for officials. In terms of cultural differences, the reference point “North-South” which had already been present at the time of the study of Abélès et al (1993), became even more established with the Northern enlargement in 1995.

The relevance of the regional belonging category North-South was demonstrated in the interviews. Namely, 52.4% of the officials referred to the existence of a North-South division (the so-called “wine-belt vs. beer-belt division” by Official #50), especially while asked whether culture has any influence on the shape of networks within the Commission. Officials from the North and the South say they understand and communicate better with people from their own cultural region because they have the same mentality (Officials #9, #75, #78, #108). Northerners acknowledge that they would call other Northerners when they would like to directly go into the topic and receive a direct answer to the question they had in mind (Officials #9, #13, #42, #114). Southerners, on the other hand, feel that they can count on Northerners, obtain direct and reliable information from them (Official #53, #76), and appreciate the fact that Northerners are easy-going, open, and not hierarchical (Officials #53, #55, #59, #95).

How does this cultural division reflect to the networks of Commission officials? Are both groups homophilic (contacting more people from their own region) like the Council of Ministers working group participants of Beyers and Dierickx (1997, 1998) or do the Northerners have a multinational

network while the Southerners stick more to other Southerners as their cultural tendencies would lead us to expect (Egeberg 1996: 727)?

The perception of cultural differences when it comes to the networking behavior of North and South European officials is clearly present. Northerners have the impression that the Southerners are better at networking than Northerners due to the negative connotation of networking/lobbying in the North, but that they are catching up (Officials #38, #67, #111, #113, #114). To the contrary, Southerners have the impression that the concept of networking is itself Northern, but that Southerners, if by chance they find themselves in one maintain it better (Officials #22, #39, #58). The differences are also related to attitudes, i.e. introverted Northerners vs. extraverted Southerners (Official #35), and to preferences with regard to working methods, i.e. Northerners opting for autonomous work, written communication (e-mail) vs. Southerners willing to set up meetings and coffee breaks to enable face-to-face talking (Officials #13, #55). Given the easiness of contacts due to this cultural common denominators (Official #52), some Northerners or Southerners admit that they sub-consciously have respectively more Northerners or Southerners in their network as a result (Officials #12, #47, #52, #92, #106). Some even go as far as to argue that the Northern and Southern networks tend to be separate (Officials #75, #92). Are these perceptions reflected in the information and advice networks of Commission officials or is this just another myth?

**Figure 2:**  
**Distribution of Same Region Contacts per Region (North-South)<sup>12</sup>**

Region	Same Region Contacts	Different Region Contacts	TOTAL
North	59 (53.2%)	52 (46.8%)	111
South	59 (48.8%)	62 (51.2%)	121
TOTAL	118 (50.9%)	114 (49.1%)	232

Comparing North and South Europeans, the difference<sup>13</sup> is very small between the two groups in terms of contacting other Northerners and Southerners. The results are contradictory to all expectations: There is neither an overall regional homophily (North with the North, South with the South), nor is homophily a tendency of the 'collectivistic' Southerners. The contacts are almost evenly distributed between same and different region contacts, and if there is a group that prefers people of their own region to those of the others, it is the Northerners. The difference is a mere 4.4% though.

In terms of contacting officials of the same nationality, the pattern is slightly reversed:

**Figure 3:**  
**Distribution of Same nationality Contacts per Region (North-South)**

Region	Same Nationality Contacts	Different Nationality Contacts	TOTAL
North	14 (12.6%)	97 (87.4%)	111
South	28 (23.1%)	93 (76.9%)	121
TOTAL	42 (18.1%)	190 (81.9%)	232

This time, it is the Southern officials who prefer to contact their own nationality more than the Northerners. The Southerners have a relatively stronger (10.5% more) tendency to rely on compatriots. In sum, the results of the bivariate analysis of the difference between North and South are mixed and call for a recheck in a multivariate analysis.

The almost even distribution of contacts between the Northern and Southern officials mainly reflects the geographical balance. Since the Commission is composed roughly half of North Europeans and half of South Europeans, that individuals would choose to contact persistently only one half of the Commission would be an unrealistic outcome. Some officials also tend to dismiss this North-South division calling it a prejudice (Official #82) that is often exaggerated (Official #73). It is a misconception, and the differences are

rather in modality (the way Northerners and Southerners are perceived to network) and not in approaches (Official #105). As another official emphasizes, “Of course, people may be different if they come from the North or from the South..., but I don’t think that influences our work. No, I don’t see anything of that.” (Official #71)

### **The Language Issue in a Multilingual Environment**

When asked whether nationality matters in terms of shaping networks, 46.3% of the officials claimed that it was language that mattered more. As the explanations of officials in the foregoing two sections have also shown, speaking the same native language is seen as an important door-opener (Officials #9, #80). After all, one can only express and understand the nuances in one’s native language (Officials #80, #81). This ease in communication also creates trust (Official #69), which at times becomes vital: “Sometimes if you need sensitive background information, then it’s easier if you speak the same language.” (Official #81)

It comes as no surprise in a Union with 23 official languages that officials tell anecdotes on misunderstandings due to language (Officials #46, #90, #95, #97) and emphasize to what extent it is important to make yourself understood in such a multilingual environment (Official #97). Yet again, Commission officials are champions of speaking foreign languages. The interviewed officials speak in average 3.63 languages, the maximum being six.

The real question is to what extent the multiplicity of languages comes to life in the daily work of Commission officials. The Commission officially has three working languages: English, French, and German. In practice, however, English and French are the languages which are daily used. The dominant language, however, has clearly shifted from French to English, a trend which has become even stronger with the Eastern enlargement of the EU. Most written documents are also increasingly first produced in English

(Official #2). The diversity in languages is thus not reflected in daily practice. As one official explained, the larger the EU becomes and the more official languages have been added, the less number of languages are actually being used (Official #82).

The pre-dominance of English and the decline in the use of French is also echoed in the empirical data. Respondents were asked to indicate in which language they communicate with the three officials they chose as their most important contacts. The aggregated responses showed that 52.3% the exchanges were in English, 25.7% in French, 6.6% in German, and 5.4% in a mixture of English and French.<sup>14</sup> Only in 32.8% of the cases do officials speak in their native language with contacts in their network.

Another issue that has been identified by the officials is whether one has English or French speaking networks (Officials #29, #73, #74, #90, #113, #117). This, however, is also not that much of a divide since Commission officials are very much accustomed to constantly shifting from English to French in their daily work (Official #92). Moreover, as one official explained, when people are working on the same specific issue, there is no language barrier (Official #48).

### **Explaining Networks in the Commission**

The foregoing empirical evidence clearly demonstrates that the homophily variables nationality, region, and language do not shape the information and advice networks of Commission officials. How can this be explained? Plausibly, the effect of homophily may be weakened or annulled by other factors. Being forced to interact with people different from oneself may be one such factor (Cross and Parker 2004: 83-84). In the specific case of the Commission, officials might contact officials of different nationalities due to their socialization (prior to or during their time in the Commission); or they might be constrained in their willingness to contact their own nationals by organizational structures working against territorial clustering.

It is these two variables that come to the fore in the EU literature that has been tested in the following model to explain the choice of contact persons:

- Control variable: Size of member-state to account for the lower/higher probability of contacts from small/large-member states due to the number of officials they have in the Commission
- Independent variables: Testing for the homophily, socialization, and organizational variables.
- *North-South dummy* – Retesting Hypothesis 2b in a multivariate equation.
- Experience in national administration – Testing prior **national socialization**: Officials who have previously worked at their home administration (who are socialized into defending national interests) are more likely to contact compatriots than officials who have no previous experience in national administration.
- *Number of spoken languages* – Testing prior **transnational socialization**: The more languages an official speaks (the more affiliated an official is with other cultures), the less likely the official is to have same nationality contacts.
- *Tenure* – Testing **Commission Socialization**: The longer officials work for the Commission (the more an official is used to working in a multinational environment), the less likely they will have same nationality contacts.
- *Number of within DG contacts* – Testing **organizational structure**: Contacts within a DG are shaped primarily by functional requirements and are thus less likely to be shaped by nationality.
- Dependent variable: Explaining the occurrence of same nationality contacts.

To test for this the dependent variable same nationality contacts was dichotomized in order to run logistic regression. The choice for logistic regression has to do with the distribution of the data: There is no normal distribution here, and as aforementioned, 49 of the officials have zero same nationality contacts. This renders logistic regression the best option to explain the dependent variable same nationality contacts since this method accounts for a high number of zero responses. Even though this led to some loss of information since the dependent variable had to be dichotomized into the values 0 and 1<sup>15</sup>, this is the methodologically sound solution.

**Figure 4:  
Explaining Networks with Logistic Regression**

Independent Variables <sup>16</sup>	B	S.E.	Sig.	Exp(B)
Size of member-state	2.205	.741	.003	9.069
North-South dummy	.366	.613	.550	1.442
Tenure	.031	.040	.439	1.031
Experience in national administration	.343	.609	.574	1.409
Number of spoken languages	-.473	.321	.140	.623
Number of within DG contacts	-.677	.307	.027	.508
Constant	.581	1.717	.735	1.788
N= 75				Overall Percentage
Correct: 73.3%				
-2 Log Likelihood: 76.139				Nagelkerke R Square: .389

The model fairs quite well with correctly predicted cells at 73.3% and the Pseudo R Square of .389. Only two variables pass the significance test, namely those of size of member-state and the number of same DG contacts. In logistic regression, an exponentiated coefficient<sup>17</sup> higher than 1 increases the odds of an event occurring and a coefficient smaller than 1 decreases the odds (Pampel 2000: 22). The control variable size of member-state has the highest coefficient, and it is positive. This means that it is far more likely to contact an official of the same nationality if one belongs to a large nationality group. The effect of DG is smaller but still significant: An official who has more within DG contacts is thus less likely to turn to compatriots. This

implies that within DG contacts are less influenced by nationality compared to outside DG contacts which are more influenced by nationality.

These results find support in the accounts of the interviewed officials. Size of a national group is indeed an important factor that determines whether an official can build a network with compatriots at all. The underlying reason for this is that Commission officials are specialized in specific files which in some cases require very specific technical or scientific expertise. Especially when you are an official from a small member-state, the chances are low that there is someone else from your nationality who is working in the same field of expertise (Officials #25, #100, #110, #116). Therefore, in practice nationality has limited effect because your nationality is not represented everywhere (Official #119). Furthermore, it would basically be not enough only to have a national network as a small member-state official (Official #67). Nationality in this sense potentially matters more for large member-state officials. It is not as if there is a choice between various persons in your field who all have the answer to a question. If that were the case, some officials admitted, they might choose the person from their own nationality over someone who is not (Official #95). But the chances of this hypothetical case are very low, and the exceptions are large member-states who have their officials almost in every unit (Official #106).

That the DG is significant for the information and advice networks of Commission officials is the reflection of the centrality of one's field of expertise. When it comes to performing one's tasks, the official's specific file (dossier) is the most important consideration. As one official expresses: "[P]eople have their area of work that's specified, so you really have to talk to them. Sometimes you can talk to one of their colleagues, but normally in the Commission people have quite specific responsibilities." (Official #13) Within this context, expertise determines a contact person's competence and utility. In the end, it is the policy issue one is working on that "creates things that are in common" and "transcends the differences that might exist because of the

main cultural differences” (Official #24). The words of a French official say it all:

I don't see nationality playing a role because what comes first is the function, the technical aspect. I am not going to ask for information on a file managed by a Swedish colleague to a French simply because he is French. He knows the subject. [...] It is the technical knowledge, the function, the fact of being responsible for a subject which comes first. [Author's translation] (Official #91)

The identification to one's file (dossier) and expertise is so strong that there is little space left for general questions (Abélès and Bellier 1996: 437). The only kind of useful general information one can get from a fellow national tends to be on “how things work in another DG” (Officials #81, #113). Seeking out a compatriot comes also handy for finding out who's responsible (Officials #80, #81): “It's just a point of first contact, but they can tell you to whom you have to turn. And then nationality doesn't play a role anymore.” (Official #81) In this sense also, it is easier to contact people in other DGs in your own language (Official #3). However, there are also officials who do not appreciate this “door-opener” function since it is not related to their expertise: “I don't like someone who's phoning, ‘I was just checking someone who's Spanish on the list and wanted to ask you.’ To be Spanish, this is not a professional mark.” (Official #46)

The North-South division had given mixed results in the bivariate analysis, but in the multivariate analysis, this variable fails to pass the significance test. The socialization variables also fail, which is in line with previous quantitative research on socialization in the Commission (Hooghe 1999, 2001, 2005). Amongst the socialization variables, however, the prior transnational socialization variable number of spoken languages performs the best.

## **Discussion and Conclusion**

The foregoing analysis of the empirical data on the networks of Commission officials demonstrates that national networks are indeed a myth when it comes to the substance of their work. This is not only supported by the sheer fact of numbers demonstrating that same nationality contacts are rather the exception than the rule, but also through the accounts of Commission officials stressing that “nationality is not a category that counts” in the Commission (Official #25), and that there is actually no need for advanced national networks (Official #31). Clearly, officials do not contact fellow nationals just because they come from the same country. By the virtue of their supranational networks, they fulfill their role of independent international professional civil servants as designed in the treaties.

The analysis has also shown once more the significance of working with clearer concepts and the relevance of borrowing definitions and insights from other literatures; in this case from organizational and network theory for investigating “networks”. In particular, the differentiation between the work-related and social networks has proven essential for singling out the relevant contacts for the policy-making processes in the Commission.

The results are in line with the results of a Commission survey in 1974, cited in Hans Michelmann’s article (1978). Michelmann reports that the survey found no statistically significant relationship between nationality and interaction (*ibid*: 492), and furthermore that the quality of interaction was also independent of nationality (*ibid*: 493). This leads Michelmann to conclude that “under normal circumstances officials react to fellow civil servants as individuals and not as members of national contingents” (*idem*). These conclusions hold for Commission officials interviewed three decades later.

The results also provide support for the organizational/institutional perspective on the study of EU institutions (Egeberg 2001, 2004, 2006a, 2006b; Trondal 2006a, 2006b). The extent to which the networking patterns

of Commission officials are shaped (or constrained) by the organizational structure of the Commission demonstrated that the organizational belonging of officials influences their behavior. The contrast between the networking behavior of Council working group participants and Commission officials is a case in the point: The Council fora remain “after all a negotiation process among nations” (Beyers and Dierickx 1998: 313) whereas the Commission is where the European/supranational element visibly comes to life.

There are also interesting parallels to be drawn between the results presented and previous research conducted on the College of Commissioners and their Cabinets. Egeberg’s research (2006a) had shown that the portfolio role was the most important factor in shaping decision-making behavior in the College. As to the effect of size of member-state, Joana and Smith (2004: 39) have previously argued that “Commissioners from large countries are most often in a position of comparative advantage because they and their cabinets are able to call upon networks of national actors when preparing arguments and objections on non-portfolio issues” (emphasize added).

Like for the Commissioners and their Cabinets, the portfolio/dossier is the most important factor shaping the daily work of Commission officials. The extra information and advice they need to obtain in some cases falls on the borders or outside this portfolio, where they might turn to a compatriot. In such cases, coming from a large member-state might become advantageous since there are per default more contact points for any of these officials to turn to.

The lessons to be drawn with regard to the effect of socialization are more ambiguous. Even though the results confirm those of Hooghe (1999, 2001, 2005) in terms of dismissing the role of socialization, the accounts of the Commission officials interviewed for this study, as well as earlier research focusing on the identities of EU officials (Risse 2004) point to a different direction: Commission officials internalize the values of the institution which is reflected in their daily behavior at work. The failure of socialization

variables in quantitative analyses might thus be related to the fact that the indicators used for tapping into socialization are not powerful enough to capture this concept. In fact, the Commission attracts individuals with a highly cosmopolitan background, as the number of languages they speak also demonstrates. In this sense, I argue that self-selection plays a larger role than previously argued (Hooghe 2005). The Commission now recruits younger officials who have grown up in a globalized world whereas Hooghe's research only focused on the earlier generation of senior Commission officials.

Although an interesting follow-up would be to repeat the study in another policy area in the Commission to compare the results, I expect the results to be generalizable to other policy sectors as well since there are no viable reasons for the results to be significantly divergent. The first reason for this is the fact that the Commission has one common pool of officials. Moreover, the mobility between units and DGs is very high. One year after the interviews were conducted, 23.2% of the interviewed officials had changed positions. Secondly and more importantly, the results have shown to what extent the Commission's organizational structure shapes the networks of officials. This structure is obviously valid for the whole organization. In this sense, repeating the study in another EU institution or international organization would be more interesting in terms of testing for the effect organizational structure.

As a final note, the Commission seems to be free from the drawbacks of homophily, i.e. preventing a group from reaping the benefits of diversity and promoting us-vs.-them thinking (Borgatti and Foster 2003: 999), in terms of nationality. National networks in the Commission are a myth. The Commission is rather unity in diversity in action. The ideal of civil servants "whose nationality [is] supranationality" (Quoted in Spence and Stevens 2006: 151) seems to be the everyday reality.

## Notes

<sup>1</sup> This dilemma has been termed previously as consociationalism vs. Weberianism by Liesbet Hooghe (1999) and as territorialization vs. autonomization by Morten Egeberg (2006b).

<sup>2</sup> Territorial subdivisions do, however, exist in some units of a few DGs.

<sup>3</sup> It remains to be seen how the Eastern enlargement has added an “East” category (Cyprus and Malta being the two exceptions which plausibly belong to the Southern group) to this classification or whether the new countries will on the long-term be included and/or integrated in the Northern or Southern groups.

<sup>4</sup> The networks of Commission officials with outside actors on the EU or member-state level are outside the scope of this study.

<sup>5</sup> The new EU staff regulation adopted in 2004 has changed the names of these officials to Administrator (AD). Yet, since Commission officials themselves still refer to the term “A-level”, this term will be employed in the rest of the paper. Note that the sample also includes permanent and temporary officials (seconded national experts and temporary agents) with policy-making functions.

<sup>6</sup> I rely on the classification Hooghe (2001) uses to group the DGs of the Commission into six policy areas: Administration, External Affairs, Market-Oriented, Social Regulation, Supply Side, and Provision.

<sup>7</sup> Two out of the 120 of the sampled officials were later excluded and not recontacted after the first letter asking for an interview when it became clear that they were not A-level officials.

<sup>8</sup> Social network scholars conducting research on ego-centered networks have asked their respondents to name three respondents (Cross, Borgatti and Parker 2001; Cross and Borgatti 2004). This is based on the finding that an average adult has 20 regular interlocutors, only three of which are confidants (Degenne and Forse 1999: 20-21).

<sup>9</sup> Unfortunately, the differences cannot be tested for statistical significance since the data violates the basic assumptions of ANOVA, due to the skewed distribution of the sample, the unequal distribution of the cells, and the violation of the assumption of independence of observations in the aggregated data (See among others Field 2005: 324).

<sup>10</sup> Due to the location of the European Commission in Brussels, Belgium is also a large-member state in terms of the number of officials.

<sup>11</sup> Belgium, France, Germany, Spain, and United Kingdom were coded as large member-states since these member-states based on the number of their A-level officials in the Commission.

<sup>12</sup> The East European officials and the officials with double nationality (a combination of North-South European) were excluded from the calculations.

<sup>13</sup> Similar to the case of the nationalities, the differences cannot be tested for statistical significance since the data violates the basic assumptions of ANOVA, due to the skewed distribution of the sample and the violation of the assumption of independence of observations in the aggregated data (See among others Field 2005: 324).

<sup>14</sup> The results should not suffer from a language bias since the respondents were given the choice between English and French for the language of the interview.

<sup>15</sup> Responses 1, 2, and 3 have been aggregated and recoded as 1.

<sup>16</sup> The variables have been coded as follows:

- *Sizestate*: Small state=0, Large state (Belgium, France, Germany, Spain, United Kingdom)=1
- *North-South dummy*: North=0, South=1 (See p. 5 for the division of countries)
- *Tenure*: Number of years working for the Commission
- *Experience in national administration*: No=1, Yes=1
- *Number of languages spoken*: minimum 2, maximum 6
- *Number of within DG contacts*: minimum 0, maximum 3

## References

- Abélès, M., I. Bellier, and M. McDonald (1993), *An Anthropological Approach to the European Commission*, Brussels: Report for the European Commission (unpublished).
- Abélès, M., and I. Bellier (1996), *La Commission Européenne: Du Compromis Culturel à la Culture Politique du Compromis*, *Revue Française de Science Politique*, 46:3, 431-456.
- Babbie, E. (1992), *The Practice of Social Research*. Belmont: Wadsworth Publishing Company.
- Bellier, I. (1995), “Une Culture de la Commission Européenne? De la Rencontre des Cultures et de Multilingualisme des Fonctionnaires”, in Yves Mény, Pierre Muller, and Jean-Louis Quermonne (eds.), *Politiques Publiques en Europe*, Paris: L’Harmattan, 49-60.

- Beyers, J., and G. Dierickx (1997), "Nationality and European Negotiations: The Working Groups of the Council of Ministers", *European Journal of International Relations*, 3:4, 435-471.
- Beyers, J., and G. Dierickx (1998), "The Working Groups of the Council of the European Union: Supranational or Intergovernmental Negotiations?", *Journal of Common Market Studies*, 36:3, 289-317.
- Borgatti, S. P., and P. C. Foster (2003), "The Network Paradigm in Organizational Research: A Review and Typology", *Journal of Management*, 29:6, 991-1013.
- Brass, D. J. (1984), "Being in the Right Place: A Structural Analysis of Individual Influence in an Organization", *Administrative Science Quarterly*, 29, 518-539.
- Cini, M. (1996), *The European Commission. Leadership, Organization, and Culture in the EU Administration*. Manchester: Manchester University Press.
- Claude, I. R. Jr. (1971), *Swords into Plowshares. The Problems and Progress of International Organization*. New York: Random House.
- Cram, L. (1994), "The European Commission as a multi-organization: Social policy and IT policy in the EU", *Journal of European Public Policy*, 1:2, 195-217.
- Cross, R., S. P. Borgatti, and A. Parker (2001), "Beyond Answers: Dimensions of the Advice Network", *Social Networks*, 23, 215-235.
- Cross, R., and S. P. Borgatti (2004), "The Ties that Share: Relational Characteristics that Facilitate Information Seeking", in Marleen H. Huysman and Volker Wulf (eds.), *Social Capital and Information Technology*, Cambridge: MIT Press, 137-162.
- Degenne, A., and M. Forsé (1999), *Introducing Social Networks*. London: Sage Publications.

- Edwards, J. E., M. D. Thomas, P. Rosenfeld, and S. Booth-Kewley (1997), *How to conduct organizational surveys: A step-by-step guide*. Thousand Oaks: Sage Publications.
- Egeberg, M. (1996), "Organization and Nationality in the European Commission Services", *Public Administration*, 74:4, 721-735.
- Egeberg, M. (2001), *An Organizational Approach to European Integration: Outline of a Complementary Perspective*, ARENA Working Papers No. 01/18.
- Egeberg, M. (2004), "An Organizational Approach to European Integration: Outline of a Complementary Perspective", *European Journal of Political Research*, 43, 199-219.
- Egeberg, M. (2006a), "Executive Politics as Usual: Role Behavior and Conflict Dimensions in the College of European Commissioners", *Journal of European Public Policy*, 13:1, 1-15.
- Egeberg, M., (ed.) (2006b), *Multi-level Union administration. The transformation of executive politics in Europe*. Basingstoke: Palgrave Macmillan.
- European Commission (2006). *Statistical Bulletin of Commission Staff* 02/2006.
- Field, A. (2005), *Discovering Statistics Using SPSS*. London: Sage Publications.
- Jönsson, C., and O. Elgström (2005), "Introduction", in Ole Elgström and Christer Jönsson (eds.), *European Union negotiations: Processes, networks and institutions*, London: Routledge, 1-11.
- Hofstede, G. (1994), "Images of Europe", *Netherlands Journal of Social Sciences*, 30, 63-82.
- Hooghe, L. (1999), "Consociationalists or Weberians? Top Commission Officials on Nationality", *Governance*, 12:4, 397-424.
- Hooghe, L. (2001), *The European Commission and the Integration of Europe*. Cambridge: Cambridge University Press.

- Hooghe, L. (2005), "Several Roads Lead to International Norms, but Few via International Socialization: A Case Study of the European Commission", *International Organization*, 59:4, 861-898.
- Joana, J., and A. Smith (2004), "The Politics of Collegiality: The Non-portfolio Dimension", in Andy Smith (ed.), *Politics and the European Commission: Actors, Interdependence, Legitimacy*, London: Routledge, 30-46.
- Kassim, H. (2004), "A Historic Accomplishment? The Prodi Commission and Administrative Reform", in Dionyssi G. Dimitrakopoulos (ed.), *The Changing European Commission*, Manchester: Manchester University Press, 33-62.
- Laffan, B. (2004), "The European Union and its Institutions as 'Identity Builders'", in Richard K. Hermann, Thomas Risse, and Marilyn B. Brewer (eds.), *Transnational Identities: Becoming European in the EU*, Lanham: Rowman & Littlefield Publishers, Inc., 75-96.
- Lohr, S. L. (1999), *Sampling: Design and Analysis*. Pacific Grove: Brooks/Cole Publishing Company.
- Majone, G. (1996), "The European Commission as regulator", in Giandomenico Majone (ed.), *Regulating Europe*, London: Routledge, 61-79.
- March, J. G., and H. A. Simon (1958), *Organizations*. New York: John Wiley & Sons, Inc.
- Mazey, S., and J. J. Richardson (1996), "La Commission Européenne Une Bourse pour les Idées et les Intérêts", *Revue Française de Science Politique*, 46:3, 409-429.
- McDonald, M. (2000), "Identities in the European Commission", in Neill Nugent (ed.), *At the Heart of the Union: Studies of the European Commission*, New York: St. Martin's Press, 51-72.

- McLaren, R. I. (1997), "Organizational Culture in a Multicultural Organization", *International Review of Administrative Sciences*, 63, 57-66.
- McPherson, M., L. Smith-Lovin, and J. M. Cook (2001), "Birds of a Feather: Homophily in Social Networks", *Annual Review of Sociology*, 27, 415-444.
- Michelmann, H. J. (1978), "Multinational Staffing and Organizational Functioning in the Commission of the European Communities", *International Organization*, 32:2, 477-496.
- Middlemas, K. (1995), *Orchestrating Europe. The Informal Politics of the European Union*. London: Fontana Press.
- Morgan, G. (1986), *Images of Organization*. London: Sage Publications.
- Nugent, N. (2000), "At the Heart of the Union", in Neill Nugent (ed.), *At the Heart of the Union: Studies of the European Commission*, New York: St. Martin's Press, 1-27.
- Page, E. C. (1997), *People Who Run Europe*. Oxford: Clarendon Press.
- Pampel, F. C. (2000), *Logistic Regression: A Primer*. Thousand Oaks: Sage Publications.
- Pratt, M. G. (2001), "Social Identity Dynamics in Modern Organizations: An Organizational Psychology/Organizational Behavior Perspective", in Michael A. Hogg and Deborah J. Terry (eds.), *Social Identity Processes in Organizational Contexts*, Ann Arbor: Sheridan Books, 13-30.
- Risse, T. (2004), "European Institutions and Identity change: What Have We Learned?", in Richard K. Hermann, Thomas Risse, and Marilyn B. Brewer (eds.), *Transnational Identities: Becoming European in the EU*, Lanham: Rowman & Littlefield Publishers, Inc., 247-271.
- Selznick, P. (1957), *Leadership in Administration: A Sociological Interpretation*. New York: Harper & Row, Publishers.
- Shore, C. (2000), *Building Europe. The Cultural Politics of European Integration*. London: Routledge.

- Spence, D., and A. Stevens (2006), "Staff and Personnel Policy in the Commission", in David Spence (ed.), *The European Commission*, London: John Harper, 149-184.
- Stevens, A., and H. Stevens (2001), *Brussels Bureaucrats? The Administration of the European Union*. Basingstoke: Palgrave.
- Trondal, J. (2001), *Administrative Integration across Levels of Governance. Integration through Participation in EU-Committees*. Oslo: ARENA Report No. 7/2001.
- Trondal, J. (2004), "Political Dynamics of the Parallel Administration of the European Commission", in Andy Smith (ed.), *Politics and the European Commission: Actors, Interdependence, Legitimacy*, London: Routledge, 67-82.
- Trondal, J. (2006a), "Governing at the Frontier of the European Commission: The Case of Seconded National Experts." *West European Politics* 29 (1): 147-160.
- Trondal, J. (2006b), "An Institutional Perspective on Representation. Ambiguous Representation in the European Commission", *European Integration online Papers (EIoP)* Vol. 10, No. 4.

# Chapter 4

## Ethics Management in the European Commission

Michelle Cini

*University of Bristol, Great Britain*

### **Abstract**

This paper presents the findings of a research project on administrative ethics in the European Commission.<sup>1</sup> In a qualitative empirical study based on interview data and documentary analysis undertaken largely in 2005 and 2006, the author asked to what extent and in what manner the European Commission responded after 1999 to concerns about its ethical standards. The context is one of the post-resignation administrative reform of the Commission. To address this question, the concept of an ‘ethical infrastructure’, as used by the OECD, provides both a framework and offers a set of criteria against which the Commission’s actions can be judged. The paper begins by introducing the project, explaining in brief its aims and methods. The second section, which comprises the larger part of this paper, presents a summary of the findings of the project, in which eight elements of an ethics infrastructure are identified and analysed. The paper concludes by arguing that while the Commission has various component parts of an ethical infrastructure in place, it has failed to address the issue of administrative ethics in a holistic and coherent manner.

## Introduction

On 15 March 1999 the European Commission experienced a critical juncture in its institutional history when the then twenty members of the European Commission (the European Commissioners) collectively offered their resignation (see Craig 2000; Georgakakis 2004; House of Commons 1999; MacMullen 1999a, 1999b; Malone 2002; Tomkins 1999). Serious concerns about ethical standards and mismanagement in the Commission contributed to an escalation of hostilities between the Commission and the European Parliament, reported widely in the media, in the months before the resignation, culminating in the humiliation of 15 March. It came as no surprise that the new Commission which took office in the autumn of 1999, led by Romano Prodi, should rise to the challenge and institute a far-reaching administrative reform to respond to the concerns raised in 1998 and early 1999 (see for example Bearfield 2004; Kassim 2004, Kinnock 2004). Given that the resignation was provoked – at least in part – by ethics-related issues, one might expect this administrative reform to have incorporated an ethical dimension. This paper asks to what extent this happened, and what form this ethical dimension took. It does this by drawing on a concept of an ‘ethical (or ethics) infrastructure’ as used by the OECD (OECD, 1997, 2000), the components of which serve as criteria against which a qualitative assessment of the Commission’s approach to ethics management can be judged.

The paper begins in the first section by explaining the rationale for the research; the concepts, conceptual framework and theory which structured the project; and some of the limitations or difficulties in conducting a project such as this. The second section summarises in brief the findings of the project under eight headings. The concluding section argues that although it meets many of the conditions for an ‘ethics infrastructure’, the Commission has not taken a systematic, holistic and coherent approach to ethics anagement. This concluding section also draws out some wider implications.

## The Research Project

Talk of a ‘public administration turn’ in European integration studies (Trondal 2007) has pointed to the growing literature on executive politics on, for example, the Europeanisation of national administrations and on the European Commission in recent years. Even if we might speak more of the re-imagining<sup>2</sup> of an earlier literature, which fell out of favour somewhat in the 1970s and ‘80s (in particular Coombes 1970), it is clear that there are still aspects of EU public administration that remain untouched. Many studies of executive politics in the EU fail to take on board the executive functions of the Council, for example.<sup>3</sup> Even on the European Commission, which has been the subject of a relatively large number of studies, there are still substantial gaps in the literature. One such area concerns the Commission’s administrative ethics. Beyond a few research papers on administrative ethics in the Commission by Lisa Dercks (2000, 2001) and David Hine and Robert McMahon (2004), one has only the overlapping literature on EU fraud and corruption as a point of reference on Commission ethics (see Menindrou 1994; Peterson 1997; Pujas 2003; Quirke 1999; Ruimschotel 1994; Warner 2002, 2003, 2004), though this literature deals only tangentially with ethical issues as they apply to Commission officials and Commissioners.

One might ask why there has been so little interest in this subject. One response might be that if the Community budget only comprises around one per cent of the Union’s GDP, and the policies directly managed by the Commission constitute only about one fifth of that amount, then the budgetary impact of unethical conduct by Commission officials cannot be extensive. But this argument fails to recognise that ethical misconduct covers more than just financial matters, even though at times it seems that the Commission – and indeed the other institutions, including the European Parliament – are only really concerned with the *financial* implications of ethical misconduct, forgetting that democratic values are also threatened

where ethical misconduct is rife. This omission is strange when one considers that at national level in Europe fraud and corruption are often seen as the number one threat to democracy, particularly in Eastern Europe (Heywood and Krastev 2006: 157).

A second reason may be that EU scholars have been reluctant to undertake research on a subject which might be interpreted as being inherently critical of the EU project, to the extent that their findings might be used (or misused) for political ends.<sup>4</sup> There is no doubt that this is a potentially controversial field of research; but this should not deter scholars from developing methodologies which bring together the study of values with that of administration (or politics) at the EU level. There is a wealth of non-EU literature to draw upon when starting along that road. Finally, this is a relatively new area of public administration research, especially for European scholars, although there has been a longer standing interest in the role of public service values in the European literature. The vast bulk of the literature, however, is US-based (for example Rohr 1989; Lewis and Gilman 1991).<sup>5</sup> Here, the field of administrative ethics, provoked initially by the aftermath of the Watergate scandal, has expanded massively since the late 1980s, often in the context of practitioner-orientated Masters in Public Administration (MPAs).

This project is not only justified, however, by the lack of attention paid to it in the existing literature on the EU; but also – and more importantly – because of its relevance to our understanding of the legitimacy of the European polity. Indeed, the premise upon which this research is based is that ethics-related scandals have a negative impact on the image, credibility and reputation of institutions and those who are associated with them (Menindrou, 1994: 90); and may even impact upon its legitimacy (Tsakatika 2005; see also Grimes 2006).

While space precludes an in-depth discussion of the various ways in which ‘ethics’ might be understood, in this context ‘ethics’ are standards of

behaviour by individuals or groups that rest on an understanding of what appropriate or inappropriate conduct is, and where the boundaries of the two lie. These standards are inspired by wider social norms, as well as by the individuals and groups themselves. Administrative ethics are those standards as applied to civil servants, though in the context of this study the term is used for both Commission officials *and* members of the Commission. Defining the parameters of the field of administrative ethics and the terms used to explain action in this field is a difficult task. It is not just that there is conceptual confusion (see Warner 2003: 254-5), but at a more practical level the kinds of behaviours that are and are not considered ethical are contested, often on cultural grounds. However, in this study, the point of departure is that the *use of public office for illegal, inappropriate or unauthorised ends* sits at the core of any understanding of ethics. This is a principle to which all liberal-democracies adhere. While there may be differences of opinion over the seriousness of breaches of this principle (of the 'everyone does it!' kind, for example), this nevertheless provides an objective benchmark upon which to rest empirical research of this kind; though this does not deny the fact that the boundaries of what is appropriate and what is not are often contested by those at the sharp end of ethical standards.<sup>6</sup>

Particularly important for this study, is the concept of an *ethics infrastructure* (Table 1). This was developed by the OECD for public sector organisations and is now widely used as a shorthand for the sum of mutually reinforcing elements of control, guidance and management which when taken together help to encourage ethical and discourage unethical conduct (OECD 1997; OECD 2000; Bertok 2000). An ethics infrastructure demands systematic thinking and a holistic approach, drawing on a range of instruments in a coherent fashion. It involves both compliance and integrity instruments (see below), as well as requiring clear ethical principles integrated into the management and accountability structures of organisations. It pays particular attention to the relationship between public and private actors so as

to ensure that public sector values are not subverted through the involvement of private actors in the delivery of public services; and assumes that it will be possible for citizens to scrutinise public organisations by means of active transparency, including access to public information and the empowerment of citizens within the policy process. An ethics infrastructure is not however an off-the-shelf ‘quick fix’ for public administrations, but rather a set of guidelines that should be adapted to specific political and cultural circumstances by reform agents who engage in systematic thinking on the most appropriate way to achieve high standards of administrative ethics. Neither is the establishment of an ethics infrastructure a static one-off event, despite the misleading terminology of an ‘infrastructure’ which might give the contrary impression; rather it has to be an ongoing process which involves the sharing of ideas across organisations and countries and the continuous re-evaluation of principles, standards and instruments in view of both evolving societal and political attitudes and expectations and the changing role of the public sector. Table 1 breaks down the criteria into eight key components which are used to structure the research.

**Table 1:  
Key Components of an Ethics Infrastructure**

Component	Explanation
Compliance	Compliance instruments include constitutional frameworks, regulations and decisions, disciplinary procedures, organisational structures, case law
Integrity	Integrity instruments include soft law, such as codes of conduct and mission statements, leadership-by-example, training.
Systematic thinking	Reform leaders need to think carefully about what an appropriate ethics framework would be and how it might be implemented effectively. Careful attention needs to be given to the inter-relationship between the different instruments use to encourage high ethical standards and to discourage misconduct.
Local cultural and political environment	An ethics infrastructure must respond to local conditions. General guidelines can be used to inform reform leaders, but should not be implemented whole-scale in an unreflective manner
Inter-play of public and private sectors	In the early years of the twenty-first century many public administrations have been struggling with the question of how to ensure an adherence to public service values when an increasing proportion of public service provision is

	outsourced to private actors. Giving consideration to this issue is particularly important in the construction of an ethics infrastructure
Integration of ethical principles into general organisational structures	Ethical principles – such as integrity, honesty, transparency, responsibility, fairness – must not be seen as separate from the general organisation of the public administration, but must be integrated into management and accountability structures so that ethics become part-and-parcel of the system as a whole
Scrutiny	The promotion of high ethical standards is supported by openness in the public sector. As such, legislation on access to public information and other such measures can assist in creating an ethics infrastructure responsible to citizens.
Continuity of effort	Reform leaders should not view the construction of an ethics infrastructure as a one-off event, but should institute procedures keep the infrastructure under review. Ideas should be shared with other public organisations, and the public body concerned should respond to changing society and political attitudes and expectations.

Source: OECD (1997, 2000).

The difference between compliance and integrity approaches is a particularly important distinction to understand when promoting or, as in our case, analysing, an ethics infrastructure (even if some prefer to consider these two concepts as a continuum). This is because they reflect different understandings of what an ethics infrastructure is trying to achieve (that is, in terms of its effect on individual civil servants) (see, for example, Lewis and Catron 1996: 700; Lewis and Gilman 2005: 16–17; but see also Maesschalk 2004–5).<sup>7</sup> In the *compliance* approach to ethics, ethical conduct is induced by rules which prohibit certain types of behaviour. This is likely to involve controls on the conduct of public servants, providing a check on the power they wield (Lewis and Catron 1996: 701). This kind of approach is associated with the continental or Napoleonic model of administration. Resting on a legal rationale of right and wrong, the approach is a negative one, dependent on the banning of certain types of activity and imposing sanctions on conduct considered unacceptable. Very simply stated, when the rules change so too should the conduct. Consequently, to inspire ethical conduct in civil servants, reform agents must select rules which will best induce the desired behaviour.

By contrast, in the integrity or aspirational approach, the emphasis is much more on 'high-minded principles' (Lewis and Catron 1996: 703) of right and wrong as held by individual officials. Within democratic states, the notion of serving the public interest is used as a way of appealing to certain values held by administrators, so that '[e]thical principles and duties reflect behavioural goals and responsibilities and are linked to our vision of a good society and worthy relationships' (Lewis and Catron 1996: 704). While the rules developed as part of a compliance approach provide an ethical framework for behaviour, they may also constrain officials as they seek to act ethically, preventing them from responding flexibly to the dilemmas they face in their day-to-day work (Chapman 2000: 4-5). By contrast, an integrity approach emphasises individual responsibility, resting on a softer learning or socialisation strategy of informing officials through training and non-enforceable codes, rather than by compelling staff to behave in a particular way. The integrity approach within the ethics literature points in particular to the importance of information in guiding public servants towards ethical conduct. This kind of approach tends to be associated with the anglo-saxon model of administration.<sup>8</sup>

Undertaking research on ethical issues is problematic given the sensitivities often involved. This is perhaps the most obvious reason why scholars have tended to eschew empirical projects of the kind attempted here. Frederickson and Walling explain the primary challenge facing researchers. In their view:

Ethics is a world of philosophy, values and morals. Administration is a world of decisions and actions. Ethics will search for right and wrong while administration must get the job done. Ethics is abstract while the practices of administration are irremediably concrete (Frederickson and Walling 2001: 37). The challenge of conducting such research should not be underestimated.

This project takes the form of a qualitative empirical study on the Commission's approach to administrative ethics. The analysis drew on primary documentation and interview data, examining the structures, processes, procedures and values promoted by organisational leaders as they sought to deal with the consequences of the March 1999 Commission resignation. The logic used in justifying such an approach is similar to that of the *Center for Public Integrity* (if for 'corruption' we read 'ethical misconduct'), when they assert that: 'It is impossible to measure, with any degree of completeness, the hidden practices of corruption. It is possible, however, to measure the opposition of corruption – the systems that expose corruption, deter it and ultimately prevent it'.<sup>9</sup> Data contributing to this project has been drawn from primary and secondary literatures, a range of general and specialist media sources, as well as from interviews conducted with politicians, officials and NGO representatives based mainly in Brussels. As noted above, there is only a very small secondary literature which deals directly with the issues raised in this study, though the more general literature on administrative ethics has informed this research. This makes the primary literature, media sources and interview data particularly important.<sup>10</sup>

### **Is there an Ethics Infrastructure in the Commission?**

In what follows, the Commission's management of ethics is considered through the lens of each of the eight aforementioned components of an ideal-type ethics infrastructure (see Table 2).

**Table 2:**  
An Ethics Infrastructure in the Commission?

Component	Explanation
Compliance	Strict rules for Commission officials, based on administrative law. Very little for Commissioners, other than the treaty provision.
Integrity	For officials, there are some integrity measures in place, supplementing the hard rules. For Commissioners, there are Codes of Conduct and other measures.
Systematic Thinking	Although there has been 'thinking' there is no evidence of 'systematic thinking' on the subject of ethics.
Local Cultural and Political Environment	The external political environment fits well with the focus on Commission ethics; the cultural environment is more problematic, given conflicting interpretations by those in the Commission of what is and is not ethical, and the politicisation of this conflict.
Inter-play of public and private sectors	As this was a primary concern of the Committee of Independent Experts' Reports, it was also given serious consideration in the Kinnock Reforms under the heading of 'externalisation policy'
Integration of ethical principles into general organisational structures	There is substantial evidence that ethical principles have been integrated into the post-1999 Reform Agenda. Post-2004, the focus on transparency supplements this.
Scrutiny	This is especially effective for budgetary matters, via the Parliament's Budgetary Control Committee and the European Court of Auditors. It is less so for non-financial ethical issues. The media also has an important role here.
Continuity of Effort	Some evidence of continuity of effort across the board, with Kallas' interest in ethics. But this is a political rather than a systematised administrative process.

## Compliance and Integrity

The Commission has at its disposal a mix of instruments which reflect both compliance and integrity approaches to ethics. But the balance between the two differs substantially depending on whether the framework applies to Commission officials and the Commission's services, or to the Commissioners and the College (see Table 3). The compliance approach is much more in evidence in governing the conduct of officials. The importance of administrative law and in particular the primacy of the EU's Staff Regulations which control all aspects of the EU Administration's human rights policy have been crucial in establishing rules on questions such as what to do in cases of potential conflict of interest; how to go about reporting wrongdoing (internal whistleblowing); as well as in establishing the procedures where officials have breached the rules. Similarly the EU's Financial Regulation is also extremely important, especially for those who work in areas that involve financial responsibilities. Both Regulations date back to the early years of the Community Administration, but in both cases revisions have been made since 1999 (2002 for the Financial Regulation and 2004 for the Staff Regulations).

It is not surprising that the ethical standards of Commission officials are regulated in this way given the Napoleonic underpinnings of the EU Administration. It may be more surprising to find that some integrity instruments have also been introduced in recent years to *guide* (rather than *control*) the conduct of officials. Most notable are the Code of Conduct and the Administrative Guide. The latter helps to explain in much clearer language than the Staff Regulations the obligations and expectations placed on Commission officials in terms of their conduct. There has also been some ethics training introduced by the Commission, with a new initiative, the Ethics Day, having been introduced in the summer of 2006. However, despite these kinds of initiatives, control is much more the norm when it comes to managing Commission ethics in this area.

In contrast to the explicitly regulatory approach at the level of the services, the mechanism applied to the Commissioners is guidance. The integrity approach is reflected in the use of soft instruments, and in the case of the Commissioners, takes the form of a Code of Conduct. It is also reflected in the more *ad hoc* responses to individual cases used, often the product of judgement calls on the part of the Commission President, and taking the form, for example, of the ‘opting-out’ of individual Commissioners from specific policy areas or types of decision where conflicts of interest might occur. It is not difficult to understand why Commissioners are treated very differently from Commission officials. Commissioners have a very different role and status in the Commission from their officials in the services. They are *de facto* politicians. Even if formally the description of Commissioners as office-holders holds true and even if they are appointed not elected, both internally within the Commission and to a degree externally too their *political* status is without question. In a very practical sense Commissioners are much more susceptible to political pressure than are officials. Their work is more visible and their misconduct much more newsworthy than that of the Commission’s civil servants. However, even in the case of the Commissioners, there is an element of control in evidence in the form of the treaty provisions that set out the obligations of Members of the Commission, and those that make provision for the removal of Commissioners. Moreover, one can argue that the requirement now placed on Commissioners to disclose information on their interests and to register gifts also injects an element of control into the way in which Commissioners’ ethics are managed. This is hardly a dramatic shift away from guidance/integrity approaches, however, though it does seem to reflect a realisation within the Commission that a credible system demands at least some compulsion – even for Commissioners – and that no one working within the Commission, no matter how important they are, can be above the law.

The distinction between the ethics framework operating at the level of the College and that of the Commission's services reflects, then, one kind of political-administrative dichotomy within the Commission, with the College as the political executive set against the services' more clearly administrative function. However, perhaps paradoxically, the shift in the politics-administration balance in the Commission's services since the reform, in favour of administration, seems to have coincided with a shift towards the inclusion of softer forms of ethics management, forms that might be associated with a process of politicisation. But this is not the driver of the change. Since the early 1990s, British, Irish and Scandinavian Commissioners and senior Commission officials (including Secretaries-General, who are especially important in introducing incremental administrative change) have left their mark on the Commission. The influence of these northerners has superimposed a different kind of administration on the Napoleonic framework that already existed, one which rests on informality in personal relationships, guidance of junior officials by those in senior positions, and the socialisation of new staff through rigorous initial and ongoing training. Moreover, just as important as the introduction of New Public Management (NPM) ideas within the Commission, at least in the short term, has been Commission President Barroso's preference for deregulatory initiatives, as this suggests that where actions on ethics are to be introduced in the future, they are not likely to be regulatory in character.

**Table 3:  
The Application of Compliance and Integrity Instruments in the  
Commission**

	<b>Commissioners</b>	<b>Commission officials</b>
<b>Compliance</b>	Weak	Strong
<b>Integrity</b>	Strong	Weak

### **Systematic Thinking, and the Political and Cultural Context of Ethics Reform**

Surprisingly perhaps given the range of instruments used by the Commission in its management of ethical issues, there is very little evidence of systematic thinking on the subject. During the Prodi Commission, there were only very infrequent references to ethical issues in any direct sense in the Commission's documentation, though the 2000 White Paper did take a view on the subject. This is not to say that ethics was entirely excluded from the administrative reforms. There were references to ethics in the 2000 White Paper's Action Plan (Commission 2000b) and a fair number of specific actions on ethics have been identified (Hine and McMahon 2004). But even with the addition of an 'Ethics' section on the Commission's Reform Website, a closer look at its content demonstrates that this was little more than a repository for a number of disparate initiatives – covering whistleblowing, new disciplinary procedures and the codes of conduct – rather than there being any the sign of a holistic approach to ethics along in line with a fully-fledged ethics infrastructure.

There is evidence to suggest that administrative ethics has gained a higher status in the Commission since the start of the Barroso Commission, however. With the advent of the European Transparency Initiative, there has

been an increased interest in the use of soft and voluntary means for promoting high ethical standards. But this is not the product of an integrity-oriented strategy, but rather a consequence of the deregulatory preferences of the Commission President (Cini 2005) as well as part of a more general trend within the EU for the use of such instruments (see for example, Hodson and Maher 2001; Eberlein and Kerwer 2002; Borrás and Jacobsson 2004). Although the Barroso Commission knits together a number of new transparency-orientated actions on ethics, these have not come about as a consequence of systematic thinking.

In tackling ethical issues within its own organisational borders the Commission has however taken into account the political and cultural context in which it operates. It has not sought to impose some external model of ethics on the Commission. The external political context is one which has witnessed the declining influence of the Commission within the EU system since the mid-1990s. There are some interesting questions to be asked elsewhere about this decline, as well as about the relationship between decline and the increased attention paid by Commission leaders to reform in support of better implementation and programme management (for example: Which is the cause, and which the effect?). For our purposes, though, the Commission's political context has to be understood as one in which it sees its own political functions squeezed by both the European Parliament and the member states, leaving it a narrower policy arena in which to operate than has been the case at times in its past history.<sup>11</sup> But with the blurring of the dividing lines between politics and administration, what this really means in practice is that the Commission must now be less overt in its politics than it was when the Commission was in its hey-day (that is under the presidencies of Walter Hallstein in its early years and more recently under Jacques Delors). The danger at least for those keen to see democracy in the EU enhanced is that this could drive the Commission away from a more transparent system of decision-making, towards new informal modes of agenda-setting.

With reference to the attention paid to the cultural context, the Commission has faced more serious difficulties. Ethical issues are contested issues and there are often very different understandings across cultures, even within the EU. Although no one would agree that dishonesty is a good thing, or that corruption should be tolerated, broad assertions about what is considered good or bad conduct hide within them more subtle and shaded attitudes and beliefs towards what is or is not appropriate behaviour and when it may be acceptable to break the law. Individuals may suffer from 'double standards' (it's OK for me to do it, but not if everyone does it). Or they may see ethical misconduct by 'ordinary people' as balancing out the abuses of those in elite positions. They may even justify such conduct by claiming that 'this is how the world works', claiming that ambitions to create a more ethical environment are wishful thinking on the part of some kind of 'moral minority'.

For the Commission the problem is that these different cultural perspectives exist side-by-side within one organisation. Even if it is important not to go too far in generalising about cultural attitudes to ethics across the North and South (and indeed from the West to East) of Europe, falling into the trap of caricaturing entire populations, it would be wrong to ignore the way in which the discourse on the difference between northern and southern European ethical standards has been used politically. Georgakakis (2002) has charted this politicisation process so as to demonstrate that the Kinnock Reforms were interpreted by some officials from Southern Europe as an attack on a traditional way of doing things in the Commission and even as an attempt to weaken the Commission by undermining the policy-making function of the Commission and by default its potential to assert its own political preferences.

## **Public-Private Sector Relations and the Integration of Ethical Principles into the Commission**

The relationship between public organisations and private or voluntary bodies has become a central concern of public administration since the 1980s, with the trend being one away from state-ownership of industry and towards privatisation and new forms of regulation; and the blurring of public and private sector activities in part as a consequence of the out-sourcing of services which in the past had been provided by governmental bodies. The latter has been particularly relevant for the Commission.

The Commission did not cope well with this transition, but also participated in it with vigour; not for any ideological reason, but because (usually) the outsourcing of tasks otherwise performed by Commission officials was a way to get round the human resource restrictions placed on its services. The latter was a consequence of budgetary constraint, a lack of mobility within the Commission (so that staff could not be moved easily from 'quiet' DGs to those with a high demand for extra staff), and a failure by the Commission to consider the resource implications of taking on new policies and programmes – though the member states in the Council have to accept some responsibility for agreeing new policies without considering the implications for the institutions that would have to implement and manage them. Since this was a major area of controversy identified in the Committee of Independent Experts' (CIE) Reports of 1999 (CIE 1999a, 1999b), the Commission dealt with it comprehensively as part of its reform package. Labelled often as 'externalisation', the Commission focused not only on the decentralisation of policy management to private bodies, but also on the controls in place when they delegated functions to the national level.

Moving on to the next criterion, there is no doubt that the Commission has been very successful in integrating ethical principles into the general organisational structure of the institution. Indeed this was a strong

thread running through the Kinnock Reforms. The ethical dimension of the post-1999 Reform was so integrated that it was difficult to distinguish it from the process as a whole. To a large degree one can easily argue that the entire reform was about ethics, or at least had an ethics dimension to it. The 2000 White Paper which spelt out categorically the principles at the heart of the Reform alerted us to this in highlighting the importance of principles such as responsibility, transparency and accountability.

### **Scrutiny and Continuity of Effort**

Scrutiny is of central importance to the Commission's ethics framework. It would be misleading, however, to see this as a Commission preference or part of the Commission's approach to ethics. The scrutiny functions that can be identified in this context are the ones that apply to Commission functions as a whole and which were in place well before the initiation of the post-1999 reform. It is the European Parliament's responsibility to keep the Commission in check in all areas of its work, with a particular focus on Community expenditure. It is in this area that the Parliament has scrutinised ethical standards and other ethics-related issues in the Commission. This is the job of the Parliament's Budgetary Control Committee (COCOBU). It performs this function on the back of a second crucial body, the European Court of Auditors, the Annual Reports and Special Reports of which are major sources of information for MEPs. Not surprisingly, the Parliament's scrutiny over the Commission is most effective in those areas that relate to the Community Budget. That is not to say that other dimensions of ethical misconduct or the Commission structures are not also of interest to the Parliament, but ethical misconduct generally is often only understood as contributing to the financial probity of the Union, rather than as a good thing in itself, or as a key component of European-level democracy.

When it comes to the public's capacity to scrutinise the Commission there is less evidence. While instruments like the code of conduct for officials which set out the rights of citizens vis-à-vis the Commission in terms of the obligations on civil servants send important signals to citizens, they are more about standards of good administrative practice than about scrutiny *per se*. The application of the legislation on access to Commission documents is an important step in the right direction, but there are still heavy restrictions on what is allowed to enter the public domain; and it should be noted that this facility is mostly used by academics and journalists rather than ordinary citizens. It is through the media, of course, that the general public have the best opportunity to scrutinise what is going on in the European Commission, so the manner in which journalists treat such stories is important. In the run up to the Commission's 1999 resignation a split between investigative journalists and the Brussels lobby helped to create an environment in which stories of alleged ethical misconduct could be published.

Finally, has there been a *continuity of effort* in the Commission in dealing with ethical issues? In one sense, one might argue that Commissioner Kallas' interest in 'ethics', through the European Transparency Initiative, has begun to fill in some of the ethical gaps left by the previous Commission and in this sense there has been some continuity. However, the importance of this kind of continuity should not be overstated. Continuity of effort means regularising practices that contribute to high ethical standards, rather than letting standards slip, or simply introducing new initiatives which could distract attention away from previous reforms not yet fully implemented. One might say, then, that continuity is about consolidation of the reform process, and on that question, which is related to whether the reform has been successful, the jury is still out.

## Conclusions

This paper has considered whether the Commission has an ethics infrastructure (presented in summary in Table 3). It was based on the assumption that an ethics infrastructure had to incorporate all of the above elements to be complete. The study on which this paper is based has shown that while many of the elements of an ethics infrastructure are in place within the Commission, the absence of a systematic approach towards ethics has led to a rather 'bitty' framework with no clear identification in the Commission of what the ethics infrastructure is. This is complicated by the fact that there are two parallel systems in operation in the institution: one for Commissioners and one for officials. It would not be too difficult, however, for the Commission to rectify this omission. Drawing on the existing academic literature on administrative (and perhaps also political) ethics, a bespoke ethics infrastructure for the Commission into which existing initiatives could fit could be defined. This would have the advantage of (a) sending an important message to the outside world that the Commission was taking these issues seriously on its own account, and not simply introducing actions to respond to criticism from the Parliament and the media; and (b) it would allow the Commission to identify more easily gaps in the existing framework, providing a source for new initiatives in the future.

The main weakness in the Commission's approach, is that in dealing with ethical issues the Commission has had a tendency to be reactive; and to do little more than what was recommended by outsiders, most notably the Committee of Independent Experts. Granted, the CIE Reports included extremely useful pointers as towards what should be included in the Commission's Administrative Reform, but they did not cover all angles. In producing the White Paper only a matter of months after the arrival in office of the new Prodi Commission (something which was a political necessity), and in conducting such a wider-ranging reform too, it is not surprising that

the Commission contented itself with working through the Reports line-by-line to ensure that what the Reform was about was operationalising in a practical manner the earlier document. Of course, the CIE Reports did not go into much detail with regard to the precise form the Reform should take; but it did provide a point of reference, something more than a point of departure, for the Prodi Commission. As the CIE Reports made no mention of an ethics infrastructure, nor of constructing a comprehensive and explicit ethics framework separate from the wider Reform, it should come as no surprise that the Kinnock Reforms did not include it either. One can only assume that had such a reference been included in the Reports, then the Commission would now have an ethics infrastructure in place. Instead, the Committee focused on the wider framework, the structural and procedural weaknesses and how to resolve them. Even though it accepted that at least part of the problem with the Commission was the result of a ‘mentality’ within the organisation, rather unhelpfully it went on to state that ‘There are no specific ways of dealing with a problem of mentality, but the Committee believes it should encourage a process of reflection and internal discussion in this respect (CIE 1999b: point 8.2). In the rush to frame and then implement such a complex and politically contentious reform after 1999, it is hardly surprising that this is one CIE recommendation – albeit a rather vague one – which could not be translated into a concrete action at that time.

Does it really matter, though, whether the Commission has an ethics infrastructure or not? Underpinning both the research question, as well as the findings of this project, is the understanding that it does. First, the stronger the ethics framework is, the higher the levels of trust in public organisations. One might equally turn this around to hypothesise that the weaker the framework the lower the trust. Either way, there is already some evidence (see Feldheim and Wang 2003–4 for example) of a correlation between ethics and trust, though more research is needed to make sense of these findings. This point is further discussed below. Second, high ethical standards which

are encouraged and facilitated by a strong ethics framework have a positive effect on the efficiency and effectiveness of public organisations. This relationship, which again deserves further investigation, echoes the argument that high ethical standards contribute not just to the input-orientated legitimacy of the EU, but also to its output legitimacy as well. Third, the absence of an ethics infrastructure makes it more likely that the Commission will suffer from further ethics-related crises in the future. It is not just prevention of ethical misconduct which interests the Commission, but also the prevention of crises of the kind witnessed in 1998-99, and in 1993, because of the damage that they do to the Commission's reputation, and because they draw attention and often resources away from the Commission's policy priorities. Of course, there can be no assumption that even with an ethics infrastructure in place, ethics-related scandals would be a thing of the past; only that an ethics infrastructure makes this less likely or easier to manage *post-hoc*. Fourth, an explicit ethics infrastructure could make the Commission a model for other public organisations. This is what Neil Kinnock foresaw in his rather ambitious rhetorical assertion at the start his Reforms that the ultimate aim of the Strategy was to turn the Commission into a 'world class administration',<sup>12</sup> which would be in a position to set standards for other public organisations rather than just reacting to them.

## Notes

<sup>1</sup> See Michelle Cini (forthcoming 2007a), *From Integration to Integrity: Administrative Ethics and Reform in the European Commission* (Manchester: Manchester University Press). The paper is drawn largely from Chapter 1 and from the Conclusions of this book. An earlier draft was presented at the UK Political Studies Association (PSA) Conference at the University of Bath, 13 April 2007 (Cini, 2007b).

<sup>2</sup> 'Re-imagining' is a term much used in Hollywood in recent years with regard, for example, to the re-appearance in a new contemporary form of old TV series' such as Star Trek and Battlestar Gallactica.

<sup>3</sup> This was a point hammered home by Ian Manners' paper on Critical Approaches to European integration, at the European Union Studies Association (EUSA) Conference in Montreal, Canada, 19 May 2007.

<sup>4</sup> In a conversation on this subject in early 2006, Anthony Forster pointed to the fact that the same used to be said about research on 'euro-scepticism' itself, though this is now a burgeoning research area for Euro-philes and Euro-phobes alike (see Forster, 2002).

<sup>5</sup> It has to be said that there is also an impressive Australian literature; and, substantial work carried out by scholars working on developing countries. For a recent comparative European study see Bossaert and Demmke, 2005.

<sup>6</sup> Cini (forthcoming 2007) includes, in chapter 1, more information on the parameters of the research domain, including a list of the kinds of ethical issues covered, factors that tend to be conducive to ethical misconduct, and a list of instruments used to address these issues.

<sup>7</sup> This paragraph and those that follow are drawn from Cini (2004b). Note that Lewis and Gilman (2005) advocate strategies that comprise a *fusion* of compliance and integrity approaches.

<sup>8</sup> New Public Management perspectives on ethics tend to assume that bespoke ethics rules and management is not necessary and that if the right structures and procedures are in place, the ethics of officials will look after itself (see Maesschalk, 2004 for a summary of the literature).

<sup>9</sup> <http://www.publicintegrity.org/ga/default.aspx?act=faq#a1>

<sup>10</sup> Three research visits to Brussels were necessary, during which the author made good use of the European Commission Library, and conducted semi-structured interviews. Interviews were conducted with middle-ranking officials in DG ADMIN and the Secretariat-General of the Commission, with Members of the European Parliament, NGO representatives, and *cabinet* members in January and February 2006. The data collected was analysed in light of the ethics infrastructure criteria above.

<sup>11</sup> Admittedly one should not exaggerate how much room for manoeuvre the Commission has in asserting its own preferences, even if there seems now ample empirical evidence to support the view that the Commission has – in certain periods when the external context is propitious, and some policy areas but not others – the potential to shape European policy, and even political, outcomes (Cini, 1996a).

<sup>12</sup> The Commission's Reform website at [http://europa.eu.int/comm/reform/2002/chapter02\\_en.htm](http://europa.eu.int/comm/reform/2002/chapter02_en.htm) talked of turning the Commission into 'an organisation that sets worldwide standards'.

## References

- Bearfield, N. D. (2004), 'Reforming the European Commission: Driving Reform from the Grassroots' *Public Policy and Administration*, vol. 19, no. 3, pp. 13-24.
- Bertok, J. (2000), 'Getting the Public Ethics Right' *OECD Observer*, July.
- Borras, S. and K. Jacobsson (2004) 'The Open Method of Coordination and New Governance Patterns in the EU', *Journal of European Public Policy*, vol. 11, no. 2, pp. 185-208.
- Bossaert, D. and C. Demmke (2005), *Main Challenges in the Field of Ethics and Integrity in the EU Member States* (Maastricht: European Institute of Public Administration).
- CIE [Committee of Independent Experts] (1999a), *First Report Regarding Allegations of Fraud, Mismanagement and Nepotism in the European Commission*, 15 March.
- CIE [Committee of Independent Experts] (1999b), *Second Report on the Reform of the Commission: analysis of current practices and proposals for tackling mismanagement, irregularities and fraud*, 10 September.

- Cini, M. (1996), *The European Commission: Leadership, Organisation and Culture in the EU Administration* (Manchester: Manchester University Press).
- Cini, M. (2004), 'The Reform of the European Commission: an Ethical Perspective', *Public Policy and Administration*, vol. 19, no. 3, pp. 42-54.
- Cini, M. (2005), *Pragmatism Prevails: Barroso's European Commission*, Briefing Paper EP BP 05/01, Chatham House, London, May, <http://www.chathamhouse.org.uk/pdf/research/europe/BPbarroso.pdf>
- Cini, M. (2007a forthcoming), *From Integration to Integrity: Administrative Ethics and Reform in the European Commission* (Manchester: Manchester University Press).
- Cini, M. (2007b) '*Managing Ethics in the European Commission*' paper presented at the Political Studies Association (PSA) Conference, University of Bath, 13 April.
- Commission (2000) *Reforming the Commission: a White Paper – Part II Action Plan*, COM (2000) 200 final/2, Brussels, 1.3.2000.
- Coombes, D. (1970), *Politics and Bureaucracy in the European Community* (London: Allen and Unwin).
- Craig, P. (2000), 'The Fall and Renewal of the Commission: Accountability, Contract and Administrative Organisation' *European Law Journal* Vol. 6, No. 2, pp. 98-116.
- Dercks, L. (2000), '*Business Ethics and the European Commission. A Critique of Proposed Reforms*' LLM Thesis (European Management and Employment Law), University of Leicester.
- Dercks, L. (2001), 'The Commission's Business Ethics: a Critique of Proposed Reforms' *Business Ethics: a European Review*, vol. 10, no. 4, pp. 346-59.

- Eberlein, B. and D. Kerwer (2002), 'Theorising the New Modes of European Union Governance' *European Integration Online Papers* (EIOP), vol. 6, no. 5, <http://eiop.ac.at/eiop/texte/2002-005a.htm>
- Feldheim, M. A and X. Wang (2003-4), 'Ethics and Public Trust: Results from a National Survey', *Public Integrity*, vol. 6, no. 1, pp. 63-75.
- Forster, A. (2002), *Euroscepticism in Contemporary British Politics: Opposition to Europe in the British Conservative and Labour Parties since 1945*, (London: Routledge).
- Frederickson, H. G. and J. D. Walling (2001), 'Research and Knowledge in Administrative Ethics' in T. L Cooper (ed) *Handbook of Administrative Ethics*, 2<sup>nd</sup> ed. (New York: Marcel Dekker), pp. 37-58.
- Georgakakis, D. (2002), 'Une Mobilisation Formatrice: les Euro-fonctionnaires contre la Réforme du Statut (printemps 1998)' in D. Georgakakis (ed.), *Les Métiers de l'Europe. Acteurs et Professionalisations de l'Union Européenne* (Strasbourg: Presses Universitaires de Strasbourg).
- Georgakakis, D. (2004), 'Was It Really Just Poor Communication? A Socio-political Reading of the Santer Commission's Resignation' in A. Smith (ed.) *Politics and the European Commission. Actors, Interdependence, Legitimacy* (London: Routledge).
- Grimes, M. (2006), 'Organizing Consent: the Role of Procedural Fairness in Political Trust and Compliance' *European Journal of Political Research* vol. 45, no 2, pp. 285-315.
- Heywood, P. M. and I. Krastev (2006), '*Political Scandals and Corruption*' in P. M.
- Hine, D. and R. McMahon (2004), '*Ethics Management, Cultural Change, and the Ambiguities of European Commission Reform*' Working Paper, Department of Politics and International Relations, University of Oxford, [http://government.politics.ox.ac.uk/Projects/Papers/Hine-McMahon\\_Ethics\\_Management.pdf](http://government.politics.ox.ac.uk/Projects/Papers/Hine-McMahon_Ethics_Management.pdf)

- Hodson, D. and I. Maher (2001), 'The Open Method as a new Mode of Governance: the Case of Soft Economic Policy Co-ordination', *Journal of Common Market Studies*, vol. 39, no. 4, pp. 719-46.
- House of Commons [Library] (1999), '*The Resignation of the European Commission*' Research Paper 99/32, 16 March.
- Kassim, H. (2004), 'A historic accomplishment? The Prodi Commission and Administrative Reform' in D. G. Dimitrakopoulos (ed.), *The Changing European Commission* (Manchester: Manchester University Press).
- Kinnock, N. (2004), 'Reforming the European Commission: Organisational Challenges and Advances' *Public Policy and Administration*, vol. 19, no. 3, pp. 7-12.
- Lewis, C. W. and Catron, B. L. (1996), 'Professional Standards and Ethics' in J. L. Perry (ed.) *Handbook of Public Administration*, 2<sup>nd</sup> ed., (San Francisco: Jossey Bass), pp. 699-712.
- Lewis, C. W. and Gilman, S.W. (1991), *The Ethics Challenge in Public Service: A Problem Solving Guide* (San Francisco: Jossey-Bass).
- Lewis, C. W. and S. W. Gilman (2005), *The Ethics Challenge in Public Service: A Problem Solving Guide* (San Francisco: Jossey-Bass).
- Macaulay and Lawton (2006), 'From Virtue to Competence: Changing Principles of Public Service' *Public Administration Review*, Sept/Oct., pp. 702-10.
- Macmullen, A. (1999a), 'Political Responsibility for the Administration of Europe: the Commission's Resignation March 1999', *Parliamentary Affairs*, vol. 52, no. 4, pp. 703-718.
- Macmullen, A. (1999b) 'Fraud, Mismanagement and Nepotism: The Committee of Independent Experts and the Fall of the European Commission 1999' *Crime, Law and Social Change*, vol. 31, no. 3, pp. 193-208.

- Maesschalck, J. (2004), 'The Impact of New Public Management Reforms on Public Servants' Ethics: Towards a Theory', *Public Administration*, vol. 82, no. 2, pp.465-89.
- Malone, M. M. (2002), 'The Resignation of the Santer Commission, 1999 – Causes and Consequences' *Administration* vol. 50, no. 1, pp. 86-104.
- Menindrou, M. (1994), 'European Community Fraud and the Politics of Institutional Development', *European Journal of Political Research*, vol. 26, no. 1, pp. 81-101.
- Menzel, D. C. (2005), 'Research on Ethics and Integrity in Governance: A Review and Assessment' *Public Integrity*, vol. 7, no. 2, March, pp. 147-68.
- OECD (1997), 'Creating an Effective Ethics Infrastructure', *Public Management Gazette*, no. 7, December, pp. 1-8.
- OECD (2005), *Public Sector Integrity: A Framework for Assessment* (Paris: OECD Publishing).
- Peterson, J. (1997), 'Pooled Sovereignty, Divided Accountability' *Political Studies*, vol. 43, no. 3, pp. 559-78.
- Pujas, V. (2003), 'The European Anti-Fraud Office: a European policy to fight against economic and financial fraud' *Journal of European Public Policy*, vol. 10, no. 5, pp. 778-97.
- Quirke, B. (1999), 'Fraud against European Public Funds' *Crime, Law and Social Change*, vol. 31, no. 3, pp. 171-91.
- Rohr, J. A. (1989), *Ethics for Bureaucrats: An Essay on Law and Values* (New York: Marcel Dekker).
- Ruimschotel, D. (1994), 'The EC Budget: Ten Percent Fraud' in *Journal of Common Market Studies*, vol. 32, no. 3, pp. 319-42.
- Schultz, D. (2004), 'Professional Ethics in a Postmodern Society', *Public Integrity*, vol. 6, no. 4, pp. 279-97.

- Tomkins, A. (1999), 'Responsibility and Resignation in the European Commission' *Modern Law Review*, vol. 65, no. 5, pp. 744-65.
- Trondal, J. (2007), 'The Public Administration Turn in Integration Research' Paper 07/2007, *ARENA Working Paper Series*, ARENA, University of Oslo, Norway,
- Tsakatika, M. (2005), 'Claims to Legitimacy: the European Commission between Continuity and Change' *Journal of Common Market Studies*, vol. 43, no. 1, pp. 193-220.
- Warner, C. (2002) 'Creating a Common Market for Fraud and Corruption in the European Union: an Institutional Accident or a Deliberate Strategy?', *Robert Schuman Working Paper Series*, 2002/31, European University Institute, Florence.
- Warner, C. (2003), 'Creating a Common Market for Fraud in the European Union' in *The Independent Review*, vol. 8, no. 2, pp. 249-57.
- Warner, C. (2004), 'Common Market Institutions, Fraud and Informal Networks' in S. Piattoni and T. Christiansen (eds) *Informal Governance in the European Union* (London: Elgar), pp. 57-76.



# Chapter 5

## “Keeping Competence.”

### Policy Coordination as a Means for the Institutional Embedment of European Environmental Policy and Regional Policy

Andrea Lenschow and Renate Reiter

*University of Osnabrück and University of Bochum and Potsdam*

#### **Abstract**

In the following study we will examine the emergence and institutionalisation of European Environmental Policy (as a regulatory policy field) and the European Urban Policy (as a distributive policy field). Until now, too little attention has been given to the process of securing the continued existence of policy responsibilities at the EU level – strategies of ‘keeping competence.’ We will show that a focus on policy types is insufficient to understand the developments of European responsibilities. Instead, we need to develop a differentiated understanding of the institutional and normative anchoring of a policy in the EU acquis.

## **Introduction and preliminary considerations**

The European Union is characterized by an ongoing transformation in its field of responsibilities. At the same time, EU policy expansion has been a main concern of academic analysis. Indeed, every treaty modification until now has been associated with additional, new competencies – or rather an enhancement of old competencies. This is also the case with the two central policy areas of our investigation: European Environmental Policy and the European Regional Policy. The environmental and regional policies were incorporated into EU fields of responsibility with the Single European Act. Since then the environmental policy has clearly expanded (Zito 1999). The regional policy has been able to gain more European importance and has enjoyed a growing portion of budget expenditures since the mid 1980's. These developments match Pollack's 1994 proposed thesis of the EU's creeping expansion of competence – "creeping competence." It was also Pollack, who, in reference to the principle of subsidiarity and the dominate neo-liberal discussion in Europe, came to the conclusion in 2000 that the phase of 'creeping competence' has given way to a phase of competency rollback. He argues that EU regulatory policy seems to be stable, but the EU budgetary expenditures in particular have been affected negatively (Pollack 2000). In the following study we will examine a regulatory (environmental) and a distributive (regional policy / urban development) policy field closer, and show that such a focus on policy types is insufficient to understand the developments of European responsibilities. Until now, too little differentiated attention has been given to the process of continued existence on the policy level – strategies of 'keeping competence.'

Since the beginning of the 1990's the interventional style of EU Environmental Policy has been critically scrutinized. Accordingly, regulatory policy instruments were reformed (collier 1993; Lenschow 1999, Holzinger et al. 2003). If Pollack (2000) actually does state that the regulatory

competencies of the EU are growing in the post Maastricht era, then his analysis is leaving out the fact that the continued existence and further development of regulatory policy is dependant on innovative political strategies of the interested policy makers. In regional policy, Pollack expects proof of “selective evidence of retrenchment in EU budgetary expenditures” (2000: 519), and sure enough, the expenditure resources as well as the designated community initiatives and the Commission’s role in the implementation of national programs remain controversial (Peterson/Bomberg 1999; Allen 2005). Yet, the example of urban development, which has emerged in the field of regional policy since the end of the 1980’s, irrefutably shows that in order to understand EU policy making, it is essential to trace the phenomenon of the selective rollback more precisely and uncover the mechanisms, which contradict the roll back-trend. Accordingly, this article will closely examine the conditions for the safeguarding of responsibilities (“keeping competence”) on the European level (For the removal of policy (“*Politikbeendigung*,”) see Bauer/Knill forthcoming).

We argue that the firm embedment of a policy field in the EU acquis and in the *raison d’être* of European integration constitutes a central condition of ‘self-preservation.’ Unlike the national state level - where the effective coordination of officially separate policy fields and the attainment of coherent policies does indeed serve as criteria for “good governance” and a means of enhancing the problem solving capabilities of public policies (Peters 1998), yet, as a general rule builds no subsistence for the continuation of those policy fields, - the horizontal policy integration on the EU level (particularly in times of arguable output legitimacy) functions as a possible strategy of continued existence.

In the process, European policy makers maneuver in an institutional and normative environment, which more or less defines an invitational

framework for a successful embedment of a policy field. The institutional framework for horizontal policy coordination in the EU is ambiguous (whereby we will concentrate only on the first pillar in the following work). On the one hand, the central coordination and invested authority of the college of commissioners - during the policy formulation - and the European Council give direction to the fundamental policy decisions. On the other hand, in view of the autonomous Directorate Generals in the Commission - frequently with specific policy field networks and cultures (Peterson 1997; Cini 2000) - and the competing perspectives on public policy within each Directorate General, as well as in the Council of Ministers, the institutional barriers to procedural coordination on the staff level can be large. Additionally, although the regularly changing Council Presidency prevents the dominance of individual national interests, it is unable to prevent the tendency of discontinuity. The General Secretary of the Council can only administratively counter this. Likewise, the European Parliament - whose influence is traced to the work of specific committees organized around policy fields, rather than to the effect of political fractions - seems to work less integrating and primary in specific policy fields, even though critical inquiries are willingly dealt with by diverse committees and within fractions. Overall, “firewalls” are an integral part of the EU institutional architecture (Peterson 1997: 5) and a coordinated pursuit of transversal aims for the purpose of the continued existence of individual policy can be complicated. The building of coherent policy decisions however, is certainly not impossible. An institutionalist analysis of policy integration requires a high level of detail, particularly if the goal is to illustrate variations.

Institutional barriers of coordination can be effectively counterbalanced if a policy field is normatively embedded within the overall mission of the EU. With its young history and supranational character the EU distinguishes itself through a central position of “mission statements” – i.e. transversal ideas, to which procedural as well as contextual decision making structures are

geared towards. It was in this fashion that the project of the Single European Market created a normative force, which policy makers in individual policy fields were hardly able to evade, yet which could simultaneously be used strategically for the expansion of political competencies. Under these circumstances and without having to assume a functionalist logic, it cannot be denied that the advocates of a European environmental policy have advanced their agenda through the strategy of “issue linkage” with the Single Market – i.e. the creation of fair trade conditions through common environmental standards. Similarly, the European Regional Policy was also developed as an accompanying measure of the Single Market; regional structure and cohesion policies arose not in a social policy niche, but rather as an aspect of the European Economic Community.

Currently the creation of the “most competitive and dynamic knowledge-based economy in the world” (Council 2000) acts as the central theme of the EU, reaching beyond the Common Market. We argue that a contextual embedment in the so-called Lisbon Process can be stabilizing and can potentially be used to secure and expand competencies. In contrast, policy fields that cannot be successfully embedded will experience a normative depreciation in the project of integration and possibly a reduction of competencies. The necessity of a normative embedment in order to retain the competence of individual EU policies by no account means to be content with defending the status quo, but rather requires a continuous adaptation to the dynamic normative core of the EU.

### **Coordination as strategy – The example of integrated environmental and urban development policies**

By means of the following two case studies, the dynamics of the EU’s retainment of competencies shall be demonstrated. In recent years “keeping competence” in the regulatory environmental policy as well as in the

budgetary regional policy has become a challenge, which, among other things, has been countered by a strategy of cross-policy field coordination. Under what conditions was this strategy successful and did it contribute to the retainment of competency areas?

### **The principle of environmental integration in EU policy making**

For more than 3 decades the EU has been developing a comprehensive environmental policy. After a phase, in which environmental policy had no lawful ground in EU treaties and was carried out as a byproduct of market integration, the Member States established environmental protection as an independent EU policy field with the ratification of the Single European Act (1987). With the subsequent treaty amendments of Maastricht and Amsterdam, the decision-making procedures for environmental policy measures were simplified (changing to qualified majority voting and co-decision procedure of the European Parliament), which consequently created favorable conditions for the further expansion of activities in this field. At the same time, article 2 of the Treaty of Maastricht initiated the principle of a ‘sustainable growth ...respecting the environment.’ This was strengthened in the preamble to the Treaty of Amsterdam, establishing the principle of ‘sustainable development,’ which is to ensure “that advancements in economic integration are accompanied by parallel progress in other fields” (here, environmental protection and social developments are meant). The environmental policy is therefore a perfect example of the “creeping competence” Pollock observed. It developed from an accompanying measure into an independent policy field and most recently into a formally recognized transversal task of the EU.

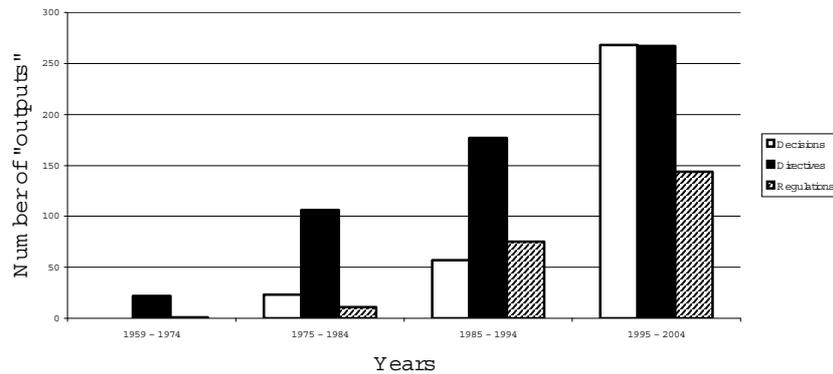
Although policy integration in the environmental policy area (environmental policy integration) had nothing to do with an altogether new idea – the first European Community Environmental Action Program had

already confirmed that the consideration of environmental consequences should be required during every process of planning and decision making in order to effectively protect the environment (OJ 1973: 6) – it nonetheless seemed at the end of the 1990’s as though one had just become aware of the notion of integration. The then Commissioner for Environment, Margot Wallström, had described recent integration initiatives as the *beginning* of an important learning process (EWWE 1999: 12). We shall argue that behind this new discovery and adjacent to a holistic understanding of environmental protection, there lies a strategic effort to re-embed the increasingly questioned European Environmental Policy.

### **Environmental Policy – regulatory or integrated?**

The Single European Market is based on extensive deregulation on national levels and European re-regulation in areas, where a dependable – that is to say lawfully secured – trade zone for market actors emerges to ensure free and fair competition or where social values are to be protected from “negative externalities” of free market processes. In the 1980’s and 1990’s the greatest potential of the expanding EU competencies lay in identifying essential market correctors. The expansion of social regulation in the areas of health, gender equality, employee protection or environmental protection largely goes back to a successful strategy of “issue linkage,” in which the initial ordoliberal concept of market creation was accompanied by an increasingly broader canon of community values with associative measures. Joerges (2003) speaks of a new constitutional phase and uses this terminology to express the deep structural embedment the European regulatory approach had gained during this time.

Figure 1: EU Environmental Policy 1959–2004



Source: Haigh (2004), adopted in Lenschow (2005)

**Figure 1 shows the increasing frequency of regulation in the area of EU Environmental Policy.**

The basic concept of securing the Common Market and attaching it with norms leads to the dominant legalistic-hierarchical logic of regulation, according to which, legally binding, and most possible uniform norms and codes of conduct are decided mostly by directives and regulations on the EU level and cases of Member State non-compliance are sanctioned – albeit with limited means. In this regard, European Environmental Policy is carried out as its own “sector” and responsibility lies in the Directorate General for Environment and the Environment Council. Undesirable consequences of economic trade, or rather sectoral policy decisions, are rectified extraneous and authoritatively. Addressees of this policy are the national governments or national economic actors, hardly the adjacent offices in the Commission or Council. Integration, as it was billed in the framework of the first environmental program, occurs less through policy coordination and more through the environmental political regulation of activities that fall within the immediate responsibilities of other sectors (for example, the authority for determining environmental political frameworks, within which the

installation and approval of a manufacturing or building project can be made possible).

Thus, through a successful linkage with the market project, environmental policy has carved out an autonomous position in the institutional structure of the EU, which has enabled an embedment of its normative principles in the wording of EU treaties. At first glance, the question of self-preservation does not seem pertinent and the coordination across policy fields in this situation implies more the loss of influence rather than its retainment. However, in the contextual justification as well as in the vertical delegation of responsibilities, the EU is a fluid polity, which demands the continuous adaptability of the responsible parties' interests in order to preserve the status of their policy field. In that sense, the Environmental Policy is no exception.

The absence of environmental political objectives and, in several areas, even the deterioration of the quality of the environment (EEA 1999) has brought advocates of an autonomous and regulated environmental policy into a defensive position. This has been the case since the mid 1990's, despite comprehensive and – if economically viewed – costly regulation. The source of the failure was initially seen as deficits in the formation and implementation of many regulatory guidelines; increasingly, the European authority for multiple environmental political agendas was directly doubted (Collier u.a. 1993). As a part of the environmental political "counterattack," the problems of inadequate policy coordination in the EU were emphasized and the content as well as the instruments of European sector policies were held responsible for environmental political grievances. For example, it was pointed out that the assistance structure of the European Agricultural Policy promotes intensive cultivation and cattle ranching as well as surplus production, therefore jeopardizing land and water resources. Likewise, the European Transport Policy is primarily set up to expand the (road) infrastructure for transnational market movements, without considering the

ecological effects of a continual increase in mobility. In the beginning of the nineteen-nineties the European Regional Policy had already been accused of facilitating projects that did not comply with European environmental legislation. Cross-policy coordination seemed therefore appropriate in order to solve the set of problems (Buller 2002; Lauber 2002; Lenschow 1997); strategically seen, it serves the broader institutional embedment of environmental policy objectives on the EU level.

### **Three positions of environmental integration: three strategies of “keeping competence”**

On closer inspection, three different reactions to the legitimacy deficit in the European Environmental Policy can be distinguished. Within the Commission, the concept of environmental policy integration as a means of securing legitimacy and competency was not without controversy and in the end it was incorporated as one of three alternative strategies.

Sceptics of the integration strategy, in particular those inside the Directorate General for Environment, perceived it to be inadequate in regards to the attainment of environmental protection, and risky in regards to the retainment of European responsibilities. These groups advocated the retention of the autonomous Environmental Policy with primarily regulatory means and saw the integration strategy as a complimentary function in order to increase the addressees’ understanding of the environmental political agenda. Within the status quo, an optimization was sought, with which, for example, greater attention would be given to implementation. In this context, the sceptics pursued a double-strategy of a more systematic integration of addressees of future regulatory policy (bottom-up) as well as tightened controls and sanctions (top-down) (Jordan 1999). What was behind this position was more than the reform adversity that is often attributed to bureaucracies. Rather, there prevailed a widespread distrust of other

Directorate Generals to include environmental protection in their own scope of objectives. The possibility of opposing other alleged, more dominant objectives and implementing specific environmental measures was to be maintained. In this perspective, the loss of autonomy means the movement to a hitherto inadequately “green” market logic, which cannot be supported considering the pressing – and clearly unsolved – environmental problems.

An additional group was ready to rethink the EU competencies in environmental policy and to precipitate “the end of creeping competence” (Pollack 2000), with which the previous “end of pipe” and technical-oriented approach that dominated the environmental policy would ideally be supplemented and partially replaced through a preventive, process-oriented approach as well as framework legislation. This approach assures a more flexible, and therefore more contextually adequate regulation and potentially a more holistic view for cross-sectoral outcomes. In this manner, the directives of the Environmental Impact Assessment (EIA)(1986/97), the Strategic Environmental Assessment (SEA)(2004) as well as the Integrated Pollution Prevention Control (IPPC)(1996) required economic and political actors to assess and minimize the environmental consequences during the planning of projects, programs and policies. For the past several years, an increase in such process-oriented “new” regulation can be empirically observed, but not however, a replacement of more traditional regulatory policy (Holzinger 2003; Knill/Lenschow 2000; also see table 1), which confirms Pollack’s thesis of a stable regulatory policy. Furthermore, because part of this strategy’s appeal is in the vertically and explicitly divided responsibility, existential considerations lie behind the modified regulatory approach. This means that lack of efficiency would no longer be attributed primarily to EU regulators, which would result in a reduction of the continual pressures for vindication of EU Environmental Policy.

In comparison, the “integration-coalition” focuses on the EU level and raises the cross-sector coordination and environmental political

“internalization” to a new central theme of the European Environmental Policy. The fifth Environmental Action Program (1992), which identified five sectors in which environmental integration seemed most urgent – industry, energy, transport, agriculture and tourism – became a key document. From an environmental perspective the integration strategy brought about a more coherent approach and with it, a potentially more effective as well as efficient environmental protection. In addition, the implementation of the integration principle would have made environmental protection a Community function – not only contractually, but also operationally.

In practice however, the integration strategy has proved to be only modestly successful. Within the Commission as well as in the Council, the initiated measures (see section 2.1.3) did not last. As a strategy of retaining competence, the environmental policy integration seemed to have had even negative effects. In the following we will trace the development of this process and argue that the deciding factor for retaining competence through coordination lies in a successful normative embedment in the EU project.

### **Environmental integration: a question of normative embedment**

The Commission decided on a whole packet of internal procedural reforms in connection with the adoption of the fifth Environmental Action Program. However, problems in the implementation quickly became evident. Thus, the initiation of the Strategic Environmental Assessment on the Brussels’ level ultimately failed, although numerous European policies and programs undoubtedly have – unchecked – environmental implications (i.e. the European transport networks). With the so-called “green star” system, by which all environmentally relevant policy measures in all sectors are to be identified in order to undergo more precise environmental assessments (COM (97) 1844/1 and 2), there was, from the outset, hardly any indication that this

procedure was actually followed (Wilkinson 1997: 163). During the Gothenburg Summit in June 2001, where the principle of integration received attention from national and government officials for the last time (see below), the Commission was directed to put all major policy plans through a “Sustainability Impact Assessment.” However, the document dedicated to the implementation of the ‘Gothenburg-request’ (COM (2002) 276) only mentions “impact assessments” after the reference to sustainability had been scratched due to internal disputes (Jordan i.e.). Since then, this system has enjoyed a rather high profile within the Commission – much higher than the official “green star” (Wilkinson 2004). However, its contribution to environmental integration is doubtful, particularly after it was adapted in 2004 in order to devote greater attention to those factors which *serve the productivity and therewith the competitiveness of the EU* (COM SEC (2004) 1377: 5; cited in Jordan i.e.; emphasis added by authors).

Also in the organizational area, the coordinative integration of environmental policy on the EU level seems to have been an *intermezzo*. In the leadership of the Commission and in the Council of Ministers there is no facility, which is entrusted with the implementation of the principle of integration. During the Cardiff European Council (1988) the General Affairs Council was assigned the role of coordination, yet this consisted “of little more than the development of a road map setting out the relevant policy issues where the environment is relevant” (EEA 2005: 29). At the beginning of the 1990’s a cross-policy field network began to be set up within the Commission and a department for sustainable development and integration was established in the DG for Environment, which was supposed to cooperate closely with the new “Environmental Correspondents” in neighboring DG’s, support environmental or sustainability assessments in the individual DG’s, and provide for an adequate flow of information between the DG’s. Admittedly, the success of these organizational measures was meager due to a

lack of adequate political support and resources within the DG for Environment as well as in other DG's.

A purely institutional explanation based on “firewalls” between Directorate Generals and Councils respectively (see section 1) proves insufficient since the system of the cross-sector Impact Assessments, as opposed to comparable measures of environmental integration, seem to function. Barriers to integration can be overcome, if a high level of agreement and motivation exists among the participating actors to collectively achieve the objective in question. Therefore, the role of a collective position of interest and the normative framework for integration in the area of environment need to be highlighted more precisely.

From the perspective of interests, the linkage of the integration concept with the principle of sustainable development – which has been firmly embedded in the EU since Amsterdam (see above) – initially proved to be strategically adept because it opened a chance for transversal, global and long-term “win-win” scenarios of environmental integration (Steurer 2001) and presented environmental protection as the *sine qua non* of a sustainable economic development. This, among other things, can explain the originally high response to the principle of environmental integration within the Commission and in the Council. When the – non-binding – fifth Environmental Action Program quickly failed to lead to the desired reforms (cf. COM (95) 624, final), national and government officials took over its direction during the EU Cardiff Summit (1998). A process similar to the OMC (Lenschow 2002), based on soft forms of coordination was introduced, which called upon three sectors (1999, followed by six others)<sup>1</sup> to develop strategies of integration, which were to be evaluated by the Commission and at subsequent summits.

What in fact began as “one of the EU's ‘big ideas’ on environment” (ENDS Daily, 1679, 3-6-04, as cited in Jordan i.e.) had already fizzled out by the end 2002 as submitted strategy papers were poorly adopted (Fergusson

2001; EEA 2003) and hardly any new (or revived) strategies had been produced. Although the official Cardiff process still exists, it has since been eclipsed by initiation of the Lisbon Process in 2000, with its motto of making the EU into a globally competitive, dynamic and knowledge-based community. In the Lisbon Strategy papers, sustainability was initially only mentioned in connection with economic growth, which entailed a rhetorical step backwards into the period before Amsterdam. Under the Swedish presidency in Gothenburg there was somewhat of an improvement in environmental aspects and the DG for Environment now produced yearly Environmental Policy Reviews, which were incorporated into the complete report of Lisbon Strategy. Since then however, environmental integration (= Cardiff) is no longer a normative reverberating principle in the EU and sustainability is explicitly seen as a three-pillar concept (economy, social, ecology), in which the economy builds the fundamental pillar.<sup>2</sup> From this perspective, Integration does not mean that sectoral politicians from areas such as agriculture, energy, transport or industry integrate ecological objectives into their policy formulation and decision making, but rather that the DG for Environment and the Council for Environment take the consequences of environmental political measures for industry strongly into consideration. With this, the past status of an autonomous, regulatory policy is scratched at and environmental protection seems to mutate once again into a pure associative measure. Meanwhile, the terminology of environmental integration and cross-sector coordination is avoided by representatives of environmental policy who are interested in preservation, particularly within the Commission (cf. Sixth Environmental Action Programme).

**Overview 1: Milestones in the (constitutional) development of environmental integration**

1986	Single European Act	Art. 130r refers to the objective of environmental integration in sector-policies on all levels
------	---------------------	---

1987	Fourth Environmental Action Programme	Initiates internal procedures for securing routine environmental integration
1992	Fifth environmental Action Programme	Concentrates on 5 sectors: agriculture, energy, industry, transport, tourism; initiation of new instruments
1992	Treaty of Maastricht	Art. 2 speaks of a “sustainable development,” Art. 130r “integrated into the definition and implementation of other community policies
1997	Treaty of Amsterdam	Preamble and Art. 2 emphasize the objective of a “sustainable development”
1998	Cardiff Process	European Summit welcomes a Commission strategy of environmental integration and requests follow-up actions from the Commission and Council of Ministers
1999	Cologne Summit	Commission presents its report on environmental integration and sustainable development
2000	Lisbon Summit	Initiation of a process with the objective to making the EU into the most competitive and dynamic knowledge-based economy in the world.
2001	Gothenburg Summit; Sixth Environmental Action Programme	Incorporation of an environmental dimension into the Lisbon process Emphasis on the concept of sustainable development; thematic strategies (air, land and sea among others)
2002	Johannesburg Summit (UN)	Presentation of a strategy for sustainable development
2005	EU partnership for Growth and Jobs	Strengthens the environmental pillar of the Lisbon Strategy

If one compares the Cardiff Process with the Lisbon Strategy, it is evident that the latter operates with much more clearly formulated ‘benchmarks’ and indicators. In this case it is vital that the goal (jobs) as well as the method (i.e. growth) are readily adaptable to the EU’s ‘economic constitution’ (cf. Sbragia 2000; Joerges 2003) and that they are congruently accepted as EU community values. In contrast, the principle of environmental policy integration in the EU never reached the level of an autonomous

normative principle with substantive as well as procedural form (cf. Nollkaemper 2002: 31). During the 1990's the linkage to the concept of sustainable development was able to be used principally as a normative boost but then proved to be a risk due to its open 3-pillar character and the argumentative emphasis of long-term advantages for a global economical development (in contrast to competitiveness for individual economic branches). In comparison, the two other strategies of continued existence – bottom-up and top-down safeguarding of the regulatory approach and flexible, ‘stream-lined’ regulation – fit well into the agenda of “better governance” and contribute to the legitimization of the environmental policy on the EU level. To sum up, the past 15 years of the European Environmental Policy show a considerable degree of adaptability, among other things with the goal of protecting formerly acquired responsibilities. The strategy of the cross-sector embedment failed however, because of its insufficient adaptability to the dominant “mission” of the EU – strictly speaking, what failed was the effort to make environmental protection a mission. Essentially, the current reforms of the regulatory approach in the EU contribute not to the expansion of competencies, but rather to their temporary preservation.

### **Regional Structural Policy and cohesion in city areas: the discovery of coordination**

In contrast to the regulatory environmental policy, EU regional policy is a primarily distributive policy, thus a policy field, in which – due to the freezing of the EU budget since the initiation of “Agenda 2000” through the European Council in 1999 – a creeping loss of competence and thereby an endangered existence could be expected (Pollack 2000: 536). The gradual integration of the objective of city development promotion into the regional policy's catalog of goals since the mid 1990's exemplifies that the loss of

authority to dispose of financial resources (thus, “the end of creeping competence”) is not necessarily associated with a mandatory loss of competencies and existence in the field of regional policy. The DG for Regional Policy was able to use the strategy of policy coordination to emphasize the meaning of its field in the context of European policies, even under the unfavorable condition of the ongoing threat to the existence of regional policy. In this regard, the promotion of city development represents the “linking issue” to the normative overall mission of European integration, which national and governmental EU officials most recently declared in the Lisbon Strategy.

### **Urban development as a latent policy problem of the EU – the regional policy as an embedded field?**

Since the mid 1970’s various European city-networks, e.g. *Eurocities*-Network, have assigned the diagnosis of growing social fragmentation in urban areas to the EU organs and thematized it in the terms of a community policy problem (McAleavy/De Rynck 1997;Schultze 2003: 125). The consequences of economical structural change on urban areas, which, within the EU are at least partially brought about through Single Market integration, have become a theme in various discussion and policy contexts on the European level early on (ARL 2005). References to the knowledge of city development problems were found in EC documents early on. At this time an agreement on two points dominated within the EC bureaucracy - not only the representatives of relevant sector policies, but also within Member State ministerial bureaucracies responsible for spatial planning policy (Faludi 2000: 240). Firstly, the unbalanced distribution of economic and social prospects of development in urban areas was seen as a problem, which justified a pan-European political intervention (Commission EC 1991: 145). And secondly, the solution to this problem was seen in a cross-policy approach of a

coordinated “integration” (Commission EC 1991: 100). Thus, already by the end of the 1980’s, the promotion of urban development was seen as a European cross-sectoral task.

Notwithstanding the attention that the theme initially enjoyed in national context (ALR 2005: 242), the Member States – different from the case of environmental policy – have at no point been assigned formal competencies for the implementation of European spatial and/or city development policy. This remains on the European level in an “institutional vacuum” (Faludi/Zonneveld/Waterhoud 2000:115). With that, it is left to the actors in relevant sector policies – Environmental Policy<sup>3</sup>, Transport Policy, Competition Policy, Regional Policy, Employment and Social Policy<sup>4</sup>, Research and Development Policy – to include the objective of integrative city development in the framework of their policy making and if necessary, coordinate this among themselves.

The initiative of grouping together policy activities of city development could be expected above all from the Directorate General for Regional Policy. Since its establishment in 1967, the operations of this DG were supported by the Treaty commitment of the Member States to the “strengthening of ... economic and social cohesion” in the Community, particularly in “the least favored regions” (Art. 158, Treaty establishing the European Community). Since the first reform of the European Regional Development Fund (ERDF - established in 1975) in 1979, its resources have been available principally to the responsible Directorate General. The Member States made a small percentage of the funds available for policy initiatives of the Commission for the first time. Barring general demands for a community intervention in support of “cohesive” urban development promotion (Commission EC 1991), the Directorate General for Regional Policy limited itself to isolated, specific ERDF pilot measures well into the mid nineties.<sup>5</sup> In contrast, neither did it lay claim to the implementation of an

independent urban development policy nor to the function of coordinator of the respective EU policy measures between the various Commission agencies (Atkinson 2000: 394).

This changed with the initiation of the regional policy community initiative URBAN I in 1994 and thereafter in 1996 with the passage of the First Cohesion Report. Since then, the goal of promoting a balanced economical and social development in urban regions appears not only explicitly on the policy agenda of the DG for Regional Policy, but rather urban development policy continually receives increasing importance in the area of the Directorate General's policy making (Polverare 2005). Recently it has even seemed to achieve the status of "policy entrepreneur" for the theme (Pollack 1996: 449), which among other things is expressed on the DG's organizational level as well as in the formation of a "unit on urban actions" as early as 1998 and in the establishment of an internal Commission "Interservice Group on Urban Development" under the chairmanship of the DG for Regional Policy in March 2006.

How can the Directorate General's shift to the objective of a cohesive urban development be explained? From a primarily institutionalist perspective, the 'discovery' (Eltges 2005: 134) of cross-sectoral urban development by the DG for Regional Policy seems astonishing at first, although after twice doubling the budget of the structural funds with the finance packets Delors I (1988) and Delors II (1992), the regional structural policy has been subjected to an effective curtailment of its resources.<sup>6</sup>

The EU has developed its own Regional Policy since the beginning of the 1970's (Tömmel 1994 and 2006; Bache 1998; Allen 2005). It is provided for by the instruments of the ERDF. Since the previously mentioned ERDF reform in 1979, the Commission has been successful in 'emancipating' itself little by little from the Member States to become a regional policy actor (Voelzkow/Hoppe 1996: 116) and implementing an autonomous and - compared to the national regional policy approaches - modern regional

policy. This is based on ideas of innovation and utilization of endogenous potential for economic development in disadvantaged regions to serve as an impetus for growth and thereby balancing the spatial social disparities. The process of linking the European Regional Policy – which is geared towards promoting innovation – with the European Competition Policy will result in a ‘successful recipe’ for Regional Policy – which otherwise is inherently ‘weak’ and vested with only a marginal governing capacity (Conzelmann 1998). Since the fundamental reform of the structural funds in 1988, the DG for Regional Policy has consequently followed this recipe further; accordingly, the DG can stabilize the Commission’s sphere of influence for independent regional policy within the field of Regional Policy (Marks 1996).

More than the promotion of social political measures and investment in infrastructure, which are not necessarily related to the increase of competitiveness of single regions, the deliberations within the DG for Regional Policy at the beginning of the 1990’s were construed mainly in the context of spatial policy debates (Commission EC 1991: 133). The realization of a European spatial and urban development policy however, was not seriously pursued as an option for the further development of the European Regional Policy. In light of this, the question can consequently be posed, of why a policy field has since the mid 1990’s occupied a policy terrain, which, when measured by the criterion of ‘classical,’ predominantly investment oriented, national urban regeneration policies (Froessler 1994; van den Berg et al. 2004) as well as considering a declining resource base, easily exceeds its competence to act? This is even more surprising considering its limited autonomous governing capacity and the fact that for years it had exerted a substantial influence on the formation of regional structural policies in the Member States and has achieved some moderate accomplishments in realizing its objectives.

The gradual absorption of the objective of urban development promotion into the framework of the European Regional Policy illustrates that the alteration of the policy frameworks of European regional promotion as well as Member State affirmation of the normative overall mission of the EU - whereby social progress in the Union is to be achieved through the increase of its competitiveness and European market integration - have, from the perspective of the DG for Regional Policy, increased the attractiveness of the goal directed action of urban development promotion. On the one hand, in light of the constant debates led by Member States about a possible 'renationalization' of European Regional Policy, the DG for Regional Policy must consistently worry about their institutional existence in the context of the periodical renegotiations over the EU's set of instruments and resource endowment (Hooghe/Marks 2001: 98; Allen 2005: 216). On the other hand, since 1997, Member States have openly declared their wish to regenerate the national governance model and increase the efficiency of state negotiations in individual policy areas by way of European coordination. The drive into the area of spatial and, in this case, particularly urban development gives the DG for Regional Policy the opportunity to present itself on the European level as a pioneer for the realization of the regeneration concerns of Member States, and thereby not only secure its own existence but also diffuse its own governance philosophy through coordination with other DG's in other policy fields.

### **Three Phases of the discovery of urban development promotion**

The 'discovery' of urban development promotion as an autonomous policy objective of European Regional Policy begins with the publishing of the first report on economic and social cohesion (cohesion report) of the EU. In the report the Commission ascertained the following in relation to European Structural Policy: "In some Member States, the urban problem is already regarded as the major challenge to the national cohesion and the new integrated urban policies have been designed and implemented. A more focused approach may also be necessary at Union level" (COM (96) 542: 125). This report was followed by the two communications of the DG for Regional Policy "The urban question: orientations for a European debate" and "Sustainable Urban Development: A Framework for Action." In these, the Directorate General not only listed off the whole range of considered measures to promote a economic, social and ecological balanced development of European cities, but they also pointed out that in order to achieve this objective, a European contribution was necessary and with that, a strengthened cooperation of the relevant Commission agencies was preferable (COM (97) 197: 16; European Commission 1998: 30). This thrust undertaken by the Directorate General for Regional Policy under the leadership of the German Commissioner Monika Wulf-Mathies took place in the context of three developments. Firstly, in 1996, the continuing unemployment crisis occasioned the governments of Member States to reflect for the first time on a Community coordination of their employment policies. Within this environment, the European Council of Florence (1996) took up an idea, which had had a place in the Community's repertoire of social policy activities – i.e. within the EU Anti-poverty Programme – since the mid 1970's. With the help of pilot actions, the acquisition of "territorial employment pacts' on the regional and local levels of Member States was to

be encouraged and accordingly, the potential of endogenous employment policy was to be optimally utilized locally. The DG for Regional Policy holds no competence whatsoever in the field of employment policy. The DG refers however, to the direct connectivity of the European Employment Strategy to the regional policy promotion-philosophy it follows. The theme of urban development serves as a bridging in order to legitimize the broadly scattered content of regional policy interventions. It is in this way that the DG for Regional Policy, in the previously mentioned communications on urban development, underlines the contribution of structural funds to the promotion of concerted social action on local levels, by which, the unemployment crisis, among other things, is to be dealt with (European Commission 1998: 13).

Not only do EU employment policy objectives offer the DG for Regional Policy a possibility to justify the necessity of a European regional policy by bridging it with the function of local development promotion, but also the DG can appeal to the growing interest of Member States in a spatial planning policy on a pan-European scale. Since 1991, ministers of national governments responsible for spatial planning have convened periodically in informal meetings to prepare a “European Spatial Development Perspective” (ESDP). Within this concept, passed in 1999, the informal Council of EU-spatial planning ministers urged for an improved coordination of the national spatial planning policies. The ESDP also named the integrated promotion of development in urban regions as a basic part of the targeted ‘European spatial development policy’ (European Commission 1999: 70). With the concept, the Union is not entrusted with any policy mandate for action. Nonetheless, from 1996 on, the ESDP, particularly in its urban development policy parts, had already become a frequent point of reference for the DG for Regional Policy. In 1997, operating under the special structural policy instrument of “innovative measures” (Art. 10 ERDF-funds directive), the Commission, together with the European statistics office EUROSTAT, created the “Urban

audit.” The goal of these measures was to develop and systematize indicators for measuring economic and social development on local levels, thereby creating a Community wide comparison of the ‘quality of life in cities.’ The rationality of EU regional policy, developed by the DG for Regional Policy, was reflected in the “Urban audit.” If the community promotion of city development is to become the policy objective of the Union, it is not necessary to expand the EU’s redistributive competencies. Rather, it seems necessary to identify also the most disadvantaged regions on the local level, in order to achieve an improved concentration of funds, whereby not investment measures, but rather measures to improve the local governance should be emphasized.

A third significant moment for the ‘discovery’ of the urban development objective came finally with the growing criticism, particularly from EU net contributor countries to the ‘Brussels subsidies policy’ in the framework of negotiations over financial projections for 2000-2006 (“Agenda 2000”). Not only the actual decline of measurable income disparities between Member States and – albeit to a lower degree – between regions (COM (2001) 24: xi), but most notably, the looming scarcity of European structural funds in the run up to the eastern enlargement intensified the potential for conflict between net contributor countries and recipient countries in the EU-15. Thereby, the question of the basic necessity of a European structural policy was once again discussed. The contributing Member States projected their criticisms toward the European budgetary policy, particularly in the area of regional promotion, the policies of the DG for Regional Policy and the growing authority of the agencies (Der Spiegel 1998).

In this context, the promotion of local and, specifically, urban development appears to be a new positive leading project of the Directorate General. In the previously mentioned communications on urban development, the DG was able to point out not only the high degree of

urbanization on the European continent (European Commission 1998),<sup>7</sup> but moreover, - regardless of the absence of data at this point - it was made clear that the socio-economic development on inner-regional and municipal levels exhibits a parallel trend of cross-national and inter-regional development (European Commission 1999: 9). At the end of the 1990's "social segregation" in cities was identified by numerous EU Member States as a new challenge to national spatial planning policies (Vranken 2003: 9).<sup>8</sup> In this context, the Commission's two communication papers on urban development indicate that the DG for Regional Policy - according to their self-conception as an activating, incentives based authority - does not see its function as pushing for the expansion of financial resources and competencies for the realization of an independent European urban development policy. Rather, according to an introductory reference in the 1997 communication on the growing relevance of a balanced urban development for the cohesion in the EU, The DG limits itself to the listing of all relevant problem areas of urban development, while generally alluding to various effects of European policy making that obstruct or support a cohesive city development. Furthermore, it is clearly emphasized that "the intention is not to develop Europe wide urban policies for matters which are best dealt with at a local or regional scale" (COM (97) 197: 3).

The idea of a territory-oriented linking of active social policy intervention with economic policy measures in order to promote endogenous development and innovation became the core of a more offensive effort on urban development, which the DG for Regional Policy pursued after 1998. This is reflected in the framework of the renegotiations over the structural funds directive for the 2000-2006 period.

In the forefront of the negotiations, the DG for Regional Policy used the community initiative URBAN I - which was implemented in 118 cities between 1994 and 1999 for the purpose of integrative urban regeneration - as an example to highlight the success of its urban development policy approach.

At the will of the Directorate General, the URBAN approach was to be brought into the “main current” of the EU’s regional support efforts through a corresponding enlargement of the objective of European Regional Policy (Kastrissianakis 1998: 16). The Commission, which has accordingly taken over the promotion of integrated urban development programmes within its regulation proposals for the structural funds promotion since 2000, was able to prevail over the negative attitudes of several national governments during the negotiations.<sup>9</sup> Furthermore, contrary to the preferences of the GD Regional Policy, the time period of the community initiative URBAN was extended.

The renewal of the community initiative as “URBAN II” was primarily due to a cross-fraction and cross-Member State Initiative from the middle groups in the European Parliament. Through the co-decision procedure (Art. 251 TEC) it has been involved in the regulation of single provisions for ERDF since 1993. Differences between the parliament and the Commission – i.e. DG for Regional Policy – lie in the interpretation of the integrated action approach to urban development policy. While the EP prefers a stronger investment oriented promotion strategy and calls for a socio-political flanking of structural policy support of the local economy with corresponding European policy measures, the Commission sees the EU’s function in urban development – in addition to the push for innovative economic activities – particularly in the “activation” of local level civic potential to help utilize the ‘endogenous social capital’ in disadvantaged districts (EP Plenary debates, 14 Feb., 2000). From the point of view of the DG for Regional Policy, this can be achieved by including the urban development objective in objective 2 of the main current of ERDF support, whereby this should be supplemented by a raised awareness of the urban development theme in individual European policy sectors as well as a strengthened coordination between them. Furthermore, it should be flanked by the promotion of city network building as a means of exchanging best

practices between cities (European Commission 1998: 30; European Commission 2003: 16). In order to give their policy model practical application, the DG not only encouraged the establishment of cross-agency working groups for the theme of urban development (European Commission 1998: 30), but they also undertook an organizational reform as early as 1998. Subsequent to the city forum in Vienna, the DG also organized a new “unit on urban actions,” whose function is to organize city network structures for the exchange of best practices between municipalities. This process should help achieve an optimal utilization of the self-help and endogenous potential of cities.

Against the backdrop of the Lisbon Process (2000) the DG for Regional Policy used the theme of urban development in order to finally take the “flight forward” prior to the new Member State negotiations over the financing of the Structural Funds for 2007–2013. In the Commission’s third cohesion report, the DG stated that the promotion of urban development based on the integrated policy approach was one of their core concerns for the further development of the European Regional Policy. Under the title of “UNBAN+” the DG announced in the report its desire to move municipal questions more into the forefront of regional policy in the future (COM (2004) 107: xxxi). In the same year during the renewed renegotiations on the regulation of the structural funds, this announcement led to the suggestion of complimenting the regulation of funds with an “urban dimension” (COM (2004) 492: Art. 25 Par. 3a; COM (2004) 495: Art. 8).

The absorption of the urban development objective has conformed to the new orientation of the Directorate General for Regional Policy since 2001. In this way, the goal of making the Union the most competitive economy in the world by 2010 – adopted by the Council at Lisbon in 2000 – demands a strategic realignment not only of the Member States, but also of the EU organs themselves. In this process, the DG for Regional Policy uses, among other things, the promotion of urban development in order to

highlight the importance of the European Regional Policy in realizing the growth and employment objectives of Lisbon. In view of the “European Urban Development Policy” as an inherent part of structural policy, the DG for Regional Policy is able to connect its well-known Regional Policy experience contextually as well as institutionally.

In the 2006 communication, “Cohesion Policy and cities: the urban contribution to growth and jobs in the regions,” the Commission named the promotion of business start-up support and business incubators in disadvantaged urban areas through local planning, which is oriented to the needs of small and medium-sized enterprises, as a regional policy contribution towards a balanced urban development (COM (2006) 385: 8). Furthermore, the DG for Regional Policy pushed for an extensive decentralization of structural policy systems and a strengthened partnership-oriented integration of municipal actors. The communication provided the Council with a basis for the ‘cohesion guidelines’ of November 2006, which provided the Member States with a new strategic basis of European structural policy in the framework of the Lisbon Process that they are to follow beginning in 2007 (Rat EU, Abl. L 291, 21.10.2006: 30). The promotion of urban development was thus named as a function of the prospective European Regional Policy. On the institutional level, the DG for Regional Policy would like to continue the stimulating exchange of 1998 with other DG’s in order to achieve the objective of cohesion in the framework of the integrated approach. In addition, the Commission formed an “Interservice Group on Urban Development” in March 2006, which periodically convenes under the chairmanship of the DG for Regional Policy, bringing together representatives of the DG’s, for whom urban development is pertinent, at one table (Environment; Transport and Energy; Information Society; Business and Industry; Competition; Education and Culture; Employment and Social Affairs; Research; Justice, Freedom and Security; Secretary-General). Finally, the “unit on urban actions” has began a new initiative (“URBACT”) for

urban network-building with the objective of exchanging experiences of ‘sustainable local urban development policy.’ This initiative should help underscore the governance model – based on incitement and activation as well as the formation of knowledge – of the European Regional Policy for the area of urban development.

**Overview 2: Landmarks in the institutional development of urban development policy**

1988 – 89	Urban Pilot Projects	The DG for Regional Policy experiments in the area of integrated urban development
1992	Treaty of Maastricht	Art. 2 designates the strengthening of economic and social cohesion in the community area as an EU objective
1994	URBAN I	The community initiative is to serve as the exemplary development of an integrated urban development policy
1996	First cohesion report	The Commission suggests an European intervention in support of urban development promotion
1997	Treaty of Amsterdam	Art. 16 TEC opens the possibility to resort to measures that promote “territorial cohesion”
1997 and 1998	Communications on European urban development policy	The Commission issues the communications: “The urban question: orientations for a European debate” and “Sustainable Urban Development: A Framework for Action”
1999	URBAN II	Decision to continue the community initiative of urban development policy
1999	ESDP	Acceptance of European Spatial Development Perspective through the informal council of ministers responsible for spatial planning
2000	Lisbon Summit	The European Council formulates the goal of making the EU the most competitive, dynamic knowledge-based economy in the world

2004	Third cohesion report	The Commission announces the wish to give urban questions stronger consideration in the framework of Regional Policy
2006	Cohesion policy guidelines	The Council emphasizes the contribution of cities to reach the Lisbon objectives; basis is the Communication of the Commission “cohesion policy and the cities” (2006)

If one traces back the three stages of the integration of the urban development objective into the European Regional Policy, it is clear that the discovery of this field of activity by the DG for Regional Policy is the result of short-term strategic decision making, in which the continued existence of Regional Policy plays a major role. The adoption of the goal occurs initially only insofar as the demanding outside pressure on the field of regional policy grows. In the course of its absorption into the regional policy agenda, the cross-sector objective of the promotion of urban development has, in the process, increasingly been aligned to the genuine objectives of the European Regional Policy and made adaptable to its underlying regulatory objectives and mechanism. The integration of individual objectives for the promotion of cohesive urban development - which are neither compatible with the objectives of European Regional Policy nor seem capable of being implemented in light of their limited set of instruments - is guaranteed by the pursuit of a strengthened coordination of the DG for Regional Policy with other Directorate Generals or by the transfer of problem solving to the cities themselves by means of supporting endogenous self-help potential. Lastly, the DG for Regional Policy can use the objective of cohesive urban development in the context of the EU Lisbon Project as a basis of legitimacy to justify the necessitation of the existence of its own policy field.

## **Summary**

The tendency of the creeping expansion of competence that has opened up a broad spectrum of policy areas to EU regulative and distributive intervention represented a substantial attribute of European integration over many years (Pollack 1994; Schmitter 1996). Its slowdown since the Treaty of Maastricht in the 1990's does not necessarily lead to a dismantling of individual policies. It was argued in the examples of the European Environmental Policy and Regional Structural Policy, that policy coordination – i.e. surmounting the boundaries of a particular policy field, – can present a strategy of continued existence, in particular for policy makers in those fields, who's existence can be seen as particularly endangered due to normative or fiscal reasons.

Both case studies reveal cross-policy coordination as a strategy of continued existence. Until the beginning of the 1990's, the DG for Environment clearly showed no interest in coordinating in such a manner. However, the degree of regulatory intervention had been so criticized at that time that the status quo no longer seemed to be ensured. Accordingly, the concept of environmental policy integration came into the foreground. The actions of the DG for Regional Policy had been marked by efforts of coordination early on in the 1970's, which waned however at end of the 1980's due to the temporary stabilization of the policy field. Though following the middle of the 1990's, the necessity of a European intervention drew skepticism in light of the changing conditions. Integration, i.e. the quest for coordination – in the Regional Policy with the thematic emphasis on urban development, – signifies a 'flight forward.'

Although we could not provide a closing verdict on the success of an institutional embedment by means of coordination – in particular in reference to the urban development policy, – a more positive scenario than the one in the area of environmental policy integration is evident, which among other things is due to the constellation of interests and the resulting process of

integration. The challenge of transforming the urban development policy into a coordinated and integrated approach was due chiefly to the DG for Regional Policy itself, while there existed the demand for bundled, co-financed policy in neighboring policy fields – environment, transport, employment and social affairs, – besides the growing interest in urban development on the part of the Member States. In contrast, in the case of environmental policy integration we witnessed the active promotion of a policy objective, which is hardly followed in neighboring policy fields. A horizontal disposition to support the integration principle, as in the case of urban policy, cannot be assumed here. This configuration leads to “firewalls” – which according to Peterson characterize the EU system as a whole – that are particularly high and stable when a policy field can not be normatively embedded in the overall project of the EU. The example of environmental policy shows that the strategy of ‘keeping competence’ – or even the imposition of one’s own policy objectives on others – through coordination was not successful even during the phase of the European Council’s top-down legitimation of the principle of environmental policy integration at the beginning of the Cardiff process. The pretence of the principle stood potentially in contradiction to the normative principles of the Lisbon Strategy, hence its ‘mainstreaming’ inside the EU *acquis* failed.

The comparison of both case studies leads to the conclusion that not only the firm embedment of a policy field in the overall repertoire of EU policies, but also the policy field’s ‘compatibility’ with the normative overall mission of the EU is a condition for the stabilization of competencies and if necessary, also the expansion of competencies. It was in this manner that the project of the Single Market had led to a focusing and consolidation of EU policy, in that it served as a reference point for the activities of (almost) all policy areas. Sustainable development was unable to be ‘constitutionally’ consolidated in this way. In contrast however, the idea of a dynamic, competitive economic area has developed into a similar, normative point of

reference. In the case of environmental policy, this has led to a watering-down, if not an outright reversal, of the project of integration. GD Regio however, was able to jump on the Lisbon-bandwagon with the help of urban development policy and moreover, even give fresh emphasis to its understanding of modern state activities.

## Notes

<sup>1</sup> The first Councils to be effected were transport, agriculture and energy. These were followed by fishery, general affairs, economy & finance, development cooperation, single market and industry.

<sup>1</sup> Only one of fourteen performance indicators in the framework of the Lisbon strategy refers directly to the environmental dimension.

<sup>1</sup> The involvement of the DG for Environment in the area of urban development began in 1990 with the release of the green paper on urban environment. Since then, the DG has started many initiatives for sustainable city development.

<sup>1</sup> Since 1975 the DG for Social Affairs has indirectly taken over the theme of social urban development. Among other things, urban areas – where a high percent of the resident population is affected by poverty and unemployment – have become target areas of Community poverty reduction programmes (Poverty I 1975-79; Poverty II 1984-89; Poverty III 1989-94).

<sup>1</sup> After 1980 the “Integrated Operation Nepal” was initiated in the framework of regional policy promotion for Italy (Tömmel 1994: 223). In 1983, the Council – on the initiative of the Commission – enacted a special Community measure for urban regeneration in Belfast (Directive (EEC) No. 1739/83, 21.06.1983). Furthermore, after 1985, integrated measures of urban development became a part of the Community’s “Integrated Mediterranean Programmes (IMPs). After 1989, the GD for Regional Policy additionally implemented – with resources from the non-quota allotment of the ERDF – the so-called Urban Pilot Projects as “innovative actions” within the framework of Article 10 of the ERDF directive. Finally in 1994, the Community initiative for urban development policy, URBAN I, was initiated.

<sup>1</sup> With the finance packets of Delors I and II, the budget of the structural funds was doubled twice and from its original approx. 10% (1987), it grew first to 25% (1992) and then to 37% (1998) of the whole EU budget. Since 1999, this amount initially remained constant before last falling to 32% (2006) (Allen 2005: 215).

<sup>1</sup> Depending on how the term ‘city’ is defined, as much as 80% of EU citizens live in cities (European Commission 1998: 6).

<sup>1</sup> The awareness of EU Member States of the growing imbalance in the distribution of societal wealth, which had been verified since the end of the 1990’s, chiefly in national poverty reports – i.e. in reports of the German Federal Government (Deutsche Bundesregierung 2000: XVIII), – was incidentally made clear on the European level as well. Thus, the Treaty of Amsterdam (1997) officially declared the fight against discrimination and social exclusion as a new policy area of action in the EU (Art. 13 and 136 Treaty establishing the European Community).

<sup>1</sup> In 1999 the Council passed the formal integration of urban development promotion in objective number 2 in the catalogue of 3 primary EU structural policy objectives for the period 2000–2006. The objectives are as follows: to promote the development and structural adjustment of regions whose development is lagging behind (objective 1); to support the economic and social conversion of areas experiencing structural difficulties – i.e. urban areas experiencing crisis situations (objective 2); to support the adaptation and modernization of educational, training and employment policies and systems (objective 3).

## References

- ARL (Akademie für Raumforschung und Landesplanung), (2005), *Europäische Raumentwicklungspolitik*, in: *Handwörterbuch der Raumordnung*. Hannover, 251–259
- Allen, D. (2005), Cohesion and the Structural Funds. Competing Pressures for Reform?, in Wallace, Helen/Wallace, William/Pollack Mark A. (Ed.), *Policy-Making in the European Union*. Fifth Edition. Oxford, 213–241
- Atkinson, R. (2001), The Emerging ‘Urban Agenda’ and the European Spatial Development Perspective: Towards an EU Urban Policy?, *European Planning Studies* 9(3), 385–406

- Bache, I. (1998), *The Politics of European Union Regional Policy. Multi-level governance or Flexible Gatekeeping?*, Sheffield
- Buller, H. (2002), Integrating European Union Environmental and Agricultural Policy, in, Lenschow, Andrea (ed.), *Environmental Political Integration: Greening Sectoral Policies in Europe*. London, 103-126
- Cini, M. (2000), *The European Commission: leadership, organisation and culture in the EU administration*. Manchester
- Collier, U./Golub, J./Kreher, A. (1993), *Subsidiarity and shared responsibility: New challenges for EU environment policy*. Baden-Baden
- Conzelmann, T. (1998), 'Europeanisation' of Regional Development Policies? Linking the Multi-Level Governance Approach with Theories of Policy Learning and Policy Change, in *European Integration online Papers* (EIoP) 2(4)
- Der Spiegel, (1998), Spiegel-Gespräch mit EU-Kommissarin Monika Wulf-Mathies über die Kritik an Brüssel – Die EU-Kommissarin Monika Wulf-Mathies über Brüsseler Subventionen und die Kritik an der Macht ihrer Behörde, *Der Spiegel* Nr. 24/1998, 8. June 1998
- Deutsche Bundesregierung, (2000), *Lebenslagen in Deutschland. Der erste Armuts- und Reichtumsbericht der Bundesregierung*
- Eltges, M. (2005), Städte und Europäische Strukturpolitik. Was kommt nach 2006?, in *Raumordnung und Raumforschung* 63(2), 134-141
- EEA (European Environment Agency), (1999), *Environment in the European Union at the Turn of the Century. Report on the State of the European Environment*, Copenhagen
- EEA, (2003), *Europe's Environment: The Third Assessment* (Full report). Copenhagen
- EEA; (2005), *Environmental Policy Integration in Europe: State of Play and an Evaluation Framework* (EEA Technical Report), Copenhagen
- Environment Watch Western Europe (EWWE), (1999), *EU Should Have Sustainable Development Strategy by 2001*. London.

- Europäische Kommission, (1996), *Erster Bericht über den wirtschaftlichen und sozialen Zusammenhalt* 1996. COM (96) 542 endg. Brüssel/Luxemburg
- Europäische Kommission, (1997), *Wege zur Stadtentwicklung in der Europäischen Union. Mitteilung der Kommission*, COM (97) 197 endg. Brüssel
- Europäische Kommission, (1998), *Nachhaltige Stadtentwicklung in der Europäischen Union: Ein Aktionsrahmen. Mitteilung der Kommission an den Rat, das Europäische Parlament, den Wirtschafts- und Sozialausschuß und den Ausschuß der Regionen*
- Europäische Kommission (ed.), (1999) EUREK. *Europäisches Raumentwicklungskonzept. Auf dem Wege zu einer räumlich ausgewogenen und nachhaltigen Entwicklung der Europäischen Union*. Luxemburg
- Europäische Kommission, (2003), *Partnerschaft mit den Städten. Die Gemeinschaftsinitiative URBAN*. Luxemburg
- Europäische Kommission, (2004), *Dritter Bericht über den wirtschaftlichen und sozialen Zusammenhalt. Mitteilung der Kommission*. KOM (2004) 107 endg. Brüssel
- Europäisches Parlament, (2000), *Plenardebatten. Entwicklung in den ländlichen und städtischen Gebieten – Initiative URBAN*. Montag. 14. Februar 2000
- Europäischer Rat, (2000), *Schlussfolgerungen des Vorsitzes: Europäischer Rat (Lissabon): 23. und 24. March 2000*. Brussels
- Faludi, A. (2000) The European Spatial Development Perspective – What Next?, in *European Planning Studies* 8(2), 237-250
- Faludi, A./Zonneveld, W./Waterhoud, B. (2000), The Committee on Spatial Development. Formulating a spatial perspective in an institutional vacuum, in Christiansen, Thomas/Kirchner, Emil (ed.), *Committee Governance in the European Union*. New York, 115-131
- Fergusson, M./Coffey, C./Wilkinson, D. et al., (2001), *The Effectiveness of EU Council Integration Strategies and Options for Carrying Forward the 'Cardiff' Process*. London

- Froessler, R. (1994), *Stadtviertel in der Krise: innovative Ansätze zu einer integrierten Quartiersentwicklung in Europa. Im Auftrag des Ministeriums für Stadtentwicklung und Verkehr des Landes Nordrhein-Westfalen (MSV)*. Hrsg. vom Institut für Landes- und Stadtentwicklungsforschung des Landes Nordrhein-Westfalen. Duisburg
- Haigh, N. (2004), *Manual of Environmental Policy: The EU and Britain*. Leeds
- Holzinger, K./Knill, C./Schäfer, A. (2003), Steuerungswandel in der europäischen Umweltpolitik?, in Holzinger, Katharina/Knill, Christoph/Lehmkuhl, Dirk (ed.), *Politische Steuerung im Wandel: Der Einfluss von Ideen und Problemstrukturen*. Opladen, 103-129
- Hooghe, L./Marks, G. (2001), *Multi-Level Governance and European Integration*. Lanham u.a
- Joerges, C. (2003), Recht, Wirtschaft und Politik im Prozess der Konstitutionalisierung Europas, in Jachtenfuchs, Markus/Kohler-Koch, Beate (ed.), *Europäische Integration*. Opladen, 183-218
- Jordan, A. (1999), The implementation of EU environmental policy: a policy problem without a policy solution? in *Environment and planning: government and policy*. 17(1), 69-90
- Jordan, A./ Schout, A./Unfried, M. (forthcoming). The European Union, in Jordan, Andrew/Lenschow, Andrea (ed.), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*. London
- Kastrissianakis, A. (1998), The European Union as a partner for cities – a new framework for action on urban challenges, in *Eurocities Magazine*, Winter 1998 (9), 9-12
- Knill, C./Lenschow, A. (2000), *Implementing EU Environmental Policies: New Directions and Old Problems*. Manchester
- Kommission der EG, 1991: *Europa 2000. Perspektiven der künftigen Raumordnung der Gemeinschaft. Mitteilung der Kommission an den Rat und das Europäische Parlament*. Brussels/Luxemburg

- Kommission der EG, (2004), Vorschlag für eine Verordnung des Rates mit allgemeinen Bestimmungen über den Europäischen Fonds für regionale Entwicklung, den Europäischen Sozialfonds und den Kohäsionsfonds (von der Kommission vorgelegt) {SEC(2004)924}.KOM (2004) 492 endg. Brussels
- Kommission der EG, (2004), *Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates über den Fonds für regionale Entwicklung (von der Kommission vorgelegt)*. KOM (2004) 495 endg. Brussels
- Kommission der EG, (2006), *Mitteilung der Kommission an den Rat und das Europäische Parlament. Die Kohäsionspolitik und die Städte: Der Beitrag der Städte zu Wachstum und Beschäftigung in den Regionen*. {SEC(2006) 928}. KOM (2006) 385 endg. Brussels
- Lauber, V. (2002), The Sustainability of Freight Transport Across the Alps: European Union Policy in Controversies on Transit Traffic, in Lenschow, Andrea (ed.), *Environmental Policy Integration: Greening Sectoral Policies in Europe*. London, 153-174
- Lenschow, A. (1997), Variation in EC environmental policy integration: agency push within complex institutional structures, in *Journal of European Public Policy* 4 (1), 109-127
- Lenschow, A. (1999), The Transformation in European environmental governance, in Kohler-Koch, Beate/Eising, Rainer (ed.), *The Transformation of Governance in the European Union*. London, 39-60
- Lenschow, A. (2002), New Regulatory Approaches in 'Greening' EU Policies, in *European Law Journal* 8(1), 19-37
- Lenschow, A. (2005), Environmental Policy: Contending Dynamics of Policy Change, in Wallace, Helen/Wallace, William/Pollack, Mark A. (ed.), *Policy-Making in the European Union*. Oxford, 305-327
- Marks, G. (1996), Politikmuster und Einflußlogik in der Strukturpolitik, in Jachtenfuchs, Markus/Kohler-Koch, Beate (ed.), *Europäische Integration*. Opladen, 313-343

- McAleavy, P./DeRynck, S. (1997), *Regional or Local? The EU's Future Partners in Cohesion Policy*. EUI Working Paper RSC No. 97/55
- Nollkaemper, A. (2002), Three Conceptions of the Integration Principle in International Environmental Law, in Lenschow, Andrea (ed.), *Environmental Policy Integration: Greening Sectoral Policies in Europe*. London, 22-32
- Peters, G. B., (1998), Managing Horizontal Government, in: *Public Administration* 76, 295-311
- Peterson, J. (1997), States, Societies and the EU, in: *West European Politics* 20(4), 1-23
- Peterson, J./Bomberg, E. (1999), *Decision-Making in the European Union*. New York
- Pollack, M. A. (1994), Creeping Competence: The Expanding Agenda of the European Community, in *Journal of Public Policy* 14(2), 95-145
- Pollack, M. A. (1996), The New Institutionalism and EC Governance: The Promise and Limits of Institutional Analysis, in *Governance* 9 (4), 429-458
- Pollack, M. A. (2000), The End of Creeping Competence? EU Policy-Making since Maastricht, in *Journal of Common Market Studies* 38(3), 519-538
- Polverari, L./Quiogue, N. C./Gross, F./Novotný, V. (2005), *Territorial Cohesion and Structural Funds Programmes: Urban Development & Territorial Cooperation*. IQ-Net Thematic Paper No. 16(2)
- Rat der Europäischen Union, (2006), *Entscheidung des Rates vom 6. Oktober 2006 über strategische Kohäsionsleitlinien der Gemeinschaft (2006/702/EG)*, in: ABl. EU Nr. L 291, 21.10.2006, 11-32
- Sbragia, A. M. (2000), The European Union as Coxswain: Governance by Steering, in Pierre, John (ed.), *Debating Governance*. Oxford, 219-240

- Schmitter, P. C. (1996), Examining the Present Euro-Polity with the Help of Past Theories, in Marks, Gary/Scharpf, Fritz W./Schmitter, Philippe C./Streeck, Wolfgang (ed.), *Governance in the European Union*. London, 1-14
- Schultze, C. J. (2003), Cities and EU Governance, in *Regional and Federal Studies* 13(1), 121-147
- Steurer, R. (2001), *Paradigmen der Nachhaltigkeit*, in: *Zeitschrift für Umweltpolitik und Umweltrecht*(4), 537-566
- Tömmel, I. (1994), *Staatliche Regulierung und europäische Integration: Die Regionalpolitik der EG und ihre Implementation in Italien*. Baden-Baden
- Tömmel, I. (2006), Die Reform der Strukturpolitik der EU – Eine Reform europäischer Governance?, in Kleinfeld, Ralf/Plamper, Harald/Huber, Andreas (ed.), *Regional Governance Band 2. Steuerung, Koordination und Kommunikation in regionalen Netzwerken als neue Formen des Regierens*. Göttingen, 183-200
- Van den Berg, L./Braun, E./van den Meer, J. (2004), *National Urban Policies in the European Union*. Rotterdam
- Voelzkow, H./Hoppe A. (1996), “Druck von oben und von unten”. Zu Reformansätzen der deutschen Regionalpolitik als Reaktion auf Implementationsprobleme des Europäischen Regionalfonds in den neuen Bundesländern, in Heinelt, Hubert (ed.), *Politiknetzwerke und europäische Struktur fondsförderung. Ein Vergleich zwischen EU-Mitgliedstaaten*. Opladen, 108-130
- Vranken, J./Decker, P. de/Nieuwenhuyze, Inge van, (2003), Introduction, in Decker, Pascal de/Vranken, Jan/Beaumont, Justin/Nieuwenhuyze, Inge van (ed.), *On the origins of urban development programmes in nine European countries*. Antwerp/Apeldoorn, 9-15
- Wilkinson, D. (1997), Towards Sustainability in the European Union?, in *Environmental Politics*. 6(1), 153-173

- Wilkinson, D./Ferguson, M./Bowyer, C. et al., (2004), *Sustainable Development in the European Commission's Integrated Impact Assessments for 2003* (Final Report). London
- Zito, A. (1999), Task expansion: a theoretical overview, in *Environment and planning: government and policy*. 17(1), 19-36
-

# Chapter 6

## Who Consults?

### Expert groups in the European Union

Åse Gornitzka and Ulf Sverdrup  
*University of Oslo, Norway*

#### **Abstract**

The EU is frequently understood as a special kind of governance system characterized by its strong degree of interpenetration of different levels of government and a plethora of interactions between EU institutions, administrations from national and subnational levels, as well as organized non-state interests. Nowhere is this kind of multi-level governance as evident as in the committees system of the EU. This article examines and explains a crucial property of this system, the committees and experts groups organised by the European Commission. Based on new data we answer some basic questions related to this aspect of the EU multi-level system. What is the extent of the expert consultative system? What is the distribution of expert groups? Are these groups best understood as loose networks or do they constitute a stable, well-established consultative system? We observe a proliferation over time and across sectors of this mode of governance. The use of Expert group has developed into a routinized practice of the European Commission and a great share of the Expert groups has become permanent

and lasting properties of the governance system. Our data also shows that Expert groups are remarkably unevenly distributed among different policy domains and areas. The high degree of sectoral differentiation is accentuated by the fact that we observe weak horizontal coordinating structures between the Directorates-General (DGs) in their use of Expert groups. We argue that the heterogeneity in modes governance across policy fields is partly a result of deliberate design attempts and differences in policy tasks, but also to a large extent the result of different institutional and organizational factors, such as legal and administrative capabilities, as well as the gradual development of different routines and norms among the DGs for connecting to their environment.

### **Simple, but not so trivial questions**

This article examines a crucial property of the European governance system. The EU is frequently understood as a governance system characterized by its strong degree of interpenetration of different levels of government, and a plethora of interactions between EU institutions, national and sub-national administrations as well as organized non-state interests. The ubiquity of different kinds of public policy networks or expert groups for consultation, bargaining, deliberation and decision making is believed to be a prominent feature of the European governance system (Eising & Kohler-Koch 1999; Kohler-Koch 1997; Kohler-Koch & Rittberger 2006). Nowhere is this kind of multi-level governance system as evident as in the numerous Expert groups and committees of the EU. Such committees are in some sense the epitome of the European multi-level governance system at work. EU committees encompass an array of bodies that vary considerably in what they do, how they are organized, what role they play in EU policy making and to what EU institution they are anchored. Several specific and detailed studies have

provided information and insights regarding the functions and dynamics of these public policy networks (Beyers & Trondal 2004; Christiansen & Larsson 2007; Egeberg et al 2003; Larsson & Murk 2007; Wessels 1997). Scholarly attention has in particular been paid to the role of committees in overseeing the execution of EU rules by the Commission (Dehousse 2003; Dogan 1997; Franchino 2000; Pollack 2003) and there have been attempts to assess the extent to which committees and consultative organs affect the democratic quality of the European Union (Joerges & Neyer 1997; Rhinard 2002; Vos 1997).<sup>1</sup>

The focus in this article is on the committees and groups organized by the European Commission, i.e. its Expert groups. New data are now available that enables us to examine more critically the use of such committees in the EU and answer some basic questions related to this aspect of the EU multi-level system. What is the *extent* of the expert consultative system? What is the distribution of Expert groups: Are Expert groups distributed equally across different policy fields, or is this form of multi-level governance concentrated in some specific policy fields? Are these groups best understood as loose networks, in the sense that they are informal, flexible, dynamic, temporary and ever changing, or are they part of a more formalized, organized, routinized and well established consultation system? Previous studies have not given clear answers to such question. For instance,<sup>2</sup> Larsson and Trondal (2006) claim that not even the European Commission itself have adequate knowledge of the scale and activities of the Expert groups. In the absence of good data, scholars have been engaged in making “guestimates”, ranging from 800 to 1300 groups (Larsson & Trondal 2006), or vague statements like ‘there are probably more than 1,000 committees’ (van Schendelen 1998). The new quantitative data also allows us to examine some rudimentary hypotheses that can shed light on the pattern of distribution, and the factors involved in creating, changing and maintaining this part of the EU governance system. This paper is a first report from a larger and ongoing

research project on the role of the Expert groups in the EU, in which we will also examine the participation and sociometrics of this consultative system (Gornitzka & Sverdrup 2007).

Our approach is consistent with two recent calls in the literature on European governance. First, the call by Johan P. Olsen arguing that better understanding of the levels and forms of European integration, requires the building of more detailed knowledge about institutional variations across sectors (Olsen 2007). Secondly, the recent calls for gradually changing the research focus from explorative and descriptive case studies, to larger N studies and a stronger focus on empirical studies (Broscheid & Coen 2007; Coen 2007; Franchino 2005). In addition to supporting such calls, we believe that a systematic and structured cross-sector analysis of the consultative system might contribute to provide meaning to the diverse and competing statements that are being made about the qualities and functions of the EU governance system.

Our argument is that the Expert groups play an increasingly important role in the EU. We can observe a proliferation across sectors of this mode of governance. We find that the use of Expert group have developed into a routinized practice of the European Commission in order for it to connect to its environment and bring together various state and societal actors. Moreover, a great share of the Expert groups has become permanent and lasting properties of the governance system. However, our data also shows that the Expert groups are remarkably unevenly distributed along different policy domains and areas. Distinct policy segments have different modes of connecting to their environment. While some areas are clearly multi-level in their governance structure, others are not. The high degree of sectoral differentiation is accentuated by the fact that we observe weak horizontal coordinating structures between the Directorates-General (DGs) in their use of Expert groups. We argue that the heterogeneity in modes governance across policy fields is partly a result of deliberate design attempts and

differences in policy tasks, but also to a large extent the result of different institutional and organizational factors, such as legal and administrative capabilities, as well as the gradual development of different routines and norms for connecting to the environment.

The article is organized as follows: In the next section, we discuss two theoretical perspectives that might explain the use of Expert groups in the EU and make some notes on our data and methodology. We then present an empirical analysis of the distribution of the Expert groups across time and discuss factors that can explain the segmented pattern of consultation. Towards the end of the paper we show how our observations are further strengthened by analyzing the degree of specialization and the degree of institutionalization of the consultative system.

### **Theoretical approaches and expectations**

Expert groups are one of the three main types of committees organized by EU institutions. Together with the Council Working Parties and Committees, and the Comitology Committees they make up the EU's committees system (Hayes-Renshaw & Wallace 2006). Formally, an Expert group is a consultative entity comprised of public- or private-sector experts and the Commission is in control over its composition. Expert groups are composed of members from national governments, academia and various interests groups. The main task of the groups is to advise the Commission in the preparation of legislative proposals and policy initiatives as well as in its tasks of monitoring and coordination or cooperation with the Member States. Expert groups do not formally make political decisions, but feed the decision-making processes by giving expert advice, providing scientific knowledge, sharing practical experience and information and well as being forums for exchange of information. The groups can be either permanent or temporary. The Commission creates its Expert groups itself, which is also a characteristic

that set them apart from both Comitology and Council Committees. A Commission Expert group may be created in two different ways, either by a Commission Decision or other legal act establishing the group, or by a Commission service with the agreement of the Secretariat-General. Officially the Expert groups' task is to assist the Commission as a whole, but in practice the Expert groups that are run by the DGs that are most implicated with the relevant field.

In sum the Commission's committees constitute a highly complex system that defies any easy categorizations<sup>3</sup> and does not have a well-articulated set of rule to regulate its operations. Hence we can expect to see multiple factors that come into play in creating, changing and maintaining this part of the EU governance system, some of which are singled out for analysis in this article. Here we approach the issue of Expert groups in the EU from two perspectives; one emphasizing the role of choice and design, and one emphasizing the role of routines and institutional factors (March & Olsen 1998; Olsen 1997, 2001, 2002, 2007).

## **Design Perspectives**

From a design perspective, Expert groups are basically viewed as instruments for increasing effectiveness in decision making. The European Commission is often faced with tasks that have considerable technical, political, or legal uncertainty, and is therefore in need of assistance. By using Expert groups, the European Commission is able to extract knowledge, expertise and information from actors in its task environments and potentially improve the quality of its decisions and reduce uncertainty. The participants in these groups bring relevant topics to the discussions, indicate potential risks, and sometimes suggest modes for easing transposition and implementation. Expert groups can be used in direct linkage to decision making situations, or as a tool for surveying and monitoring the environment. The setting up of Expert

groups can be regarded as a relatively risk free strategy when entering into new or difficult territory. Typically one could expect that, the more uncertainty, the more room for a problem solving logic based in expertise (Radaelli 1999). From this perspective, it is assumed that the European Commission would design and shape its Expert groups so that they fit tightly with its preferences and tasks. In addition, we expect that the Expert groups are flexible and easily adaptable to new and changing tasks and preferences. Once “mission is accomplished” the Expert groups would be dismantled.

### The policy task argument

It follows from this approach, that as long as we know and are able to identify the nature of the policy problem facing the DGs we should be able to predict the organizational solution to decision-making and thus the presence of Expert groups. Although the idea is simple, defining and operationalizing the type of policy and nature of the policy good is notoriously difficult (Lowi 1964). We take as a starting point the distinction between regulatory versus distributive policies. This has had a recurring significance for explaining the shape of EU decision-making arenas and the relative power of EU institutions generally (Burns 2005; Majone 1994). The main idea we pursue is an assumption that redistributive and provisional policies would be more subjected to consultations than other policy types. The following underlying mechanism creates the rationality for such a relationship.

When the Services are engaged in managing large resources they would have a particularly strong informational needs stemming from their tasks to secure good design of its redistributive policy, sound management of the funds, and to ensure proper implementation. These needs cannot easily be fulfilled by internal sources of information; hence the Commission services will pursue an extrovert information strategy. Previous studies have also shown that the European Commission often uses financial resources for

stimulating cooperation with member states governments and to mobilize sub-national and non-state actors in transnational networks around joint problem-solving activities, particularly in areas like R&D, Trans-European Networks, and in order to build a “People’s Europe”, that are aimed towards complementing market integration (Laffan 1997). Majone, for instance, argues that the Commission faces stronger constraints for its actions in distributive and redistributive policy areas compared to regulatory policy (Majone 1994), and organizing Expert groups could be seen as one way of overcoming such constraints. It has also been argued that the EU distribution that takes place under the Common Agricultural policy has also been particularly prone to control by Member States and affected interests (Burns 2005). In order to find the concentration of Expert groups one should therefore “follow the money”. *In principle we should expect that policy areas or Commission Services that are responsible for managing large sections of the budget would generate more Expert groups, than Services that are in charge of managing less budgetary means (Hypothesis 1)*. In order to test hypothesis 1, we separated different policies by their share of the EU budget in 2006. In the EU most of the redistributive element of the budget is devoted to three policy areas, that is, agriculture, regional policy as well as the various social cohesion programs.

### Supply side argument

Another, but related, version of this model is to view the Expert groups, not as a result of careful design by the European Commission, but rather as an instrument resulting from specific *supply* side pressures. The more the EU gets involved in a policy area and in particular in shaping policies, the more the actors tend to react by organizing in order to promote, protest or defend their interests. And by doing so they demand participation, compete for formulating problems and solutions, and engage themselves in the production of new rules in consultative organs, like the Expert groups. Such processes of

growth in involvement, in turn, contribute to the creation of new initiatives, and new areas of participation, and thereby a dynamics of steadily increasing institutionalization (Stone Sweet et al. 2001). From this perspective, the emergence of expert groups is seen as resulting from distinct pressures from different interest organizations or national interests who perceive of the Expert groups as their instrument for influencing and controlling EU decision making. We would expect a close relationship between the profile of the expert group system, and the supply side capacities. This kind of supply side mechanisms fits well with ideas of lobbying in the EU (Broscheid & Coen 2007; Coen 2007; Mahoney 2004), and the observation made by Broscheid and Coen (2007) on an independent effect of the number of interests groups in a certain policy field and establishment of consultative fora in different DGs. Their underlying argument is that the Commission creates the largest number of Expert groups in areas overloaded by interests groups. In order to manage this overload, DGs create Expert groups and privilege a limited set of actors who have access to them. Hence we expect to find that *the more interest groups are organized at the European level in a policy area, the more the relevant DG will tend to create Expert groups (Hypothesis 2)*. In order to test this claim we included data on interest groups gathered from the so-called CONNECS base and compared this with the number of Expert Groups per DG.

### **Institutional Perspectives**

An institutional perspective, by contrast, puts particular emphasis on the importance of historical developments, path-dependencies and routines when explaining the patterns of distribution of the Expert groups. It is assumed that the expert system in the EU, like other institutions in political life, depends not only on satisfying current environmental pressures and political concerns, but it also reflects an institution's origin, history and internal dynamics (March & Olsen 1998). Rather than seeing Expert groups as carefully

designed to meet specific tasks, the presence of Expert groups are regarded as reflecting local rationality, sectoral specialization and differentiated traditions and histories for relating to the environment. Changes and developments often occur through multiple learning processes, but not always in consistent ways (March & Olsen 1998). Rather than expecting a smooth and well planned distribution of Expert groups, a patchy picture is expected. This argument folds in nicely with Kohler-Koch's observation that the EU is functionally segmented. She argues that the governance system in the EU is to a large extent a result of processes of incrementally adding bits and pieces to the functional responsibilities of the Community. The result of such processes is not close co-operation to assure coherence, but instead patchwork policies in a highly segmented system (Kohler-Koch 1997), as well as marked difference between DGs in their mode of policy making (Christiansen 1997).

From this perspective, Expert groups are seen as mirroring the long term patterns of interactions between sectorally specialized DGs and their equally specialized and differentiated environments, as well as reflecting internal factors such as internal capacity, age of certain policy domains as well as different norms, routines and experiences from consultation and cooperation that has evolved across time. In addition, it follows from this perspective that the use of Expert groups over time has developed into a routinized activity with a high degree of institutionalization. With the present data we cannot make a meaningful operationalization of historical path dependency and local administrative cultures, yet, we incorporate into our analysis two fundamental institutional conditions that determine an organization's characteristics and that can be expected to account for the differences in density of DGs set of Expert groups according to an institutional perspective. First, we explore the significance of the legal competencies that DGs operate under and, second, the importance of their administrative capabilities.

### The legal competence argument

A common-sense interpretation we retrieve in some of the literature on EU governance is that the density of Expert groups is to a large extent a function of the allocation of competence in the EU. For instance, according to Nugent (2003:130-131): “One factor making for variation is the degree of the importance of the policy within the EU’s policy framework – it is hardly surprising, for example that there should be many more agricultural advisory committees than there are educational advisory committees.” If we define the degree of importance of a policy area, as the legal competence of the EU in the specific area, we can consider this mechanism more in detail. In a simple version of this story, we can expect this relationship to be linear: the more exclusive legal competence for the EU, the more Expert groups (Hypothesis 3).

The underlying idea is that the level and intensity of activity of the Commission is determined by the legal competence of the EU. Increased activity in turn triggers the activation of expertise bodies. When competence is being transferred from the national level to the European level, new opportunity structures are created at the European level, and new patterns of consultation emerge. The competence attributed to different policy areas is the fundamental legal parameters within which the DGs operate, independently of the budgetary means at the Commission’s disposal for pursuing its policies. These competencies are unevenly distributed over the DGs’ activity areas and have accrued to the European level in different points in the history of European integration. In order to operationalize this variable we have coded the policy fields according to treaty competence, ranging from 1 to 4. The treaties differentiate between areas of exclusive competence for the EU (coded as 1), areas of shared competence (coded as 2), areas where the EU have coordinating competences (coded 3), areas of supporting and complimentary competences (coded 4).<sup>4</sup>

### The administrative capability argument

From an institutional perspective we also expect that the administrative capacity of DGs should feature as a possible explanation for the variation in the use of Expert groups. The European Commission is a small administration with staff and limited administrative capabilities and number of staff, particularly if compared with the size of national governments. Still, there has been a continuous growth of new tasks that has been delegated to the European Commission and there has been a de facto extension of the basis for Community action. The levels of expectation regarding its ability to manage new responsibilities and deliver the results have also increased. Balancing task expansion with limited administrative resources has been an enduring theme in European governance. The Expert groups can be seen as a form of outsourcing and coping with limited administrative capabilities. Participants in the Expert groups can increase the capability of the European Commission in developing policies and monitoring implementation, by bringing in their administrative resources, provide information, knowledge and expertise. Compared to establishing permanent, specialized organizations capable of fact-finding, rule-making and/or enforcement, for instance through establishing European Agencies or Commission Joint Research Centers, using Expert groups incurs less cost for Community budgets. Although expenses are reimbursed by the Commission, participating experts are unpaid. Consequently, the existence of Expert groups does not require long term budgetary commitments. It follows, from such a perspective, that we should expect a relationship between internal administrative resources and the use of Expert groups. The less internal administrative staff the DG has at its disposal, the more Expert groups it will create (Hypothesis 4). In order to test this hypothesis we have gathered data on size and distribution of the European Commission staff.

## **Data and methodology**

The empirical analysis presented in this article relies data from our data base of Commission Expert groups. Our data base provides information on key properties of these groups such as the lead services in the Commission, policy area and composition of the group in general terms as well as the group's tasks and missions and their formal status. It classifies the participants in broad categories (scientists, academics, practitioners, industry, NGOs) but it does not contain any information on individual experts. Nor does it contain information on the number of meetings and participation rates of the Expert groups. When constructing the data base we have used the European Commission's register of Expert groups. Information was downloaded from the register, coded and entered in our data base in January 2007.<sup>5</sup>

The register's reliability as a source of information on Expert groups is underpinned by the formal rules of the register. The register is partly a result of a commitment made by the Commission President Barroso, to the European Parliament in November 2004 to increase the transparency of the Commission's operations and give a public overview of the advisory bodies that assist it in preparing legislative proposals and policy initiatives. According to 'Framework Agreement on relations between the European parliament and the European Commission' (art 16) "The Commission shall inform Parliament of the list of its Expert groups set up in order to assist the Commission in the exercise of its right of initiative. That list shall be updated on a regular basis and made public."<sup>6</sup> The importance attached to the registry, illustrated by its codification in the framework agreement, in securing a constructive dialogue and flow of information between the European Commission and the European Parliament, increases the reliability of the data. The Commission is formally obliged to enter reliable information and to update the register and these functions are performed by permanent staff in

the Secretariat General. The unit responsible for the register of Expert groups was consulted in the creation of our data base.

## **Distribution of Expert groups**

### The growth of Expert groups

Our analysis shows that there were 1237 Expert groups organized by the European Commission in January 2007. This is a high number and it is clearly in the upper range of previous estimates. The expert group system is without doubt a considerable supplementary administrative resource of the European Commission. In fact, there is about one expert group per eight persons working as an official in the European Commission.<sup>7</sup> By comparison there are 250 Comitology Committees and 162 Council committees/working parties<sup>8</sup>, hence Commission Expert groups far outnumber the other parts the EU committee system.

There has been a significant increase in the number of Expert groups across time. In 1975 it was reported that there were 537 groups, in 1990 the number had increased to 602 (Wessels 1998), and by 2000 the number had reached 851 (Larsson 2003). These measures indicate a gradual and steady growth during the twenty five year period, as new competences and tasks have been added to the European Commission and the European Union. It is noteworthy that this gradual growth has been replaced by a more rapid and radical increase since 2000. In this period the number of Expert groups has increased by more than forty per cent.<sup>9</sup> The large number and the strong growth of the use of Expert groups in the European Commission contribute to make this mode of interaction a significant element of the European governance structure, and a routinized and rather standardized mode of consultation. The extensive consultative structure also contribute to give an impression of the European Commission as an open, extrovert and accessible

administrative body, which is engaged in numerous consultations with a huge number of actors from multiple levels of governance.

### Uneven distribution across policy domains and Commission Services

Although we observe extensive presence of Expert groups in the European Commission there are significant differences in the extent of consultation in different policy areas. In fact, we observe in the EU, as observed in studies of public administration in the member states, that different polities and policies also elicit different types of participation and generate different patterns of interaction (Dahl 1961; Lowi 1964). In our data, we find three clear patterns regarding the distribution of the Expert groups.

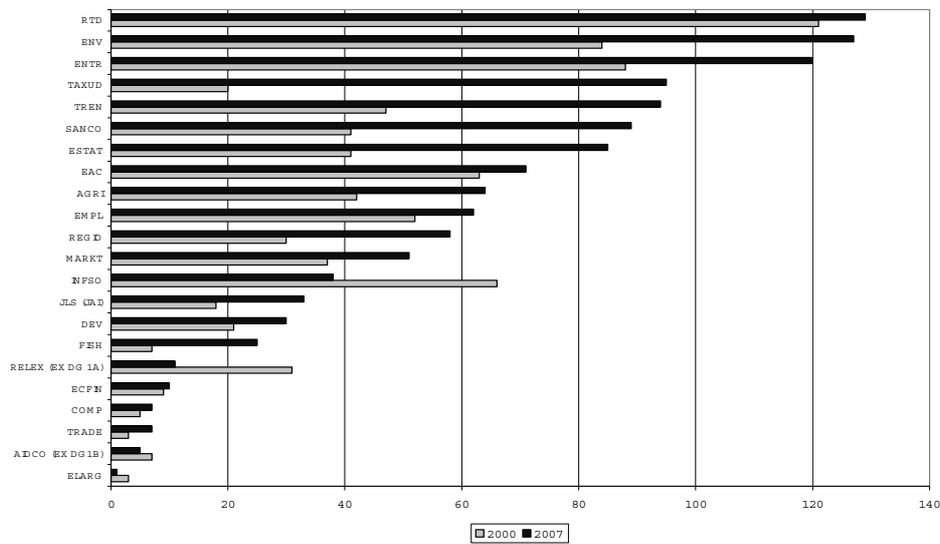
Firstly, the Expert groups are primarily operating in the EU public policy domains (Table 1). There are hardly any Expert groups in the field of internal administrative services, and there are few Expert groups that are engaged with the general services. Hence, the DGs related to administrative affairs, budget and financial control, and the General Services such as the Legal Service, General Secretariat and Press and Communication, which are typically regarded as horizontally coordinating Directorates General and Services in the EU (Stevens & Stevens 2001), score low on coordination and co-operation with external experts. We also observe that very few (less than five percent) of the total numbers of Expert groups are related to external relations policies.

**Table 1:**  
**Commission Expert groups according to policy domain. N=1237**

	Frequency	Valid Percent	Cumulative Percent
Valid Policies	1076	87,0	87,0
General Services	99	8,0	95,0
External relations	54	4,4	99,4
Internal Services	8	,6	100,0
Total	1237	100,0	

Secondly, the distribution of Expert groups is biased and unevenly distributed across the different DGs (Figure 1). More than 75 per cent of all the Expert groups in the Commission are related to ten DGs. The data falls into three broad categories: DGs organizing many, (more than 70 Expert groups), DGs in the mid section (between 70–20), and the ones with few (less than 20). Within the first group we find three “super users”, consisting of DG Research, DG Environment and DG Enterprise, all having 120 or more Expert groups. Taken together these three organize approximately 30 percent of all Expert groups. In addition, DG Taxation and Customs, DG Energy and Transport, DG Health and Consumer Protection, Eurostat and DG Education and Culture all have more than 70 Expert groups each. In the second category we find the DGs that are responsible for what we might label ‘classic’ European affairs, such as economic and social policy, agriculture policy, internal market, fishery and regional policy. This biased distribution of Expert groups clearly indicates strong sectoral differentiation between different DGs in their mode of governance. While extensive use of consultation with Expert groups is a prominent characteristic of some policy areas, like research, environment, energy and transport, this mode of governance is much more rarely found in areas, like trade, competition, economic and financial affairs.

**Figure 1:**  
**Commission Expert groups across service and time.**



*Source:* Own data from 2007, data on 2000 based on Larsson (2003). Some Services with less than five Expert groups are excluded.

A third striking feature regarding the distribution of the Expert groups is the changes in the number of Expert groups across time.<sup>10</sup> As illustrated by

**Figure 1**, the overall trend is that there are more Expert groups attached most of the various DGs now than seven years ago. Very few DGs are deviating from this pattern. In 2007 the median value was 27 Expert groups per Service, compared to 19 in 2000. During a seven year period the number of DGs with more than 80 Expert groups has increased by more than a hundred percent, and four of the DGs have more than doubled their number of Expert groups. The DGs that have the highest number in 2000 still remain at the top in 2007 and we still observe considerable variation between the various DGs. But there is also a clear move towards less differentiated distribution, indicating that this method of consultation and

interaction between the Commission and its environment is becoming more widespread and standardized.

### **Explaining uneven distribution**

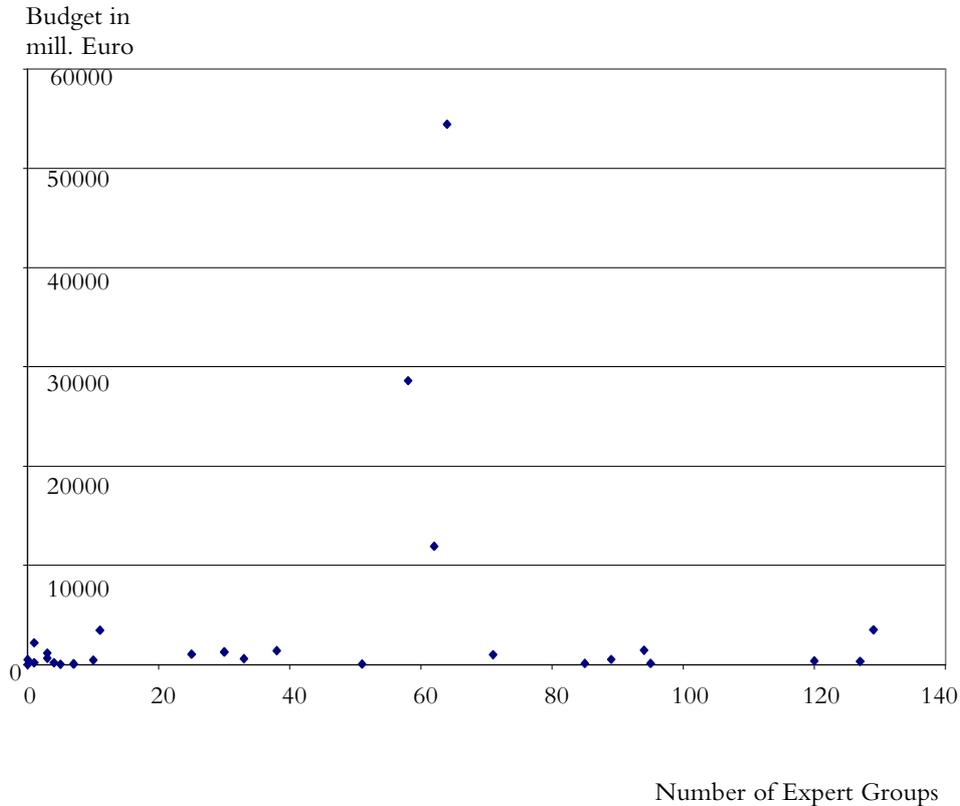
What we have seen here is a strong sectoral differentiation in the DGs use of Expert groups. Why are there more Expert groups in some policy domains? What are the relevant dimensions of the policy sectors and political organization that make such a difference for the way in which the Commission relates to external expertise? Let us now assess how and to what extent the four hypothesis can help to explain this pattern.

#### **Task matching – policy type argument**

Our data shows that the Services that are engaged in redistribution do not have a high number of Expert groups. As we can see from Figure 2, the DGs that are most involved in redistributive policies, DG Agriculture, DG Regional Policy, DG Employment and Social Affairs, and DG Research, which together account for more than 85 per cent of the total EU budget, have only about 25 per cent of the total number of Expert groups, of which DG Research accounts for half of these. We can therefore conclude that our hypothesis 1 is not supported.

However, the lack of support for our hypothesis could in fact be a misspecification of the nature of the policy task. When we fail to see the effect of distributive policy, it should not lead us to dismiss the idea that the nature of the policy domain significantly affects the pattern of expert group distribution.

**Figure 2:**  
**Relationship between EU budget per Service and number of Expert groups per Service.**



In particular one could argue that the Commission's choice for establishing a group is conditioned by the technical versus the political nature of the task, rather than whether or not the DGs are tackling redistributive or regulatory problems. One could also argue that varying intensity of political conflict in policy-specific interest constellations impinges on the capacity for the Commission to act (Scharpf 1999), and that international cooperation and integration are easier to achieve in fields seen as being technical with low intensity in political conflict. Technical issues typically require expertise, and expertise tend to subordinate national boundaries to shared professional concerns and epistemic communities (Haas 1992; March

& Olsen 1998). The literature on international co-ordination has showed the crucial role of experts in political integration and transnational governance in general, and in the EU in particular. It can be argued that regulatory policy rather than redistributive policy is based on knowledge as a resource and aims at efficiency rather than fair distribution. Consequently regulatory policy areas sit better in the realm of technocracy and the world of Expert groups, that is relatively insulated from political conflict (Radaelli 1999).<sup>11</sup>

Although we recognize the significance of this distinction for explaining the variation in forms of consultation, we find it hard to operationalize and use policy type as an independent variable. First, coding the policy types according to its degree of technical specialization requires detailed knowledge of the activities of each expert group, which is unavailable in our data base. Using DG types as proxy for “type of task” is inadequate in this respect. Second, additional substantive challenges are posed by the fact that what is regarded as technical versus political issues changes over time. Politically salient issues can be decentralized into technical arenas in order to avoid politically sensitive conflicts. Sometimes policy labels shift as a result of deliberate choice, for instance when an issue is being “decentralized” to a technical level in order to avoid political conflicts (Olsen 1983:208-209), or the other way around, when a rather technical issue becomes highly politicized, for instance regarding stem-cell research in the EU 7<sup>th</sup> Framework Program, or statistical measures in the case of EMU. In other instances, the label attached to a policy can change rapidly as a result of external events or sudden crisis, like in the case of BSE and Creutzfeld-Jacobs disease. Studies of EU committee governance, in particular working groups under the Council (Fouilleux et al 2005), also report that this distinction is continuously blurred and putative technical working groups are heavily involved in dynamic processes of politization and depolitization of public policy issues. If this is indeed the case, the distinction between technical

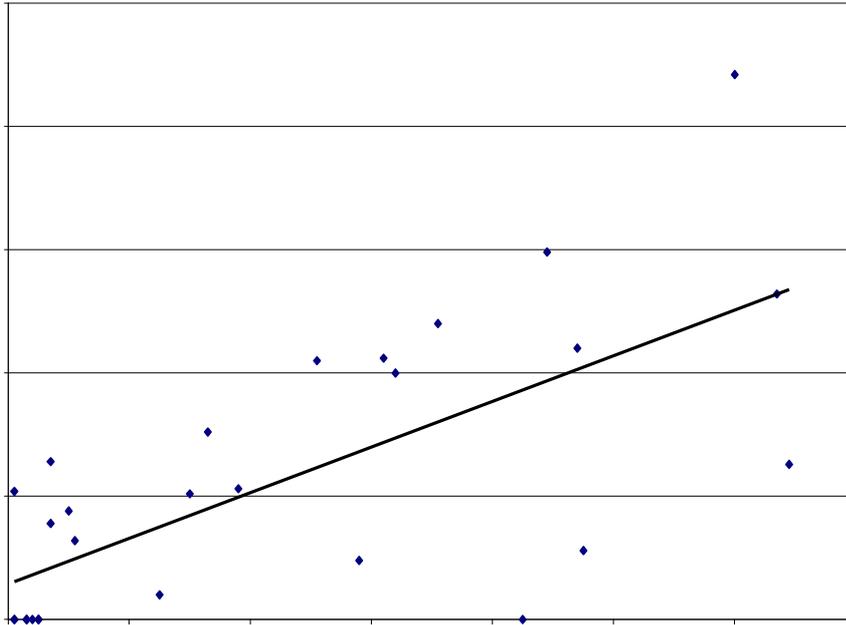
versus political policy domains cannot be used as an independent variable for explaining the variation in the presence of expert group.

### Supply side argument

As we see from figure 3, the strong correlation between the number of interest groups and density of Expert groups gives support to supply side explanations. Nevertheless, we are uncertain how plausible it is to make conclusions about the causal mechanism of interest groups overload based on this significant correlation.

An alternative argument would be to say that it is the general level of Union activity that generates both the presence of interest groups *and* expert group density in different policy domains. It should also be noted that a large share of Commission Expert groups *do not* include interest group participation (Gornitzka & Sverdrup 2007) and therefore their creation can hardly be seen as the Commission's means for managing interest group overload. Rather it might be the case that the creation of Expert groups creates participatory overload as it opens up a "can of worms" of potential participants that are deemed relevant and legitimate, from 27 member states and their respective national administrations, regional authorities, candidate countries, EEA-members, interests groups and academics. Furthermore there are some important DGs that deviate from the overall pattern. For DG Research, DG Taxation and Customs and Eurostat and DG Regional policy this correlation is not present. Rather than seeing the proliferation of interest group organizations as the main trigger of establishment of Expert groups, we would argue that number of interest groups at the European level reflects more general sectoral differences in political organization in Europe, as well as the fact that some policy areas are considered more receptive for influence and inputs than others.

**Figure 3:**  
**Relationship between number of interest groups and Expert groups**  
**in different policy fields**



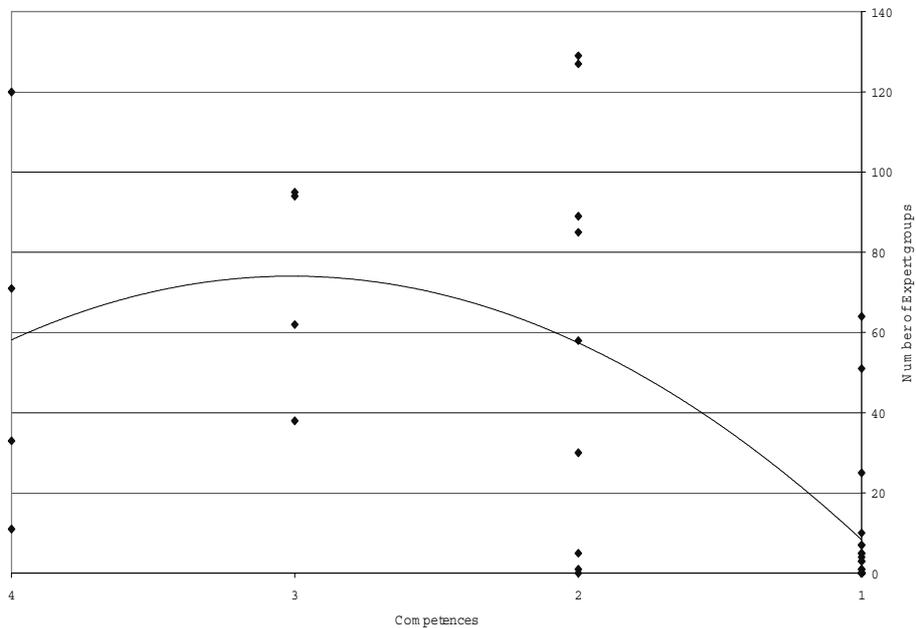
### Legal competence argument

In Figure 4 we present a scatter plot of the distribution of competences and the number of Expert groups. As we can see, our data does not support the argument of a linear relationship, where increased EU competence in a policy field would lead to increased involvement of Expert groups. In fact, we observe that most of the Expert groups are operating in policy areas where competences are shared. The number of Expert groups is rather low in policy areas of exclusive EU competence, like agriculture and fishery policy. We also find relatively few Expert groups in DGs where primacy is given to market building and legal aspects, trade, competition and internal market issues (cf. also Table 4). This supports the argument that consultations have not developed in traditional areas of EU integration where the DGs can

operate with high European legal capacity for action and correspondingly low national capacity (Scharpf 1999). These are all areas where the Commission DGs act in a management role with the day-to-day operation of policy areas where the European level has *replaced* the nation state level (Shore 2000). The uneven integration (Olsen 2007) is reflected in an uneven distribution of consultations across levels of governance.

It follows from this discussion that there is no simple linear relationship between the quality of EU legal competence and the number of Expert groups. If there is a relationship between legal competence and the density of Expert groups in policy fields, it seems to be more like a hump shaped curve. This observation is consistent with a view of the Commission as the defender of the Treaty and an organization that seeks to maximize its autonomy within the conditions set by the Treaty. In areas of exclusive competencies the DGs can operate as a relatively independent actor in its day-to-day operations, whereas areas of mixed competencies are the realm of multi level policy making and implementation where the Commission practices would involve the joint exercise of coordination and authority. These areas have developed issue specific constituencies across multiple levels, involving multiple types of actors (Eising & Kohler-Koch 1999). At the other end of the scale, i.e. areas where there is very limited or no Treaty basis for Commission action, there is no room for a structured interaction between levels of governance organized by the Commission.

**Figure 4:**  
**Relationship between legal competences and the number of Expert groups. (1 = exclusive, 2 = shared, 3 = coordinating, 4 = supporting/complementary)**

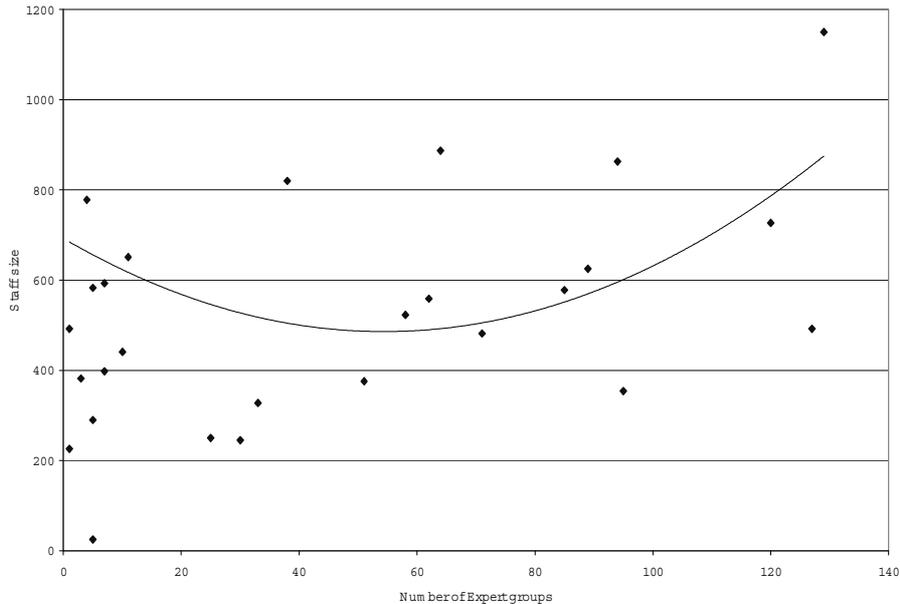


### The administrative capability argument

In Figure 5 we present a scatter plot of the relationship between the administrative resources of a DG, defined as the size of the administrative staff, and the number of Expert groups at its disposal. As we can see from the plot, we observe a relationship, but its direction is opposite to what we expected. The more internal administrative capacities a DG has at its disposal, the more Expert groups it will create. Rather than being a substitute for own administrative resources, the use of Expert groups is supplementing own capacities. This is not consistent with a view that DGs systematically will pursue a “self-reliance” strategy and only organize multi-level administrative structure to compensate for lack of in-house administrative capacity. Rather it seems so that internal administrative capacity is a *prerequisite* for organizing a large number of Expert groups. None (with one exception) of the DGs with

a dense set of Expert groups (i.e., with more than 70 groups) have less than 500 hundred officials. This observation suggests that Expert groups are perhaps best seen as a tool for extending the DGs' capacity for action, and not limiting the DGs' autonomy *vis-à-vis* member states and interest groups.

**Figure 5:**  
**Relationship between administrative capabilities in the Commission DGs and the number of Expert groups. N=1233**



*Note:* DG for Translation and the Joint Research Centres are excluded

However, we also see different types of relationship between internal administrative staff and the use of external Expert groups. In the lower right section, low degree of internal resources but a high degree of Expert groups, we find DG Environment and DG Taxation and Customs. In these policy areas the outsourcing hypotheses seems to fit the data very well. In the upper right section we find the policy areas that are mobilizing many internal resources and many external resources. Unsurprisingly we find policy areas

that have increased in importance during the last few years and areas that are of crucial importance to the current EU agenda, such as DG Research, DG Energy and Transport. In the upper left section we find the DGs with a relatively high level of internal resources and relatively few Expert groups, like DG Agriculture, DG Information Society and DG External Relations. In the lower left quadrant, we find policy areas that have relatively few internal resources and that make use of few external resources, including DG Justice and Home Affairs, DG Development and DG Fish and Maritime. In the centre and almost on the trend line we find DGs related to traditional EU activities like regional policy, employment as well as health and consumer affairs.

### **Strong sectoral specialization and weak horizontal coordination**

So far our analysis has clearly documented the heterogeneity and functional specialization of the expert group system, and how this system has developed according to logic of sectoral specialization. We have identified dimensions of the policy types and institutional characteristics that can account for some of this heterogeneity. We argue from this that we have pin-pointed a part of the EU governance system where centrifugal forces are at play. The sectoral differentiation we have observed speaks directly to an enduring tension in the organization of governments between specialization and horizontal coordination (Gulick 1937). In a purely functionally differentiated decision-making structure, the internal specialization is matched by highly specialized external contacts and there are few horizontally integrating forces and structures that ensure cross-sectoral coordination. Our findings fit well with the EU administrative history, where the organization has been based primarily upon the sectoral and functional principle, that is on the purpose and nature of the subject area (Egeberg 2006). We observe this strong sectoral

and functional differentiation throughout the whole EU governance system, in the Commission Services, in the Council secretariat, in the various Council configurations, as well in the European Parliament, with its functionally differentiated standing committees. In this respect our findings confirm that Expert groups are contributing to this sectoral and functional specialization.

However, in order to move our analysis further we also want to examine the degree of horizontal coordination and the degree of institutionalization. An indicator of cross-sectoral coordination in relation to the Expert groups is if we find that the various Expert groups are associated with other DGs apart from its host DG. If so, expertise provided by a group in one field is more likely to be used to influence policy making processes also in other fields and DGs, and possibly also contribute to increase the likelihood for developing cross-sectoral politics in the Commission. The extent to which Expert groups are set up in collaboration with other DGs and report back to different DGs is therefore also a measure of the (horizontal) permeability of organizational boundaries between the various Commission services.

We observe (*Table 2*) that only a small fraction of the Expert groups are formally linked to other DGs than their host Service. Four out of five of the Expert groups have a single DG ownership, and do not have any other associated DG. Moreover, in cases where there is coordination across DGs, the number of DGs that are associated is very limited. Of the Expert groups that are associated with other DGs in addition to their host DG, a majority is linked to one or two DGs; leaving the total number of more broadly, cross-sectorally anchored Expert groups to only 85. We can therefore conclude that the Commission Expert groups are not a key part of the horizontal coordinating mechanisms of the Commission. The sectoral and functional differentiation, which is a hallmark of the administrative history of the Commission (Cram 1994; 1997; Egeberg 2006; Stevens & Stevens 2001),

seems to be further accentuated by the practice of interacting with extramural expertise structures through Expert groups.

**Table 2:**  
**Cross sectoral coordination of Expert Groups. Number of Commission Expert groups associated with other DGs in addition to their host DG**

	No	Yes	... of which 1 DG	... of which 2 DGs	... of which 3 or more DGs
Valid N	1006	231	96	54	85
Per cent	81	19	8	4	7

### A high degree of stability and institutionalization

Growth and distribution across policy domains and DGs bear witness of how widespread this consultative system has become. However, this does not necessarily imply that these are stable and predictable structures that are unsusceptible to short term fluctuations and shifts in attention and legitimacy or governance fads. What is this system's degree of institutionalization?

The more formal and permanent a group is, the more it is institutionalized. Our data allows us to measure the degree of institutionalization in two ways. Firstly, we make a distinction between Expert groups that are formal and informal. Formal Expert groups are established by a Commission decision or other legal acts, while informal groups are established by the DGs themselves in agreement with the Secretariat General and without reference to such a formal legal act. In principle, formal groups can be regarded as more institutionalized than informal groups. Secondly, we make a distinction between temporary and permanent groups. Expert groups that are either explicitly defined as permanent, and groups that have been in operation for more than five years, are coded as permanent groups. The rest of the groups are coded as temporary.

Our analysis shows that (Table 3)  $\frac{3}{4}$  of the Commission's Expert Groups are informal and half are temporal. In some sense we can view the expert group system as a rather flexible part of the administrative space where groups can be established and dismantled without going through elaborate formal decision-making procedures, and therefore contribute to create a dynamic, flexible and adaptive administrative system. However, our findings also show that a considerable part of this system has become institutionalized and is an important element of a routinized and rather stable administrative structure. The close to 400 Expert groups that have become a permanent fixture of the EU without having been created by a formal legal act together with the number of formal Expert groups are indications of a rather high degree of institutionalization of the expert group system.

**Table 3:**  
**Commission Expert groups by type and status. N=1237**

			Status P/T		Total
			Temporary	Permanent	
Type F/I	Informal	Count	557	389	946
		%	88,6 %	64,0%	76,5%
	Formal	Count	219	219	291
		%	36,0 %	36,0 %	23,5%
Total		Count	629	608	1237
		%	100 %	100 %	100,0%

Most DGs balance between temporariness and permanence in their consultative system. Yet some DGs organize a strikingly stable set of Expert groups, this is especially the case for Eurostat, DG Agriculture and DG Fisheries. At the other end of the scale we find DG Research, DG Taxation and Customs and DG Information Society whose expertise system is predominantly temporary.

In sum, we find some striking and robust findings about the distribution, and the degree of institutionalization of the Expert groups. The

high number of Expert groups clearly shows that multi-level consultation is an important feature of the European governance system, and our data also shows that this mode is becoming a gradually even more important across time. *Table 4* provides an overview of the distribution of the groups and the degree of institutionalization. The obvious conclusion of these findings is that the extent and quality of the EU multi-level governance is radically different across different functional policy areas. While multi-level consultation is a dominating and routinized feature of some policy areas and in some Services, it is a rather rare event or used as a much more flexible tool in other policy areas and Services.

**Table 4:**  
**Distribution of Expert groups and their institutionalization (Number of EGs per DG, and percentage of permanent EGs in parenthesis)**

		Number of Expert groups		
		Few (Less than 20)	Medium (21-70)	Many (71 or more)
Degree of institutionalization	Low (0-33,3%)	RELEX (11, 0,27) TRADE (7, 0,29) COMP (7, 0,29) BUDG (3, 0,33) ELARG (1, 0) DGT (1, 0)	INFSO (38, 0,24)	RTD (129, 0,25) TAXUD (95, 0,16)
	Medium (33,4-66,6%)	BEPA (5, 0,40) SG (4, 0,50)	EMPL (62, 0,48) REGIO (58, 0,40) JLS (33, 0, 39) DEV (30, 0,40)	ENV (127, 0,43) ENTR (120, 0,43) TREN (94, 0, 51) EAC (71, 0,37)
	High (66,7 - 100%)	ECFIN (10, 0,80) OLAF (5, 0,80) AIDCO (5, 1,0) JRC (3, 1,0) ADMIN (3, 0,67) COMM (1, 1)	AGRI (64, 0,94) MARKT (51, 0,53) FISH (25, 0,84)	SANCO (89, 0,76) ESTAT (85, 0,99)

The pattern we see in Table 4 has both unsurprising and puzzling traits. The position of internal administrative DGs in the left column does not represent much of a theoretical puzzle to be solved. The fact that we find DG Trade and DG Competition in this group on the other hand, is not that self-evident. In the middle column we find many of the main traditional areas subject to European integration and with relatively high level of capacity to act at a European level, in particular agriculture, internal market and regional policy. We also see that many of the policy areas associated with “New Europe” or the European Knowledge Economy, such as research and education, place themselves in the right column, along with high attention areas, such as energy and environmental policy. The degree of institutionalization on the other hand also pairs policy areas that usually are not thought of as having much in common – such as taxation and research policy. Placing the policy areas in a two-dimensional space, points us in the direction that both the nature of the policy area and institutional differences are factors that encourage, facilitate and restrain the Commission’s use of Expert groups

## **Conclusions**

Our analysis substantiates the idea that the European Union should be understood as a governance system, characterized by interpenetration of different levels of government and non-state actors. We see this in the ubiquity of Expert groups at the European level. The Commission’s 1237 Expert groups are a key element in the multi-level European administrative space, outnumbering by far other types of committees in the EU system. Over time this particular mode of consultation has become more widespread and institutionalized. The number of Expert groups has increased considerably, especially after 2000. Although the formal rules system

regulating the creation and operation of Expert groups is weak this has become a standard way for a large part of the DGs to interact with their environment. We also see some convergence in consultative system(s) in the various DGs, as all, with the exception of two, have increased the number of Expert groups they organize. While  $\frac{3}{4}$  of the Expert groups are informal, half of them are permanent. These findings clearly support the claim that the EU can be understood as a relatively stable multi-level governance system.

The density and durability of the population of Expert groups, on the other hand vary considerably between different Commission services. Some DGs are clearly engaged in governance of this kind, while other DGs are not involved in this mode of governance. As to the factors that can explain the observed heterogeneity in the organization of Expert groups across policy fields we find some support for the design perspective. On the one hand, parts of the Commission set of Expert groups are deliberate attempts to match information systems and consultation to policy tasks. This is especially the case when we differentiate between internal/general services and sectorally oriented DGs. Most of the Expert groups are found in areas of substantive European policy areas, especially in task areas related to research, environment and enterprise policy. In issue areas related to internal administration, general services, and external relations, there are few – if any – Expert groups. The distinction between regulatory versus distributive policy can also account for some of the heterogeneity in the Commission's use of Expert groups – contrary to our expectations distributive policies do not entail more use of Expert groups. We also find that external pressures in terms of number of interest groups are significantly correlated with the Commission's DG propensity to establish Expert groups. Moreover much of the variation results from different institutional and organizational factors such as *legal and administrative capabilities*, as well as the gradual development of different routines and norms for connecting to the environment. Experts groups are typically established and drawn into the policy process in policy

areas where legal competence is shared between the European and national level of governance. And the density of organized Expert groups is highest in the policy areas where administrative and policy making capacity has been amassed in the Commission.

A main pattern we observe is that Expert groups contribute to the sectoral differentiation of EU decision making, amplifying the sectoral organization of the European administrative space. Cross-sectoral coordination of expert group activities is at a very low level. The world of Expert groups unveils the Commission as a multi-organization that is part of structured multi-level governance within sectorally defined boundaries. This underlines the significance of the basic organizational structure of the Commission, its institutional traditions and routines, as well as the legal parameters and administrative capacity of the various DGs for the way in which European multilevel governance is structured. We therefore argue that the EU is best understood as a functionally differentiated system with very different *modus operandi*. Different policy areas form issue and policy specific constituencies that evolve according to different logics. We have described the empirical variance in the Commission's expert group system and pointed to causal mechanisms and differentiating factors that can account for these differences. The findings underline the need to do justice to the heterogeneity of European multi-level governance in the study of European integration and its institutions and to specify the institutional conditions and actor constellation involved in governing Europe.

## Notes

<sup>2</sup> Note that these studies are focusing specifically on Comitology Committees.

<sup>2</sup> To our knowledge, the most comprehensive overview hitherto is provided by a Swedish governmental report prepared by Torbjörn Larsson (2003).

<sup>3</sup> See Larsson (2007) for a discussion of the defining characteristics of Commission's expert advisory groups.

<sup>4</sup> For reasons of simplicity we here use the terms found in the unratified Draft Constitutional Treaty.

<sup>5</sup> It does not cover all expert groups and committees that are linked to the Commission. The following broad categories of entities are excluded from the Commission's register and thus also from our data base: 1) independent experts charged with assisting the Commission in the implementation of framework programmes for research and development; 2) Sectoral and cross-industry social dialogue committees, whose work is particularly aimed at the conclusion of agreements implemented by the Council or autonomous agreements implemented by the social partners themselves and at adopting frameworks for action. There were about 70 such committees in 2004; 3) Comitology committees which are established by the legislator to assist the Commission in policy areas where the Commission is empowered to implement legislation (about 250 such committees in 2004). 4) Joint entities arising from international agreements (a total of 170 joint entities in 2004). These entities differ from expert groups in terms of their creation and competence: they are created in accordance with methods laid down in international agreements and their role is to supervise their implementation <http://ec.europa.eu/transparency/regexpert/faq/faq.cfm?aide=2>

<sup>6</sup> See full agreement here: [http://ec.europa.eu/dgs/secretariat\\_general/relations/relations\\_other/docs/framework\\_agreement\\_ep-ec\\_en.pdf](http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/docs/framework_agreement_ep-ec_en.pdf)

<sup>7</sup> Data on the European Commission was found in the Statistical Bulletin of Commission staff [http://ec.europa.eu/civil\\_service/docs/bs\\_dg\\_category\\_en.pdf](http://ec.europa.eu/civil_service/docs/bs_dg_category_en.pdf)

<sup>8</sup> Data for Comitology Committees from 2006 and for Council Committees from 2005, in addition there were 121 sub-groups under the Council working parties and committees Hayes-Renshaw F, Wallace H. 2006. The Council of Ministers. Houndmills: Palgrave Macmillan.

<sup>9</sup> Since there is uncertainty attached to the accuracy of the data from the years prior to the establishment of the register, some of this increase might reflect more rigorous methods for reporting.

<sup>10</sup> As noted earlier, there is some uncertainty regarding the accuracy of the measure from 2000.

<sup>11</sup> A similar argument is voiced in theory by Broscheid and Coen as they expect to see more expert groups in regulatory policies as the nature of the policy good in these policy areas are affecting limited sets of societal actors in combination with high demand for technical information. However, they fail to find support for this hypothesis in their data on expert fora creation, rather they find (insignificantly) more Expert Groups in distributive policy domains (Broscheid A, Coen D. 2007. Lobbying activity and fora creation in the EU: empirically exploring the nature of the policy good. *Journal of European Public Policy* 14:346-65.

## References

- Beyers, J. and J. Trondal (2004), How nation states 'hit' Europe: Ambiguity and representation in the European Union. *West European Politics* 27:919-42.
- Broscheid, A. and D. Coen (2007), Lobbying activity and fora creation in the EU: empirically exploring the nature of the policy good. *Journal of European Public Policy* 14:346-65.
- Burns, C. (2005), Who pays? Who gains? How do costs and benefits shape the policy influence of the European parliament? *Jcms-Journal of Common Market Studies* 43:485-505.
- Christiansen, T. (1997), Tensions of European governance: Politicized bureaucracy and multiple accountability in the European Commission. *Journal of European Public Policy* 4:73-90.
- Christiansen, T. and T. Larsson (eds.) (2007), *The Role of Committees in the Policy-Process of the European Union - Legislation, Implementation and Deliberation*. Cheltenham: Edward Elgar.
- Coen, D. (2007), Empirical and theoretical studies in EU lobbying. *Journal of European Public Policy* 14:333-45.
- Cram, L. (1994), The European Commission as a multi-organization: social policy and IT policy in the EU. *Journal of European Public Policy* 1:195-217.

- Cram, L. (1997), *Policy-Making in the European Union*. London: Taylor & Francis.
- Dahl, R. (1961), *Who Governs?* New Haven: Yale University Press.
- Dehousse R. (2003), Comitology: who watches the watchmen? *Journal of European Public Policy* 10:798-813.
- Dogan, R. (1997), Comitology: Little Procedures with Big Implications. *West European Politics* 20:31.
- Egeberg, M. (2006), Balancing Autonomy and Accountability: Enduring Tensions in the European Commission's Development. In M. Egeberg ed. *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, pp. 31-50. Houndmills: Palgrave MacMillan.
- Egeberg, M, G.F.Schaefer and J. Trondal (2003), The many faces of EU committee governance. *West European Politics* 26:19-40.
- Eising, R. and B. Kohler-Koch (1999), Governance in the European Union: A Comparative Assessment In B. Kohler-Koch and R Eising eds. *The Transformation of Governance in the European Union* pp. 3-13. London: Routledge.
- Fouilleux, E, J. de Maillard and A. Smith (2005), Technical or political? The working groups of the EU Council of Ministers. *Journal of European Public Policy* 12:609-23.
- Franchino, F. (2000), The commission's executive discretion, information and comitology. *Journal of Theoretical Politics* 12:155-81.
- Franchino, F. (2005), The study of EU public policy: a survey. *European Union Politics* 6:243-52.
- Gornitzka, Å and U. Sverdrup (2007), *The sociometrics of EU governance*. Forthcoming.
- Gulick, L. (1937), Science, Values and Public Administration. In L Gulick and L Urwick eds..*Papers in the Science of Administration*. New York: Institute of Public Administration.

- Hayes-Renshaw, F. and H. Wallace (2006), *The Council of Ministers*. Houndmills: Palgrave Macmillan.
- Haas, P. 1992. Introduction: Epistemic communities and international policy coordination *International Organization* 46:1-35.
- Joerges, C. and J. Neyer J. (1997), From Intergovernmental Bargaining to Deliberative Political Processes: The Constitutionalisation of Comitology. *European Law Journal* 3:273-99.
- Kohler-Koch, B. (1997), Organized Interests in the EC and the European Parliament. *European Integration online Papers (EIoP)* 1:1-14.
- Kohler-Koch, B and B. Rittberger (2006), The Governance Turn in EU Studies. *Journal of Common Market Studies* 44:27-49.
- Laffan, B. (1997), *The Finances of the European Union*. London: Macmillan.
- Larsson, T. (2003), *Precooking in the European Union - The World of Expert Groups*. Rep. Ds 2003:16, Stockholm.
- Larsson, T. and J. Murk. (2007), The Commission's relations with expert advisory groups. In T Christiansen and T Larsson eds. *The Role of Committees in the Policy-Process of the European Union*, pp. 64-95. Cheltenham, UK: Edward Elgar.
- Larsson, T. and Trondal (2006), Agenda setting in the European Commission: how the European Commission structure and influence the EU agenda. In HCH Hoffmann, AH Türk eds. *EU Administrative Governance*, pp. 11-43. Cheltenham: Edward Elgar.
- Lowi, T. (1964), American Business, Public Policy, Case-Studies, and Political Theory. *World Politics* 16:677-715.
- Mahoney, C. (2004), The power of institutions - State and interest group activity in the European Union. *European Union Politics* 5:441-66.
- Majone, G. (1994), The European Community. An "Independent Fourth Branch of Government"? In G Brüggemeier ed. *Verfassungen für ein ziviles Europa*, Baden-Baden: Nomos.

- March, J.G. and J.P. Olsen (1998), The institutional dynamics of international political orders. *International Organization* 52:943-69.
- Olsen, J.P. (1997), Institutional Design in Democratic Contexts. *Journal of Political Philosophy* 5:203-29.
- Olsen, J.P. (2001), Organizing European Institutions of Governance: A Prelude to an Institutional Account to European Integration. In H Wallace ed. *Interlocking Dimensions of European Integration*, pp. 323-53. Houndmills: Palgrave.
- Olsen, J.P. (2002), Reforming European Institutions of Governance. *JCMS: Journal of Common Market Studies* 40:581-602.
- Olsen, J.P. (2007), *Europe in Search of Political Order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift, and the co-existence of orders*. Oxford: Oxford University Press.
- Pollack, MA. (2003), Control mechanism or deliberative democracy? Two images of comitology. *Comparative Political Studies* 36:125-55.
- Radaelli, CM. (1999), The public policy of the European Union: whither politics of expertise? *Journal of European Public Policy* 6:757-74.
- Rhinard, M. (2002), The democratic legitimacy of the European Union committee system. *Governance-an International Journal of Policy and Administration* 15:185-210.
- Scharpf, F.W. (1999), *Governing in Europe: effective and democratic?* New York: Oxford University Press. VIII, 243 s. pp.
- Shore, C. (2000), *Building Europe: the cultural politics of European integration*. London: Routledge. XII, 258 s. pp.
- Stevens, A. and H. Stevens (2001), *Brussels Bureaucrats? The Administration of the European Union*. Houndmills: Palgrave.
- van Schendelen, M.P.C.M. (1998), Prolegomena to EU Committees as Influential Policy Makers. In M.P.C.M van Schendelen ed. *EU Committees as Influential Policymakers*, Aldershot: Ashgate.

Vos, E. (1997), The Rise of Committees. *European Law Journal* 3:210-29.

Wessels, W. (1997), An ever closer fusion? A dynamic macropolitical view on integration processes. *Journal of Common Market Studies* 35:267-99.

Wessels, W. (1998), Comitology: Fusion in action. Politico-administrative trends in the EU system. *Journal of European Public Policy* 5:209-34.

## Appendix

Service	Service	Expert groups (N)	Budget 2006 mill Euro	Connec	Legal	Staff (web site)
Personnel and Administration	ADMIN	3	660	0	1	670
Agriculture and Rural Development	AGRI	64	54455	30	1	887
Europe Aid	AIDCO	5	0,1	0	2	583
Bureau of European Policy Advisors	BEPA	5	0,1	0	1	25
Budget	BUDG	3	1160	0	1	382
Directorate General for Communication	COMM	1	205	0	1	492
Competition	COMP	7	99	0	1	593
Directorate General for Development	DEV	30	1301	1	2	245
Directorate General for Translation	DGT	1	0	0	1	2113
Education and Culture	EAC	71	1008	12	4	482
Economic and Financial Affairs	ECFIN	10	468	0	1	441
Enlargement	ELARG	1	2205	0	2	226
Employment, Social Affairs and Equal Opportunities	EMPL	62	11934	36	3	559
Enterprise and Industry	ENTR	120	400	23	4	727
Environment	ENV	127	346	17	2	492
Eurostat	ESTAT	85	133	0	2	578
Fisheries and Maritime Affairs	FISH	25	1074	1	1	250
Information Society and Media	INFSO	38	1425	2	3	820

Justice, Freedom and Security	JLS	33	605	0	4	328
Joint Research Centre	JRC	3		0		1710
Internal Market and Services	MARKT	51	75	1	1	376
European Anti-Fraud Office	OLAF	5	66	0	1	290
Regional Policy	REGIO	58	28629	1	2	523
External Relations	RELEX	11	3476	1	4	651
Research	RTD	129	3526	0	2	1150
Health and Consumer Protection	SANCO	89	559	3	2	625
Secretariat General/Legal Service	SG	4	0	0	1	778
Taxation and Customs Union	TAXUD	95	130	0	3	354
Trade	TRADE	7	83	1	1	398
Energy and Transport	TREN	94	1462	4	3	863
Directorate General Informatics	DIGIT	0	0	0	1	359
Humanitarian Aid	ECHO	0	515	0	2	154
European Personnel Selection Office	EPSO	0	0	0	1	106
Internal Audit Service	IAS	0	12	0	1	71
Office for Infrastructure and Logistics in Brussels	OIB	0	0	0	1	415
Office for Infrastructure and Logistics in Luxembourg	OIL	0	0	0	1	160
Publications Office	OPOCE	0	0	0	1	595
Paymasters Office	PMO	0	0	0	1	234
Directorate General for Interpretation	SCIS	0	0	0	1	667
Legal Service	SJ	0	215	0	1	321
<b>Total</b>		<b>1237</b>	<b>116226,2</b>	<b>133</b>		<b>21693</b>

# Chapter 7

## Achieving Consensus within European Parliament Committees: How does the Parliament (continue to) Manage?

Christine Neuhold and Pierpaolo Settembri  
*University of Maastricht, the Netherlands and New York University, U.S.A.*

### **Abstract**

This article looks the role of the standing committees in building consensus within the European Parliament (EP) and asks, in particular, whether the ability to fulfil this function has remained stable even in the context of enlarged membership after June 2004 elections.

To detect changes before and after enlargement, original data have been collected on the voting behaviour in EP committees, from July 1999 through July 2006, and interviews with key players have been conducted.

In this context the article tries to isolate factors that contribute to consensus formation within an (enlarged) Parliament such as increased informalisation of procedures, the role of key players and inter-action with the executive of the EU (possibly at early stages of the legislative process).

## **Introduction**

Like (and perhaps even more than) other institutions of the European Union (EU), also the EP is exposed to robust pressures as the EU expanded its membership to 27 states. Hix, Noury and Roland (2007: 285) are explicit on this point: the EP ‘has the potential to be the most fragmented parliament in the world’. The enlargement certainly does not alleviate this condition nor diminishes the potential.<sup>1</sup> Identifying the pressures at stake and detecting their repercussions can be, for several reasons, both problematic and fascinating. On the one hand, the conceptualisation of the enlargement as an independent variable determining fundamental changes to organisations confronts scholars with several and severe methodological puzzles. On the other hand, phrasing a research question in terms of what the expansion of the EU does to its institutions, policies, values and norms is a legitimate and to a certain extent inevitable choice: depending on the answers one obtains, the assessment of past enlargements can be properly undertaken, the viability of future enlargements can be more easily predicted and the sustainability of the current settings can be more precisely determined.

The risky side of this exercise includes many dimensions: first, the enlargement acts on the EU in conjunction with many other forces whose impact can hardly be separated from the fact that more Member States (MSs) join the EU. In many cases, for example, treaty changes are adopted in the perspective of an enlargement, which in itself alters the basis for comparison: the Union in which one pretends to ‘measure’ the change brought about by the enlargement is often very different from the one taken as a point of reference, before the enlargement took place. Second, the impact of the enlargement can hardly be conceived as a homogeneous phenomenon, given that the pressures it can exert vary greatly across institutions, policy areas, and other dimensions, and that the change these pressures can foster depends very much on the predisposition for change of the institution, the organisation or

the actor that 'receives' it (horizontal complexity). Third, even when one identifies a specific target to detect change, it is not obvious nor always possible to trace a single or a consistent pattern of change: in the case of an institution of the EU, for example, it may well be that the enlargement alters profoundly some aspects of its organisation, but does not affect at all its contribution to the legislative process (vertical complexity). As the enlargement can impact with varying intensity on different dimensions, one needs to be explicit about the specific aspects that are targeted by the research and prudent on the conclusions that can be drawn.

In addition to connecting with the enlargement dimension, this study intersects the literature on the role of EP committees and the various works on the place of the EP in the EU legislative process. As for the first aspect, EP committees have unsurprisingly attracted increasing attention in recent years: their revaluation went hand in hand with the fast acquisition of new powers by the EP. They have become a key element in the EU policy-making process and are today seen as a vital contribution to the shaping of legislation, effectively pictured as 'legislative backbone' of the EP (Westlake 1994: 191). Several new studies shed light on these fora, particularly paying attention to appointments to committees, selection of committee chairs and distribution of reports within the committees (Mamadouh and Raunio 2003; McElroy 2001; Whitaker 2005), while others describe in great detail their prerogatives and duties (for example, Corbett *et al.* 2005). Yet, their political evolution, including the emerging elements of differentiation between committees, has been slightly overlooked, at least from the perspective taken in this article.

From a theoretical point of view, interest in committees is based on the belief that parliamentary procedures may affect political outcomes and that is therefore desirable to shed light on the organisation and functioning rules of legislatures. As Shepsle and Weingast (1994: 151) point out, this assumption used not to be obvious: 'features of legislative structure and process as the committee system [...] figured hardly at all in the first-generation formal

models'. Explaining how committees operate is the objective of a fructuous literature interested in legislative organisation and developed around the U.S. Congress. Over time, three main competing models have been proposed to analyse committees. According to the distributive perspective (Baron 1991; Weingast and Marshall 1998), members decide the committee to join, which results in committees dominated by "high demanders" that generate constituency-specific benefits to secure their re-election (Whitaker 2005: 6). On the contrary, Cox and McCubbins (1993) suggest that committees are instruments of the majority party: as a consequence, committee chairs exercise power on behalf of their respective parties (Mattson and Strøm 1995: 255), highly influential positions within committee are pre-dominantly reserved to those that vote with the party and also transferral to highly popular committees is done according to these criteria. Furthermore the (majority) party is seen to have a firm grip on its members when it comes to house rules and as such can gain control of the institution itself (Cox and McCubbins 1993: 2, 278; McElroy 2001: 3). Finally, other scholars regard committees, whose members are considered specialised but not necessarily high demanders, as efficient generators of information (Gilligan and Krehbiel 1989).

As far as the EP committees are concerned, these models have been applied with parsimony, if nothing because the EP can hardly be compared to other national legislatures and, similarly, the treatment of its committees requires special caution. If, for example, one follows Norton (1990: 1) in defining Parliaments as 'constitutionally designated institutions for giving assent to binding measures of public policy', then the EP, in many respects, cannot be considered as a Parliament. *A fortiori*, these caveats apply to EP committees. At the same time, however, the committee system is one of the most distinctive and developed features of the EP. Following the typology proposed by Mattson and Strøm (1995: 259), the EP structure comprises samples of all the five existing committee variants: there are, for example,

cases of (1) *ad hoc comités*,<sup>2</sup> (2) *law-making committees by function*,<sup>3</sup> like the committees on constitutional affairs or on budgets, (3) *specialized committees*, which are the vast majority, as well as (4) *non-law-making committees*, like the one on petitions. Eventually, since the introduction of the co-decision procedure, the system also includes an example of a (5) *joint committee*, namely the conciliation committee.

As for the place of the EP in the legislative process, the literature is more developed, but views are also more divided. In the context of a vast, sophisticated and growing literature, scholars disagree over crucial aspects such as whether and under what conditions the Parliament is a strong and important player. Selck and Steunenberg (2004), for example, provocatively but convincingly argue that, probably because of pure luck, the Parliament shows greater legislative abilities and proves able to pull the outcome closer to its preference under consultation than codecision procedure. Similarly, against the opinion of the vast majority of scholars and practitioners (Corbett 2000; Crombez 2000; Scully 1997), Tsebelis and Garrett (2000) put forward the controversial and counterintuitive argument that the EP is more powerful under cooperation than codecision procedure. Moreover, Burns (2005), from a different perspective, finds that the EP is much more influential on regulatory rather than distributive and redistributive issues.

These rapid references suggest two observations: first of all, that committees play a central role in the ways in which the EP operates and that more studies in this field are needed. Second, that before the uncertainty over the measurement of power and weakness in the EP, it might be more useful and cautious to embrace a slightly different approach, thus exploring the patterns of consensus and conflict in the EP committees. On the latter aspect, the literature is equally on the rise but mainly confined to the study of the voting behaviour in plenary.<sup>4</sup> Probably because their activities are hardly visible, very fragmented into many specialised arenas and quite dissuasive to

follow due to their technical content, committees have often received partial, superficial or just anecdotal attention.

In this study enlargement is not assumed (not even suggested) as the driving force behind the changes. No change is indeed predicted. On the contrary, the working hypothesis is that, despite the increased membership and the greater political diversity in the sixth European Parliament, committees are as successful in achieving consensus as they were in the previous legislature. The enlargement dimension is inevitably nested in this research design because the study revolves around the contrast between two sets of comparable information, before and after the accession of the new MSs.

Different factors are examined in this quest to explain how consensus can (or cannot) be achieved in EP committees: the role of key players, the involvement of political groups within committee proceedings and the mechanisms at stake when resolving conflictual issues. Furthermore this paper sets out to examine the interaction between EP committees and the European Commission in order to see whether close cooperation between both actors leads to a minimisation of conflictual issues and whether this relationship has been altered subsequent to enlargement.

The rest of the article is organised as follows: the next section explains the limits and the merits of the data; the following section presents the main findings - on the basis of quantitative information - whereas in section three some of the mechanisms to achieve consensus within EP committees are examined in more detail i.a. by way of case studies.

The conclusion summarises the general findings and proposes possible avenues to improve the observations made in this paper.

## The data: limitations and assets

The quality of the answers that can be offered to the ambitious questions spelled out at the end of the previous section depends very much on the quality (and quantity) of empirical evidence one can rely upon. Due to the complexity of the phenomena under analysis, the dimensions of parliamentary activity to be considered would be numerous. Among others, this work privileges two combined approaches. On the one hand, it looks at voting behaviour: this is perhaps the most understudied dimension of EP committees, despite the fact that voting behaviour as such is very common for the study of legislatures in general (for example, Poole and Rosenthal 1997) and voting behaviour in plenary is one of the most developed fields in the study of the EP in particular. On the other hand, this paper offers selected qualitative evidence to shed lights on the specific mechanisms that determine the politics of committees.

Studying voting behaviour in the EP is challenging. Roll call votes – the only votes providing information on how each MEP voted – only take place if requested by a political group or (currently) 37 MEPs<sup>5</sup> and account, in total, for roughly just one-third of EP votes (Hix *et al.* 2007). Moreover, they cannot be treated as a representative sample of the entire population of EP votes because the reality that they picture is biased by the reasons underlying their request (Carrubba *et al.* 2003). When it comes to committees, however, the challenge of studying behaviour is even more severe, as there are no roll call votes at all. Yet, committees vote on amendments and on the final legislative resolution that is sent to the plenary for adoption. The overall result of the latter vote is recorded and there are various reasons to pay attention to these votes. Compared to roll call votes in plenary, the information provided by committee votes on final texts in committee is certainly poorer: records of such votes do not give an indication of the way individual members voted (unless, obviously, the vote is

unanimous). By revealing the number of “Yes”, “No” and “Abstain”, final votes in committee represent a fair synthesis of alignments on a text, describing with a fair degree of approximation the camps of those who supported or opposed the outcome.

To exploit this potential, all 945 final legislative reports adopted during the periods July 1999 – July 2001 and July 2004 – July 2006 have been collected and analysed with respect to the number of deputies supporting and opposing each text (or abstaining), the procedure applied and the committee primarily responsible.<sup>6</sup> On the basis of this information, three indexes have been calculated: the average of the majorities adopting a text (MEAN), their Standard Deviation (STDEV) and a similar index that we called the “Index of Political Perturbation” (IPP). The MEAN represents very broadly (and roughly) the general level of consensus within a committee, in the adoption of reports subject to the same procedure or in the overall legislative activity performed by committees. The STDEV is an indication of how much variation around the mean there is in each case, and whether this variation is consistent across committees, procedures and time periods. The IPP is conceived and introduced to overcome some of the limitations of the STDEV, making it more suitable for the study of voting behaviour and for comparative analyses.<sup>7</sup>

**Figure 1:**  
**Standard Deviation**

$$\sqrt{\frac{\sum_{i=1}^N (X_{i+1} - \bar{X})^2}{N}} =$$

**Figure 2:**  
**Index of Political Perturbation**

$$\sqrt{\frac{\sum_{i=1}^N (x_{i+1} - 100)^2}{N}} =$$

If one considers as the population the sizes of the winning majorities in a number of votes taking place in a committee, the STDEV tells us how

distant (the scores of) these majorities are from the size – i.e. the score – of the average majority (whose value obviously changes from population to population). The IPP, on the contrary, indicates how distant the majorities are from the most consensual vote one could imagine, which is the one where all voted Yes (i.e. a majority of 100%). Compared to the STDEV, the IPP is better suited for comparison, as the reference value remains constant. The STDEV measures how spread out the values in a data set are from their arithmetical mean, which makes the index problematic when comparing two data sets, whose arithmetical means can be quite different. Where the IPP is high, on the contrary, one immediately understands that the votes taken in a given committee (or under a given procedure) are quite controversial, because they generate dissent and prevent consensus. And on the basis of similar information from two committees, one would be in a position to conclude that one committee is more consensual than the other.<sup>8</sup>

As for our qualitative data, 30 interviews have been conducted with MEPs and Members of the EP General Secretariat before enlargement i.a. to probe into the intriguing question of how consensus is achieved within committees.<sup>9</sup> A selected number of interviews have been conducted after enlargement, in 2006. The interview partners were chosen as regards to their involvement the negotiation of contested pieces of legislation during EP5<sup>10</sup> and EP6.<sup>11</sup>

## **The findings**

The votes on the legislative reports adopted in the periods July 2004 – July 2006 and July 1999 – July 2001 are summarised in the following tables.

**Table 1:**  
**Voting behaviour in EP committees (by committee): July 2004 - July 2006**

		No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV	
1	AFET	Foreign Affairs	24	98.0	4.8	4.5	0.4
2	DEVE	Development	7	100.0	0.0	0.0	0.0
3	INTA	International Trade	17	99.3	3.0	3.0	0.0
4	BUDG	Budgets	46	97.6	5.7	5.3	0.5
5	CONT	Budgetary Control	5	94.4	7.9	6.3	1.6
6	ECON	Economic and Monetary Affairs	34	95.1	12.1	11.2	0.9
7	EMPL	Employment and Social Affairs	13	90.5	17.3	15.1	2.2
8	ENVI	Environment, Public Health and Food Safety	46	90.2	16.1	12.9	3.2
9	ITRE	Industry, Research and Energy	18	92.6	10.3	7.4	2.9
10	IMCO	Internal Market and Consumer Protection	10	95.4	9.8	9.1	0.7
11	TRAN	Transport and Tourism	43	91.0	17.0	14.6	2.4
12	REGI	Regional Development	12	95.9	5.7	4.1	1.5
13	AGRI	Agriculture and Rural Development	36	98.4	4.0	3.7	0.3
14	PECH	Fisheries	37	95.8	6.6	5.2	1.4
15	CULT	Culture and Education	16	95.3	11.8	11.2	0.6
16	JURI	Legal Affairs	41	99.1	6.0	6.0	0.0
17	LIBE	Civil Liberties, Justice and Home Affairs	55	95.1	11.7	10.7	1.0
18	AFCO	Constitutional Affairs	4	94.6	10.7	10.7	0.0
19	FEMM	Women's Rights and Gender Equality	5	96.8	5.3	4.6	0.6
20	PETI	Petitions	0	0.0	0.0	0.0	0.0
TOTAL			469	95.1	10.6	9.6	1.1

**Table 2:**  
**Voting behaviour in EP committees (by committee): July 1999 - July 2001**

		No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV	
1	AFET	Foreign Affairs, Human Rights, Common Security and Defence Policy	13	96.1	6.0	4.8	1.3
2	BUDG	Budgets	42	97.4	7.5	7.1	0.4
3	CONT	Budgetary Control	0	0.0	0.0	0.0	0.0
4	LIBE	Citizens' Freedoms and Rights, Justice and Home Affairs	51	91.9	15.9	13.9	2.1
5	ECON	Economic and Monetary Affairs	27	95.8	8.1	7.1	1.0
6	JURI	Legal Affairs and the Internal Market	36	94.3	13.5	12.4	1.1
7	ITRE	Industry, External Trade, Research and Energy	48	97.5	5.3	4.7	0.6
8	EMPL	Employment and Social Affairs	14	93.5	11.1	9.3	1.8
9	ENVI	Environment, Public Health and Consumer Policy	96	92.3	13.7	11.4	2.3
10	AGRI	Agriculture and Rural Development	36	97.2	6.4	5.8	0.6
11	PECH	Fisheries	32	97.5	5.1	4.5	0.6
12	RETT	Regional Policy, Transport and Tourism	44	94.9	12.7	11.7	0.9
13	CULT	Culture, Youth, Education, the Media and Sport	14	97.4	5.3	4.8	0.5
14	DEVE	Development and Cooperation	13	94.6	13.4	12.7	0.7
15	AFCO	Constitutional Affairs	7	86.2	18.5	13.4	5.2
16	FEMM	Women's Rights and Equal Opportunities	3	96.4	6.2	6.2	0.0
17	PETI	Petitions	0	0.0	0.0	0.0	0.0
TOTAL			476	94.8	11.2	10.0	1.3

**Table 3:**  
**Voting behaviour in EP committees (by procedure): July 2004 - July 2006**

		No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV
Consultation	*	215	96.9	7.6	7.0	0.6
Assent	***	33	98.5	3.7	3.5	0.2
Codecision (1st reading)	***I	129	95.8	9.3	8.3	1.0
Codecision (2nd reading)	***II	48	83.8	23.2	16.8	6.4
Codecision (3rd reading)	***III	0	0.0	0.0	0.0	0.0
Cooperation (1st reading)	**I	1	92.9	0.0	0.0	0.0
Cooperation (2nd reading)	**II	1	65.4	0.0	0.0	0.0
Budgetary procedure	BDG	31	97.3	6.2	5.7	0.5
Interinstitutional agreem.	INT	11	96.9	7.5	7.1	0.3

**Table 4:**  
**Voting behaviour in EP committees (by procedure): July 1999 - July 2001**

		No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV
Consultation	*	190	95.8	10.0	9.1	0.9
Assent	***	18	98.3	5.4	5.2	0.1
Codecision (1st reading)	***I	121	96.1	9.6	8.8	0.8
Codecision (2nd reading)	***II	84	92.2	15.1	13.0	2.1
Codecision (3rd reading)	***III	29	85.1	18.2	10.5	7.7
Cooperation (1st reading)	**I	0	0.0	0.0	0.0	0.0
Cooperation (2nd reading)	**II	0	0.0	0.0	0.0	0.0
Budgetary procedure	BDG	26	98.0	4.4	4.0	0.4
Interinstitutional agreem.	INT	8	98.9	2.1	2.0	0.2

The interpretation of these data can be divided into two parts, dealing with an interpretation of the data *per se* and in connection with the recent enlargement, respectively.

### Overview on voting behaviour in EP committees

Results on the voting practice in EP committees are quite astonishing: votes in all committees and under all procedures are virtually unanimous. The average majorities endorsing a text in the first two years of EP5 and EP6 are 94,8% and 95,1%, respectively. On average, a 'giant coalition' is behind any final vote: the unanimous bloc is equally present in all committees and under every legislative procedure. In both legislatures, the EP proved more

consensual when it was only required to deliver an opinion than in cases where its assent was necessary to adopt legislation. On average, a majority constantly above 90% endorses reports under codecision: 93,3% and 92,5% in EP5 and EP6, respectively (all readings taken together).

Yet, although under the shadow of a very consensual political culture, some patterns of differentiation across committees seem to be emerging. In both legislatures is present a group of committees whose political temperature occasionally rises, leading to IPP values above 10. The intermittent nature of political conflict in these cases is confirmed by the fact that high IPP values are accompanied by relatively high STDEV values. This means that IPP values above 10 are not due to the occurrence of a series of quasi-unanimous votes, but that they are generated by a certain number of tight majorities in a population of usually unanimous votes. The same occurs, *mutatis mutandis*, for procedures: although votes under consultation show levels of political conflict comparable to those taken under consultation first reading, the perturbation mounts as codecision moves towards the subsequent stages. The higher IPP values recorded under consultation second and third readings are only partly explained by the fact that abstentions are added to No votes: they also reflect a stronger contentiousness. The fact that the difference between IPP and STDEV values grows higher under consultation second and third readings proves that the overall level of consensus is declining, suggesting the presence of a small portion of the committee excluded by the negotiation and the final decision on a more permanent basis than under other procedures during those phases of the legislative process.

### Before and after the (2004) enlargement

Differences between the first two years of legislative activities in EP5 and EP6 are not manifest. At the macro level, the general level of consensus (the MEAN), the STDEV and the IPP for the two periods are almost identical.

The total legislative output generated by committees did not suffer (nor benefited) from the increased membership of the EP: the difference between the number of reports adopted in EP5 and EP6 is minimal: 7 reports. This is particularly emblematic as the second semester of 2004 saw the legislative activity significantly slowed down by the late approval of the Barroso Commission and by the fact that many more files than usual had been on purpose finalised before the accession of the 10 new MSs and the European election of 2004.

A closer look at the above tables shows that political conflict is generally more pronounced in the same committees in the two legislatures. Out of the 7 and 8 committees scoring values above 10 in terms of IPP (in EP5 and EP6, respectively), 5 are the same (EMPL, ENVI, TRAN<sup>12</sup>, LIBE, AFECO): the other committees either have an IPP close to 10 or are not comparable because the same committee did not exist in both legislatures. On the contrary, political conflict remains low and decreases between EP5 and EP6 in some selected committees: AFET, BUDG and AGRI. Although not decreasing, political conflict remains relatively low in PECH. The evolution of these two groups of committees (the former conflictual five and the latter consensual four) suggests that the bifurcation between them is growing larger. Other committees cannot be safely located in this dichotomy, either because they did not exist in the previous EPs or because they have not been responsible (yet) of a sufficient number of reports to draw statistically significant conclusions.

When it comes to procedures, the main difference between the two legislatures is the disappearance of the third reading of codecision in EP6. Reports adopted under codecision diminished significantly too. However, this decline is distributed unevenly across procedures: reports adopted under first reading have slightly grown, those under the second reading have declined almost by a half, whereas no report was adopted under third reading in EP6 committees (against 29 reports during the first two years of EP5).

These data betray the will of MEPs and political groups to avoid the stage of negotiations in conciliation, perhaps fearing that they will not work with a delegation of 25. The diminution of codecision reports is in part compensated by the slight increase in the number of reports adopted under consultation (25 reports). In terms of political conflict, whereas consultation and assent procedures become more consensual, codecision files are treated very differently between the first and the second reading and this difference is much more evident in EP6 than in EP5. Moreover, as in EP6 the option of a third reading seems to be particularly unattractive, political conflict is anticipated and concentrated in the second reading, where the highest scores of IPP are recorded.

### **Investigating change and persistence**

More than explaining *how* consensus is achieved, these data illustrate *where* and *under what conditions* consensus is more likely to occur. To go beyond these preliminary conclusions, one needs to look at the mechanisms whereby negotiations are conducted and compromises are reached. To do so, two complementary strategies are suggested: focusing on key committee players and paying greater attention to selected case studies.

### **Role of key players in EP committees**

First, like and much more so than the plenary, committee proceedings are to a large extent shaped by key players, who contribute to building consensus and whose role is ignored by data on voting behaviour. Beside the role of committee chairs and rapporteurs, whose key role as 'legislative entrepreneurs' has been properly described elsewhere (Benedetto 2005), political groups have a firm grip on committee proceedings also by way of

group coordinators and shadow rapporteurs where the interplay between these different actors is often and regrettably overlooked.

Based on interview data obtained before and after enlargement (2006) we can observe that coordinators (still) play a key role in the quest of achieving consensus in committee (and beyond).<sup>13</sup> Each political group chooses its own co-ordinator as its main spokesperson and these are in most cases formally elected. Group co-ordinators have been described as acting as “*watchdogs*” for their party in committee.<sup>14</sup> Speaking more in political science term co-ordinators have also been referred to as “whips”, convening meetings of group members before the committee meeting begins, and attempting to maximise their group’s presence and influence during important votes not only in committee but in plenary (Corbett *et al* 2000: 111). In this context it is noteworthy that already before enlargement coordinators perceived it as one of their main tasks to achieve consensus within ‘their’ political group within committee (even it might mean having to bypass the rapporteur). One interview partner clearly identified his or her role as having to ensure that members of the group adhere to more or less the same position:

We have to ensure that the political group is moving along the same track, so that we get a majority in plenary, because some rapporteurs just write a report the way they like. Of course as a co-ordinator one also has to step back, but we have the responsibility for the group's behaviour and always have to be ready to step in.<sup>15</sup>

This crucial role of coordinators in minimising conflict is reconfirmed in the interviews conducted in 2006. One of the main tasks coordinators stress in this context is to ‘flag up’ conflictual issues, i.e. to get those on the agenda of the political group in order to minimize the number of national delegations to vote against the issues at stake.<sup>16</sup>

One also has to stress the fact that once a report has been allocated to a group, it is often the co-ordinator that plays a decisive role in choosing the

individuals that will be allocated key dossiers and as such has to the potential to steer the political process. It is the coordinator after all who can ‘*demote or promote*’<sup>17</sup> members within his or her political group (within the respective committee) by not only selecting rapporteurs or shadow-rapporteurs but also by deciding who gets speaking time in plenary and as such can ‘*best promote interests*’ of the respective political group.<sup>18</sup> As such coordinators have a firm grip on committee proceedings and are seen by some as playing a more important role than the rapporteur, i.e. are referred to as the ‘*working animals of the Parliament*’.<sup>19</sup>

Shadow rapporteurs can also play a role in the quest of finding consensus within committee. These players are appointed by opposed political group(s) not only to monitor the work of the rapporteur and to report back to the respective political group but also to find agreement on political issues across the boundaries of political groups. Close cooperation between shadow rapporteurs and rapporteur could for example be observed under the Directive on equal treatment without racial discrimination<sup>20</sup> and under the Bolkestein Directive.<sup>21</sup> The disadvantage of this system is of course that shadow rapporteurs do not always manage to convince their political group to go along with compromise hammered out with the rapporteur, as was the case under the directive to combat racial discrimination concluded at the beginning of the new Millennium (Neuhold 2002). Lessons seemed to have been learned from such experiences as under the Bolkestein directive the rapporteur clearly stated that did it not suffice to come to an agreement with the shadow rapporteur but that larger negotiation teams needed to be formed (see below).

### Insights on consensus formation by way of ‘case studies’

Last but not least, selected case studies can reveal important dynamics that are often disregarded by broader quantitative information. For example, some interviews conducted with key players active in three of the most visible and

contested pieces of legislation negotiated under EP6: the Port Services Directive<sup>22</sup>, the Bolkestein Directive<sup>23</sup> and the directive on REACH<sup>24</sup> have uncovered the limits of certain committee practices and the development of sometimes rather unorthodox mechanisms to reach consensus.

In all three directives studied, an informal forum, the Trade Union Intergroup, composed of one or two representatives per political group as well as representatives from the European Trade Union Confederation (ETUC) was seen as one of the key fora for hammering out a compromise for proposals dealt within the Employment Committee:

We work out compromises and ventilate the honest arithmetic prevailing within the respective political group.<sup>25</sup>

One has to note however that this forum was not established as a reaction to enlargement but was resorted already earlier to for example in connection with the Directive on Working time of mobile workers.<sup>26</sup> Yet, it regained in importance for politically contentious matters in this current legislative period of the EP.

The directive on REACH and the Bolkenstein directive were emblematic also for another aspect: the resort to an original enhanced cooperation procedure<sup>27</sup> between two committees (IMCO and ENVI for REACH directive, IMCO and EMPL for Bolkenstein directive), with shared responsibility on the same report (each committee had the last word on a part of the final text). These cases illustrate that the traditional mechanisms of one responsible committee ultimately prevailing over opinion-giver committees can have important exceptions. It is also noteworthy that in contrast to the previous EP where one had already resorted to the practice of co-rapporteurs from different political groups, for example in the context of the Directive on equal treatment without racial discrimination under the Bolkestein Directive enhanced cooperation was set up between two different committees with rapporteurs from the *same* political group.<sup>28</sup> This strategy of enhanced

cooperation was chosen due to the fact that there were issues at stake that very much touched upon the sphere of competence not only of IMCO but fell directly into the realm of EMPL such as patient mobility or posting of workers. The procedure of enhanced cooperation is seen as *'the backbone of the compromise that was reached in plenary.'*<sup>29</sup> It has been stressed that whereas the EMPL committee had its vote in summer 2005, the IMCO committee voted in November and discussion between committee members took place in between that period and on some issues (such as on posting of workers and as regards to patient mobility) the rapporteur took over the position of the Employment Committee.

Moreover, the case of the Bolkenstein directive brought about an additional peculiarity: despite the enhanced cooperation between two committees, the parallel negotiations did not lead to an agreement until a more restricted informal forum of negotiation was created. On the initiative of the rapporteur and with the approval of their respective group's leaders, two informal negotiating teams of five to six deputies each from the EPP-ED and the PSE political groups were formed.<sup>30</sup> These teams, with no legal basis, met on a weekly basis in the month preceding the plenary. The vote of the plenary was based on the compromise reached within this restricted forum, *de facto* by-passing the committees.

In this context one has to stress the fact that informal negotiating practices are by no means a novelty within the EP: one only has to think of the triologue for example<sup>31</sup>, which, according to the Commission is the 'true negotiating forum'<sup>32</sup> preparing conciliation under co-decision, or the informal negotiation practices that developed in first reading of co-decision between the Council and the EP. On the other hand one has to note that these informal mechanisms are no longer restricted to inter-institutional negotiations and if one can draw any conclusions from the latter these practices have become standard features of the negotiation process (where the triologue is convened on a regular basis in the context of conciliation). Based

on these experiences one can speculate that the informal negotiating teams, which were for the first time set up under the Bolkestein directive, might become standard features of preparing difficult votes in plenary.

The negotiations on the Port Services Directive shed light on the one hand on the key role of rapporteurs to achieve consensus (or to be unable to do as happened in this case.) No consensus could be found in November 2005 on the part of the report drafted by the rapporteur Georg Jarzembowski (European People's Party) amending the Commission proposal (European Parliament, Legislative Observatory).<sup>33</sup> A sort of compromise was struck, however, as the committee did adopt the draft legislative resolution and put the ball in the court of the political groups to table amendments under first reading of co-decision. Overall it is noteworthy that the rapporteur had a different stance than a majority of MEPs in committee (and beyond) as for him it was "inconceivable reject this directive" and he warned that a rejection of the directive would leave a "gap in European legislation" and spell "legal uncertainty" for maritime transport (<http://www.europarl.europa.eu/news>). This is exactly what happened however: Five hundred and twelve MEPs voted on 17 January 2006 to reject the Commission's proposal. Only 120 MEPs voted for the adoption of the proposal with 25 abstaining. The Socialist (PES), Liberal (ALDE), Green, Left-wing (GUE/NGL), IND/DEM and UEN groups voted against the proposed directive, and not even half of the Conservative PPE/DE group voted in favour of it.

On the other hand the Port Services Directive also reflects on dire relations between Parliament and the European Commission at least in this case. The EP uses its veto right under co-decision sparingly and the fact that it rejected the same directive twice was *i.a.* due to the fact that the draft proposal had not been thoroughly amended after it had been rejected for the first time by the EP in 2003 and crucial amendments by the EP were not taken on board. An MEP brings it to the point by stating:

The European Parliament rejected the first port package and now the Commission is sending us another package with a fresh coat of varnish. But underneath it's the same thing. We had hoped for more respect.<sup>34</sup>

Finally, these examples also give us the opportunity to observe the ways in which the MEPs from the new Member States have interacted with the cleavages pre-existing in a committee, noting, in particular, whether their positions accommodated along the pre-existing structures, exacerbated older tensions or generated new fractures. The quantitative data provided in this study give a broad indication of these trends: they suggest, for example, that in the field of agriculture the entry of new Member States has not altered the pre-existing balance of powers, whereas the enlargement might have amplified tensions in the field of employment and social policy. With regards to the specific case of the Bolkestein directive, one stressed the fact that disagreement was largely caused by a division between the “old” and the “new” Member States, prevalent within the political groups themselves especially within the EPP, where the position of the new Member States could not be reconciled with that of the rest of the political groups.<sup>35</sup> This was explained by the fact that the *‘Eastern Member States felt that the Bolkestein directive touched upon what Europe meant to them’*.<sup>36</sup> An interview partner from the EPP conceded that within the EPP the new Member States tried to form an ‘Eastern block’, i.e. trying to establish majorities on certain issues such as the accession of Romania and Bulgaria. Within the negotiations on the REACH directive none of the new Member States played a key role but one could make out differences as regards to which Member States had national interests at stake for example the Czech Republic seemed much more interested than the Baltic States or Poland.<sup>37</sup>

## Interaction between EP committees and the European executive (in the quest to achieve consensus)

When examining the question of consensus formation one working hypothesis that would seem logical or not to say self-explanatory is that close cooperation between the Commission and EP committees could lead to a reduction if not to a minimilisation of conflict at later stages of the procedure. This is a question that still needs to be researched much more comprehensively but, based on our interview data, we have gained some preliminary insights *i.a.* by way of the case studies sketched out above.

Within the field of social affairs our working hypothesis does at least currently not hold true where one MEP describes the situation as follows:

At the moment what we see is a warfare mentality; a difficult phase as regards to the construction of a social Europe. These are lean times but we have one common enemy and that is the European Commission as she does not propose legislation to combat social downfall.<sup>38</sup>

This is trend of what has been described to be a “neo-liberal executive” is perceived to have been strengthened since the most recent Commission took office in 2004. The current Commissioner for Employment, Social Affairs and Equal Opportunities<sup>39</sup> is perceived as being unable to push through draft social affairs legislation through the College of Commissioners.<sup>40</sup> This has lead to the somewhat paradox situation that only if MEPs can guarantee that a majority both in committee and in plenary can be obtained for draft proposals, that legislation will actually be proposed (as was the case for legislation as regards to protecting workers from infections at the workplace).

This situation is seen as somewhat as the result of enlargement as alliances are described to having been formed with ease between MEPs from the PSE and the former Social Affairs Commissioner and one followed the same objectives such as outlawing discrimination at the workplace.

Close contacts with Commissioners were however not always the case with the previous Commission where both the Bolkestein Directive and the Port Services Directive are emblematic for this trend. Apart from the fact that these observations are not generalisable and more comprehensive research has to be conducted, one has to stress that fact that one has to differentiate between officials working within the DGs and those within the cabinet of the respective Commissioner and the Commissioner him- or herself.

Within our case studies we have observed that very close contacts have been established between key players in committee and Commission officials both on a formal and informal basis. These contacts reach from Members of the Commissioner's cabinet meeting with the co-rapporteurs on the Bolkestein Directive on a regular basis - to explain the proposal and why certain positions were included - to more informal but regular contacts between the coordinator of the Socialist Group and Commission officials for example, which are embodied by regular "coffee sessions" in Strasbourg at the EPs plenary session.

### **Concluding remarks**

Throughout this article, the focus has been placed on EP committee to shed light on the role they play within the Parliament and to monitor whether, at their level, the enlargement of the EU to 25 MSs (now 27) has led to any substantial change. This choice is based on the belief that EP committees are relatively understudied, despite their crucial role in the European legislative process. The activity of committees has been mainly analysed from the angle of voting behaviour, an approach very much developed for the study of the plenary, but usually disregarded in the case of committees. To this end, almost 1000 final votes on committee reports in the periods July 1999 – July 2001 and July 2004 – July 2006 have been collected and analysed. To maximize the information provided by these data, apart from resorting to

traditional statistical indexes, a new measure of political conflict has been elaborated: the index of political perturbation. At the same time, several interviews with key players have been conducted to complement, expand and deepen our understanding of the committee politics, with a special focus on the mechanisms by which consensus is achieved.

Findings show that committees generally work very consensually, regardless of the issue at stake and the procedure applied. The dispersion is minimal and political conflict is equally weak. Not even the increased number of national delegations represented in EP6 has altered this peculiarity: total values of MEAN, STDEV and IPP remained practically identical. Yet, although in the context of a very consensual political culture, patterns of differentiation seem to be emerging across both committees and procedures. On the one hand, there is a cleavage - amplified after enlargement - between a group of more conflictual and another of more consensual committees. On the other hand, reports adopted under the codecision procedure, at stages other than the first, are the clearly more contested than those adopted under other procedures. Finally, although the legislative output generated by committees has remained stable over the two legislatures considered, the share of reports under each procedure has changed unevenly from EP5 to EP6: the slight increase of reports adopted under consultation has been more than balanced by the decline of reports under codecision. Interestingly there were no reports adopted in committee under codecision third reading in EP6.

The qualitative findings have i.a. reconfirmed the salient role of key players within committee such as those of group coordinators. These players have a firm grip on committee proceedings not only by playing an important role when allocating prized positions within committee but by perceiving the achievement of consensus within 'their' political group within committee as one of their main tasks and as such trying to 'flag up' any conflictual issues in advance of any vote. We can also reconfirm the observation that informal

negotiation fora such as the Trade Union Intergroup have become an important feature in the quest of 'pre-cooking' legislative dossiers not only for votes taken plenary but also within committee.

For highly contested legislative dossiers such as the Bolkestein Directive we have observed a novelty: the formation of two informal negotiating teams comprising members of the two largest political groups within the EP that had the sole purpose of negotiating a compromise that could be passed by a majority of MEPs in plenary. Only time will tell whether this practice of bypassing committees might, like the trialogue become a standard feature of negotiations, which also developed under the motto of 'necessity is the mother of invention' with no legal basis.

As regards to the interaction of EP Committee Members with the Commission some initial observations within the policy field of social affairs for example point in the direction that MEPs and the respective 'new' Commissioner do cooperate, but somewhat 'paradoxically'. For the practical political process this implies that MEPs have to be able to guarantee that a majority will be obtained both in committee and in plenary and only then will draft legislation actually be proposed. As mentioned this initial observation has to be confirmed by further research. Apart from these particularities we see intense cooperation between EP committee members and officials at the lower hierarchy of the Commission; a constant both before and after enlargement.

In the light of the literature on committees developed around the U.S. Congress, these findings do not clearly decree the prevalence of a model over the others, although some approaches result more appropriate than their direct competitors. For example, the broadly homogeneous voting behavior across committees and procedures strengthens the responsible party government model suggested by Cox and McCubbins (1993, 2004). Indeed, the practice of appointing two reporters, for dossiers of particular salience (a tendency we have observed both before and after enlargement) brings

additional evidence to their claims. Consistently with this perspective, the fact that a vote quite rarely divides between a majority and an opposition suggests that there is a high level of agenda control, jointly exercised by the rapporteur and the committee chair: nothing is put on a vote unless it is clear to them that everyone is on board. In turn, this dynamic also gives credits to the idea that in each committee there is a high level of information about the preferences of all other committees.

Other than compatible with the model of the responsible party government, the latter statement suggests that information is key in the functioning of the system, thus validating the claims of Gilligan and Krehbiel (1989), who regard committees, whose members are considered specialised, as efficient generators of information.

Finally, the present finding, apart from specific exceptions, would contrast with the “distributive” model proposed by Weingast and Marshall (1988): the fact that differentiated patterns of voting behavior in each committee do not fully prevail (yet) and self-selection does not appear to be predominant in the appointment of committee members seem to discourage such an interpretation.

## Notes

<sup>1</sup> The paper focuses on the enlargement of 2004.

<sup>2</sup> Such as, in the 2004–2009 EP, the temporary committee on policy challenges and budgetary means of the enlarged Union 2007–2013.

<sup>3</sup> These permanent committees not only prepare legislation, but also additionally differentiate their law-making functions by preparing, for instance, all legislation of a particular type (such as constitutional law) or for one geographical region (Mattson and Strøm 1995: 259).

<sup>4</sup> See, for example, the numerous works of Hix, Noury and Roland, including the forthcoming book *Democratic Politics in the European Parliament* (2006, Cambridge University Press).

<sup>5</sup> Except for a few cases in which a roll call vote is automatic.

<sup>6</sup> Were considered as “legislative reports” all texts adopted in the framework of legislative and budgetary procedures as well as interinstitutional agreements. A very limited number of these reports (less than 1%) could not be used because of missing information. Moreover, when a text was adopted according to a simplified procedure, allowing a report to be considered as approved if 1/5 of the committee does not show opposition, the agreement was considered as unanimous. Finally, to determine the majority for the adoption of each report, Yes votes were counted against No votes. However, although committees decide on the basis of the absolute majority of votes cast, in case reports adopted under procedures requiring in plenary the support of an absolute majority of members of Parliament, abstentions were considered as No votes.

<sup>7</sup> Whereas the STDEV is the square root of the average squared deviation of each score from its mean, the IPP is the average squared deviation of each score from 100, which is the highest possible value of the population. A small STDEV describes a population where scores are clustered around the mean, whereas a small IPP represents a population clustered to the highest possible value (i.e. 100).

<sup>8</sup> Just like the STDEV, the IPP is sensitive to extreme scores (because of the squaring), which is appropriate in both cases, since scores further from the mean and from the most consensual vote, respectively, may be more significant. It is certainly the case for the IPP: a vote cast with a 51% majority in a population of other 9 consensual votes “hurts” (or perturbs) more in terms of political conflict than 10 votes cast with a majority of 95%. In the case of votes cast under the traditional majority rule (50% + 1), the IPP goes from 0 – where all votes are unanimous – to 49,9 – where the tightest majority endorses all votes. The STDEV goes from 0 – where all votes are identical – to 35,4 – where there are only 2 votes: one is unanimous and the other is the tightest majority.

<sup>9</sup> An overview of the interviews conducted during the period of 2000–2002, the cases selected and the results is given in: xxx (2002) and in: xxx 2007.

<sup>10</sup> The dossiers studied before enlargement included for example the Directive on Equal treatment without racial discrimination (Directive 00/43/EC) and the Directive of Open network provision (ONP) to voice telephony. Universal service for telecommunications (Directive 98/10/EC).

<sup>11</sup> The pieces of (draft) legislation studied during EP6 comprise the following: Port Services (Directive Proposal for a directive of the European Parliament and of the Council on market access to port services (COM (2004) 0654 – C6 – 0147/2004/0240 (COD)), Bolkestein Directive Proposal for a directive of the European Parliament and of the Council on services in the internal market (COM (2004)0002 – C5–0069/2004 – 2004/0001 (COD)) and REACH (Proposal for a regulation of the European Parliament and of the Council concerning the registration, evaluation, authorisation and restriction of chemicals, COM 2003 0644 (03).

<sup>12</sup> TRAN was not present in EP5, as Transport and Tourism were covered by RETT, which was also responsible for Regional Policy.

<sup>13</sup> Interview with MEP, November 2000.

<sup>14</sup> Interview with MEP, November 2000

<sup>15</sup> Interview with MEP, November 2000.

<sup>16</sup> Interview with MEP, June 2006.

<sup>17</sup> Interview with MEP, June 2006.

<sup>18</sup> Interview with MEP, June 2006.

<sup>19</sup> Interview with MEP, June 2006.

<sup>20</sup> Directive 2000/43/EC.

<sup>21</sup> In the first case we refer to the cooperation between the rapporteur delegated by the Group of the Greens/European Free Alliance and the shadow rapporteur delegated by the EPP. In the second case we refer to cooperation between PES (rapporteur) and EPP (shadow).

<sup>22</sup> The proposal for the Port Services Directive dates back to February 2001. In essence, the consequence of the proposal would have been to open up access to port services. Under co-decision, a Council-Parliament conciliation committee was then convened. This committee issued a new text on 29 September 2003. However, at its plenary session on 20. November, the EP rejected the conciliated text ([www.eiro.eurofound.eu.int/2003](http://www.eiro.eurofound.eu.int/2003)). The Commission came up with a revised proposal in October 2004.

<sup>23</sup> This directive is commonly referred to as the *Bolkestein Directive* due to that fact that it was drafted under the leadership of the former Commissioner for the Internal Market, Frits

Bolkestein. This Directive on services in the internal market aimed at creating a single market for services within the European Union (EU), similar to the single market for goods.

<sup>24</sup> The Commission proposed a new EU regulatory framework for the Registration, Evaluation and Authorisation of Chemicals (REACH) on 29 October 2003. Under REACH, greater responsibility is placed on industry to manage the risks from chemicals and to provide safety information on almost all substances used and sold.

<sup>25</sup> Interview with MEP, June 2006.

<sup>26</sup> Directive 2000/34/EC.

<sup>27</sup> According to Rule 47 of the EP Rules of Procedure.

<sup>28</sup> Evelyne Gebhardt (PSE rapporteur for IMCO, which was appointed as responsible committee) and Anne van Lancker also from the PSE (for the EMPL committee).

<sup>29</sup> Interview with Legal advisor of MEP, June 2006.

<sup>30</sup> The composition of these teams seemed to be in the first place determined by the fact whether MEPs boasted some policy expertise within the respective field but political factors also played a role such as including a MEP from the country holding the Presidency (Austria) and including a representative from the new Member States (Interview with MEP, July 2006).

<sup>31</sup> The triologue was first set up in co-decision in 1995.

<sup>32</sup> [http://ec.europa.eu/codecision/stepbystep/text/index5\\_en.htm](http://ec.europa.eu/codecision/stepbystep/text/index5_en.htm)

<sup>33</sup> <http://www.europarl.europa.eu/oeil/>

<sup>34</sup> Marianne Thyssen (PEE-DE) (<http://www.europarl.europa.eu/news/expert/background>).

<sup>35</sup> Interview with MEP, July 2006

<sup>36</sup> Interview with Legal advisor of MEP, June 2006

<sup>37</sup> Interview with MEP, June 2006.

<sup>38</sup> Interview with MEP, April 2007.

<sup>39</sup> The Czech Commissioner, Vladimír Špidla.

<sup>40</sup> Interview with MEP, April 2007

## References

- Attinà, F. (1992), *Il Sistema Politico della Comunità Europea*, (Milano: Giuffrè Editore).
- Baron, D. (1991), 'Majoritarian Incentives, Pork Barrel Programs, and Procedural Control'. *American Journal of Political Science*, Vol. 35, No. 1, pp. 57-90.
- Benedetto, G. (2005), 'Rapporteurs as legislative entrepreneurs: the dynamics of the codecision procedure in Europe's Parliament'. *Journal of European Public Policy*, Vol. 12, No. 1, pp 67-88.
- Burns, C. (2005), 'Who Pays? Who Gains? How do Costs and Benefits Shape the Policy Influence of the European Parliament?' *Journal of Common Market Studies*, Vol. 43, No. 3, pp. 485-505.
- Corbett, R. (2000), 'Academic Modelling of the Codecision Procedure: A Practitioner's Puzzled Reaction', *European Union Politics*, Vol. 1, No. 3, pp. 373-81.
- Corbett, R., Jacobs, F. and Shackleton, M. (2000), *The European Parliament*, 4<sup>th</sup> ed., (London: John Harper).
- Corbett, R., Jacobs, F. and Shackleton, M. (2005), *The European Parliament*, 5<sup>th</sup> ed., (London: John Harper).
- Cox, G. and McCubbins, M. (1993), *Legislative Leviathan: Party Government in the House* (Berkeley: UC Press).
- Crombez, C. (2000), 'Understanding the EU Legislative Process – Codecision: towards a Bicameral European Union', *European Union Politics* Vol. 1, No. 3, pp. 363-8.
- Gilligan, T. and Krehbiel, K. (1989), 'Asymmetric Information and Legislative Rules with a Heterogeneous Committee' *American Journal of Political Science* Vol. 33, No. 2, pp. 459-490.

- Hix, S., Kreppel, A. and Noury, A. (2003), 'The Party System in the European Parliament: Collusive or Competitive', *Journal of Common Market Studies*, Vol. 41, No. 2, pp 309 - 331.
- Hix, S., Noury, A. and Roland, G. (2005), 'Power to the Parties: Cohesion and Competition in the European Parliament, 1979-2001', *British Journal of Political Science* Vol. 35, No. 2, pp. 209-234.
- Hix, S., Noury, A. and Roland, G. (2007), *Democratic Politics in the European Parliament* (Cambridge: Cambridge University Press).
- Mamadouh, V. and Raunio, T. (2003), 'The Committee System: Powers, Appointments and Report Allocation' *Journal of Common Market Studies* Vol. 41, No. 2, pp. 333-51.
- Mattson, I. and Strøm, K. (1995), 'Parliamentary Committees'. In Doering, H. (ed) *Parliaments and Majority Rule in Western Europe* (New York: St. Martins Press).
- McElroy, G. (2001), 'Committees and Party Cohesion in the European Parliament', EPRG Working paper 8.
- Neuhold (2002), 'The Role of European Parliament Committees in the EU Policy-Making Process: The "Legislative Backbone" keeping the Institution upright?'. In G. Schaefer (ed.), *Committees in EU Governance*, Brussels: EC (Research Report).
- Neuhold, C. and Settembri, P. (2007), The Role of European Parliament Committees in the EU Policy-Making Process, in: Christiansen, T. and Larsson T. (eds.): *The role of Committees in the policy process of the European Union – legislation, implementation, deliberation*, UK, Northampton, MA, USA: Edward Elgar, Cheltenham, forthcoming
- Norton, P. (1990), *Legislatures* (Oxford: Oxford University Press).
- Poole, K. T. and Rosenthal, H. (1997), *A Political-Economic History of Roll Call Voting*, (Oxford: Oxford University Press).

- Raunio, T. (1997), 'Cleavages and Alignments in the European Parliament: MEP Voting Behaviour, 1989-1994'. In Bell, D. S. and Lord C. (eds) *Transnational Parties in the European Union*, (Aldershot: Ashgate).
- Selck, T. J. and Steunenberg, B. (2004), 'Between Power and Luck: The European Parliament in the EU Legislative Process', *European Union Politics* Vol. 5, No. 1, pp. 25-46.
- Shepsle, K. A. and Weingast, B. R. (1994), 'Editors' Introduction: Formal Models of Legislatures', *Legislative Studies Quarterly* Vol. 19, No. 2, pp. 145-147.
- Tsebelis, G. and Geoffrey G. (2000), 'Legislative Politics in the European Union', *European Union Politics* Vol. 1 No. 1, pp. 5-32.
- Weingast, B. and Marshall, W. (1988), 'The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets'. *Journal of Political Economy* Vol. 96, No. 1, pp. 132-163.
- Westlake, M. (1994), *A Modern Guide to the European Parliament*, (London: Pinter).
- Whitaker, R. (2005), 'National Parties in the European Parliament. An influence in the Committee System?' *European Union Politics* Vol. 6, No. 1, pp. 5-28.

## **Interviews**<sup>40</sup>

Interview with Eveline Gebhardt, MEP, July 2006.

Interview with Stephen Hughes, MEP, June 2006 and April 2007.

Interview with Georg Jarzembowski, MEP, June 2006.

Interview with Hartmut Nassauer, MEP, July 2006.

Interview with Wouter Gekiere, Legal adviser Anne Van Lancker, June 2006 and April 2007.

Interview with Michael Shackelton, Administrator, European Parliament, April 2007.



# Chapter 8

## The EU Timescape: An Emergent Temporal Order

Klaus H. Goetz  
*University of Potsdam/LSE*

### **Abstract**

Time rules are central to the comparative analysis of political systems, yet they are rarely the focus of inquiry. The fundamental time rule of democracy is power *pro tempore*, i.e. power delimited in time by regular elections. Here, elections provide the basic clues for the temporal ordering of the workings of national political institutions and they act as a powerful means of interinstitutional mobilisation and synchronisation. By contrast, power *pro tempore* is not at the heart of the emergent temporal order of the EU (I). In characterising the evolving EU timescape particular attention needs to be paid to the functions of political time; the configuration of EU time rules; their material effects (policy time and choice of policy instruments); the effects of EU time on national political time; and the evolution of EU time over time (II). Developing some preliminary theses on the characteristics of the EU timescape, the paper focuses on three aspects. First, it notes basic temporal challenges facing the EU political system. These include mobilisation; synchronisation; commitment and compliance over time; temporal autonomy; and, increasingly, democracy (III). Second, it sets out basic institutional time rules that EU institutions follow. The temporal constraints

of democracy have become more important at the EU level, but they do not and, arguably, cannot predominate (IV). Third, the paper highlights how specific temporal challenges and institutional time rules may affect EU policy time and the choice of policy instruments, notably in the form of extensive recourse to temporal governing devices (V). The Conclusion makes a case for studying the EU timescape. It highlights, first, the potential contribution of studying the temporality of the EU political system to analyses of EU democracy; and, second, from a Europeanisation perspective, the impact of EU time on the national rhythms of democracy (VI).

### **Power Pro Tempore and the EU Political System**

The temporality of political systems is one of their fundamental characteristics, but one that is neglected by political science. As Schedler and Santiso (1998) noted in their “invitation” from the late 1990s to concentrate research on “political time”, “Time in its manifold manifestations represents a pervasive factor in political time”, but “as a rule, reflections on politics and time have remained unsystematic, implicit, and disperse, and our theoretical insights, conceptual tools, and empirical knowledge have remained severely limited” (ibid.: 5).

It is, perhaps, the very ubiquity of time in politics that discourages its systematic analysis. For example, Schedler and Santiso’s (1998) attempt to outline a future research agenda encompasses an extremely wide range of issues related to political time, including political systems’ time horizons, the role of time constraints, the importance of institutional time rules, time strategies and also time discourses. The temporal categories that can be analysed are, in themselves, numerous. What empirical work there is tends to focus on issues of temporal location (when does something happen?); sequence (in what order do things happen?); and pace (how quickly do things happen) (Schmitter and Santiso 1998). But there are a host of other temporal

dimensions that matter in political life, including, e.g., duration, deadlining and punctuality, rates of recurrence and cycles or rhythms (Meyer-Sahling 2007).

The ubiquity of time acts as a deterrent to variable-oriented research, which, for analytical purposes, relies on the isolation of phenomena. Yet, analytical challenges and obstacles notwithstanding, temporality is decisive dimension in the comparative study of political regimes. As Linz (1998) has reminded us, it is a defining feature of democracy, as opposed to other regime types, that is *pro tempore*: power is given for a limited period of time. In particular, “the pro-tempore character of democratic government makes it essential that elections take place with reasonable frequency” (ibid.: 21).

Temporal delimitation makes time a “scarce resource” (ibid.: 22) in democratic politics and it makes elected politicians, in particular, an “harried elite” (ibid.: 29). The limited time budget, Linz argues, has a profound impact on the temporal ordering of the activities of governments and parliaments. The electoral term provides political decision-makers with a ‘time budget’, which they have to spend wisely if they wish to be re-elected. Put differently: the mobilisation of actors in government and parliament is fundamentally influenced by the electoral term, which constitutes the most basic rhythm of democracy. At least in parliamentary systems, the electoral term also acts as a very powerful means of synchronising the work of parliament and the executive, for, given the dependency of the latter on the former, both operate within the same basic time constraint (and draw on the same time budget).

Democracy’s time constraint does not just shape institutional time; it also has a pervasive influence on policy time, a point that many empirical studies of political business cycles, most prominently electoral cycles and fiscal policy, have emphasised (Drazen 2001).

Western democracies do, of course, differ significantly when it comes to their basic temporal structures. As Riescher (1994) has pointed out,

political time in parliamentary systems differs from that in presidential systems; similarly, there is a basic temporal distinction between representative systems, on the one hand, and systems with strong plebiscitary elements, on the other. She notes, e.g., that the “phenomena of political unhurriedness and innovative slowness” that one can observe in Switzerland are the result of the threat of the popular referendum that can be invoked “at any time” (ibid.: 183; my translation, KHG). In parliamentary systems, not only the length of parliamentary terms, but in, particular, the question of whether there exists the opportunity of “endogenous election timing” (Smith 2003; 2004), which gives the government the ability to chose the election date, will have major repercussions for the temporal ordering of parliamentary and government activities.

From the perspective of comparative government, arguably the most distinct feature of the emergent temporal order of the EU political system is the fact that, when compared to national democratic politics, its *pro tempore* quality is much less prominent. The EU temporal order is not influenced by “democracy’s time constraints” (Linz 1998) in the same manner as are the political systems of its member states. There are, of course, the regular elections to the European Parliament, and these matter to the temporal ordering of activities within the Parliament as well as the Commission and the Council of Ministers. But, as will be discussed below (III), there are good reasons to believe that the limitations on parliament’s time budget arising from the quinquennial elections matter less in the case of the EP than in national parliaments. Certainly, the EP elections synchronising effect across institutions is less powerful than that of elections in national democratic contexts, as neither the Commission nor the Council of Ministers runs to the European electoral clock.

## **The EU Timescape: Key Questions**

How can the specific political time of the EU political system be characterised? A comprehensive characterisation is clearly beyond this paper, but I shall attempt to sketch at least some key questions that need to be asked, before advancing some very tentative propositions on a few of the questions raised.

The key empirical questions to be tackled concern: (i) the functions of time rules; (ii) the specific configuration that these rules take at EU level; (iii) the material effects of EU time rules, notably their policy effects; (iv) the effects of EU time on domestic political time; and (v) the evolution of these factors over time. Together they constitute the EU 'timescape'. According to Adam (2004: 143), a timescape can be understood as "a cluster of temporal features, each implicated in all the others but necessarily of equal importance in each instance". Important dimensions of such a timescape include time frames, temporality, tempo, timing, time points, time patterns, time sequences, time extensions, and understandings of times past, present and future (ibid.: 144). Each of these five points deserves brief elaboration.

The functions of political time: According to Riescher (1994: 191ff), political time serves two basic functions: first, steering and regulation; and second, what she terms "constitutive time functions". The first function includes, in particular, the mobilisation of actors, so as to ensure that certain tasks are fulfilled within a specified period time; synchronisation of the activities of different actors and efficiency gains, so as to make sure that time is 'well spent'; and "stabilisation" and "rationalisation". Stabilisation here means "to give time, to let things mature, to institutionalise a protected time as duration, to give a decision the opportunity to prove itself in time and to mature" (ibid: 201; my translation, KHG). Rationalisation means "to keep decision situations open and to use the present not as a moment, but as

duration, so as to let the moment in time pass and to be able to take decisions without time pressure, with greater calm” (ibid.; my translation, KHG).

Whilst the steering and regulation functions focus on political decision-making, constitutive time functions (Riescher 1994: 213) are those which, first, serve to maintain the separation and limitation of power (under the conditions of democratic government); which, second, help enforce the majority principle and to protect (parliamentary) minority rights; and, third, ensure procedural legitimation by stipulating authoritative time rules to be adhered to. As Riescher notes, most time rules do, of course, serve multiple purposes.

Riescher’s categorisation is derived from the experience of national political time and what literature there is on this topic is overwhelmingly focused on national contexts. One key desideratum is, therefore, to learn more about the specific uses of political time in the EU context. As will be argued in III, there are several reasons to suggest that whilst there is commonality in the basic functions between the EU and national contexts, there might be differences in relative emphases and also additional uses, specific to the EU context. In this regard, the character of the EU as an emergent, highly dynamic polity; the interwoven, multi-level character of the EU decision-making system which limits its temporal autonomy; and the fact that the EU institutional set-up does not follow traditional models of the separation of powers can all be expected to matter. Thus, one might, e.g., expect that EU time rules are less focused on stabilisation than on facilitating dynamic decision-making; may seek to protect the European Parliament and the Commission, in particular, from interference by national timetables, whilst prioritising flexibility in their internal workings; and that rules connected to the separation of powers and (parliamentary) majority and minority rights are less important than those concerned with ensuring procedural legitimacy.

The configuration of time rules: The specific form that the institutional time rules of the EU institutions have taken over time is at the heart of the empirical mapping of the EU timescape. Such a mapping will have to focus both on the internal time rules governing the EU institutions (say, e.g., the principles governing the allocation of debating time in the European Parliament; the rules governing the multi-annual planning cycles in the Commission; or the six-monthly presidencies of the Council of Ministers and the temporal ordering of the work programmes of the Council presidencies); and, in particular, the temporal rules governing interinstitutional co-ordination.

The material effects of time rules: Once we acknowledge temporal rules as a key dimension of the institutionalisation of a political order, the question of how these rules affect material policy decisions and the choice of policy instruments moves centre stage. This question can, of course, be posed at different levels of generality. For example, taking our clues from the extensive literature on political business cycles, we may ask to what extent the quinquennial electoral cycle in the European Parliament has encouraged opportunistic timing in the policies it adopts to as to maximise the re-election chances of MEPs. Similarly, we may ask whether the extended time horizons of major EU policy initiatives, such as the single market programme, the Lisbon agenda or CEE enlargement are as much a consequence of the functions of time— notably stabilisation and rationalisation as defined above — and related time rules as they reflect intrinsic policy problems to be resolved or substantive conflicts and disagreements. At a less general level, and taking out clues from work on the preparation of legislation in national executives (Goetz and Zubek 2007), we may, e.g., ask how new multi-annual planning procedures in the Commission affect the volume and composition of legislative proposals.

## Effects on domestic political time

A great amount of work has been published over the last decade on the impact of EU integration on domestic politics, polities and public policies (much of this is summarised in Graziano and Vink 2007; see also Goetz and Meyer-Sahling 2007). But in this literature, references to political time have been rare. Ekengren's work (1996; 1997; 2002) stands out for its detailed examination of the 'European governance calendar' and the latter's impact on national administrations. He stresses that there are not only many devices – such as EU meeting schedules – 'for the standardisation of a common administrative clock for European governance' (2002: 79). Critically, there is evidence to suggest that this leads to a 'squeezed national present'. This 'squeeze' not only implies the need for often extremely speedy responses on the part of national administrations; 'timetables are made much more explicit in European governance than in national coordination. One of the most important characteristics of these timetables is the fiction of deadlines, which provides the basis for the feeling of a very marked and distinct European presence' (ibid.: 86). According to Ekengren, one notable reaction to this 'squeezed present' is the strengthening of central coordination units: 'This is one of the main reasons what an active 'EU Secretariat' is needed. There is simply not enough time, no natural national interval, to achieve a general consensus among all the units concerned on all details of policy. The result is that the sequence of governmental actions previously taken for is now interrupted in the name of coordination. (...) In European governance, the national present is, if not disappearing, seriously squeezed between demands for quick action by overlapping European timetables' (ibid.: 84).

The temporal requirements of EU governance would also seem to affect the relationship between domestic politicians and bureaucrats. Much more appears to be known about the impact of integration on the time budgets of officials than on executive politicians (Wessels/Maurer 2003); but

it is interesting to note that Lagreid et al. (2004), e.g., point to domestic time pressures on politicians as one of the key reasons behind their comparative under-involvement in European policy-making when compared to officials. To use another example, Lippert and Umbach (2005: 165-166) report considerable variation amongst CEE countries in ministerial participation in Council meetings prior to accession. In the Czech case, ministers attended only 54 per cent out of a total of 43 Council meetings (excluding the General and External Affairs Council) between 1 May 2003 and 20 February 2004; by contrast, in the Slovenian case, the ministerial participation rate stood at 81 per cent. At the same time, a study of Czech civil servants concerned with EU accession has found that involvement in EU business brings 'a significant degree of institutional autonomy towards domestic politics since civil servants tend to be more sensitive to signals from the EU institutions than those from their political leadership. This sensitivity is most pronounced with those who are most exposed to the EU' (Drulák/ esal/Hampl 2003: 651). Without wishing to read too much into these figures and assessments, they might be taken to suggest a growing 'temporal bifurcation' (see also Goetz 2003): whilst the time budgets of executive administrators seem profoundly affected by integration, the allocation of the time of national politicians remains chiefly shaped by domestic factors. Moreover, since officials spend relatively more of their time on EU business than most executive politicians, the latter are less likely to be socialised into the temporality of EU governance than their officials.

Such work provides a useful starting point for exploring the implications of an emerging EU temporal order on the political time of the member states, but, as will be suggested in the Conclusion, there are broader issues that go to the heart of the debate about European integration and national democratic orders.

### *Evolution*

The institutionalisation of the EU timescape forms part of the institutionalisation of a new political order. As such, we would expect that *over time* time rules have become both more formalised and more complex; have progressively stabilised, i.e. are subject to less frequent and less far-reaching changes; and have become less contested, as the temporal order settles down and becomes 'wired' into the basic institutional set-up. Progressive institutionalisation would, in particular, mean that the EU institutions are increasingly able to determine their own timetables and defend them from external interference, although, of course, the Council of Ministers, in particular, acts as the Trojan horse for smuggling national timetables into the EU temporal ordering.

## **Temporal Challenges in EU Governance**

The EU political system is faced with a number of fundamental temporal challenges that are critical to understanding its workings. These challenges have become more pronounced over time, as the number of participants with veto powers in EU decision-making has increased (through successive enlargements, but also through the progressive strengthening of the European Parliament); and as the *acquis* has broadened and deepened.

### *Mobilisation*

Time is a scarce resource and 'making time' is about giving attention to certain matters at the expense of others on which the limited 'time budget' could be spent. In EU governance, the challenge of mobilising the necessary temporal resources relates, in particular, to relations between the EU institutions and the political and administrative institutions of the member states. The latter have to 'make time' so as to allow the timely preparation of EU-level decisions; enable EU-level decisions to be taken 'on time', i.e.,

avoid unnecessary delays due to a lack of inputs from national policy-makers; and also, and in particular, ensure the timely implementation of such decisions. In all of this, there is a permanent danger that national policy-makers give temporal priority to national issues and concerns. This applies both to elected national politicians (most of whom operate within incentive systems that encourage them to give time to their national voters, constituencies, parties and interests rather than devote their time to 'Europe'); and also to national officials who operate outside the EU core executive, i.e., those institutions that deal more or less exclusively with EU-related matters. Perhaps paradoxically, the more EU policy-making involves ministerial administrations across the board (rather than a select few ministries), the more conflicts over 'making time' are likely to increase. Such problems of mobilisation can be expected to be especially severe, where, as in the case of the German Federal ministerial administration since the early 1990s, progressive Europeanization has been accompanied by large cuts in the size of departmental staff. Mobilisation, in the sense of 'making time', is, therefore, especially problematic under conditions of a multi-level decision-making system in which incentives governing the allocation of the resource time are ill-aligned or even conflicting.

### *Synchronisation*

EU decision-making does not just require 'making time', but also acting at the 'right time'. Synchronisation, i.e., making sure that a range of different activities is performed in a temporally co-ordinated fashion (and also polychronisation, where events happen within a consistent pattern of timing) is, therefore, fundamental. In the EU system, synchronisation and polychronisation are especially difficult to achieve for two main reasons. First, as will be discussed below, the Council of Ministers, the Commission and the European Parliament partly run to different clocks (the electoral

synchronising effects that co-ordinate the work of national governments and parliaments are much less pronounced in the EU-level context). Second, the number of potential veto players is, of course, higher than in national contexts and the partisan alignment of preferences is weaker.

#### *Commitment and compliance over time*

Remaining committed to decisions, once taken, and complying with obligations that have been entered into constitutes a special problem in the relations between the EU and the member states. First, given the turnover in national governments (the rate of turnover has increased substantially with the accession of the Central and Eastern European states), those supposed to commit and comply have often not had any part in the original decision. The temptation to reopen negotiations, to ignore decisions and to delay or avoid compliance is, therefore, high. Where Euroscepticism is rife and there is little common ground amongst domestic parties on EU policy, the likelihood of attempted defection increases.

Second, compared to the national level, commitment and compliance devices that can be invoked at EU level are weak. For example, if we draw an, admittedly not unproblematic, analogy between the Council of Ministers and national cabinets, key devices regularly employed to stop ministers from ‘defecting’ from collectively taken decisions and to ensure ministerial ‘reliability’ (Blondel/Manning 2002) do not operate at European level. This applies, e.g., to party programmes, coalition agreements or, as an ultimate sanction, the power of prime ministers to sack unreliable cabinet members. Moreover, in contrast to what tends to be the case in national governments, members of the Council of Ministers do not ‘hang together’, as they are not collectively answerable for their decisions either to an elected legislature or a common electorate. Almost constant changes in Council membership owing to changes of government in the 27 member states only exacerbate problems

of 'reliability'. As will be discussed below, under these conditions, timetables, especially with long time horizons, can assume a crucial role not only as a monitoring, but also as a commitment and compliance device. By structuring the future, they seek to bind future entrants in decision-making.

### *Autonomy*

Autonomy is a key dimension of successful institutionalisation. Without a degree of temporal autonomy, i.e., the ability to follow its own clock, timetables and temporally sorted priorities, an organisation will be unable to achieve its substantive objectives. Of course, this autonomy can never be absolute; but, owing again to the multi-level character of EU governance, EU policy-making is especially sensitive to external influences. In particular, it is highly sensitive to the political and here, in particular, electoral calendars of the major member states. To give just one current example: the temporal planning of the initiative by the German EU presidency in the first half of 2007 to agree on the mandate of an Intergovernmental Conference has been heavily influenced by the timing of the French presidential elections, on the one hand, and the likely date of the resignation of Tony Blair, as British Prime Minister, on the other. No major substantive decisions could be taken before the French elections had taken place; at the same time, there was a widely held view that Blair would wish stay on until a deal on an intergovernmental conference had been reached. With the German presidency ending on 30 June 2007, the 'window of opportunity' was, therefore, very short.

Temporal autonomy becomes more difficult to establish and maintain, the greater the number of member states and, perhaps even more importantly, the more European policy becomes subject to partisan and electoral competition within the member states. Signs of growing contestation of

European matters in national electoral contexts (Marks and Steenbergen 2004), thus, bear heavily on scope of the EU institutions in working to ‘their own clocks’.

### *Democracy*

Pressures for the democratisation of the European Union have given rise to attempts, in part successful, to subject the EU institutions to “democracy’s time constraints” (Linz 1998). The introduction of regular, quinquennial direct elections to the European Parliament has laid the foundations for electoral cycles in EU policy-making, although how important they are still needs to be investigated. Democratic time constraints have been reinforced through the progressive strengthening of the powers of the EP in the appointment of the Commission (Moury 2007). The need for the approval of the President of the Commission by the EP; the need for the endorsement of the College of Commissioners by the EP; and the fact that the EP can force the College to resign link the Commission’s mandate closely to the electoral mandate of the EP.

## **Institutional Time: A First Survey**

The basic time rules followed by the EU institutions include electoral, selectoral<sup>1</sup>, rotatory and continuous principles against a background of long-term horizons that are less electorally bounded than at national levels.

If of the triad of Commission, Council and European Parliament the latter is most easily comparable to national institutions, this has arguably less to do with its powers than with the temporal principle – fixed legislative terms, regular five-yearly elections – on which it is based. But this apparent similarity is, to some extent, misleading. In the European Parliament, the cyclicity of elections is not, of course, underpinned by a divide between government and opposition parties, so that cyclical elections do not hold the

prospect of fundamental alteration. Moreover, both the comparatively high changes of MEPs from the party groups to secure re-election and the fact that EP elections tend to be fought as second-order national contests mitigate against electoral cycles assuming the same prominence in the temporal ordering of the EP's business that one can observe, although, of course, to varying degrees, in the member states. Parliamentary political business cycles are even less likely.

The length of the mandates of the President of the Commission and of the Commissioners do have a deep impact on the temporal structuring of the work of the Commission, as does the fact that the mandates are linked to the parliamentary electoral cycle. They are key to the timing of initiatives and the planning of work flows. For example, the Commission bureaucracy needs to ensure that a sufficient number of major legislative initiatives have been developed up to a point where the incoming President of the Commission and his fellow Commissioners can quickly establish their own distinct policy profile. In this, the President of the Commission is at a temporal advantage. The President is appointed and approved prior to the appointment and approval of the Commissioners and he can use this period of time as a 'window of opportunity' to try to establish the new Commission's policy priorities. This need to come up with new initiatives early on in the life of a new Commission also means that, towards the end of the Commission's mandate, Commission officials will have little incentive to try to push proposals at the political level of the Commissioners, preferring, instead, to wait for the new incoming Commission. Similarly, outgoing Commissioners with little or no expectation of reappointment will not be interested in launching new initiatives and can be expected to concentrate on 'unfinished business'.

As in the case of the Parliament, the temporal constraint arising from the need for approval and the possibility of dismissal of the College of Commissioners is tempered in a number of ways. First, as in national

ministerial administrations, there is, of course, a corps of permanent officials whose time horizons extend beyond the mandate. Second, as will be discussed below, it is one of the hallmarks of major EU policy initiatives that they extend beyond individual Commission mandates and parliamentary terms. One may mention, for example, the single market programme launched in 1986; the introduction of EMU in three stages from 1990; the Lisbon Strategy launched in 2000 with its 2010 deadline; or CEE enlargement. Third, where the Commission acts as a regulatory authority, notably in antitrust enforcement (Türk 2006), the scope for the exercise of temporal discretion is greatly reduced.

Finally, the work of, and interaction between, the Council of Ministers, the rotating Presidency of the Council and the European Council is governed by a set of formal and informal temporal rules that combine rotation and permanence. Because of their intergovernmental nature, the temporal ordering of the activities of these institutions is also especially sensitive to interference by national (notably electoral) clocks. The work programme of the rotating half-year Presidency, co-ordinated with the Commission's annual strategic work programme, acts as an important mobilising device, since the success of Presidencies is in part measured by their ability to deliver on the deadlines set in the working programme. It is precisely this dynamic which, at first sight paradoxically, allows the 'discontinuous' institution of the European Parliament to exert concessions from the 'permanent' institution of the Council of Ministers (see, e.g., Bergström et al. 2007). The formal and informal meetings of the European Council – usually two formal meetings per Presidency term – act as a further major mobilising force.

The major elements of continuity in the Council of Ministers include the Committee of the *Permanent* Representatives (Coreper I and II), with its weekly meetings; similar top-level committees staffed with national civil servants in different policy domains; working groups; and also the Council's

General Secretariat. Coreper, in particular, is the institution that ‘keeps the clock ticking’. Thus, weekly meetings and other forms of exchange (such as weekly luncheons or informal trips) create a strong ‘dynamic of ongoingness in Coreper’s work’ (Lewis 2003: 289). Highlighting ‘insulation’ as one of the secrets of Coreper success, Lewis (2003: 291) quotes an unnamed permanent representative as stating “We are better placed to than the capitals to know what are the real interests of our countries. We are less exposed to the pressures, the *short term problems of the time*. This affects us much less” (emphases added). “Ongoingness” is further reinforced by the Council’s General Secretariat, which has been greatly expanded over the years, appears to have increasingly assumed a brokerage role and is charged with providing continuity in Council proceedings.

Generalising about the institutionalisation of the EU timescape over the past decade or so, two trends deserve highlighting. Democratising the EU through strengthening the EP and the parliamentary accountability of the Commission, in particular, must, if it is to be meaningful, imply that the EU political system becomes more bounded by democracy’s time constraints. Strengthening the parliament should also mean that EU decision-making is slowed down. This is not just because a new ‘veto player’ is added. More fundamentally, there is a long tradition in political thought that notes the temporal differences in the *modus operandi* between gradual and relatively slow deliberative processes in parliaments and the capacity of executives to act swiftly and decisive. As Scheuerman (2004: 29) points out in the context of his discussion of “liberal democracy’s time”, the “traditional liberal democratic separation of powers (...) includes a decisive temporal subtext relating both to the speed of action and to differing time horizons of executive, parliamentary and judicial institutions”.

At the same time, there are important developments that can be read as attempts to further strengthen the ‘ongoingness’ of EU business and to shore up its temporal autonomy. Some of these have already been mentioned, such

as the strengthening of the Council General Secretariat. Others include, e.g., the new programming and planning procedures in the Commission, the key components of which include multiannual strategic objectives decided at the start of a new College; an annual policy strategy; and annual legislative and work programme; an annual management plan; an annual activity reports for all DGs (Tholoniati 2007). The introduction of systematic *ex ante* legislative impact assessment in the Commission under the banner of ‘better regulation’ lengthens the preparatory policy process and helps to regularise it. Article I-26 of the draft Constitution also implies an extension of planning horizons, but also greater interinstitutional synchronisation,<sup>2</sup> in that it envisages that the Commission “shall initiate the Union’s annual and multiannual programming with a view to achieving interinstitutional agreements”.

### **Policy Time and Temporal Governing Devices**

The temporal ordering of policy-making at EU level is both easier and more difficult than at national level. On the one hand, decision-makers in the European Parliament, the Commission and, at least at administrative levels, the Council of Ministers can be expected to be less susceptible to the influence of election timing and other time pressures than parliaments and governments in the member states. On the other hand, however, as noted at the outside, the multi-level system of the EU entails distinctive temporal challenges which mean that acting *ad tempus*, i.e., at the right time (including timing, sequence, speed, duration, etc.) often becomes the predominant preoccupation of EU policy-makers.

In acting *ad tempus*, the malleability of time, its capacity of being ‘manipulated’, is critical. As Schmitter and Santiso (1998: 71) have noted in relation to democratisation, decision-makers “learn how to manipulate time, that is, to turn it from an inexorably limited, linear and perishable constraint

into something that could be scheduled, anticipated, delayed, accelerated, deadlined, circumvented, prolonged, deferred, compressed, parcelled out, standardized, diversified, staged, staggered, and even wasted – but never ignored”. Some recent work, mostly by American political scientists and predominantly dealing with American cases, also adopts this perspective, which stresses rational calculation, notably in the timing of political decisions and events (Smith 2003; Martin 2004 Caldeira/Zorn 2004; Frye/Mansfield 2004; Hettinger/Zorn 2005).

Such calculations do, of course, take place within parameters, including formal temporal rules; formal institutional rules with temporal implications; external influences and disturbances on temporal planning; but also, and in particular, norms about ‘appropriate time’. For national settings, Goodin (1998: 41) has identified several motivations that might influence these calculations centred around the routines of “consultation and co-optation on the one side and ritualistic, stylized conflict on the other”. Thus, in making calculations on ‘ripe’ and ‘unripe’ time, a range of factors will weigh on policy-makers mind, including coalitions politics, public mood, mood matching, framing effects, strategic manoeuvring, herd politics and copycat politics (ibid.). These calculations are not, of course, absent in EU policy-making. However, it is less the search for the electorally opportune moment that is fundamental to the temporal ordering of EU business than the temporal requirements outlined above.

Temporal ordering is one aspect; another refers to the time horizons of decision-makers. Since key actors in EU decision-making are less susceptible to the electoral rhythms than national decision-makers, they can afford to ‘take the long view’; but they also need to do so, not only for reasons of institutional complexity, but, in particular, because of the specific temporal challenges of synchronisation, mobilisation, commitment, consistency and temporal autonomy. These encourage extensive resource to temporal governing devices in an attempt to structure the future: they help to create a

time budget; they serve as a means to allocate it; and they act to monitor and, if necessary, enforce decisions on temporal structuring.

One prominent example of the sustained use of temporal governing devices in recent years has been enlargement governance. Amongst the key devices employed in this context have been the establishment of time horizons; periodical monitoring; 'rolling' schedules; deadlining; and the use of 'roadmaps' indicating short-term and mid-term requirements and those that needed to be fulfilled in time for accession. Avery (2007) has recently discussed three examples of the use of such temporal governing devices in the context of enlargement, including the 'medium term' time-frame employed in the 1996 Commission Opinions on the membership applications of the CEE states; the 2000 'roadmaps' to structure the accession negotiations; and the 'accession date'.

Establishing a time budget and allocating, monitoring and enforcing it posed particular challenges in the enlargement context. Reflecting the multi-level character of EU governance, the May 2004 enlargement raised profound problems of synchronicity (Eder 2004) between institutions and policy areas that move at different speeds. From the perspective of the EU-15, attention focused, in particular, on the widely perceived need to synchronise the reform of the EU's own institutions and policies with the progressive integration of the new CEE members, so that the latter would be 'ready for Europe' and the EU ready for the new members. For example, both the planning of the timelines for the European constitution and the scheduling of negotiations over the future EU budget were strongly influenced by these considerations. From the perspective of the new CEE members – having moved through the status of applicants, candidates, and, eventually, acceding states – there was the problem of synchronising adaptive requirements– as monitored through the 'progress reports' – with domestic political calendars and the gradual development of administrative and judicial capacities, in particular. There was also the crucial issue of synchronising

timelines amongst the CEE states that joined in 2004; this was made all the more difficult owing to different starting conditions and the fact that Latvia, Lithuania and Slovakia opened the accession negotiations nearly two years after the other CEE states, but were required to complete the requirements for membership at the same time.

Mobilisation and commitment and consistency also posed particular problems. The issue here was not just that policy-makers in the applicant countries needed to be mobilised to undertake a broad range of often costly reforms whilst the ultimate benefit – accession – was, at least at first, uncertain and its timing left deliberately open so as to give credence to conditionality. What was just as important was to galvanise the EU-15 and the Commission services into action. As Avery (2007) notes with reference to the adoption of ‘road maps’ to guide the accession negotiations, “the Commission’s road-map inserted an essential discipline into the accession negotiations by committing the member states to agree on positions by given dates. Within the Commission itself, the road-map also provided a necessary discipline, for the task of preparing proposals for all the chapters of the negotiations required important technical and political input from the Commissioners and services responsible”.

## **Democracy and the EU Timescape**

So far, this paper has advanced some arguments about the EU timescape in terms of temporal challenges faced; basic institutional time rules followed; and the use of temporal governing devices. Of course, challenges, rules and temporal governing devices have only been sketched here. But even if research on the EU timescape will help to add detail and colour to this bare sketch, will it matter? In other words, why it is important to understand the EU timescape?

First, paying systematic attention to what, in the terminology suggested by Nowotny (1989), may be called the *Eigenzeit* of EU institutions and processes should help us to cast new light on ‘the nature of the beast’. This applies both as regards the steering and regulating functions of political time, but probably even more so when it comes to the constitutive functions. The temporal orders of democratic and non-democratic regimes differ fundamentally (Linz 1998); so do democratic political timescapes (Riescher 1994). The EU provides an institutional setting in which the traditional “temporal subtext” (Scheuerman 2004) of the liberal democratic separation of powers does, at best, only operate in part. According to Scheuerman (2004: 29), this separation of powers implies that “legislation is prospective, or future oriented; judicial activity is fundamentally retrospective, or past oriented; and the executive is contemporaneous, or present oriented in its fundamental orientation. The separation of powers exhibits a temporal division of labor no less that it does a quest to divide the modern state into distinct institutional units, bodies of personnel, and functional activities for the sake of rationalizing the exercise of political power”.

Compared to national contexts, the EU “temporal subtext” is likely to be distinct in at least two ways. First, legislative, executive and judicial functions are partly fused, and their institutional attribution is more complex than in national contexts where the classical separation of powers still provides the dominant ordering principle. Functional time horizons are unlikely to coincide with institutional time horizons. In the Commission and the Council of Ministers, in particular, we would expect to see different, and perhaps conflicting, temporal orientations at work. Second, it is doubtful whether the fundamental “subtext” of retrospection, present and projection does hold in the EU context. As an emergent political system, it has little past. More importantly, perhaps even more so than in the case of national courts, the ECJ has assumed ‘prospective’ legislative functions (Stone Sweet 2000; 2004), preparing the ground for law-making by the Commission, the

Council and the Parliament rather than being content with the retrospective review of legislation. In short, understanding the EU's political time adds a crucial element to its comparative characterisation as a distinct political order.

Second, the EU timescape matters for national democracy. EU integration may be seen as a development that undermines the capacity of states to act as 'time-setters'. As Tilly (1994) has pointed out in the context of a wide-ranging discussion of the "time of states", "state time" deeply affected the societal conception and allocation of time through the 'state's three great interventions in time – establishing official clocks and calendars, controlling the timing of multiple activities, and preempting citizens' time for state service' (ibid.: 288). As he notes with specific reference to the process of EU integration, it is associated with "steps that subvert both circumscription and central control at a national scale (...) the influence of individual state actions on the overall timing of activities with greatly diminish".

Political and 'state time' themselves are likely to be affected as the EU member states increasingly become 'time-takers'. To what extent the fundamental rhythms of national-level democracy are affected by progressive integration is open to debate. But there are good reasons to expect that electoral cycles now matter less at national level than in the past. In particular, the possibilities for discretion in shaping opportunistic political 'business cycles' declines substantially. The restrictive effects of integration of national policy discretion might then lie as much in the time, timing and tempo of public policies than in their material effects. One example where this dynamic is clearly apparent is in the field of fiscal and budgetary politics (Dyson 2002; Hallerberg 2004), where EMU has restricted the ability of national governments to fashion political business cycles. More broadly, if national elections decline in importance as providing the key clues for the temporal ordering of the activities of national parliaments, governments (and, perhaps, also courts) and for the temporal structuring of public policies, then we must rethink our understanding of democratic timescapes.

---

## Notes

1 I owe this term to Philippe Schmitter.

2 I am grateful to Cesare Onestini for pointing this out to me.

## References

- Adam, B. (1995), *Timewatch: The Social Analysis of Time* (Cambridge: Polity Press).
- Adam, B. (2004), *Time* (Cambridge: Polity Press).
- Ágh, A. (2007), *The New Life Cycles of the Council: The Incoming Presidencies of the New Member States*. Paper presented at the CONSENT workshop 'The Temporality of Europeanization and Enlargement', University of Potsdam, 15-16 February 2007.
- Avery, G. (2007), *Use of Time in the EU's Enlargement Process*. Paper presented at the CONSENT workshop 'The Temporality of Europeanization and Enlargement', University of Potsdam, 15-16 February 2007.
- Bergström, C.-F., Farrell, H. and Héritier, A. (2007), 'Legislate or Delegate? Bargaining over Implementation and Legislative Authority in the EU', *West European Politics*, 30 (2), pp. 338-366.
- Caldeira, G. A./Zorn, C. (2004), 'Strategic Timing, Position-taking, and Impeachment in the House of Representatives', *Political Research Quarterly* 57 (4), 517-528.
- Drazen, Allan (2001), 'The Political Business Cycle after 25 Years', *NBER Macroeconomics Annual 2000*.
- Dyson, K. (ed.) (2002), *European States and the Euro: Europeanization, Variation, and convergence*, Oxford: OUP.

- Eder, Klaus (2004), 'The Two Faces of Europeanization: Synchronizing a Europe Moving at Varying Speeds', *Time & Society* 13 (1), 89-107.
- Ekengren, M. (1996), 'The Europeanization of State Administration: Adding the Time Dimension', *Cooperation and Conflict* 31, 387-415.
- Ekengren, M. (1997), 'The Temporality of European Governance', in K. E. Jorgensen (ed.) *Reflective Approaches to European Governance* (Basingstoke: Macmillan), 68-86.
- Ekengren., M. (2002), *The Time of European Governance* (Manchester: Manchester UP).
- Frye, T. and E. D. Mansfield (2004), 'Timing is Everything: Elections and Trade Liberalizations in the Postcommunist World', *Comparative Political Studies* 37 (4), 371-398.
- Gibson, J. (1999), 'Political Timing: A Theory of Politicians' Timing of Events', *Journal of Theoretical Politics* 11 (4), pp. 471-496.
- Goetz, K. H. (2006), *Territory, Temporality and Clustered Europeanization*. Vienna: Institute of Advanced Studies, Working Paper. <http://www.ihs.ac.at/index.php3?id=430>
- Goetz, K. H. (2007a), 'German Officials and the Federal Policy Process: The Decline of Sectional Leadership', in: E. C. Page/V. Wright (eds.) *From the Active to the Enabling State. The Changing Role of Top Officials in European Nations* (Basingstoke: Palgrave), pp. 164-188.
- Goetz, K. H. (2007b), 'Territory', in Graciano, P and M. Vink (eds.), *Europeanization: New Research Agendas*, Basingstoke: Palgrave, pp. 73-87
- Goetz, K. H. and Meyer-Sahling, J. (2007) 'The Europeanisation of Domestic Political Systems', forthcoming in *Living Reviews in European Governance*.
- Goetz, K. H. and Zubek, R. (2007), 'Government, Parliament and Law-Making in Poland', *Journal of Legislative Studies*, December 2007 (forthcoming).

- Goodin, C. (1998), 'Keeping Political Time: The Rhythms of Democracy', *International Political Science Review*, 19 (1), pp. 39-54.
- Graziano, P. and Vink, M. P. (eds) (2007), *Europeanization: New Research Agendas* (Basingstoke: Palgrave).
- Hallerberg, M. (2004), *Domestic Budgets in a United Europe* (Ithaca: Cornell UP).
- Hettinger, V. A. and C. Zorn (2005), 'Explaining the Incidence and Timing of Congressional Responses to the U.S Supreme Court', *Legislative Studies Quarterly* XXX (1), 5-28.
- Lewis, J. (2003), 'National Interests: Coreper', in J. Peterson and M. Shackelton (eds.), *The Institutions of the European Union*, Oxford: OUP, pp. 277-298.
- Linz, J. (1998), 'Democracy's Time Constraints', *International Political Science Review*, 19 (1), 19-37.
- Lippert, B. and G. Umbach (2005), *The Pressure of Europeanization: From Post-Communist State Administrations to Normal Players in the EU System* (Baden-Baden: Nomos).
- Martin, L. W. (2004), 'The Government Agenda in Parliamentary Democracies', *American Journal of Political Science* 48 (3), 445-461.
- Meyer-Sahling, J.-H. (2007), *Notes on Time and European Governance*. Paper presented at the CONSENT workshop 'The Temporality of Europeanization and Enlargement', University of Potsdam, 15-16 February 2007.
- Moury, C. (2007), 'Explaining the European Parliament's Right to Appoint and Invest the Commission', *West European Politics*, 30 (2), pp. 367-391
- Nowotny, H. (1989), *Eigenzeit: Entstehung und Strukturierung eines Zeitgefühls* (Frankfurt a. M.: Suhrkamp).
- Onestini, C. (2007), *A Year of Trade Policy in the European Commission*. Paper presented at the CONSENT workshop 'The Temporality of

- Europeanization and Enlargement', University of Potsdam, 15-16 February 2007.
- Riescher, G. (1994), *Zeit und Politik. Zur institutionellen Bedeutung von Zeitstrukturen in parlamentarischen und präsidentiellen Regierungssystemen* (Baden-Baden: Nomos Verlagsgesellschaft).
- Rowe, G. C. (2006), 'Tools for the Control of Political and Administrative Agents: Impact Assessment and Administrative Governance in the European Union', in H. C. H. Hofmann and A. H. Türk (eds.), *EU Administrative Governance*, Cheltenham: Elgar, pp. 448-511.
- Schedler, A. and J. Santiso (1998), 'Democracy and Time: An Invitation', *International Political Science Review*, 19 (1), 5-18.
- Scheuerman, W. E. (2004), *Liberal Democracy and the Social Acceleration of Time*, Baltimore: The Johns Hopkins UP.
- Schimmelfennig, F. (2002), 'Liberal Community and Enlargement: An Event History Analysis', *Journal of European Public Policy* 9 (4), 598-626.
- Schmitter, P. C. and J. Santiso (1998), 'Three Temporal Dimensions to the Consolidation of Democracy', *International Political Science Review* 19 (1), 69-92.
- Smith, A. (2003), 'Election Timing in Majoritarian Parliaments', *British Journal of Political Science* 33 (3), 397-418.
- Smith, A. (2004), *Election Timing* (Cambridge: CUP).
- Stone Sweet, A. (2000), *Governing with Judges: Constitutional Politics in Europe* (Oxford: OUP).
- Stone Sweet, A. (2004), *The Judicial Construction of Europe* (Oxford: OUP).
- Tholoniati, L. (2007), *Is the "Time of Governing" Designed for "Governing with Time"? The Case of Decision-Making within the European Commission*. Paper presented at the CONSENT workshop 'The Temporality of Europeanization and Enlargement', University of Potsdam, 15-16 February 2007.
- Tilly, C. (1994), 'The Time of States', *Social Research*, 61 (2), pp. 267-294.

- Türk, A. H. (2006), 'Modernisation of EC Antitrust Enforcement', in H. C. H. Hofmann and A. H. Türk (eds.) *EU Administrative Governance*, Cheltenham: Elgar, pp. 215-243.
- Wessels, W. and A. Maurer (eds.), *Fifteen into One? The European Union and its Member Status* (Manchester: Manchester UP).

# Chapter 9

## National Agencies in the European Administrative Space: Government driven, Commission driven or networked?

Morten Egeberg and Jarle Trondal  
*University of Oslo and Agder University College, Norway*

### **Abstract**

Case studies indicate that national governments may be partly split so that national (regulatory) agencies operate in a ‘double-hatted’ manner, serving both ministerial departments *and* the European Commission. Applying large-N questionnaire data this paper follows up these studies by investigating which institutions are influencing national agencies when they are *practising* EU legislation. How discretion is exercised at this stage of the policy process is not trivial; we demonstrate that also this activity is highly contested. Our main conclusion is that implementation of EU policies at the national level is neither solely indirect via national governments (as the standard portrayal says), nor solely direct (through Commission driven national agencies), nor solely networked (through transnational agency clusters). Implementation is indeed compound with several sources of power represented more or less simultaneously.

## **Introduction**<sup>1</sup>

States can be integrated into larger wholes by establishing a new territorially organised political centre and by connecting the constituent states tightly together as coherent entities. In such cases cleavages will tend to follow territorial lines between centre and ‘periphery’ (i.e. the constituent states) and along state borders. Arguably, system integration will become more profound if the new centre is structured in a way that triggers a multi-dimensional cleavage structure so that cleavages also cut across territorial boundaries, for example along sectoral, ideological/partisan and institutional lines (Egeberg 2006). In the European Union (EU), the Union Council (Council), the European Commission (Commission), the European Parliament and the relationships between the three to some extent embody such a multidimensional political space. Transnational coalitions of interest groups and political parties can be observed (Eising 2005; Hix 2001) and (sub-national) regions ‘by-passing’ national governments are a well known phenomenon (Marks, Hooghe and Blank 1996). Case studies of five policy fields indicate that even national governments themselves may be split so that national (regulatory) agencies operate in a ‘double-hatted’ manner, serving both ministerial departments and the Commission (Egeberg 2006).

Applying new questionnaire data this paper follows up these previous qualitative studies by investigating which institutions are influencing national agencies when they are practising EU legislation. How discretion is exercised at this stage of the policy process is not trivial; we demonstrate here that also this activity is highly contested. Our main conclusion is that implementation of EU policies at the national level is neither solely indirect via national governments (as the standard portrayal says) nor solely direct (through Commission driven national agencies), nor solely networked (through transnational agency clusters). Implementation is indeed multi-dimensional or compound with several sources of power represented more or less

simultaneously. Thus, key elements of executive politics are being transformed; even the daily practising of EU legislation at the national level is no longer solely in the hands of national governments. What this might imply for the uniformity of implementation practices across countries will be discussed but not empirically studied in this paper.

The paper is organised as follows: The first section outlines four complementary ‘models’ that capture different aspects of policy implementation in a multilevel system: indirect, direct, networked and compound governance. The second section presents the survey data and methodology underpinning the study. The third section contains key empirical findings on the implementation of EU legislation among domestic agencies. And, finally, in the last section we try to draw a conclusion so far.

### **Policy implementation in a multilevel system: indirect, direct, networked or compound?**

Implementation at the national level of rules and standards adopted by international governmental organisations (IGOs) usually takes place in an indirect way. By this is meant that it’s left to the member governments to transpose and practice the rules. Also in the EU implementation is most commonly perceived as indirect: transposition and practicing of EU legislation are seen as part of the ‘administrative sovereignty’ that the member states enjoy (Hix 2005: 31). The fact that the European Commission (Commission) has a monitoring role in this respect doesn’t in itself change this division of labour between levels of governance. Indirect implementation upholds a portrayal of the Union as a system in which the constituent states are integrated into a larger whole as coherent entities. Thus, although EU legislation is mainly adopted through the community method, indirect implementation is also compatible with an intergovernmental order in which national governments constitute the basic building blocks and in which lines

of conflict and cooperation strongly coincide with national borders (Moravcsik 1998).

Indirect implementation thus entails a particular pattern of executive politics. Such a mode of governance also has its clear policy implications, making community policies highly vulnerable to distortion. Studies show that implementation through national governments exposes common policies to considerable influence from national politics and administrative traditions (Goetz 2000; Heritier et al. 2001; Knill 2001; Sverdrup 2006; Olsen 2007). However, in order to remedy some of the variation in practices across countries some directives have contained specific requirements as to how national agencies should be set up (such as in the fields of communication and transport), with the underlying assumption of a close relationship between organisation structure and actual implementation behaviour.

Since the EU, unlike IGOs, has its main executive body, namely the Commission (and an increasing number of EU-level agencies), organised separately from the Council of Ministers, direct implementation might be an option as well. By this is meant that EU policies become implemented by EU bodies independently of national governments in the same manner as central governments may implement national policies without involving regional or local governments. Direct implementation may take place either solely through EU-level bodies (as has been the case in areas of competition policy) or (in principle) through agencies at the national level that are controlled by EU-level executive bodies. Since public bureaucracies, like other organisations, tend to adapt to their environments to some extent (Wilson 1989), implementation through EU-controlled agencies at the national level would be less uniform than implementation by EU-level bodies but more uniform than implementation through national governments.

The EU doesn't possess its own agencies at member state level, however, studies of administrative behaviour within five different policy fields clearly indicate that the Commission in a sense 'lend' national agencies in its

policy preparatory work and, particularly, as regards implementation of EU policies (Egeberg 2006). National agencies seem to act in a 'double-hatted' manner; constituting parts of national administrations while at the same time becoming parts of a multilevel Union administration in which the Commission in particular forms the new executive centre. As parts of national administrations, serving their respective ministerial departments, agency officials seem to play a crucial role in transposition of EU legislation as well as in Council working parties and comitology committees. However, when it comes to the practising of EU legislation in particular, agencies cooperate rather closely with their respective directorates in the Commission, often by-passing their ministerial departments (Egeberg 2006). Not surprisingly, in this situation agencies may face competing policy expectations from their two 'masters' that may be hard to reconcile. Thus, in addition to possibly increased uniformity of implementation, elements of direct implementation might entail new patterns of cooperation and conflict in executive politics, evoking conflicts that cut across national boundaries. Arguably, this new pattern of executive politics is conditioned by two features of institutional development: first, the 'emancipation' and consolidation of the Commission as a new executive centre, and, second, the fragmentation (vertically and horizontally) of national governments (Egeberg 2007). In other words, it's quite unlikely that such patterns could emerge from the combination of classical IGOs and internally well integrated governments. Such patterns indicate deeper international integration: a typical characteristic of an integrated polity is that the central executive power disposes over agencies at a lower level that are partly independent of a (possibly) political centre at that level.

A third possibility is that implementation of EU legislation is networked. By this is meant that vertical relationships between, on the one hand, national agencies and, on the other hand, ministerial departments, Commission directorates or EU-level agencies are partly replaced by

horizontal relationships among 'sister agencies' in various countries. A national agency may see itself as part of a transnational network of institutions pursuing similar objectives and facing analogous problems (Majone 1996). Thus, the actual amount of discretion that national agencies exercise when implementing EU legislation might be circumscribed in practice through information exchange and consultation among 'sister agencies' rather than through 'steering dialogues' with 'superior' bodies. In this sense, strong agency networks could challenge the authority of national governments as well as that of EU-level bodies. It follows that such networks might enhance implementation uniformity across member states, however, not necessarily in accordance with the intentions of the politically superior institutions. In member countries characterised by more hierarchical state traditions, ministerial departments may want to intervene on a regular basis in network activities (Barbieri 2006). As regards the Commission, it may itself have initiated the creation of such a network, as in the telecom sector (Nørgård 2006) or in the education area (Gornitzka 2007). However, the EU executive has also successfully linked into already existing networks that have been relatively independent in the past (Eberlein and Grande 2005: 101–2) but for which it has gradually taken over the coordinating functions, as seems to be the case for the implementation network of pollution authorities (Martens 2006).

Finally, a fourth possibility is that implementation of EU legislation is based on a combination of different modes of governance. Public administration is increasingly faced with complex and intertwined problems, solutions, institutions and decision-making arenas (Olsen 2007; Shapiro et al. 2006). Arguably, the implementation of EU legislation may be seen as compound by integrating and combining indirect, direct and networked modes of governance. It is argued here that compound governance is characterised by the existence of a multi-dimensional repertoire of implementation modes.

The idea of compound governance is not new. “This view of political order harks back to a tradition from Plato, Aristotle, Polybius and Thomas Aquinas and their ideas about how ‘mixed’ orders and combinations of competing, inconsistent and contradictory organising principles and structures may co-exist and balance interest, values and claims to power” (Olsen 2007: 13–14). However, the study of compound multilevel governance signifies a fairly new scholarly turn and has been partly rediscovered recently (Olsen 2007: 13). This classical tradition in the study of public administration argues that robust and legitimate administrative systems should balance several competing governance dynamics sequentially and/or simultaneously (Jacobsen 1960; Olsen 2007). Multi-dimensional orders are considered more robust against external shocks and therefore preferable to uni-dimensional orders (March and Olsen 1989). Compound multilevel governance thus departs from ‘either/or’ theorising by assuming that executive governance rests on the mobilisation of multiple complementary set of institutions, actors, interests, decision-making arenas, values, norms, and cleavages. The empirical yardstick thereof is the mobilisation of direct, indirect and networked modes of implementation among domestic agencies.

What then do we expect to observe in our empirical analysis as regards the institutions influencing the way national agencies are actually practising EU legislation? First, we expect to find that the implementing agencies themselves are important in terms of deciding how their discretion should be exercised. This follows from the fact that regulatory agencies that are organised at arm’s length from their respective ministerial departments tend to enjoy more actual decision-making autonomy (at least in relation to their political superiors) than entities that remain parts of ministerial departments (Christensen and Lægreid 2006; Egeberg 2007). Second, if the mode of implementation is indirect, we expect that the ‘parent ministry’ is really dominant among the influencing institutions. Probably, the ministry’s degree of control over the agency depends on its administrative capacity to monitor

the agency (Egeberg 2007). The ministry's eagerness to control may also depend on the extent to which it agrees or disagrees with the manner in which EU legislation is practised. Third, if implementation takes place directly, we should expect the Commission or EU-level agencies to constitute the dominant interlocutors of a national agency. Fourth, if implementation is networked 'sister agencies' would come to the fore in the process of clarifying how discretion is to be interpreted. Fifth, if implementation is compound we would expect several sources of power to be activated simultaneously. In that case, a high score for the Commission as regards influence wouldn't preclude a similar score for the reporting ministry or for 'sister agencies' in other countries sharing the same policy field. We would thus expect positive correlations between 'direct', 'indirect' and 'networked' modes of governance.

## Data and method

Whereas the bulk of Europeanisation studies rely mostly on low-N case studies with the main use of interview and documentary data, only few studies apply quantitative survey and large-N analysis (Haverland 2006). This paper relies on large-N survey data within the Norwegian central administration. Over the last 30 years, a group of Norwegian scholars have each decade conducted surveys in the Norwegian central administration (1976, 1986, 1996 and 2006). This study applies data from the most recent survey from 2006. This survey was conducted as an online survey by the Norwegian Social Science Data Service encompassing officials from all Norwegian ministries (18 ministries in total) and subordinated agencies (51 in total). The survey at the ministerial level was sent to *all* officials at the level equivalent to the 'A-level' with a minimum of one year in office. Appointment at this level usually requires a university degree. Hence, the sample of this survey is the total universe of 'A-level' civil servants in

Norwegian ministries. The total number of responses in the 2006 survey is 1848 at the ministry level, giving a total response rate of 67 percent. The survey at the agency level was sent to a random selection of *every third* official at the 'A-level' with at least one year in office. The total number of responses at the agency level is 1452, giving a response rate of 59. Together, these two surveys represent the most thorough screening of the Norwegian central administration, and could also be seen as one of the most extensive analysis of domestic executives in international comparison.

Norway is not a member of the EU and, accordingly, Norwegian politicians and officials are not taking part in the formal decision-making processes within EU institutions. However, due to the European Economic Area (EEA) and Schengen agreements, Norway is obliged to implement most of the EU's hard law as regards the internal market and border control. Thus, since this paper focuses on the *practising* of EU legislation (and not on its coming about), Norway can be considered in most respects to be very much in line with ordinary member states (Egeberg and Trondal 1999). Arguably, given its 'quasi-membership', Norway might be seen as a critical case in the sense that if, for example, direct implementation of EU legislation is observed in this case, it may be no reason to believe that this mode of governance will not be observed in the member states as well, other things being equal.

### **Empirical observations**

The data show that a considerable proportion of Norwegian government officials say that their issue area is *affected* by the EU, the EEA and/or Schengen agreements. In 2006, 63 per cent of the ministry personnel and 63 per cent of the agency personnel reported being affected "to a fairly little extent" or more. The first table includes those officials who report being affected by the EU "to a fairly little extent" or more. The table demonstrates

the extent to which legislation that originates from EU decisions ('hard law') is practised at the agency level within the issue areas of the respondents.

**Table 1**  
**Per cent of officials who reports that national agencies practise laws and rules that originate from EU decisions ('hard law') within their own issue area\***

	Yes	No	Do not know	Total
Agency officials	61	13	26	100 (974)
Ministry officials	46	20	35	100 (1215)

\* *The table includes those officials who report being affected by the EU "to a fairly little extent" or more*

61 per cent of agency personnel who find themselves affected by the EU confirm that EU legislation is practised within their issue area. Among ministry personnel 46 per cent know positively that EU legislation is implemented at the agency level within their particular issue area. In the following, only these two groups of officials (594 in agencies, 553 in ministerial departments) are included in the analysis. Thus, our observations are based on two separate sources stemming from two different organisational positions (agencies and ministries).

When we later on are going to assess the influence that various institutions have on national agencies' practising of EU legislation and the extent to which ministerial departments become replaced or at least complemented by extra-national actors in this respect, it seems rather crucial to know about the 'political potential' of such implementation activities. If practising EU legislation is deemed as a primarily technical affair - since politics might have taken place at earlier stages -, then it seems less interesting from a political science perspective to dig further into the practising phase. The next table reveals, however, that there is indeed considerable contestation over the practicing of EU 'hard law'.

**Table 2**  
**Per cent of officials who report that government (cabinet) has disagreed with the practice accompanied by EU laws within their own issue area\***

	Often	Sometimes	Seldom/never	Do not know	Total
Agency officials	2	16	28	55	100 (591)
Ministry officials	6	39	22	22	100 (550)

\* This table includes those officials who report that national agencies practise laws and rules that originate from EU decisions ('hard law') within their own issue area.

In ministerial departments 45 per cent of the officials report that ministers 'some times' or 'often' disagree with the way in which EU legislation is practised within their respective agencies. A remarkably smaller proportion (18 per cent) say the same in the agencies themselves, however, we notice that here more than half (55 per cent) do not know the extent to which conflict occurs. On this issue it makes sense that officials in ministerial departments are better informed than those outside. We can not be quite sure though whether ministers only dislike the way in which discretion is exercised (as asked for in the questionnaire) or whether they may dislike the laws themselves. Regardless of the answer, we can ascertain that implementation of EU legislation at the national level is to a considerable extent contested. While ministers may be well positioned to alter practices or even the laws themselves as regards national legislation, this option quite obviously seems far more remote pertaining to 'hard law' originating from the EU. It may be the case that the level of contestation is relatively higher in a country like Norway which is not taking part in the formal decision-making processes of the EU. On the other hand, in a Union of 27 countries with changing governments it seems rather likely that those in office will disagree to certain implementation practices in one or another policy field.

The next table reveals the extent to which institutions are deemed important with respect to influencing how EU ‘hard law’ is being practised by national agencies.

**Table 3**  
**Per cent of officials saying that the following institutions are important with respect to influence national agencies’ practising of EU ‘hard law’<sup>a,b</sup>**

	Agency officials	Ministry officials
Ministry	67	70
National agency	66	64
European Commission (EC)	43	47
EFTA Surveillance Authority (ESA)	36	58
EC and ESA combined	51	64
‘Sister agencies’ in other countries	32	19
EU-level agencies	23	19
Mean N	572	538

- a) *This table includes those officials who report that national agencies practise laws and rules that originate from EU decisions (‘hard law’) within their own issue area.*
- b) *This table combines value 1 and 2 on the following six-point scale: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4), very unimportant (value 5), do not know (value 6).*

Ministry and agency officials tend to portray the main pattern of influence much in the same way, a fact that supports the credibility of the findings. Our assessment is, however, that in general agency personnel are better placed to appraise the role that various institutions and actors play at this particular stage of the policy process. As expected, agencies organised at arm’s length from ministerial departments enjoy a certain level of autonomy as regards how they exercise their discretion: almost two-thirds at both levels consider the executive agency itself to be important in this respect. Also, the respondents agree that the ‘parent ministry’ is the most influential external body. As expected, the importance of the ministry is to some extent dependent upon its organisational capacity. ‘Parent ministries’ that contain

units that are ‘duplicating’ units found in the agencies are deemed more powerful by agency officials than ministries without such units (Pearson’s  $r=.21^{**}$ ). Also, as expected, contestation over the practising of EU legislation tends to bring the ministry into a more central role (Pearson’s  $r=.23^{**}$ ). A simple control unveils that both factors seem to have some effect. Thus, while 62 per cent of the agency personnel who are facing little contestation and duplication consider their parent ministry to be important, this holds for 90 per cent of those experiencing much contestation and duplication. However, the effects are moderate and partly contingent.<sup>2</sup>

Officials at both levels agree that the second most important external institutions at the stage of practising EU legislation are the Commission and the EFTA Surveillance Authority (ESA). While the Commission is responsible for monitoring implementation of EU policies at the national level and, if necessary, activating sanction mechanisms within the EU, ESA has similar responsibility as regards the EEA countries. ESA strives to copy Commission procedures and ways of behaviour in these respects but doesn’t take part in the policy process at various stages in the way the Commission does (Martens 2001). The difference between the two is probably reflected in table 3: while agency officials find the Commission more important, ministry personnel, who are those to be contacted by ESA if non-compliance with EU law might be the case, see ESA as more important. Together the two ‘sister executives’ may mobilise considerable strength: 64 per cent of ministry officials and 51 per cent of agency officials perceive them as important in tandem. A much less proportion, about one in five, consider EU-level agencies to play a crucial role in this phase of the policy process, a finding we assume reflects very well the stage of development at which most such agencies currently find themselves. National agency officials who say the Commission is important as regards their implementation practises also tend to have direct contacts with the Commission (Pearson’s  $r=.20^{**}$ ). In the same vein, those who consider EU-level agencies as important tend to

interact directly with these bodies (Pearson's  $r=.37^{**}$ ). The results indicate that the Commission, and to some extent EU-level agencies as well, actively take part in the practising of EU legislation at the national level.

'Sister agencies' in other countries also seem to have an impact on how EU legislation is actually implemented by a national agency. About one-third of the agency personnel say they are important and there is reason to believe they are better informed than ministry officials on this topic. Thus, in sum, even if the importance of various institutions varies a lot, implementation is probably best described as 'compound'. However, it could be that officials who have found the ministry important have found the Commission to be unimportant and vice versa. In that case we would see elements of indirect and direct modes of governance, respectively. Therefore, in order to be able to ascertain the extent to which implementation is really compound we have to investigate whether various institutions are deemed important by the same persons within their particular issue area. This is done in the correlation matrices presented in tables 4 and 5. The positive correlation coefficients that appear quite consistently across tables show that the relevant institutions are in fact deemed important at the same time by the same individuals. Thus, for example, those who consider the 'parent ministry' to play a key role as regards how EU legislation is practised by a national agency also tend to hold the Commission or ESA as important as well, and vice versa. However, the tables also indicate that when networks consisting of 'sister agencies', EU-level agencies and the Commission are activated the 'parent ministry' is not necessarily involved to the same extent. This could mean that in certain situations networks may become an *alternative* to ministerial overview. However, ministerial overview also seems to outnumber the role of direct and networked governance, indicated by the weak role played by EU-level agencies and "sister-agencies" among those officials who view parent ministry as important.

**Table 4**  
**Inter-correlation matrix among agency officials (Pearson's r)<sup>a, b</sup>**

	1.	2.	3.	4.	5.	6.	Mean N
1. Superior ministry		.44**	.25**	.51**	.05	.09	344
2. Own directorates/agency			.20**	.30**	.16*	.23**	309
3. The European Commission				.61**	.43**	.36**	293
4. The EFTA Surveillance Authority (ESA)					.24**	.31**	261
5. EU-level agencies						.40**	236
6. "Sister" directorates/agencies in other countries							

\*)  $p < 0.05$       \*\*)  $p < 0.01$

- a) Original question: "How important are the following institutions with respect to influence the exercising of EU "hard law" among subordinated agencies and directorates?"
- b) The variables in this table are all ordinal variables with the following scales: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4), very unimportant (value 5).

**Table 5**  
**Inter-correlation matrix among ministry officials (Pearson's r)<sup>a, b</sup>**

	1.	2.	3.	4.	5.	6.	Mean N
1. Own ministry		.36**	.11*	.24**	.00	-.05	322
2. Directorate(s)/agency(ies) themselves			.19**	.15**	.17**	.21**	300
3. The European Commission				.43**	.56**	.35**	285
4. The EFTA Surveillance Authority (ESA)					.41**	.12	276
5. EU-level agencies						.46**	210
6. "Sister" directorates/agencies in other countries							

\*)  $p \cdot 0.05$       \*\*)  $p \cdot 0.01$

- a) Original question: “How important are the following institutions with respect to influence the exercising of EU “hard law” among subordinated agencies and directorates?”
- b) The variables in this table are all ordinal variables with the following scales: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4), very unimportant (value 5).

## Concluding discussion

Arguably, the combination of two institutional developments has been highly conducive to the emergence of new patterns of executive politics in Europe. First, the consolidation of the Commission as a relatively independent executive centre outside the ministers’ Council has triggered centrifugal forces at the very heart of national governments; forces that could hardly stem from IGOs. Second, ‘agencification’ at the national level has created an administrative infrastructure that makes ‘agency capture’ by the Commission possible. Consequently, national (regulatory) agencies now seem to constitute parts of national administrations as well as of an emerging Union administration. National agencies in this context have been described as ‘double-hatted’, meaning that they in matters like Council and comitology participation and transposition of EU law into national law assist their respective ministries, while they in matters like formulation of new EU policies and practising of EU legislation primarily relate to the Commission (Egeberg 2006). In this paper we have shown that also in the latter role national agencies are in addition indeed supervised by their ‘parent ministry’, although they enjoy professional autonomy to a considerable extent. The importance of the ‘parent ministry’ partly depends on its organisational capacity in the field and the extent to which the legislative area is politically contested. It is worth noticing that what has been called ‘second generation New Public Management reforms’ tend to, *inter alia*, strengthen ministerial resources in order to regain more control over semi-detached agencies

(Christensen and Lægreid 2006). Others have reported that the role of ministerial departments as regards agencies' practising of EU legislation is contingent upon agencies' form of affiliation to ministries and national administrative culture (Barbieri 2006; Martens 2005). Although not analysed in this paper, it seems quite obvious that also the role of the Commission will tend to vary. For example, a study of a country with hierarchical state traditions indicates that DG Competition is more capable of *penetrating* and establishing a 'steering dialogue' with the Italian competition authority than DG Environment is in relation to the Italian environment protection agency (Barbieri 2006). Also, lack of knowledge and 'noviceness' make national agencies more receptive to inputs from the Commission (Martens 2007).

The 'parent ministry' and the Commission (and in tandem with ESA) constitute by far the most important interlocutors as regards national agencies' practising of EU legislation. National agencies are clearly 'double-hatted' in this role. However, although significantly less important, additional 'hats' are also present: 'sister agencies' in other countries and EU-level agencies are deemed important by a considerable proportion of officials. Thus, in sum, implementation can probably be better described as 'compound' or "multi-hatted" than as 'indirect', 'direct' or 'networked'. Thus, elements of the old, intergovernmental administrative order clearly co-exist with newer ingredients of a multilevel and transnational executive order (Bratberg 2007). However, our data may also indicate that 'parent ministries' are not consistently involved when networks consisting of national agencies, EU-level agencies and the Commission are activated. Also studies of EU-level agencies show that they tend to blend different modes of governance (Trondal and Jeppesen 2008).

In our view a system has taken a significant step towards a more deeply integrated polity when a separate executive centre at least partly disposes over executive bodies at the level beneath that are partly independent of the political core at that level. Whether this leads to enhanced uniformity as

regards implementation practices across countries remains unstudied in this paper. As said, compared to solely indirect implementation, one would, from an organisational point of view, expect more uniformity when implementation is compound, although not as much uniformity as when implementation is solely direct.

---

## Notes

<sup>1</sup> An earlier version of this article was presented at the RG1 CONNEX conference, Universitat Autònoma de Barcelona 7-9 June 2007. The authors would like to thank the participants for valuable comments and criticism.

<sup>1</sup> **The impact of organisational duplication<sup>1</sup> on ministerial importance<sup>2</sup>, by political contestation<sup>3</sup> (agency officials)**

contestation	High		Low contestation	
	duplication	No duplication	duplication	No duplication
Parent ministry important (per cent)	90	84	77	62
Mean N	(87)	(19)	(168)	(55)

*This variable combines values 1 and 2 on the following four-point scale: “yes, department(s)” (value 1), “yes, office(s), section(s) and the like” (value 2), “yes, earmarked position(s)” (value 3), “no, no earmarked units/positions” (value 4).*

1) *This variable combines values 1 and 2 on the following five-point scale: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4) and very unimportant (value 5).*

2) *This value combines values 1 and 2 on the following three-point scale: often (value 1), sometimes (value 2), seldom/never (value 3).*

---

## References

- Barberi, D. (2006), 'Transnational Networks meet National Hierarchies: the Cases of the Italian Competition and Environment Administrations', in M. Egeberg (ed.) *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Basingstoke: Palgrave Macmillan).
- Bratberg, Ø. (2007), 'Bilateral Diplomacy in an Integrated Europe: The Co-existence of Institutional Orders?' Paper to be presented at the RG1 Connex Conference, Universitat Autònoma de Barcelona, 7-9 June.
- Christensen, T. and P. Lægreid (eds.) (2006), *Autonomy and Regulation. Coping with Agencies in the Modern State* (Cheltenham: Edward Elgar).
- Eberlein, B. and E. Grande (2005), 'Beyond delegation: transnational regulatory regimes and the EU regulatory state', *Journal of European Public Policy*, Vol. 12, No. 1: 89-112.
- Egeberg, M. (2006), *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Basingstoke: Palgrave Macmillan).
- Egeberg, M. (2007), 'European government(s) – Executive politics in transition? ARENA Working Paper No. 05. Forthcoming in *West European Politics*, Vol. 31
- Egeberg, M. and J. Trondal (1999), 'Differentiated Integration in Europe: The Case of the EEA Country Norway', *Journal of Common Market Studies*, Vol. 37, No. 1: 133-142.
- Eising, R. (2005), 'The access of business interests to European Union institutions: notes towards a theory', ARENA Working Paper, No. 29.
- Goetz, K. (2000), 'European Integration and National Executives: A Cause in Search of an Effect?', *West European Politics*, Vol. 23, No. 4: 211-231.
- Gornitzka, Å. (2007), 'Networking Administration in Areas of National Sensitivity – The Commission and European Higher Education', in A. Amaral, P. Maassen, C. Musselin and G. Neave (eds.) *European*

---

*Integration and the Governance of Higher Education and Research* (Dordrecht: Springer).

- Haverland, M. (2006), 'Methodology', in P. Graziano and M.P. Vink (eds.) *Europeanization. New Research Agendas* (Basingstoke: Palgrave Macmillan).
- Héritier, A., Kerwer, D., Knill, C., Lehmkuhl, D., Teutsch, M. and Douillet, A.-C. (2001), *Differential Europe. The European Union Impact on National Policymaking* (Lanham: Rowman & Littlefield Publishers).
- Hix, S. (2001), 'Legislative Behaviour and Party Competition in the European Parliament: an Application of Nominate to the EU', *Journal of Common Market Studies* 39:663-88.
- Hix, S. (2005), *The Political System of the European Union* (Basingstoke: Palgrave Macmillan).
- Jacobsen, K.D. (1960), 'Lojalitet, nøytralitet og faglig uavhengighet i sentraladministrasjonen', *Tidsskrift for samfunnsforskning* 1: 231-48.
- Knill, C. (2001), *The Europeanisation of National Administrations. Patterns of Institutional Change and Persistence* (Cambridge: Cambridge University Press).
- Majone, G. (1996), *Regulating Europe* (London: Routledge).
- March, J.G. and J.P. Olsen (1989), *Rediscovering Institutions. The Organizational Basis of Politics* (New York: The Free Press).
- Marks, G., L. Hooghe and K. Blank (1996), 'European Integration since the 1980s. State-Centric versus Multi-Level Governance', *Journal of Common Market Studies*, Vol. 34: 343-378.
- Martens, M. (2001), *Europeisering gjennom overvåkning - En studie av ESAs opprettelse og virkemåte*. ARENA Report, No. 2.
- Martens, M. (2005), *Run-away Bureaucracy? Exploring the Role of National Regulatory Agencies in the EU*, ARENA Working Paper No. 30. Forthcoming in *Scandinavian Political Studies* 31

- 
- Martens, M. (2006), 'National Regulators between Union and Governments: a Study of the EU's Environmental Policy Network IMPEL', in M. Egeberg (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Basingstoke: Palgrave Macmillan).
- Martens, M. (2007), 'Linking the Commission and National Regulatory Agencies – A Study of the Role of the European Commission in Transgovernmental Networks'. Paper to be presented at RG1 Connex Conference, Universitat Autònoma de Barcelona 7-9- June.
- Moravcsik, A. (1998), *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht* (London: Cornell University Press).
- Olsen, J.P. (2007), *Europe in Search of Political Order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift, and the co-existence of orders* (Oxford: Oxford University Press).
- Shapiro, I., S. Skowronek and D. Galvin (eds.) (2006), *Rethinking Political Institutions. The Art of the State* (New York: New York University Press).
- Sverdrup, U. (2006), 'Implementation', in P. Graziano and M.P. Vink (eds.) *Europeanization. New Research Agendas* (Basingstoke: Palgrave Macmillan).
- Trondal, J. (1999), 'Integration through Participation. Introductory Notes to the Study of Administration Integration', *European Integration online Papers* (EIoP), 3: 4.
- Trondal, J. and L. Jeppesen (2008), 'Images of Agency Governance in the European Union', *West European Politics*, Vol. 31 (forthcoming).
- Wilson, J.Q. (1989), *Bureaucracy. What Government Agencies Do and Why They Do It* (New York: Basic Books).



# Chapter 10

## Administrative integration through the back door?

The role and influence of the European Commission in transgovernmental networks within the environmental policy field

Maria Martens  
*University of Oslo, Norway*

### **Abstract**

In the EU we see a trend towards developing informal networked structures between the European Commission and national regulatory agencies. Focus in this paper is how we can describe and understand the role of the European Commission within these networks. The central argument is that the Commission is playing a proactive role, being able to convince officials in the national regulatory agencies that a particular course of action is desirable. It is able to do this mainly because it is perceived as a credible institution with expertise and overview, assets that seem to have become even more important in EU27. It is further argued that the role and influence of the Commission is conditioned by certain factors at the national level like 'ministerial control', 'noviceness' and 'administrative capacity'. It is concluded that we need to take into account institutional features both at the national and European level in order to understand the multi faceted role of the

Commission within this specific institutional setting. The networks under study are within the environmental policy field, and the paper is written on the basis of interviews with officials from environmental agencies in Finland, Denmark, Norway, Latvia and Estonia in addition to interviews with Commission officials in DG Environment and DG Enterprise and Industry.

## **Introduction**

The European Commission is a peculiar component in the institutional architecture of the EU. While councils, parliamentary assemblies and courts may be found in other governance structures at the international level as well, a separate executive body like the Commission is not in place anywhere else. From its very inception, the Commission was meant to act independently from member states, pointing beyond a purely intergovernmental order (Egeberg 2006a).

Focus in this paper is how can we describe and understand the role of the European Commission<sup>1</sup> within transgovernmental networks. The networks under study consist primarily of officials from regulatory agencies in the member states, and I ask specifically whether and under what conditions the Commission is able to influence the decision making behaviour of the national officials in these networks. Public administration is strongly linked to the concept of the nation state, and even if the Commission formally has the responsibility of monitoring the national implementation of EU law, the member states have been cautious of delegating administrative capacities to the Community level in order to protect national sovereignty (Sverdrup 2007). In this paper I argue that transgovernmental networks may be understood as an informal 'back door' for the European Commission to influence the regulatory activity at the national level in a systematic way, a direct link to the street-level of the national administrations. In that respect, this paper may contribute to our understanding of the multifaceted role of the

Commission, and may also be telling us something about shifting powers and resources in the European governance system.

A specific historical development at the national level serves as an important backdrop. A number of countries have launched programmes of 'agencification'- of transferring government activities into agency-type organizations, and several Western European states launched these agencification-programmes during the 1980s and 1990s (Pollitt et al. 2004:36). A similar development has taken place in Eastern Europe the last two decades. After the Soviet period, EU candidate countries were put under pressure to modernize their administrations; to develop a professional civil service and build institutional capacity to implement and enforce the legal framework of the European Union (Grabbe 2001:1016, Olsen 2003:519). The changes to unbundled agencies were extensive, and semi-independent regulatory agencies gradually became more salient actors in the political and administrative landscape (Pollitt 2004:287). According to Pollitt (*ibid*) 'Agencies were seen as a way of introducing private sector-style efficiency and escaping bureaucratic rigidities. Pro-business governments were in power'.

The EU does not have a clearly defined or coherent administrative policy (Olsen 2007). However, over the past few years it has begun to focus more strongly on administrative issues, as we have seen in the White Paper on European Governance (2001) and the Commission's action plan for better Regulation (2002). And the EU is indirectly pushing for agencification of the national administrative apparatus through more specific directives on how to organize the public sector and through the organisational set-up that controls implementation and enforcement of the EU legal acts (Christensen and Lægveid 2004:147). We do see in the EU a trend towards developing networked administrative structures in which the Commission and national administrative units create closer cooperative arrangements (Egeberg 2006b),

and the idea of a 'networked administrative system' - in which the Commission could partly 'dispose' of national agencies - has been launched<sup>1</sup>. According to Egeberg (2007:17) it is when 'national agencies are vertically as well as horizontally decoupled that they are open for being re-coupled into new administrative configurations'. My point of departure is that the role of the European Commission has not been properly conceptualised within these administrative configurations. Focus has rather been on the functional need of delegation of regulatory capacity to the European level (Metcalf 1992, Majone 1996, 1997, Eberlein and Newman 2007); and the question of performance and efficiency of different regulatory networks (Eberlein and Grande 2005, Coen and Thatcher 2007, Eberlein and Newman 2007, Randall 2006).

My analytical starting point, or stepping stone, is that we have to understand the EU in terms of a multi level governance system (Kohler-Koch 1999, 2003, Hooghe and Marks 2001) - a departure from 'the self-contained nation state as the political arena and an analytical ability to 'cut across' state boundaries' (Christiansen 1997:65). However, notions of 'fusion' (Wessels 1998), 'fluidity' (Rosamond 2000:111) and 'partnership'<sup>1</sup> within parts of the Multi level governance and network literature<sup>1</sup> may obscure the relative strength of the actors involved. According to Matlary (1997:280) a valid criticism of network approaches is that they often treat all actors 'on a par' and not able to explain why and how they are relevant. In this paper I am trying not only to map the actors in the relevant networks under study, but also understand and explain the way they act. Within the 'normative' wing of new institutionalism, human rationality may be described as institutionalized, embedded or contextualized, following a logic of appropriateness (March and Olsen 1989). Rational choice theory on the other hand is based on the belief that individuals will be motivated primarily by the desire to make maximum gain for themselves. It assumes that agents have the ability to calculate what particular actions are likely to benefit them, following a logic of

consequences. Arguably, there is a difference in outlook that reveals a tension; actors as (part of) social environments that structure appropriate interaction, as opposed to rational actors exerting power (Checkel and Zürn 2005:6). However, several new institutionalist scholars have argued that there is no intractable and incompatible divide between the two logics of decision making (March and Olsen 1989, 2006, Olsen 1991). They may interact, it is a matter of 'judicious blend of both' (Goodin and Klingeman 1996:11). According to March and Olsen (2006:691) institutions allocate resources and empower and constrain actors differently. 'They affect whose justice and what rationality has primacy and who becomes winners and losers' (ibid). In line with this position, I argue that in order to understand the position and potential power of the Commission in these transgovernmental networks, we need to study the particular interplay between its specific resources within this particular structure, taking into account institutional features both at the national and European level. I further argue that within this particular institutional setting - the transgovernmental networks, the Commission possesses a privileged position. Arguments matter, and arguments based on knowledge and expertise matter the most. The language of expertise is 'the most valid means of communication' (Marcussen 2005:20). Hence, the Commission is able to convince the national officials that a particular course of action is desirable based on its particular resources like expertise, credibility and overview, or more specifically the perception of the Commission as an institution assessing these resources. However, I underline that the role and influence of the Commission is conditioned by certain institutional factors at the national level. Degrees of 'ministerial control', 'noviceness' and 'administrative capacity' seem to matter, factors that apparently are interlinked with regard to the situation in the Baltic states.

The structure of the paper is the following: First, I have a note on methodology and data. Second, I specify the network concept applied in this paper and present the different networks under study. Third, I give a general

description of the role of the Commission within the networks. Last, I try to conceptualise the role of the Commission and discuss different scope conditions with regard to the Commission's potential influence and power within these structures.

### **A note on methodology and data**

The policy field under study is Environmental policy. The paper is written on the basis of 33 interviews with officials from environmental regulatory agencies in five member states in the Northern part of Europe<sup>1</sup>: Finland, Denmark, Norway, Latvia and Estonia and eight interviews with Commission officials from DG Environment and DG Enterprise and Industry all dealing with environmental issues. I also include a previous smaller case study of the IMPEL network (The European Union network for the Implementation and Enforcement of Environmental law) (Martens 2006) where my empirical material is based on telephone interviews with national officials from ten different member states and one official from the European Commission. All my informants are middle- and upper-middle-level officials. I chose to conduct qualitative interviews with open-ended questions, to enable broad reflections and extensive information from the actors involved.

'Noviceness' is considered a relevant dimension to take into consideration when trying to explain decision making behaviour within international institutions (Checkel 2005, Hooghe 2005). Newcomers are often more susceptible and open minded than more experienced actors (Hooghe 2005). A relevant question to be discussed in this paper is whether the Baltic officials are more vulnerable or open to influence from the Commission than officials from the Nordic member states. Hence, including the Baltic States within a larger Nordic frame may help us exploring some of the scope conditions for the influence of the European Commission.

## **The networks under study**

The term 'network' has become a catch word in recent years, and it is used in a number of ways in the study of public administration as well of European integration (Börzel 1998, Schout and Jordan 2005). It can also be used to denote a preferred steering arrangement where networks represent an alternative and normatively superior coordinating mechanism to hierarchies and markets (Gornitzka 2007:5). This paper is not concerned with network theory or with the normative qualities of network as a governance arrangement, but the networks under study have certain features in common: First, they consist of public actors from different levels of governance, primarily officials from regulatory agencies in the member states and officials from the European Commission services (DGs). While the study of networks in a European context often is about the interaction of public and private actors (Börzel 1998), these networks link up different public actors drawn from different public jurisdictions. A distinction can be made between these networks and connections of the Commission with national administrations through committees and expert groups, as well as networks between the Commission and officials at the sub-national levels. Second, the networks under study are informal in the sense that their existence is not codified in the EU legal framework. Christiansen, Føllesdal and Piattoni (2003:7) define informal networks as 'actors pursuing common goals – which lead to cooperation, patterned relations and public decisions – through regular though non-codified and not publicly sanctioned exchanges in the institutional context of the European Union.'

I divide the networks under study into two categories: 1. Drafting and 2. Implementation. Since a large part of the regulatory activity at the national level is related to implementation and enforcement, main focus will be on this part of the decision making process. In the next section I give a short

description of the different networks under study, before I describe more thoroughly in section four the internal dynamics between the relevant actors.

### **Networks in the preparation/drafting phase**

The networks in the preparation phase are established on a case to case basis and consist mainly of a small sample of national officials from regulatory agencies in the old member states. Network members are selected by the Commission on the basis of their particular expertise, but also because the Commission officials know them, have worked with them several times and trust that they will keep the information about the process to themselves. Hence, discretion and trust is essential when these networks are established. In the words of one Commission official in DG Environment:

‘You know the people in the network, that is factor number one, because if you do informal consultation... If it gets out someone feels bad about it that undermines the whole thing. It is necessary that you have someone to rely on in the sense that they do not run around and tell things to the press or talk to the people that we did not ask.’

The networks are described by the Commission officials as ‘a first move’ in the drafting process and an informal channel for the Commission to test ideas and explore different options. However, some individuals at the national level may be important allies at a later stage in the decision making process, and some may be used to convince colleagues in other member states to take a particular stand on the issue under discussion. According to the Commission officials, the informal drafting networks have become more important after the previous enlargements since it is difficult to include all 27 member states in the drafting process. As one of one of the Commission officials puts it:

If you want 27 member states to actively think the same, you need to prepare very well. And you don't do that in a meeting of 27. The network is necessary to get there. When we were just twelve you could actually both discuss and agree on solutions, half way brainstorming in say two or three meetings, but that is just impossible now. Now you have to go back stage.

The national officials participating in these drafting networks are aware of their exclusive nature, and point at the importance of discretion. They underline that they prefer to speak to the Commission on the phone, and say that any E-mails from the Commission are deleted immediately. They believe the Commission is doing the same.

The Commission's next step in the drafting process (pipe-line) is to collect comments on the relevant draft from a wider audience, including both private and public actors. Drafts are put on the internet, and the Commission may receive comments and amendment proposals from a wide circle of different stakeholders. More detail accounts of these processes are readily available elsewhere (e.g. Larsson and Trondal 2006, Nugent 2001, 2003).

## **Networks in the implementation phase**

As stated in the introduction, the Commission has formally the responsibility of implementation and enforcement of EU law. However, the member states have been cautious of delegating administrative capacities to the Community level, and its implementation functions are, in all but exceptional cases, restricted to monitoring and carrying out investigations (Nugent 2003). Hence, informal transgovernmental networks may be perceived as attempts at securing uniform implementation in the EU without transferring more direct power from the national to the supranational level (Dehousse 1997, Eberlein and Newman 2007). There are different implementation networks which consist of officials from national regulatory authorities and the European Commission<sup>1</sup>. I concentrate on the following within the Environmental field:

IMPEL (The European Union network for the Implementation and Enforcement of Environmental law), scope groups (electronic networks related to specific directives) in addition to regular informal contact on a bilateral basis between certain national officials at the agency level and the European Commission.

## **IMPEL**

The roots of IMPEL (The European Union network for the Implementation and Enforcement of Environmental law) can be traced back to 1991 when the Dutch chairmanship placed environmental issues high on its agenda and took the initiative to establish an informal network<sup>1</sup> of national implementation authorities. The network of 2007 consists of national environmental agencies from all EU-states, candidate countries and Norway in addition to the European Commission. Without legal powers the network develops "best-practice" rules as regards inspection, permitting, monitoring, reporting and enforcement of EC environmental legislation. IMPEL has e.g. created a guidance on minimum criteria for inspections<sup>1</sup> and also published a reference book for environmental inspection, as well as developing benchmarking on quality parameters for Environmental Inspectorates.

The network operates to a large extent through different projects with the Commission as its main economic contributor, e.g. projects in the fields of training and exchange programmes for inspectors, application of industrial pollution control legislation, shipments of waste and implementation of the EU emission trading scheme. The national officials taking part in this network devote in general approximately 1/3 of their working hours to the IMPEL network and the rest to their 'ordinary' work in the national agencies (Martens 2006).

Recently, IMPEL has also began to engage in legislation issues, playing an advisory role for the design of new Community legislation, focussing on

aspects of ‘implementation-friendliness’<sup>1</sup>. The latter issue has not been without internal controversy. According to Duncan (2001:6) who participated as British representative in the first years of the network ‘We, as members of national enforcement agencies, were well aware of our national policy-making colleagues’ concern that we might be drawn into usurping their position in regard to development of Community legislation, and we were most sensitive to this concern’. Hence the line between implementation and legislation activities within the network is not always clear cut. The Commission (DG Environment) functions as host for the IMPEL Secretariat and acts as co-chair of the six-monthly plenary meetings. The Commission functions as a coordinator of the network mainly through the secretariat, and some of the national officials point to the fact that the previous enlargement has resulted in a larger organization where the Commission’s overview and coordination is needed to an even greater extent in the daily activities of the network (Martens 2006). I will return to this point in the forth section.

### **Electronic Scope groups and day to day contact**

The scope groups consist of responsible case handlers for one or several particular EU directives. The groups are functioning as electronic discussion forums, and the Commission provides the necessary technicalities and takes part in the different discussions. A scope group is activated when a national official is facing a practical problem in relation to the relevant directive and presents the problem to the rest of the group. The Commission is often entering in the last phase of the discussion, presenting a possible solution which is seldom contested by the other members. When the scope group has decided upon a solution, it is placed in an electronic manual, an internal guideline on the internet on how the relevant directive is to be interpreted and implemented. According to the Commission these guidelines are not formal in a strict sense, but considered as ‘gentlemen’s agreements’. However,

they have a legal value for the Commission service since they have to hold on to this particular interpretation of the directive in similar cases. 'It's a Commission service opinion. It is not binding for third parties, but if they [the national officials, my insert] don't follow these guidelines, at least we have to ask them why. But we can not take them to court.' An example is the manual of the Biocide-directive<sup>1</sup> which is about 80 pages and consists of all the cases and difficult issues the network has been dealing with since the directive was put into force.

In addition to the networks mentioned above, some of the national officials at the agency level are in regular contact with the Commission on a bilateral basis by E-mail and telephone. According to the Commission it is possible to divide these people into two different groups: The first group consist of officials who have been in the game for a while and want to discuss specific and often complex problems related to their work. According to the Commission officials these people contact them because they are interested in the particular field they are working with and want to do better what they already do well. They are ambitious with regard to their work. The second group consist of people from the new member states who have problems understanding how the EU-system work or how a particular part of a legal act is to be interpreted. They need guidance. In the words of one of the Commission officials: 'someone are active because they want to make European what they do nationally. Someone are in contact with us because they genuinely need help'. I will return to these differences in the next section, where I describe more thoroughly the role of the Commission within the different networks mentioned above.

### **The European Commission: A partner and guide**

According to officials both at the national and European level is the aim of informal networking to find solutions to different problems within a specific

policy field. All of the informants stress the importance of professional competence, and highlight the importance that arguments put forward during discussions are scientifically convincing. As one of the Commission officials puts it: 'In the network you don't have the filter effect. You have the experts. They are interested in the subject. It is much more efficient'.

With regard to IMPEL, the initiative to create the network surfaced at the national level, and the participation of the European Commission was not part of the original plan; in fact, the national experts initiating the network expressed concerns about admitting the Commission. There where 'some initial concern that the ultimate or hidden objective of the Network might be to achieve some form of enforcement role for the Commission' (Duncan 2001:2). However, this skepticism towards the Commission gradually drifted away, and increased companionship and mutual trust developed between the national officials and the Commission during the initial years of the implementation-network<sup>1</sup> (Martens 2006).

Even if the aim of networking is to find common solutions to common problems based on professional criteria, the Commission officials underline that they often have a specific agenda with regard to how the legal acts are to be interpreted and implemented nationally. They consider themselves as more than a mediator within the networks and try to push the work of the implementation-networks in certain directions. According to the Commission representative in the IMPEL network: 'we have great interest to benefit from IMPEL projects and it is thus important to pay attention that priority area for IMPEL and the Commission correspond to each other to the extent possible'. When trying to explain how they are able to influence the national officials, they stress the importance of their own performance. In order to be listened to, they have to be perceived as trustworthy and knowledgeable. In the words one of the officials:

We can only make the participants in the network change their mind by performance. Make them see that we mean what we say. So they know where we are. It is all the components of building trust. We are very, very careful not to give them the feeling that we are ruling the game. That is really something we try to avoid.

The European Commission is described by several of the national officials as an institution with particular experience and particular knowledge about the EU system and the different legal acts and is often perceived as being in the best position to judge how a problem may be solved. However, it is worth mentioning that the Baltic officials highlight the particular skills of the Commission to a larger extent than their Nordic colleagues. They describe the Commission as a mentor, helping them to understand complex issues under discussion, and they often call or E-mail the Commission for advice when dealing with particular matters. According to the Baltic officials they often pose questions of a political nature to officials in DG Environment and more technical questions to experts in the Environmental Chemical bureau (ECB) which is sorted under DG Research.

The Nordic officials do also turn to the Commission for advice in particular cases. However, several of the Nordic officials point to the fact that there are individual differences with regard to competencies among the officials in the Commission and people in the Commission are often in need of information and feedback about specific matters from them. In general, the Baltic officials have fewer, prior positions than their Nordic colleagues in the network discussions, and they quite often lack a national opinion when entering the meeting room physically or through the internet. They underline that they consult their parent ministry if they feel they are facing 'a political matter' which needs a political decision. However, they feel quite often that the parent ministries are not able to provide them with the necessary guidelines. In the words of one of the Latvian officials 'the people in the ministry are asking us questions which we are supposed to ask them'. When trying to explain the reason for lack of guidelines from the ministry

level, the Baltic officials point to the fact that salaries in general are low in the ministries and this result in a very high turnover. People in the relevant ministries are often young and lack the necessary competence both with regard to the specific issues under discussion and the EU system in general.

Summing up: Solutions are found within the different networks primarily through discussion, and the arguments put forward by the participants are based on scientific and professional criteria<sup>1</sup>. The national officials acknowledge the specific expertise and overview of the Commission, and the Commission acts as a guide and coordinator in several occasions. The Baltic officials seem to have a more humble attitude towards the European Commission than their Nordic colleagues, and they perceive the Commission to a larger degree as an authority than the officials from the Nordic countries who are more concerned about the interdependence of the different actors involved. In addition, it is possible to argue that the Commission plays different roles within the drafting and implementation networks. In the preparation phase, the Commission primarily seeks to find common ground among the national officials, and to 'test the temperature of the water'. With regard to implementation and interpretation of different legal acts, the Commission often has a clear agenda, and it is active with regard to pursuing specific aims.

### **Conceptualising the role of the Commission**

As stated in the introduction, my analytical starting point is that we have to take into account institutional features both at the national and European level in order to disentangle and understand the position and possible influence of the Commission within the networks under study. One of these institutional features is the organisational 'home base' of the national officials. The underlying theoretical argument is that organisational specialization tend to reduce attention problems, conflicts and ambiguity, and specialists become

highly attentive to the special interests they are responsible for, depend on, and interact with (see e.g. Olsen 1991, Egeberg 2004). Vertical interorganizational specialization enhances professional focus and autonomy (Christensen and Lægreid 2004), and officials in central agencies, in contrast to their colleagues in the ministries, exercise their discretion comparatively insulated from ongoing political processes and adopt stronger sectoral allegiances (Egeberg 2007, Trondal and Larsson 2006). These observations correspond with the view of the Commission officials in the networks under study. As one of the Commission officials puts it :

I think that the separation between technical competence and the political area is good for decision making. It's good for the people, because it makes them able to concentrate on what they are good at. And be able to protect it from influence. Very often the new member states ask us how the other member states are structured. Which structures are the most efficient? And of course we give them our honest advice.

In addition, the officials in the Commission look at the officials at the agency level as more stable partners than officials at the ministry level because of the lower turn over. Officials in central agencies often have a long history within the same institution and within the same professional area; arguably this makes it easier to build relations based on trust and familiarity. Hence, it is possible to argue that the strong sectorial allegiances and low turn over in the regulatory agencies are enabling a common professional focus and trust between the participants in the networks. However, there are differences between the national agencies with regard to how independent they may operate from their parent ministries within the networks, and this seems to matter with regard to the potential influence of the Commission. Some of the national officials need to a larger extent a green light back home before they can change their mind or approve different solutions agreed upon in the network. In the words of one of the Commission official:

Some are more resistant from political pressure than others. There have been cases where they agree with us, or argue our case at home. Sometimes we win, sometimes we don't. Then it is an advantage if they are independent. Of course if they are dependent upon their superior ministry for their next promotion, then they have their hands completely tight. But I don't see any problems with the ministry financing the agency. Because it is probably the least biased source of money you can get.

In sum, it is possible to argue that the strong sectorial and professional allegiances in the regulatory agencies are enabling a common professional focus and trust between the participants in the networks. It is also possible to argue that this common professional focus is enabling a communicative logic of appropriateness in the sense that the decision-making is expected to be guided by considerations of professional correctness and the power of the better argument (Eriksen and Fossum 2000), and where the main issue is to find reasonable solutions – not to focus on political or national differences (Radaelli 1999). According to March and Olsen (2006:691) specific institutional settings provide 'vocabularies that frame thought and understandings and define what are legitimate arguments and standards of justification'. Within this particular setting – the transgovernmental networks, arguments matter, and arguments based on knowledge and expertise matter the most. The language of expertise is 'the most valid means of communication' (Marcussen 2005:20). Hence, it is possible to claim that this institutional setting is making it possible for the Commission to convince the national officials through the power of the better argument. In the words of Gehring and Kerler (2007:4) 'If nobody is prepared to be convinced and to adjust preferences, reasons will not matter'. In this setting, the Commission is able to convince the national officials that a particular course of action is desirable based on its particular resources like expertise and overview of the EU-system, or more specifically the *perception* of the Commission as an institution assessing these resources. It is perceived as a credible institution. As one of the Commission officials puts it: 'we are perceived as a repository of

knowledge and experience'. Eberlein (2003:161) notes that science-based, complex knowledge and control over credible information have become important tools of 'soft steering' in the EU (see also Haas 1992, Radaelli 1999 and Richardson 2003). Arguably, these assets have become even more important in EU27 since information, coordination and overview are needed to a larger extent. In the words of one of the Commission officials:

With 27 it is much more complex. So in that sense we are more essential. The disadvantage is the lack of transparency, of course. That some feel that they are not owners of the process. But you have to deal with that pragmatically. Because when you become 27 you still want efficiency.

This being said, the European Commission is not steering the national officials in the networks in a unified way. National agencies differ with regard to their autonomy and leeway at the European arena (Martens 2005), and degree of ministerial control seems to matter with regard to the potential influence of the Commission. In addition, we have seen the existence of systematic differences between officials from the Nordic and Baltic states both with regard to their perception of - and relationship to the Commission. Two factors may help us understand these differences: 'noviceness' and 'lack of administrative capacity'. We will have a closer look at these factors in the next section.

### **Noviceness and lack of administrative capacity**

We introduced the question of the possible effect of 'noviceness' in the beginning of this paper. According to Hooghe (2005:866) people in a new situation are likely to be disoriented and eager to conform. They are more 'susceptible to efforts of persuasion, and more disposed to copy what others do' (ibid). Compared to the officials in the Nordic member states, the Baltic officials seem to have a more open mind with regard to the arguments put

forward by the Commission. They perceive themselves as being in a learning position and the Commission as a mentor. Hence, the arguments put forward by the Commission - 'the mentor' - seem to carry particular weight. In addition, we have seen that the Baltic officials have fewer, prior positions with regard to the issues under discussion in the networks. The explanation for this may also be found in the status of being a new comer; as time goes by views crystallize and become more consistent and stable (Hooghe 2005:866). Hence, it is possible to argue that these two dimensions; 'student-teacher' and 'few prior beliefs' may be interlinked and may both be understood in the context of 'noviceness'. This is in line with Haas (1992) analysing the dynamics of 'epistemic communities'. He is particularly concerned about the difference between decision makers being familiar or unfamiliar with a topic when calling upon and soliciting advice from a particular epistemic community. According to Haas (ibid: 381)

[...] if decision makers are unfamiliar with an issue, not having treated it in the past, an epistemic community can frame the issue and help define the decision makers' interests. On the other hand, if decision makers are more familiar with an issue, they tend to call on an epistemic community whose ideas 'implicitly align' with their own preexisting political agenda and will help them further it.

As noted in section three, there are differences between officials from new and old member when they are seeking advice from the Commission on a bilateral basis. The Nordic officials often call on the Commission to discuss, justify and promote national policies while their Baltic colleagues to a larger extent seek help and guidance. Hence, the notion of 'unfamiliarity' and lack of a 'preexisting agenda' may both be understood in relation to 'noviceness'. However, there is another aspect to take into account when discussing preexisting beliefs which is not necessarily linked to the status of being a new comer, namely 'administrative capacity'. According to Painter and Pierre (2004:2) 'administrative capacity' refers to 'the ability to manage efficiently

the human and physical resources required for delivering the outputs of government'. The more specific building blocks of administrative capacity are 'policy expertise, professional staff, financial resources and some degree of organizational continuity' (ibid:10, see also Olsen 2007:140)<sup>1</sup>. In relation to administrative capacity at the ministerial level, Pollit (2004:283) stress that '[...] agencies can only be steered by their parent ministries if the ministries have the information, the appropriate skilled staff and the authoritative levers with which to steer.' As stated in the introduction of this paper, many agencies were created in the new member states during the first decade of independence. One of the incentives underlying this development was a wish to run away from the old bureaucratic system as quickly as possible (Pollitt 2004:287). The national officials in the Baltic agencies confirm that the element of 'hierarchical bureaucratic control' in the public administration has decreased after the Soviet period. However, we have seen that they do not try to escape the involvement of the parent ministry. They express respect for the ministry as an institution, and they are conscious about the fact that the ministry represents a higher hierarchical level. The problem seems to be that the people at the ministry level lack institutional memory and do not have the necessary experience with regard to EU matters. Hence, for the Baltic officials the notion of being a newcomer, a novice, seems to be underpinned or amplified by lack of administrative resources at the ministry level. This is in line with Pollitt's (2004) case study of regulatory agencies in Latvia (see also Goetz 2001). Pollitt noted that civil service salaries were so low that often the only officials who could be recruited by ministries were students working on dissertations. In sum, lack of administrative capacity and ministerial control seem interlinked in the case of the Baltic states, and arguably make the officials more de-coupled from the central political-administrative apparatus and more dependent upon the European Commission's expertise and leadership.

## **Conclusion**

Intergovernmental scholars describe the Commission primarily as a reactive institution, responding to pressure from external actors (e.g. Moravcsik 1993, 1998). However, in this paper we have seen that the Commission is more than a mediator within the informal transgovernmental networks. It is playing a proactive role, being able to convince the national officials that a particular course of action is desirable, especially with regard to implementation and interpretation of the legal framework. It is able to do this mainly because it is perceived as an institution with knowledge and credibility, assets that seem to have become even more important in EU27.

EU law is often genuinely open to different interpretations and allows authorities at the national 'street-level' to choose among various ways to reach an objective, and to advocate a specific national solution. Hence, implementation is not neutral in terms of substantive policies, it often 'defines what policies actually mean' (Peters 1997:200). While a more European than local outlook taken on by national officials may help to advance administrative integration and the goal of regulatory harmonization, it may wipe out the discretion of national officials and downgrade other legitimate concerns that do not fit into the view of the European Commission. Hence, it is possible to see the networks under study in this paper as a tool in the Commission's tool box, a possible 'back road to the informal harmonization of regulatory practices' (Eberlein 2003:155). This being said, we have seen that the Commission is not steering the national officials in a unified way; factors like 'noviceness', 'ministerial control' and 'administrative capacity' at the national level<sup>1</sup> seem to matter and may be interlinked, as we have noted with regard to the situation in the new member states.

In sum, when trying to understand the role and power of the Commission in these transgovernmental networks it seems necessary to take into account the special resources of the Commission and the way they are

unfolding and perceived within this particular institutional context. And we have to understand important dynamics both at the EU and the national level in order to disentangle the institutional context. Institutional structures are rarely deterministic, in the sense that they shape behaviour fully. Instead they convey general orientations for action (Windhoff-Heritier 1991:41) and opportunity structures. The informal transgovernmental networks under study in this paper may be seen as such an opportunity structure, enabling the relative resources and influence of the European Commission.

**Acknowledgment:**

I am grateful to Morten Egeberg, Thomas Christiansen, Christoph Knill and the participants at the CONNEX workshop “Institutional Dynamics and the Transformation of Executive Politics in Europe” (Barcelona, 7-9 June 2007) for valuable comments on an earlier draft of this paper. CONNEX is the Network of Excellence on efficient and democratic governance in the European Union, funded under the EU 6th Framework Programme of Research.

## References

- Barbieri, D. (2006), 'Transnational Networks meet National Hierarchies: the Cases of the Italian Competition and Environment Administrations' in M. Egeberg (ed.) *The Multilevel Union Administration* (Houndmills: Palgrave.)
- Bauer, M. W. (2001), '*The EU 'Partnership Principle' Revisited: A Critical Appraisal of its Integrationist Potential as a Governance Device Interconnecting Multiple Administrative Arenas*' (undated). MPI Collective Goods Preprint No. 2001/13. Available at: <http://ssrn.com/abstract=296376> or 10.2139/ssrn.296376
- Bauer, M. W. (2006), 'Co-managing programme implementation: conceptualizing the European Commission's role in policy execution'. *Journal of European Public Policy* 13:5 717-735.
- Börzel, T. (1998), 'Organizing Babylon – On the Different Conceptions of Policy Networks'. *Public Administration* 76 (summer): 253-273.
- Coen, D. and Thatcher, M. (2007), '*Network governance and delegation: European Networks of Regulatory Agencies*'. Paper presented at the CONNEX-workshop 'EU-level Agencies - Development and Implications' in Oslo 15-16. March 2007
- Checkel, J. T. (2005), 'International Institutions and Socialization in Europe: Introduction and Framework' in J.T. Checkel (ed.): *International Institutions and Socialization in Europe*, special issue of *International Organization* 59 (fall): 801-826.
- Checkel, J. T. and Zürn (2005), 'Getting Socialized to build bridges: Constructivism and Rationalism, Europe and the Nation state' in J.T. Checkel (ed.) *International Institutions and Socialization in Europe*, special issue of *International Organization* 59 (fall): 1045-1079.

- Christiansen, T., Føllesdal, A. and Piattoni, S. (2003), 'Informal governance in the European Union: An introduction' in T. Christiansen and S. Piattoni (eds.) *Informal governance in the European Union* (Cheltenham: Edward Elgar).
- Christiansen T. (1997), 'Reconstructing European Space: From Territorial Politics to Multilevel Governance' in K. E. Jørgensen (ed.) *Reflective approaches to European governance* (Basingstoke: Macmillan).
- Christensen, T. and Lægreid P. (2001), *New Public Management. The Transformation of ideas and Practice* (Aldershot: Ashgate).
- Christensen, T. and Lægreid P. (2004), 'Autonomization and Policy Capacity: The Dilemmas and Challenges Facing Political Executives' in M. Painter and J. Pierre (eds.) *Challenges to State Policy Capacity* (Palgrave: McMillan).
- Christensen T. and Lægreid P. (2006), *Modern Regulatory Agencies – Professional and Judicial Objectivity or Increased Complexity in Decision-Making?* Working Paper 12/2006 Rokkansenteret. University of Bergen.
- Dehousse, R. (1997): 'Regulation by networks in the European Community: The role of European agencies'. *Journal of European Public Policy*, 4(2): 246–261.
- Drori, G. S. and Meyer J. W. (2006), 'Scientization: Making a world safe for organizing' in M. Djelic and K. Sahlin-Andersson (eds.) *Transnational Governance* (Cambridge: University Press).
- Duncan, A. (2001), '*The history of IMPEL*' at the IMPEL-homepage: <http://europa.eu.int/comm/environment/impel>.
- Eberlein, B. (2003), 'Formal and informal governance in Single Market regulation' in T. Christiansen and S. Piattoni (eds.) *Informal governance in the European Union* (Cheltenham: Edward Elgar).

- Eberlein B. and Grande, E. (2005), 'Beyond delegation: transnational regulatory regimes and the EU regulatory state'. *Journal of European Public Policy* 12:1 2005: 89-112.
- Eberlein, B. and Newman, A. (2007), '*Escaping the International Governance Dilemma? Incorporated Transgovernmental Networks in the European Union*'. Paper presented at the CONNEX-workshop 'EU-level Agencies - Development and Implications' in Oslo 15-16. March 2007
- Egeberg, M. (2003), 'How bureaucratic structure matters: an organizational perspective' in B. G. Peters and J. Pierre (eds.) *Handbook of Public Administration* (London: Sage).
- Egeberg, M. (2004), 'An organisational approach to European integration: Outline of a complementary perspective'. *European Journal of Political Research* 43: 199-219.
- Egeberg, M. (2006a), 'Organising Institutional Autonomy in a Political Context: Enduring Tensions in the European Commission's Development' in M. Egeberg (ed.) *The Multilevel Union Administration* (Houndmills: Palgrave).
- Egeberg, M. (ed.) (2006b), *The Multilevel Union Administration*. (Houndmills: Palgrave).
- Egeberg, M. (2007), *European Government(s). Executive Politics in Transition?* Manuscript, presented at ARENA-seminar 27/2-07, forthcoming in *West European Politics* 2008.
- Eriksen, E. O. and Fossum J. E. (eds.) (2000), *Democracy in the European Union. Integration through Deliberation?* (London: Routledge).
- European Commission (2000), '*Externalization of the Management of Community Programmes – including presentation of a framework regulation for a new type of executive agency*'. COM (2000) 788. Brussels.
- European Commission (2001), '*European Governance. A White Paper.*' Com (2001) 428. Brussels.

- European Commission (2002), *'The Better Regulation Action Plan. Simplifying and improving the regulatory environment'* COM (2002) 278. Brussels.
- Farmer, D. J. (1995), *The Language of Public Administration: Bureaucracy, Modernity and Postmodernity* (Tuscaloosa, Ala.: University of Alabama Press).
- Gehring, T. and Kerler, M. (2007), *'Institutional Stimulation of Deliberative Decision-Making: Technical Regulation in the European Union'*. Paper presented at ARENA-seminar 20.02. 2007.
- Goetz, K. H. (2001), 'Making sense of post-communist central administration: modernization, Europeanization or Latinization?' *Journal of European Public Policy* 8:6 1032-1051.
- Goodin, R. and Klingemann, H. (1996), 'Political Science: The Discipline' in R. Goodin and H. Klingemann (eds.): *A New Handbook of Political Science* (Oxford: Blackwell).
- Gornitzka, Å. (2007), *'Networking Administration in Areas of National Sensitivity - The Commission and European Higher Education.'* ARENA Working Paper 02/2007. University of Oslo.
- Grabbe, H. (2001), 'How does Europeanization affect CEE governance? Conditionality, diffusion and diversity.' *Journal of European Public Policy* 8:6 1013-1031.
- Haas, P. M. (ed.) (1992), *Knowledge, Power, and International Policy Coordination*. (Columbia, South Carolina: South Carolina Press).
- Hooghe, L., and Marks, G. (2001), *Multi-level Governance and European Integration* (Lanham: Rowman and Littlefield).
- Hooghe, L. (2005), 'Several Roads Lead to International Norms, but Few via International Socialization: A Case Study of the European Commission' in J. T. Checkel (ed.) *International Institutions and Socialization in Europe, special issue of International Organization* 59 (fall): 861-898.

- Kohler-Koch, B. (1999), 'The Evolution and Transformation of European Governance' in B. Kohler-Koch and R. Eising (eds.) *The Transformation of Governance in the European Union* (London: Routledge).
- Kohler-Koch, B. (2003), 'Interdependent European Governance' in B. Kohler-Koch (ed.) *Linking EU and National Governance* (Oxford: Oxford University Press).
- Larsson, T. and Trondal, J. (2006), 'Agenda setting in the European Commission: how the European Commission structure and influence the EU agenda' in H. C.H. Hofmann and A. H. Türk (eds.) *EU Administrative Governance* (Cheltenham: Edward Elgar).
- Majone, G. (1996), *Regulating Europe* (London: Routledge).
- Majone, G. (1997), The New European Agencies: regulation by information. *Journal of European Public Policy* 4:2.
- March, J. and Olsen J.P. (1989), *Rediscovering Institutions* (New York: Free Press).
- March, J and Olsen J.P. (2006), 'The Logic of Appropriateness' in M. Moran, M. Rein and R. E. Goodin (eds.) *The Oxford Handbook of Public Policy* (Oxford: Oxford University Press).
- Marcussen, M. (2005), '*Transcending Politics: A New Stage in Management Transformation? The Scientization of Central Banking as Case*'. Paper prepared for the SCANCOR/SOG workshop on "Autonomization of the state: From integrated administrative models to single purpose organizations". Stanford University, April 1-2 2005
- Martens (2005), '*Run-away bureaucracy? Exploring the role of National Regulatory Agencies in the EU*'. ARENA Working Paper 30/2005. University of Oslo - forthcoming in *Scandinavian Political Studies*
- Martens, M. (2006), '*National Regulators between Union and Governments: a Study of the EU's Environmental Policy Network IMPEL*' in M. Egeberg (ed.) *The Multilevel Union Administration* (Houndmills: Palgrave).

- Matlary, J. (1997), 'The Role of the Commission: A theoretical discussion' in N. Nugent (ed.) *At the Heart of the Union. Studies of the European Commission* (Basingstoke: Macmillan).
- Metcalfe, L. (1992), 'After 1992: Can the Commission Manage Europe?' *Australian Journal of Public Administration*, 51 (1): 117-128.
- Moravcsik, A. (1993), 'Preferences and Power in the European Community: A Liberal Inter-governmentalist Approach'. *Journal of Common Market Studies*, 31(4): 473-524.
- Moravcsik, A. (1998), *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht* (London: UCL Press).
- Nugent, N. (1997), 'At the Heart of the Union' in N. Nugent (ed.) *At the Heart of the Union. Studies of the European Commission* (Basingstoke: Macmillan).
- Nugent, N. (2001), *The European Commission* (Basingstoke: Palgrave).
- Nugent, N. (2003), *The Government and politics of the European Union* (Basingstoke: Palgrave Macmillan).
- Nørgaard, H. G. (2006), 'Towards a networked-administrative system in the EU? The case of the Danish IT and Telecom Agency' in M. Egeberg (ed.) *Multilevel Union Administration* (Houndmills: Palgrave).
- Olsen, J. P. (1991), 'Political Science and Organization Theory. Parallel Agendas but Mutual Disregard' in A. Windhoff-Heritier and R.M. Czada (eds.) *Political choice, Institutions, rules and the limits of rationality* (Campus: Westview).
- Olsen, J.P. (2003), 'Towards a European Administrative Space?' *Journal of European Public Policy* 10(4): 506-531.
- Olsen, J. P. (2007), *Europe in search of a Political order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift, and the co-existence of orders* (Oxford: University press).
- Painter, M. and Pierre, J. (2004), 'Unpacking Policy Capacity' in M. Painter and J. Pierre (eds.) *Challenges to State Policy Capacity*. Palgrave: Macmillan.

- Peters, B.G. (1997), 'The Commission and Implementation in the EU' in N. Nugent (ed.) *At the Heart of the Union. Studies of the European Commission* (Basingstoke: Macmillan).
- Peterson, J. (2003), 'Policy Networks' in A. Wiener and T. Diez (eds.) *European Integration Theory* (Oxford: University Press).
- Pollitt, C. (2004), 'Castles built on sand? Agencies in Latvia' in C. Pollitt and C. Talbot (eds.) *Unbundled Government* (London: Routledge).
- Radaelli, C. M. (1999), 'The public policy of the European Union: whither politics of expertise?' *Journal of European Public Policy* 6:5: 757-74.
- Randall, E. (2006), 'Not that soft or informal: a response to Eberlein and Grande's account of regulatory governance in the EU with special reference to the European Safety Authority (EFSA).' *Journal of European Public Policy* 13:3: 402-419.
- Richardson, J. (ed.) (2003), *European Union. Power and policy-making* (London and New York: Routledge).
- Rosamond B. (2000), *Theories of European Integration* (London: Macmillan).
- Schout and Jordan (2005), 'Coordinated European Governance: Self-Organizing or Centrally Steered?' *Public Administration* 83(1): 201-220.
- Støle, Ø. (2006), 'Towards a Multi-Level Community Administration? The Decentralisation of EU Competition Policy' in M. Egeberg (ed.) *Multilevel Union Administration* (Houndmills: Palgrave)
- Sverdrup, U. (2007), 'Implementation' in P. Graziano and M. P. Vink (eds.) *Europeanization - New Research Agendas* (Palgrave: Macmillan)
- Trondal J. and T. Larsson (2005), '*After Hierarchy? The Differentiated Impact of the European Commission and the Council of Ministers on Domestic Executive Governance.*' ARENA Working Paper 22/2005. University of Oslo.
- Weber, M. (1978), '*Economy and society*' ed. by G. Roth and C. Wittich, tr. E. Fischhoff et al. (Berkeley, California: University of California Press).
- Wessels, W. (1998), 'Comitology: fusion in action. Politico-administrative trends in the EU system.' *Journal of European Public Policy* 5(2):209-34.

Windhoff-Heritier A. (1991), 'Institutions, Interests, and Political Choice' in A. Windhoff-Heritier and R.M. Czada (eds.) *Political choice, Institutions, rules and the limits of rationality*. (Campus: Westview).

# Chapter 11

## Of Phones and Planes: Policy Transfer in the Liberalization of EU Public Services<sup>i</sup>

Simon Bulmer and Peter Humphreys  
*University of Manchester, Great Britain*

### **Abstract**

Our paper explores the utility of the concept of policy transfer for analysing the dynamics of the EU policy process. Specifically, the paper examines the liberalisation of two of the so-called utilities sectors: telecommunications and passenger air transport. We utilise the concept of policy transfer in this paper because it allows a single framework to be applied to the different stages of the policy process: from the formulation to the transposition stages. The three stages at which policy transfer may take place are as follows: during the negotiation of EU policy; in putting policy into practice at EU level; and (where applicable) in operationalising policy at the member state level. Policy transfer, we argue, offers a more neutral terminology for identifying these forces when compared with the ubiquitous rival terminology of Europeanisation, which runs the risk of privileging the EU as the driver of

domestic policy change when other forces may well be at work. In the next section we set out our analytical framework. We then prepare the empirical analysis of the two sectors by offering a review of their (differing) characteristics. There then follow two sections which explore policy transfer at two separate stages of the policy process: the *construction* of the respective EU policy regime; and its subsequent *operationalisation*. In both these sections of the paper we offer an institutionalist interpretation of change, while keeping in mind the sectoral dynamics deriving from international forces and technological advances.

## **Introduction**

Our paper explores the utility of the concept of policy transfer for analysing the dynamics of the EU policy process. Specifically, the paper examines the liberalisation of two of the so-called utilities sectors: telecommunications and passenger air transport. Both sectors had traditionally been regarded through (western) Europe as public service activities. However, accompanying the creation of the single European market, both sectors moved incrementally to a liberalised set of regulatory arrangements in which the EU served as the key policy-making arena. Today, of course, consumers are presented with a range of service providers in both sectors: low-cost and full-service airlines offering intra-EU and domestic services;<sup>ii</sup> and competing suppliers of a growing array of telecommunications services in fixed-line, data and mobile telephony as well as broadband/internet. The character of the two sectors has been revolutionised over the last two decades and the EU has played a pivotal role in both sets of developments.

We utilise the concept of policy transfer in this paper because it allows a single framework to be applied to the different stages of the policy process: from the formulation to the transposition stages. Adapting Dolowitz and Marsh, we understand policy transfer to mean the process by which ideas,

policy, administrative arrangements or institutions in one political setting influence policy development in another political setting, mediated by the institutional system of the EU.<sup>iii</sup> The three stages at which policy transfer may take place are as follows: during the negotiation of EU policy; in putting policy into practice at EU level; and (where applicable) in operationalising policy at the member state level. An institutionalist account is offered of these stages, identifying key variables that may constrain or facilitate policy transfer. Important exogenous components of the account in sectors such as these are globalization and technological change. Policy transfer, we argue, offers a more neutral terminology for identifying these forces when compared with the ubiquitous rival terminology of Europeanisation, which runs the risk of privileging the EU as the driver of domestic policy change when other forces may well be at work.

In the next section we set out our analytical framework. We then prepare the empirical analysis of the two sectors by offering a review of their (differing) characteristics. There then follow two sections which explore policy transfer at two separate stages of the policy process: the *construction* of the respective EU policy regime; and its subsequent *operationalisation*. In the case of the latter we focus particularly on operationalisation at EU level because a striking contrast between the two sectors is that air transport is essentially regulated at supranational level, whereas the telecommunications sector entails multi-tiered regulation and discretion on the part of the national regulatory authorities (NRAs). In both these sections of the paper we offer an institutionalist interpretation of change, while keeping in mind the sectoral dynamics deriving from international forces and technological advances.

## **Analytical Framework**

Explanations of politico-economic policy change have long been preoccupied with the relationship between global markets and globalizing technologies as

the key drivers of change, and the institutional environments in which change is realized. Indeed, many scholarly accounts of the EU's Single Market and, later, of its Lisbon agenda see (economic) globalization and (technological) modernization as prime factors. Yet the relationship between them and the institutional environments is contested. 'Globalisation theorists' see tendencies towards trans-national governance or convergent patterns of national policy as the more or less ineluctable outcome of socio-economic and technical change.<sup>iv</sup> Institutionalists, on the other hand, ascribe explanatory primacy to institutional triggers for reform (e.g. court or competition rulings) and to the institutional environments (governance regimes, policy styles, state traditions, etc.) that shape the orientations of economic and political actors towards globalization.<sup>v</sup> This paper explores the complex relationship between globalization, institutions and EU policy transfer through analysis of liberalization and regulatory change in the telecommunications and airline sectors.

Policy transfer has been defined as a process by which ideas, policy, administrative arrangements or institutions in one political setting are reproduced in another jurisdiction.<sup>vi</sup> In the present context an important role is that played by the EU in facilitating policy transfer. The policy transfer process and mechanisms can be placed at any point along a continuum from 'coercive' transfer to 'voluntary' transfer, with a considerable amount (probably most) occurring in between these poles. Voluntary transfer clearly involves 'policy learning' whereas coercive transfer occurs where a government is obliged, for instance by a supranational institution, such as the European Court of Justice (ECJ) or the EU competition authorities, to adopt a policy.<sup>vii</sup>

In fact, the EU offers a number of governance patterns each with distinct institutional characteristics that can be expected to generate different transfer types.<sup>viii</sup> The first can be identified as governance by negotiation, which reflects the traditional Community method of policy-making centred

on negotiations within the Council of Ministers, with the Parliament also playing an increasingly important role. This pattern is conducive to a largely voluntary policy transfer process, which we might expect most likely to lead to a synthetic form of policy transfer, though qualified majority voting may introduce some elements of coercion, more conducive to emulation of a chosen model. The second is governance by hierarchy, which relates to those areas – like the single market and competition policy – where a considerable degree of direct power has been delegated to the supranational institutions, notably the European Court of Justice and the Commission. This pattern of governance clearly provides the greatest scope for coercive policy transfer and the strongest policy transfer outcome (emulation: see below). Thirdly, governance by facilitation denotes those areas of EU policy where the traditional Community method is not deemed appropriate and where instead the EU seeks to facilitate, as with the Open Method of Coordination, a more voluntary policy transfer process among the member states. Facilitation, however, might be expected to produce the weakest forms of (or no) policy transfer.

Policy transfer can occur through policy emulation – involving some ‘imitating action’ – or through policy learning, involving ‘a redefinition of one’s interests on the basis of newly-acquired knowledge.’<sup>xix</sup> Policy models are rarely transferred wholesale; more often they will be adapted to policy preferences in the borrower jurisdiction. Thus, our typology of transfer types follows Rose and Dolowitz/Marsh in categorizing transfer outcomes in relation to fidelity to the ‘blueprint’.<sup>x</sup> Emulation or copying signifies high fidelity. Synthesis implies a hybrid of models, often adapting existing policy in the borrower jurisdiction. ‘Influence’ suggests a loose form of transfer in which the external exemplar impacts only weakly on the outcome. Abortive transfer is where policy transfer fails.

The principal dependent variable that interests us – the extent and quality of policy transfer within the EU – is explained in terms of three sets of independent variables, which for heuristic purposes it is useful to categorise as follows.<sup>xi</sup> We accept first of all that a major independent variable driving European regulatory policy change in a convergent direction, towards liberalisation, might be exogenous, or ‘environmental’ in Scharpf’s terms.<sup>xii</sup> It is techno-economic change, which embraces such key elements as the development of technologies that render national regulatory boundaries porous; economic globalisation and the associated drive for inward investment and international competitiveness; and the international regulatory competition (‘competitive de-regulation’ or ‘competitive emulation’) that this engenders. The institutions of the EU, and their varying capacity for ‘policy transfer’ according to the particular EU governance regime (see above), are held to be a second, potentially very important, possible independent variable. The EU ‘mediates’ the impact of exogenous forces on the member states by seeking to achieve a harmonised European regulatory response to the challenges of techno-economic change, globalisation, and the pressure of international regulatory competition. The third set of variables, of course, is the member states’ own policy preferences and national institutional profiles. This third variable applies firstly at the EU negotiation stage, where the member states seek to ‘up-load’ their own institutional models and/or policy preferences<sup>xiii</sup> into the EU policy model so as to minimise their adaptation costs at the subsequent stage where they have to transpose policy and put it into practice. The national variable will also apply at this second ‘downloading’ stage, when the diversity of national policy preferences and national institutional features, such as regulatory structures and styles, among the EU member states may be reflected in variable patterns of domestic implementation: the ‘domestication’ of EU-agreed policies.<sup>xiv</sup>

In what follows we examine the relationship between the aforementioned sets of variables and in particular the question of *whether* and

how market and technological variables might impact on the capacity of the EU institutions for policy transfer. In this connection, we contend that globalization and technological change, because they 'privilege' neo-liberal ideas, will strengthen the potential of EU institutions for using or threatening to use the 'coercive' instruments of liberalization at its disposal – namely, the legal powers of the ECJ and the direct competition powers of the Commission. Further, globalization and technological change will produce a convergence of actor interests, and a consequent orientation towards pragmatic problem-solving rather than political bargaining in EU negotiations<sup>xv</sup>, thereby having a 'facilitating' effect on negotiated policy transfer in the EU.<sup>xvi</sup>

If exogenous factors such as globalization and globalizing technologies are very strong, clearly the EU institutions might be held strictly speaking to constitute an *intervening* rather than truly *independent* variable. However, it is possible that EU institutional variables may exert a veritable independent effect. The 'conventional' view that sees recent changes in EU governance (towards the 'regulatory state') as akin to a regional sub-category of globalization has been challenged.<sup>xvii</sup> Moreover, globalization pressure, it has been pointed out by many, may not predispose actors towards convergent policies. Instead, techno-economic change can produce diverse national responses; it does not necessarily lead at all to convergent national policies.<sup>xviii</sup> As Cerny has argued, the 'competition state' comes in many guises: the Anglo-Saxon neo-liberal competition state is merely the one that is often held (naturally by economic liberals) to be most 'congruent' with globalization; strong features of the dirigiste or mercantilist competition state may endure in other countries, not least in continental Europe.<sup>xix</sup> Equally, it is conceivable that the *independent* effect of action by EU institutions might be capable of counteracting this diversity of national responses to globalization.

## Of phone and planes...

Air transport and telecommunications share a number of broad characteristics with other sectors that have been subject to liberalisation in the period since the single European market, including postal services and electricity. Specifically, they are ‘network sectors’ comprised of terminals, links and nodes.<sup>xx</sup> The liberalisation challenge for these sectors has been to unbundle them and to introduce competition in service provision. How can we unpick these developments and identify the different stimuli arising from globalisation and technological change? The key forces for change have been technology, corporate dynamics, international policy trends and the role of international agencies.

Until the 1980s telecommunications was assumed to be a natural monopoly, normally supplied by part of the state: the PTTs (Post, Telegraph and Telecommunications). The state provided a public good (*service public*) and assured universal service to all citizens. Rapid **technological change** in the 1980s and 1990s completely changed the character of the telecommunications network. Terminal equipment was revolutionised by computerisation; multiple technologies emerged to provide competing networks (cable, satellite, microwave and mobile telephony – followed later by the internet); and the shift from mechanical to digital/packet switching at nodes expanded the capacity of the networks. The sector is no longer regarded as a natural monopoly and technology can easily bypass any effort to retain the integrity of a national telecommunications market. In turn this technological change has fuelled globalisation. Telecoms provision and price became important determinants of business location, thus unleashing regulatory competition in the sector.

The impact of technology on the air transport sector was rather different. It was already international in orientation. There were, of course, technological advances: jet aircraft, wide-bodied planes, fuel-efficient jet

engines and the growth of smaller, regional airliners. However, these changes did not of themselves undermine the default situation in most European states, namely: a state-licensed/owned national flag-carrying airline; bilateral regulation by governments of market access (one airline per country); bilateral price-fixing and revenue-sharing between airlines; and state subsidies to cover any operating losses.<sup>xxi</sup> The key difference was that airspace was regarded as a matter of national sovereignty in a way that telephone infrastructure was not. Moreover, many of the technological advances relating to the terminals, links and nodes have post-dated liberalisation, responding to the congestion that has ensued from greater competition. Examples include introducing competition into ground-handling services and improving air traffic control systems and their inter-operability.

Changing **corporate dynamics** are a typical response to the availability of new technology. In telecommunications four discrete markets can be observed: for equipment; basic services; advanced services; and infrastructure. Equipment suppliers had traditionally had a very close relationship with 'their' national PTT. However, the high costs of the new technology encouraged industry consolidation, which took place on an international basis. The initial liberalisation by the EU of advanced services encouraged a surge of corporate alliances between key European telecommunications providers with other global corporations, such as AT&T, Sprint and MCI, as well as with each other. The objective here was to offer global telecommunications solutions to the corporate sector. But this 'global player vocation' led the telecommunications incumbents to relax their obstruction of the liberalisation of basic services (voice telephony) for consumers and of the infrastructure. Efforts by individual telecommunications providers – by incumbents and new entrants alike – have followed the market opportunities offered by new technologies and by the opening of national markets as EU liberalisation took hold.

Corporate behaviour in air transport has tended to follow regulatory rather than technological change, reflecting the distinctive significance of national sovereignty in shaping the sector. The bilateral regulation of market access on international routes determined the licensing of nationally owned carriers, and often nationalised ones at that. Only in the UK, with a long-standing multi-airline policy for domestic and international services that permitted the development of private-sector carriers (for example, British Caledonian) and in the Netherlands, where KLM was not wholly state-owned, were there corporate pressures to change the character of the sector. Sir Freddie Laker's transatlantic 'Skytrain' service and domestic liberalisation under the Thatcher government represented new market opportunities but it was not until the wholesale changes in regulatory structure, brought about in the 1980s and 1990s by the EU, that corporate re-structuring developed apace. Flag-carriers used alliance strategies and mergers and acquisitions to develop (or defend) market-share. Privatisation became a parallel process, starting with British Airways in 1987. Financially weaker carriers, such as (initially) Air France, Alitalia and Olympic (of Greece), were dependent on state aid. The Belgian carrier SABENA went bankrupt in 2001. However, the growth of low-cost carriers (LCCs) with full EU liberalisation in the 1990s brought fast-growing new entrants, such as easyJet, Ryanair and Air Berlin, creating pressures on the previously discrete sub-sector of charter airlines. These carriers, traditionally associated with offering flights in conjunction with package holidays, found a new challenge from consumers booking their own vacations using a combination of LCCs and accommodation arranged over the internet.

In both sectors **international trends** in policy played a significant role in spreading ideas about policy development. Neo-liberal ideas have been prominent. They are important to both sectors but in air transport, given the absence of any specific technological trigger, play a proportionately more significant role. International trends can unleash regulatory competition,

as suggested earlier in the paper, or even ‘herding’ whereby actors follow signals from the international system rather than designing policy in response to ‘local’ circumstances. The basic ideas of air transport liberalisation can be traced back to the 1978 Airline Deregulation Act under the Carter Administration. This reform was confined to domestic transport in the United States (USA), however, and did not immediately lend itself to international air transport because of presumptions about the sovereignty of airspace. Significantly, some liberalisation was sought in bilateral regulation between the USA and the Netherlands, while the Thatcher government moved to de-regulate domestic air transport. These two European states were to be key players in the air transport policy transfer process. In telecommunications a number of regulatory and legal decisions taken under the Reagan presidency were decisive.<sup>xxii</sup> The transformation of the former US telecommunications monopoly operator AT&T into a data-processing business resulted in its emergence onto the world market, along with competing firms. The US Administration championed this development. The UK and Japan embarked on their own policy reforms, thus giving global liberalisation an irresistible stimulus and promoting the international exchange of policy ideas on sectoral regulation. Mostly hesitant at first, the continental European governments came to accept that – ultimately – full liberalization was vital for the competitiveness both of their national telecommunications sectors and, given the latter’s strategic importance, of their economies at large.

Unsurprisingly, a range of **international actors and organisations** have played a role in both sectors, both at European and international levels.<sup>xxiii</sup> Long-standing sectoral bodies such as the International Telecommunications Union and the International Civil Aviation Organization (comprising governments) and the International Air Transport Association (IATA, comprising major airlines) declined in importance as the

liberalisation process gathered momentum. However, the Paris-based European Civil Aviation Conference (ECAC), the regional counterpart to the ICAO, and with a membership approximating that of the Council of Europe, proved to be an important agent in policy transfer. With the European Communities not having clearly established responsibility for air transport, ECAC proved to be an important body for discussing the ideas and experience of de-regulation in the USA. Under the influence of the British and Dutch governments, the key protagonists of liberalisation, ECAC produced the COMPAS Report, a possible blueprint for reform of bilateral air transport in Europe.<sup>xxiv</sup> The report was controversial within ECAC; it was not official policy. In telecommunications a major development has been the sector's emergence as an issue in international trade negotiations. In 1986, as the momentum towards liberalisation gathered pace, the USA and the United Kingdom (UK) were able to place telecommunications services on the agenda of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT). Global liberalisation of the sector subsequently played a key role in negotiations within the World Trade Organisation (WTO).

A key distinction between the sectors was the fact that telecommunications had always been seen as of special strategic economic importance (rather akin to the defence sector). In telecommunications, much more so than air transport, a mercantilistic 'competition state' orientation was strongly evident as states typically pursued highly interventionist strategies to promote technological development in terminals, advanced services and networks for the sake of national economic competitiveness, increasingly so as telecommunications came to be perceived as the 'nerve system' of the global information society. The ways states did this varied according to their differing 'competition state' institutional architectures, state traditions, policy styles, resource endowments and strategic capacities.<sup>xxv</sup> Thus, states' responses to the pressures of the international regulatory competition unleashed by US liberalisation varied considerably: the UK, for instance, embraced a distinctly

neo-liberal approach, whilst mercantilist France by contrast continued to favour a stronger role for the state. Path dependence meant that this diversity of ‘competition state’ institutions and regulatory practices was likely to shape, and be reflected in, the emergent EU liberalization regime.<sup>xxvi</sup> Above all, though, the perceived high strategic importance of telecommunications made it unlikely that the ‘competition states’ would cede control to a centralized European regulatory authority. In air transport national mercantilist strategies over the *airliner* manufacturing industry at national level, notably in France, the UK and, to a lesser extent, the Netherlands, had been superseded by the emergence of Airbus.<sup>xxvii</sup> The liberalisation of air transport was not regarded as intimately linked to the fate of Airbus, however. Of course, national governments typically championed their own flagcarrying airline. Similarly they also supported the strategic development of a major airport within their boundaries (London Heathrow, Amsterdam Schipol and so on). But the more ‘physical’ nature of the sector (aircraft, airports) and the continued assumption of national sovereignty over airspace militated against the regulatory competition that has been evident in the telecommunications sector

### **Building the EU Regimes**

In examining policy transfer at this phase of the policy cycle we explore three hypotheses. The first is that qualified majority voting in the Council of Ministers – particularly if practised, but in any event if provided for – has the potential for enabling stronger forms of policy transfer (emulation or synthesis). By contrast, unanimity is likely to only permit a weaker form: influence or even abortive transfer. Our second hypothesis is related, namely that the processes and outcomes of policy transfer are dependent on the mode of negotiation employed. The key distinction here is between *bargaining* and *problem-solving* patterns of EU decision-making.<sup>xxviii</sup> The latter variant

emphasises mutual gains and is likely to enable stronger transfer outcomes, whilst the former is more self-interested and conflictual and therefore likely to enable weaker forms of transfer. Thirdly, the use of pre-existing EU institutional powers under hierarchical governance, notably ECJ rulings or the Commission's use of its quasi-judicial powers can also serve to bring about coercive policy transfer.<sup>xxix</sup> These three hypotheses are utilised in order to shed light not only on the importance of EU institutions but also to judge their explanatory power alongside that of globalisation.

### *Telecommunications*

In telecommunications, EU liberalization occurred through a two-stage negotiation process. The first stage saw the incremental enactment during the 1990s of a series of Commission liberalization Directives, under EU competition law (Article 86). At first this apparent by-passing of the customary community method of negotiation in the Council and European Parliament (EP) was very controversial, but the European Court of Justice (ECJ) responded to the contention of some member states that the Commission's use of this competition article in this way exceeded its powers by ruling that its use of this 'coercive' instrument was in order. However, in reality, the Commission was very careful – not least because of the controversy over the liberalisation procedure – to move forward in consensus with the member states. Hence, from the so-called 'Open Network Provision (ONP) compromise' of 1990 onwards, the liberalization Directives were accompanied by a series of Council and Parliament regulatory harmonization Directives, which culminated in the '1998 regulatory package' of sector-specific telecommunications rules, negotiated in the customary manner. The second stage – essentially the negotiation of a new electronic communications regulatory framework, agreed in 2002 – did not prescribe any new liberalization, apart from a single very important EU regulation opening up the incumbent's dominance of the 'local loop' (the 'last mile' from the local

exchange to the household), and essentially amounted to a streamlining of the 1998 regulatory package; it reduced the number of Directives and aimed at a reduction of the regulatory burden as markets were judged to become open and competitive.<sup>xxx</sup>

EU telecommunications liberalization therefore involved an important element of *harmonising re-regulation*. This meant the design of new EU-wide regulations and regulatory instruments to establish a level playing field for the promotion of competition and to prevent the former monopoly operators (the incumbents) from abusing the market dominance that they carried over from their former monopoly status to the disadvantage of new entrants. Inevitably, in the negotiation process the member states, whose liberalization and re-regulatory preferences varied according to their different competition state orientations and their various resource and strategic capacity endowments, had the opportunity to shape the EU regime to minimise the anticipated adaptation costs that they would incur, by ‘up-loading’ their preferences into the EU regime. Very broadly, the UK led a ‘northern camp’ of liberalization ‘pace-setters’; France led a camp of liberalization ‘foot-draggers’, much more concerned about retaining state control of the sector; while Germany – largely due to complex domestic political constraints<sup>xxxi</sup> – was a ‘fence-sitter’.<sup>xxxii</sup> However, over time, an EU-wide consensus in favour of full telecommunications liberalisation emerged.

What were the impacts of – and the relationship between – our independent variables? Firstly, the effects of globalization (and globalizing technologies) were clearly a very important factor for achievement of the basic member state consensus over full liberalization. The global ambitions of incumbent operators in a number of ‘fence-sitting’ (Germany) or ‘foot-dragging’ (France, Spain) states was a major factor in shifting national positions towards full liberalization (and, indeed, also part-privatisation of the incumbents, which was not part of the EU package). Secondly, globalization

clearly gave the EU institutions a strong normative mandate to push forward the liberalization agenda, manifest in the Commission's use of Article 86 to issue the liberalization Directives under its own authority and also manifest in the European Court of Justice's support for such a procedure. Given the emergent Member State consensus, the element of coercion should certainly not be overstated, yet the fact remains that the negotiation of the Council and EP regulatory harmonisation Directives did occur under the 'shadow of coercion'. As one interviewee in the Commission (July 12, 2000) pointed out in connection with the crucially important 'ONP compromise': 'The [Commission] directive liberalizing services was "self standing", [having] all the basic elements which would make it possible to function, should the Council block the other Directives. So there was a strong political push for the Council and Parliament to agree the ONP directive<sup>xxxxiii</sup>. Thirdly, globalization affected the style of EU negotiation. After some early polarization between liberalization enthusiasts and laggards, the negotiations soon exhibited a problem-solving, rather than a hard bargaining, style. For the most part, disputes were resolved in COREPER working groups. Globalization therefore clearly had an important impact on the institutional dynamics of EU policy transfer. While clearly the EU's policy transfer capacity was considerably strengthened by the Commission's use of its hierarchical powers and by the problem-solving style of negotiation, with globalization playing a role, it is less clear that qualified majority voting was an important factor. The regulatory harmonisation Directives all provided for QMV. The shadow of the vote may have served to alter the negotiating calculus of some member states. However, the causal effect of QMV is hard to judge given the dynamics of globalization and other EU institutional effects that have been described.

Despite the broad consensus in favour of liberalization, in telecommunications the national preferences variable was reflected first of all in the timing of the liberalization process. The need to respect differing

Member State orientations explained the incrementalism of the EU liberalization process, which occurred over the period 1988-1998. An important result of this timing was that much of the EU liberalisation process occurred after the Maastricht Treaty had strengthened subsidiarity in the EU, thereby making it even less likely (than already suggested above) that the member states would cede control to a centralized EU regulatory agency for telecommunications. Secondly, the fact that the Commission liberalisation Directives were accompanied by Council and EP regulatory harmonisation Directives gave the opportunity to so-inclined countries (most notably France and Belgium) to mainstream *service public* provisions (for instance, the universal services directive) in the 1998 regulatory package. The UK model was clearly only 'influential'. The UK's own early liberalization steps gave credence to the Commission's proposals and the UK formed a special policy axis with the Commission. Above all, the UK's success in stimulating new services, transforming British Telecom into an international player and promoting the UK as an attractive business location, exerted a major demonstration effect on the 'foot draggers' and 'fence sitters', and strengthened the Commission's hand in pushing reform onwards. However, the EU model that emerged was inevitably a 'synthesis' of Member State influences, and – perhaps above all – it allowed considerable scope for national discretion at the transposition and regulatory implementation ('downloading') stage, as will be seen in the next section.

### *Air transport*

The experience with air transport liberalisation exhibits parallels but also some important distinctive features. Early efforts at liberalization within the European Communities from the late-1970s were frustrated by the lack of clear supranational competence. A very limited piece of legislation – the Council Directive on Inter-Regional Air Services – was agreed in 1983;

otherwise, powers remained with member governments. Discussion of more significant moves for liberalisation was confined to ECAC, where the British and Dutch delegations were influential on the COMPAS Report, which however did not represent official ECAC policy. The report was in turn influential on the Commission's Memorandum No. 2, published in 1984.<sup>xxxiv</sup> However, the pressures of globalisation were insufficient to drive the policy debate in the direction of liberalisation. In fact the key changes to the negotiating context came from four institutional developments.

First, in April 1986 the ECJ's *Nouvelles Frontières* judgement ruled that the existing regulatory arrangements underpinning air transport between the member states were in breach of European competition law.<sup>xxxv</sup> In June the Commission's competition directorate-general charged ten airlines with infringements but used proceedings as a threat suspended over member governments and their airlines, should they not agree to liberalisation in the regular policy-making process. The timing of this action coincided with the second development, namely the dynamic new Delors Commission and its pro-active Competition Commissioner, Peter Sutherland. Thirdly, air transport liberalisation had been included, albeit in rather vague terms, in the Commission's White Paper on completing the internal market. The single market, of course, had a major dynamising impact on the EC in the late-1980s.<sup>xxxvi</sup> Finally, the Single European Act of 1986 included a treaty change that provided for QMV on air transport policy. These new institutional resources at supranational level were crucial to air transport liberalisation.

Up to that point the governments of the UK and the Netherlands, the protagonists of liberalisation, had been unable to make much headway beyond secure some sympathy from the European Commission. Instead they had turned their efforts to bilateral steps of varying degrees of liberalisation. The initial move in 1984-5 was to liberalisation with each other and then through more limited measures with other states, such as Ireland, Luxembourg, Belgium and Germany. The French and Italian governments

remained wedded to the public service ethos and were hostile to EC-wide liberalisation. Germany and Denmark had special concerns that led them to caution: in the former case the country's division and Lufthansa's inability to fly to Berlin under its four-power status; in the latter the tri-national nature of its flag carrier, Scandinavian Airlines System, was problematic in view of the absence from the EC of Sweden and Norway. The general rule was that the flag carrier's policy was aligned with that of its respective government, so British Airways and the independent carrier British Midland along with the Dutch KLM were amongst the few corporate protagonists. Labour was hostile for fear of seeing a decline in working conditions such as had occurred following de-regulation in the USA.

The basic thrust of the Commission's Memorandum No. 2 was threefold: to replace existing multiple bilateral regulatory regimes with one supranational one; to reduce collusive behaviour between governments/airlines on access to the market, tariffs and revenue-sharing; and to apply European competition rules except in the case of certain negotiated exemptions. The achievement of these goals was blocked by member state resistance until the 1986 *Nouvelles Frontières* ruling which, together with the Competition Commissioner's threatened legal action, forced the foot-dragging majority of states into problem-solving mode, for the *status quo ante* could no longer be defended. Thus it was the impact of the ECJ ruling that facilitated the first, December 1987, package of measures by providing a strong normative mandate for liberalisation. QMV was not really a factor at this stage because the SEA only came into effect shortly before agreement.

The first package, like its successors, liberalised fares, access to the market as well as adjusting the competition rules applicable in the sector. Succeeding packages were agreed in 1990 and 1992 but it was not until 1997 that full liberalisation was operational. The negotiation of the second and third packages was not easy and various concessions or time-limited

derogations were agreed in order to secure agreement. These concessions were made in a problem-solving context, designed to buy off potential opponents and build up a significant majority support, if not complete consensus. By the third package the foot-draggers had been reduced in numbers to southern states, such as Portugal and Greece. Following unification Germany became a cautious protagonist, while Ireland proved to be a 'swing state', having come to see the benefits of Anglo-Irish bilateral liberalisation (which had given rise to the creation of Ryanair). The threat of a decision by QMV was more important than its actual usage.

By 1997 the whole basis of air transport liberalisation had been transformed and paved the way for the emergence of LCCs across the EU, the establishment of new routes, the growth of new airport hubs served by LCCs (such as Frankfurt Hahn, Berlin Schönefeld London Stansted and Girona). This development was remarkable, given the original protagonists represented a minority position within the EC. In view of the international nature of the reforms they were more radical than the domestic ones in the USA.<sup>xxxvii</sup> In terms of policy transfer the UK – specifically encouraged by the free-market Secretary of State for Transport, Nicholas Ridley, in the second Thatcher government – and the Netherlands had exported the ideas of liberalisation to ECAC. The COMPAS report was a valuable blueprint for the Transport Directorate General of the Commission. With the coercive power of the *Nouvelles Frontières* ruling suspended above the Council of Transport Ministers, there was an important transfer of policy ideas to the EC. By the time of the final package, measures had gone beyond those in the COMPAS Report. The EC's institutional resources, specifically its ECJ rulings and the threat by the Commission to use its competition powers were decisive in creating the problem-solving climate in the Council. Indeed, the strongest element of policy transfer was arguably the exporting of competition rules (through ECJ rulings) to a sector that had been presumed exempt from them. Globalisation had a background effect but nothing more

specific than that, as is evidenced in tortuous efforts to establish liberalised *external* agreements. It was not until 2007 that an Open Skies agreement was secured with the USA. As for national variables, the need to take into account differing circumstances was handled through phased introduction of liberalisation and time-restricted derogations in certain cases. The dynamics are therefore different from those in telecommunications. Another important distinction, as will be seen in the next section, is that the air transport legislation was by means of Regulations, thus eliminating member states authorities' discretion. In consequence, EU authorities assumed *exclusive* regulatory competences for overseeing the operation of the single aviation market: another stark contrast with telecommunications.

### **Regulating the EU Regimes**

In exploring the character of the ensuing regulatory regimes for telecommunications and air transport we focus on the factors that have promoted the practice on the ground (or air!) of the agreed regulatory regimes. We may identify two ideal-type regulatory regimes. One is based on governance by hierarchy, where the supranational authorities have strongly enshrined powers. In ideal-type format such regulatory regimes are supported by dense rules, sanctions (or incentives) on the part the supranational institutions, judicial powers, legislative instruments and a supportive set of political norms. Our hypothesis is that regulatory regimes of this type bring about strong policy transfer effects (emulation or synthesis). A second type of regulatory regime relies upon facilitated governance. In this case we find the EU playing a facilitating role, deploying soft or flexible rules to persuade member states to reassess their policy practices. Although much less densely institutionalised than under hierarchy, there can be significant variation depending on the terms of reference for the regime, the density of networks,

the different patterns of operation (benchmarking, peer review etc.). Policy transfer effectively occurs by diffusion between member state authorities. We hypothesise that transfer under such conditions will be more limited (influence or abortive). These are two ideal types of regime. In what follows air transport corresponds most closely to a hierarchical regime. Telecommunications, by contrast, exhibits a mixed pattern.

#### *Telecommunications*

The EU regulatory regime for telecommunications that emerged from the 1998 package, only slightly modified by the streamlined 2002 package, is a mixture of EU-hierarchy and national discretion. Because of the member states' persistent refusal to countenance the establishment of a European regulatory agency for telecommunications - despite some support for the latter from within the Commission<sup>xxxviii</sup> and strong support from the European Parliament, transnational telecommunications users and new entrants - regulatory responsibility resides primarily with National Regulatory Authorities (NRAs) acting under national law but in conformity with EU legislation. While the telecommunications regulatory regime is still strongly defined and institutionalized (in comparison with electricity for instance), the EU Directives nonetheless allowed considerable scope for 'domestication' in their transposition into national law by the member states and in their implementation by the national regulators, principally the NRAs. Moreover, while the Commission clearly has powers to initiate legal action against the member states' non-compliance with EU-agreed principles and practices, it has tended to rely more on its 'softer' powers of persuasion. It has preferred to 'name and shame' poor performers through regular implementation reports (12 to date), to draft benchmarks, conduct inquiries into particular markets, to issue reports on particular regulatory issues, and generally encourage wherever possible mutual policy learning among the national regulators.

What is the significance of these characteristics of the EU regulatory regime for EU policy transfer in telecommunications? In fact, the way that the new regulatory institutions (notably the NRAs) have been configured and the spirit in which the new regulatory principles and instruments have been operationalized by the member states has been crucially important for the functioning (as distinct from the merely formal legal establishment on 1<sup>st</sup> January 1998) of the internal market in telecommunications and, in turn, for the Commission's avowed goal of the creation of globally competitive pan-European telecommunications players and a competitive European information society. When sufficient discretion is left to the member states, a nominally pro-competitive regulatory regime can plainly have a 'Janus-face'. Regulatory activity might either be deployed in the spirit of the neo-liberal 'competition state' to promote new economic activity and investment through diligent market opening, or alternatively it could be deployed in more mercantilistic fashion, to give national champions (usually the incumbents) a regulatory subsidy.<sup>xxxix</sup> Examination of the domestic regimes in the telecommunications sector suggests considerable evidence of the latter.<sup>xl</sup>

The regulatory harmonisation Directives established a set of principles and minimum requirements that the member states were obliged to implement, but the means of implementation was a matter that allowed considerable discretion to the member states. Thus, the 1990 ONP Directive specified only the need for regulation that was independent of the operators and sufficiently resourced; it did not attempt to harmonize the NRAs' institutional form or manner of operation. In fact, NRAs varied very considerably in terms of resources and therefore their regulatory capacities. They also differed considerably in terms of their independence, both politically and where states retained a stake in the incumbent also vis-à-vis these operators. Until recently licences were granted at the national level, the NRAs deciding whether individual licences were required or whether

general authorizations would suffice. Although a 1997 Licensing Directive sought to restrict the use of individual licences and encourage market entry, in practice licensing regimes could vary considerably on a light-onerous scale in terms of the regulatory burden that they placed on new entrants. While the ONP (1990, 1992, 1995) and Interconnection Directives (1997) prescribed cost-orientation and transparency, the fact that it was left to the NRAs – not the Commission – actually to conduct audits of the operators' practice opened up scope for considerable variation here. Moreover, in order to ensure universal service, namely a minimum level of service at an affordable price for all users,<sup>xii</sup> Member states were allowed discretion to impose special national requirements on operators.

The decentralized character of regulation-in-practice quickly revealed some regulatory shortfalls.<sup>xiii</sup> The main persistent problems have been: 1) Inconsistency in the conditions – light or onerous – that member states have attached to authorisations (licences). Despite a provision in the 2002 regulatory package mandating the granting of (light) general authorisations, inconsistency persists with regard to key areas of discretion that have been left to the member states, notably regarding the use of scarce radio spectrum. This has hampered the introduction of pan-European services. 2) There have been repeated complaints (from new entrants) about the lack of transparent procedures for the setting of interconnection tariffs, with suggestions of a regulatory bias towards the incumbents in some cases. 3) The inadequacy of mechanisms of dispute resolution and the suspension of regulatory decisions by some national courts during appeals. 4) The aforementioned variety in the quality of regulation and the weakness of some national regulators in terms of resources, expertise and/or independence. 5) A lack of consistency regarding remedies to competition problems that have been adopted in the different member states. It is highly significant that this was a key area of regulatory activity where the attempts of the 2002 regulatory package to tighten up harmonisation failed to give the

Commission a veto over NRA decisions (and which it is worth noting again currently features on the Commission's reform agenda). Moreover, a questionnaire survey of the NRAs revealed significant differences among them regarding their attitudes to the promotion of competition in telecommunications. For example, the Belgian regulator did not even believe that determining the effectiveness of competition was its responsibility. Above all, 'there were clear differences in perceptions of the extent to which competition had developed in telecommunications, the need for more competition and even of the desirability of the competition that had developed'.<sup>xliii</sup>

In sum, the experience of this two-tier, 'decentralised' governance regime in telecommunications, reveals that the transfer of supranational rules to the domestic level represents at best synthesis but more typically influence and some examples of abortive transfer (in instances of very weak or non-compliance by member states). The impact of national institutional profiles is important at this stage of the policy transfer process. Consequently, transfer is much weaker than in the hierarchical governance that characterises the air transport policy regime, to which attention is now turned.

#### *Air transport*

The distinctive characteristic of air transport regulation is the delegation of the key regulatory powers to the directorate general for transport (DG VII, then DG TREN). The use of Regulations pre-empted the need for domestic transposition of legislation: an important point at which national institutional patterns can undermine the fidelity of policy transfer to the member states. Thus in the limited areas where member state authorities are in fact empowered to take decisions, any misinterpretation – deliberate or otherwise – may be over-ruled directly by the Commission. Resort to the Court only occurs should the member state authority appeal against the Commission's

action. It should also be underlined that the Commission's writ extends to regulating domestic as well as inter-state air travel. At the same time, the scope of the Commission to regulate some aspects of corporate behaviour in the sector – typically that of an anti-competitive nature – was reinforced. The Commission's authority on competition policy is also characteristically hierarchical in nature.

It is possible to identify three key consequences of the air transport regulatory regime. One concerns the direct operation of the legislation and tests of the Commission's resolve to uphold the agreed rules. Secondly, the European Commission had to tighten up its rules on state aid to ensure that some states – typically the laggards – did not try to subvert liberalisation through bailing out their flag carrier by underwriting its losses and thus undermining the notion of a level playing-field. A final aspect concerns the need to extend the scope of the regime, as related issues such as ground-handling or access to take-off and landing slots came into focus.

The Commission experienced some early tests of resolve on applying the rules, and they continue to this day. These tests have typically originated from laggard states. Thus, in 1993 the French authorities refused to allow TAT (a French airline which was 49.9 per cent owned by British Airways, BA) and British airlines to fly from Paris-Orly to London Heathrow on the grounds of congestion at the former. Air France, however, had timetabled services for the route from March 1994. TAT appealed to the Commission and the decision of the French authorities was overruled. This and similar decisions quickly established that member state authorities had limited scope to exploit regulatory provisions unfairly. French authorities have also been challenged in regard to the allocation of 'slots' at Orly.<sup>xiv</sup> Another area of dispute has concerned national authorities' allegedly arbitrary declaration of routes as subject to Public Service Obligation (PSO): whereby airlines go through a tendering process rather than being able to compete on the route. For example, in 2006 Ryanair experienced a PSO declaration that ended its

provision of services from the Italian mainland to Sardinia. A Commission investigation ruled in 2007, albeit after lengthy investigation, that the Italian authorities had breached the terms of EU legislation.

The success of the Commission in regulating state aids to airlines (under Articles 87 and 88 of the EC Treaty) has been rather more contested. Such subsidies are likely to favour incumbents – some still subject to partial or full state ownership – rather than private new entrants. Unusually control over state aids is in the hands of DG TREN (formerly DG VII) rather than DG Competition, as is the case generally. Would this location of authority result in industry-friendly rulings? The regulation of state aids was only really activated from the 1990s.<sup>xlv</sup> The proclivities of governments to give such aid is exacerbated by the cyclical nature of the industry and its susceptibility to adverse international conditions (such as the first Gulf War and ‘9/11’, both of which led to a sudden drop in patronage).<sup>xlvi</sup> Efforts to introduce a ‘one time, last time’ policy on state aid were not entirely successful, as Olympic and Alitalia came back for approval of a second round of assistance. The latter’s 2005 aid from the Italian government was permitted as ‘rescue aid’, while the former was found to be illegal and to be repaid to the Greek government (which has still not occurred). A further important ruling on state aid went against Belgian authorities at Charleroi airport, a hub for the LCC and new entrant, Ryanair. The Commission ruled that payments made in connection with opening new services represented unfair state aid.<sup>xlvii</sup> What is clear is that the Commission has become stricter over time in the application of the state aid rules.

The Commission has taken steps to extend the air transport regime through a number of measures. It has opened up ground-handling at airports to try to ensure there are competing providers and that an incumbent airline cannot use ownership of such facilities unfairly.<sup>xlviii</sup> Progress has been slower on the pricing for airport services as well as on take-off and landing slots,

where member states (and their airport authorities) have retained the whip hand.<sup>xlix</sup> A review of the third package was launched in 2003 and in July 2006 the Commission presented a proposed Regulation to tidy up some of the areas of ambiguity relating to the existing regime.<sup>1</sup> Over the period since liberalisation began the Commission's competition directorate general has made extensive rulings on a range of issues: mergers and acquisitions, price-fixing and airline alliances being notable amongst them.<sup>ii</sup>

The experience in air transport supports the argument that hierarchical governance arrangements enable strong policy transfer outcomes, imposing the principles and rules of liberal markets on member state authorities. The outcome was not full fidelity of policy transfer, as several challenges to the rules by the French, Italian and Greek authorities reveal. Clearly, the concept of '*service public*' and a neo-mercantilist approach to 'national champions' were a factor. The main area where liberalization came under challenge was in connection with state aids. This was a different type of policy transfer, since there was no new legislation on this issue. Rather, it was more a matter of ensuring the state-aid regime was consistent with the philosophy of liberalization, with the European Commission issuing occasional policy communications. Hence it is not possible to see the mixed (but improving) performance on state aids as deficient policy transfer, since until 1992 there was no major policy pronouncement on state aids to airlines to *transfer*. The airlines involved in state aid investigations by the Commission show some correlation with the states which were reluctant liberalizers: France, Italy, Greece, Portugal and Spain. The decline in occurrences of state aid suggests that national authorities and the airlines have learnt the new rules of the game, albeit imperfectly in Greece.

Thus, when comparing the two sectors, there is little doubt that the mixed regime in telecommunications offers significant scope for the 'domestication' of EU-agreed principles and practices. By contrast, the

hierarchical EU governance of air transport, leaves no doubt that hierarchy ‘packs the stronger policy transfer punch’.<sup>lii</sup>

## Conclusion

In reviewing the evidence presented in this paper we make four broad conclusions.

First, the two sectors revealed strikingly different dynamics. Whilst both sectors experienced technological change and a wave of deregulatory ideas originating in the USA, their impact in the European context was distinct. In telecommunications the emergence of competing networks and the inability to maintain borders meant that the point at which the continued benefits of maintaining a protected regime were soon outweighed by the costs of resisting liberalisation. The centrality of an efficient telecommunications system for the economy’s well-being as well as for inward investment was key in introducing the dynamics of the competition state into the sector. For air transport, by contrast, borders and sovereignty were much more visible, thus enabling conservative member states to resist change. The costs of resisting liberalisation were much slower to show through. Regulatory competition was much less in evidence.

Secondly, and following on from this point, the Commission’s usage of its hierarchical powers (Article 86) was working with the grain of the sectoral dynamics in telecommunications. Similarly, policy-making in the Council soon moved into a problem-solving mode, as member governments sought constructive ways to manage liberalisation. The character of the regime, with its scope for national discretion, created promoted policy transfer based on synthesis. The provision for, and use of, QMV only had supporting value. In air transport, by contrast, the EU’s institutional resources served as an independent variable. The critical *Nouvelles Frontières* ruling

changed the default position away from an inertia that reflected the wishes of a majority of conservative governments. Instead, the default became the need to find regulatory certainty to avoid damaging competition rulings. Under these circumstances the ideas that were contained in the COMPAS Report, and which had influenced the Commission's Memorandum No. 2, took on an influential position. As with telecommunications, but for different reasons, member governments adopted a problem-solving mode. In this case national preferences were met through time-restricted derogations and a phased legislative process. The provision for QMV simply strengthened the dynamics that had developed prior to the Single European Act's implementation. There was a much greater sense of emulation in the transfer of policy from ECAC and Memorandum No. 2, albeit mediated by lengthy transition periods.

Thirdly, the operationalisation of the regulatory regimes highlights the different potentials for policy transfer of hierarchic and facilitated governance. The telecommunications regime was characterised by a hybrid pattern, whereby NRAs' discretion mediated policy transfer from the EU level to the member states. National policy orientations, for instance towards the balance between market and *service public*, or the support to be given to national champions, varied. Some member states have appeared reluctant to give real regulatory power to the NRAs, and some national champions appear to have been favoured. National institutional profiles (regulatory policy styles, legal traditions, etc.) influenced in particular the character of the NRAs themselves. The Commission certainly had powers to enforce formal compliance, but its veto powers over NRA decisions were limited and, significantly, they did not extend to NRAs' remedies for competition shortfalls. While a significant amount of policy learning was quite densely institutionalised both within the EU telecommunications comitology and between the NRAs themselves in the Independent Regulators Group, the fact remains that the EU regulatory regime allowed for considerable 'domestication'. In air transport, by contrast, there was considerable fidelity in

translating EU rules down to the member states. The latter lacked discretion and where they tried to interpret rules differently from the Commission, the latter sought to overrule discriminatory behaviour.

Fourthly, the prime explanation for the weaker policy transfer capacity of the EU institutions in the case of telecommunications, despite the fact that EU institutions' policy transfer capacity was plainly reinforced by globalization and new technologies, would seem to be best explained by the very strong competition state responses of EU member states to these very same exogenous pressures. The member states refused to relinquish control of telecommunications to the EU, in the manner of air transport.

Air transport and telecommunications are crucial to the functioning of the modern economy. In each sector major changes have taken place over the last three decades. Our conclusion is that policy transfer can offer important insights into the dynamics of the policy process. In particular, when coupled with a robust methodology of process-tracing and elite interviewing, it can distinguish between the three competing sets of variables at play: external factors such as globalisation; the institutional resources of the EU itself; and the diversity of actor preferences and institutional profiles at national level.

---

## Notes

<sup>i</sup> The paper draws on a wider project undertaken with our collaborators, and reported fully in Simon Bulmer, David Dolowitz, Peter Humphreys and Stephen Padgett, *Policy Transfer in European Union Governance*, Abingdon: Routledge, 2007. The research was funded by the UK's Economic and Social Research Council within its Future Governance programme, award no. L21625001-A. We acknowledge the ESRC's support and the fruitful collaboration with David

---

Dolowitz, Stephen Padgett and Simon Roy. We also acknowledge the help given us by our interviewees at European and member state levels.

<sup>ii</sup> This paper will not address the external dimension of the EU air transport policy, for example that covered by the Open Skies agreement, reached earlier in 2007 with the US Administration. Most passenger air transport between EU states and third countries has not yet been liberalised.

<sup>iii</sup> David Dolowitz and David Marsh, 'Who learns what from whom; a review of the policy transfer literature', *Political Studies*, 44, 1996, p. 344

<sup>iv</sup> Charles Kerr, John T. Dunlop, Frederick Harbison and Charles A. Myers, (1960), *Industrialism and Industrial Man*, Cambridge MA. Harvard University Press; Suzanne Berger and Ronald Dore, eds. (1996), *National Diversity and Global Capitalism*, Ithaca, NY. Cornell University Press; Susan Strange, (1996), 'The Limits of Politics', *Government and Opposition* 30;3, 291-311.

<sup>v</sup> Robert Boyer and Daniel Drache (eds), *States against Markets; The Limits of Globalization*, London and New York, Routledge, 1996.

<sup>vi</sup> Dolowitz and Marsh, 'Who learns what from whom', p. 344.

<sup>vii</sup> David Dolowitz and David Marsh, 'Who learns what from whom', pp. 344-5.

<sup>viii</sup> See Simon Bulmer and Stephen Padgett, 'Policy Transfer in the European Union: an Institutional Perspective', *British Journal of Political Science*, 35(1), 2005, pp. 103-26.

<sup>ix</sup> Jacint Jordana, David Levi-Faur and David Vogel, 'The Internationalization of Regulatory Reforms: the Interaction of policy learning and policy emulation in the diffusion of reforms', unpublished paper, presented at the workshop on *The Politics of Regulation*, 29-30 November 2002 at the Universitat Pompeu Fabra, Barcelona.

<sup>x</sup> Richard Rose, *Lesson drawing in public policy. A guide to learning across time and space*, (Chatham, NJ: Chatham House, 1993), p. 91; David Dolowitz and David Marsh, 'Learning from abroad', p. 13.

<sup>xi</sup> See the analytical framework in Peter Humphreys and Seamus Simpson, *Globalisation, Convergence and European Telecommunications Regulation*, Cheltenham UK and Northampton, MA, USA: Edward Elgar, 2005, pp. 1-20.

<sup>xii</sup> Fritz W. Scharpf, *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*, Boulder, Co: Westview Press, 1997, p. 44.

<sup>xiii</sup> These national preferences will naturally reflect all sorts of national political factors, most notably government policies (e.g. the 'will' to liberalize), and patterns of interest intermediation and state structure (affecting governments' 'capacity' to deliver policies). This is a very interesting line of inquiry, but clearly we cannot pursue it further herein. See e.g. Edgar

---

Grande and Volker Scheider, 'Reformstrategien und staatliche Handlungskapazitäten: Eine vergleichende Analyse institutionellen Wandels in der Telekommunikation in Westeuropa, Politische Vierteljahresschrift, 32 (3) 1991, pp. 452-78. The complex relationship between national preferences, national institutional profiles and EU policy transfer is a key theme of Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer*.

<sup>xiv</sup> To express this point in terms of the Europeanisation literature, the national diversity influences patterns of 'uploading' and 'downloading': see Tanja Börzel, 'Pace-Setting, Foot-Dragging and Fence-Sitting: Member State Responses to Europeanization', *Journal of Common Market Studies*, 40/2, 2002, pp. 193-214.

<sup>xv</sup> Fritz W. Scharpf, 'The joint decision trap: lessons from German Federalism and European integration', *Public Administration* 66, (1988); Adrienne Héritier, *Policy-Making and Diversity in Europe: Escape from Deadlock*, (Cambridge: Cambridge University Press, 1999), pp. 19-20.

<sup>xvi</sup> Indeed, comparison of the telecommunications and electricity sectors does suggest that external variables ('globalisation', new technologies) were very important for explaining the different timing, pace and extent of the reforms of the governance of these sectors in Europe. See Peter Humphreys and Stephen Padgett, Globalization, the European Union, and Domestic Governance in Telecoms and Electricity, *Governance*, 19/3, July 2006, pp. 383-406. See also Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in European Union Governance*, 186-7.

<sup>xvii</sup> See, for instance, a paper by Nicolas Jabko, 'The Political Origins of the Regulatory State', prepared for the conference on "Theories of Regulation" organized by David Levi-Faur at the Pompeu Fabra University, Barcelona, November 29-30, 2002.

<sup>xviii</sup> See, e.g. Vivien Schmidt, (2002) *The Futures of European Capitalism* (Oxford: Oxford University Press).

<sup>xix</sup> See Peter Humphreys and Seamus Simpson, 'Globalization, the "Competition" State and the Rise of the "Regulatory" State in European Telecommunications', *Journal of Common Market Studies*, 45 (3), 2007, forthcoming.

<sup>xx</sup> Nicholas Argyris, 'Regulatory Reform in the EU Utilities Sectors, with Particular Reference to Telecommunications', paper at UACES annual conference, University of Surrey, 7 January 1997.

<sup>xxi</sup> For a more nuanced and detailed version of the *status quo ante*, see K. Armstrong and S. Bulmer, *The governance of the Single European Market*, Manchester, Manchester University Press, 1998, pp. 171-5.

<sup>xxiii</sup> Jeremy Tunstall, (1986) *Communications Deregulation: The Unleashing of America's Communications Industry*, Oxford: Blackwell.

<sup>xxiii</sup> See Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in European Union Governance*, pp. 50-3.

<sup>xxiv</sup> ECAC European Civil Aviation Conference (1982) 'Report on Competition in Intra-European Air Services', ECAC Doc. No. 25, Paris: ECAC.

<sup>xxv</sup> In Cerny's words, the 'competition state ...comes in myriad forms'. Philip Cerny, 'Restructuring the Political Arena: Globalization and the Paradoxes of the Competition State', in R.D. Germain (ed.) *Globalization and its Critics: Perspectives from Political Economy*, London: Macmillan, 2000, p. 130.

<sup>xxvi</sup> See Peter Humphreys and Seamus Simpson, 'Globalization, the "Competition" State and the Rise of the "Regulatory" State in European Telecommunications', *Journal of Common Market Studies*, 45 (3), 2007, forthcoming.

<sup>xxvii</sup> See Martin Staniland, *Government Birds. Air Transport and the State in Western Europe*, Lanham, MD: Rowman and Littlefield, 2003, pp. 138-66.

<sup>xxviii</sup> On these patterns, see Fritz Scharpf, 'The joint decision trap: lessons from German federalism and European integration', *Public Administration*, 66/3 (1988): 239-78; Adrienne Héritier, 'The accommodation of diversity in European policy-making and its outcomes: regulatory policy as a patchwork', *Journal of European Public Policy*, 3/2 (1996): 149-67; O. Elgström, and C. Jönsson, 'Negotiation in the European Union: bargaining or problem-solving?' *Journal of European Public Policy* 7/5 (2000): 684-704; also Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in EU Governance*, p. 21.

<sup>xxix</sup> For fuller elaboration, see Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in EU Governance*, p. 21-3.

<sup>xxx</sup> For a detailed account see Humphreys and Simpson, *Globalisation, Convergence and European Telecommunications Regulation*, pp. .

<sup>xxxi</sup> For detail on Germany's 'fence-sitting', and its subsequent turn towards full liberalization, see Simon Bulmer, David Dolowitz, Peter Humphreys and Stephen Padgett, 'Electricity and Telecommunications: Fit for the European Union', in Kenneth Dyson and Klaus Goetz (eds), *Germany, Europe and the Politics of Constraint*, Oxford: Oxford University Press, pp. 251-69.

<sup>xxxii</sup> See Tanja Börzel, 'Pace-Setting, Foot-Dragging and Fence-Sitting: Member State Responses to Europeanization', *Journal of Common Market Studies*, 40/2, 2002, pp. 193-214.

<sup>xxxiii</sup> The principal of Open Network Provision underpins the whole EU regulatory framework for the liberalized telecommunications sector. It establishes the principle of harmonised conditions of access to public networks and services according to standards of objectivity,

---

transparency and non-discrimination. It was first enacted in the Framework Directive that accompanied the Commission's advanced services directive; ONP was subsequently enacted for leased lines and then voice telephony services.

<sup>xxxiv</sup> CEC (1984) Towards the Development of a Community Air Transport Policy, COM (84) 72 final, Brussels.

<sup>xxxv</sup> Joined cases 209-13/84, *Ministère Public v. Asjes and others* [1986] ECR 1425.

<sup>xxxvi</sup> Armstrong and Bulmer, *The governance of the Single European Market*.

<sup>xxxvii</sup> As a result of a further ECJ judgement in 1989 the European legislation also applied to domestic air transport in the member states. See *Ahmed Saeed Flugreisen und Silver Line Reisebüro v. Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V.*: case 66/86 [1989] ECR 803.

<sup>xxxviii</sup> It was a recommendation of the 1994 Bangemann report.

<sup>xxxix</sup> See Humphreys and Simpson, 'Globalization, the "Competition" State and the Rise of the "Regulatory" State', forthcoming.

<sup>xl</sup> For detail see Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in EU Governance*, pp. 136-78.

<sup>xli</sup> This included the provision of the public fixed telephone network, supporting voice telephony, fax and voice band data transmission via modems (enabling basic Internet access); the provision of fixed public telephone service; the provision of operator assistance and directory services; the provision of public pay phones; and the provision of services under special terms and special facilities for customers with disabilities and special social needs

<sup>xlii</sup> For a powerful critique of this decentralized regulatory regime, see Giandomenico Majone 'The Credibility Crisis of Community Regulation', *Journal of Common Market Studies*, 38/2: 283. He goes so far as to cite telecommunications as an example of this 'credibility crisis'. This is not a position shared here, though the critique does point to real regulatory shortfalls.

<sup>xliii</sup> See T. Dassler and D. Parker, 'Harmony or Disharmony in the Regulation and Promotion of Competition in EU Telecommunications. A Survey of the Regulatory Offices', *Utilities Policy*, 12, 2004, pp. 9-28.

<sup>xliv</sup> See Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer*, p. 100.

<sup>xlv</sup> The Commission's policy statement is in CEC, *Report by the Commission to the Council and the European Parliament on the evaluation of aid schemes established in favour of Community air carriers*, SEC(92) 431 final, Brussels: CEC, 19 March 1992.

<sup>xlvi</sup> In the latter case it was a major factor contributing to the bankruptcy of Belgium's SABENA as well as Swissair.

---

<sup>xvii</sup> These aids included payments made for each new service, preferential ground-handling charges and a 'marketing contribution' of 4 per passenger. See CEC 'Commission Decision of 12 February 2004 concerning advantages granted by the Walloon Region and Brussels South Charleroi Airport to the airline Ryanair in connection with its establishment at Charleroi', at: [http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/L\\_137/L\\_13720040430en00010062.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/L_137/L_13720040430en00010062.pdf), (accessed 1 May 2007).

<sup>xviii</sup> See Susanne Schmidt, 'A constrained Commission: informal practices of agenda-setting in the Council', in G. Schneider and M. Aspinwall (eds.), *The rules of integration: institutionalist approaches to the study of Europe*, Manchester: Manchester University Press, 2001, p. 135-8.

<sup>xix</sup> See Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in EU Governance*, p. 107. For other new areas of intervention, see p. 109.

<sup>i</sup> Proposal for a Regulation of the European Parliament and of the Council on common rules for the operation of air transport services in the Community (recast), COM(2006) 396 final, Brussels, 18 July 2006: [http://ec.europa.eu/transport/air\\_portal/competition/doc/acte\\_en.pdf](http://ec.europa.eu/transport/air_portal/competition/doc/acte_en.pdf), accessed 1 May 2007.

<sup>ii</sup> See Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in EU Governance*, p. 104-6.

<sup>iii</sup> Bulmer, Dolowitz, Humphreys and Padgett, *Policy Transfer in European Union Governance*, p. 185.

# Chapter 12

## Twinning Projects:

Analysing the Experience of “old” EU Member States and Evaluating the Benefits of Twinning Out for the “new” EU Member States

Eliška Tomalová and Elsa Tulmets

*Institute of International Relations (IIR), Prague, The Czech Republic*

### **Abstract**

This paper presents the findings of a research project analyzing the benefits and drawbacks of Twinning Out carried from January 2006 to December 2006<sup>1</sup> followed by a Twinning Out conference organized in March 2007. The research was based on primary data collected through questionnaires and personal interviews with National Contact Points from OMS and NMS, Twinners and representatives of the EC (DG Enlargement, DG Relex, EuropeAid).

The paper is structured around two parts. It first presents the theoretical and methodological underpinnings of the project (using the concepts of learning, socialisation, institutional change and adaptation) then, in a second part, the lessons learned in the “old” and the “new” Member States and the institutional crossbreeding experiences.

## Introduction

In the framework of the last enlargements of the European Union (EU) of 2004 and 2007, three criteria have been introduced at the Copenhagen summit (1993) for those seeking the membership in the European Union.<sup>2</sup> The 1995 Madrid Summit added another element to the above criteria: Institutional capacity. This meant that candidate countries had to have administrative and judicial institutions which would be able to implement the *acquis communautaire*. This requirement underlined the conditionality of the EU aid that was provided to candidate countries and marked a new phase in the EU enlargement process in the last decade of the 20<sup>th</sup> century.

The principal instrument of technical assistance through which the EU has supported candidate countries from Central and Eastern Europe during pre-accession has been PHARE.<sup>3</sup> Some pilot projects on administrative capacity were introduced in Poland and Hungary between 1995 and 1997, but most of them failed due to the fact that consultancy was provided by private companies. In 1997, the European Commission issued its “Agenda 2000” (EC, 1997) and proposed to dedicate 30% of assistance to institution-building<sup>4</sup> and 70% to investment. The European Commission started searching for an effective external cooperation tool which would encourage and promote the build-up and strengthening of the administrative and judicial capacities of Beneficiary Countries. PHARE procedures were reformed and the Commission came up with a new instrument called *Twinning*.

Twinning was first launched in May 1998 and has become one of the key tools of the EU’s *institution building* assistance to acceding, candidate and potential candidate countries. Recently, Twinning was also started in countries supported through the European Neighbourhood and Partnership Instrument (ENPI). Twinning is a close and specific cooperation between a Beneficiary Country (BC) and an EU Member State (MS). Experts from the ministries and mandated bodies of individual MS are sent to their

counterparts in the BC. The original aim of Twinning was and largely remains to build and strengthen institutional capacities of BCs to adopt and implement *acquis* while making this form of assistance a two-way street where credible commitments are made and responsibilities taken on by both Twinning partners.

Relatively few academic studies have so far dealt with the analysis and evaluation of this mechanism (e.g. Grabbe 2001; Tulmets 2003c, 2005a, 2005b, 2005c, 2006; Königová 2003, 2004; Papadimitrou and Phinnemore 2003a, 2003b, Bailey and de Propriis 2004). Moreover, independent evaluations have focused mostly on the impact Twinning has had on beneficiary countries. In spite of several overall evaluation reports commissioned or undertaken by the European Commission, the EU as the initiator and sponsor of this assistance tool has done no comprehensive analysis of the benefits and drawbacks of Twinning for the providers, i.e. for the “old” Member States, even though some EU countries have been seeking to make these analyses domestically. The report drafted in November 2006 by the Institute of International Relations (IIR) for the Czech Ministry of Foreign Affairs (MFA) sought to remedy this shortage, offering some practical guidance for Czech authorities and “new” Member States in terms of effective strategies and practices used by “old” Member States.<sup>5</sup>

On a more academic and theoretical point of view, this project built the ground for the further collection of research material for the study of mechanisms of *policy learning, institutional adaptation and socialisation* within and outside the EU. These mechanisms, which are defined later in this article, can be understood at various level: Between the Member States, among the Candidate / “new” Member States and between the “old” and “new” Member States.<sup>6</sup> As a matter of fact, the primary aims of our project were threefold: 1) To collect information on the actual mechanisms of twinning projects as provided by institutions and experts from “old” Member States of the EU. 2) To identify the benefits and highlight the possible risks related to

the provision of Twinning Out assistance by the Czech Republic – and more generally by the “new” Member States – on the basis of the experience of “old” Member States. 3) To draft recommendations for the Czech Republic’s (and more generally the “new” Member States’) effective, efficient and economical involvement in Twinning Out projects.

Furthermore, beyond a more academic approach aiming at spreading the results of this project through publications, a conference was organised by the Institute of International Relations (IIR) at the Czech Ministry of Foreign Affairs on 15 March 2007 to get some feed-back from the members of the “Twinning community”, i.e. the representatives of the European Commission, the “old”, the “new” Member States as well as from the countries of EU’s neighbourhood. In a more normative way, the conference also favoured the exchange of experience, thus “socialisation”, between the members of this community, consciously placing the research project between academia and praxis.

### **Theoretical and methodological underpinnings**

Although Twinning has existed for almost a decade, the academic production on Twinning is still rather scarce (Grabbe, 2001; Phinnemore, Papadimitriou, 2003a, 2003b; Tulmets, 2003a, 2003b, 2005a, 2005b, 2005c; 2006; Königová, 2003, 2004; Drulák, Königová 2005). Originally, Twinning was designed to facilitate learning about and socialisation into the transposition and implementation procedures as part of the accession process, focussing mainly on the *acquis* in Candidate Countries. The chief purpose of Twinning is to promote best practices at the level of administrative and judicial capacities where there is no *acquis* to provide for guidance. As pointed out earlier, the instrument has recently been extended to cover European Union neighbourhood countries. The expected result is a transfer of experience and of institutional knowledge from Member States to third countries to drive

reforms towards institutional changes. Twinning is part of a policy supporting positive conditionality (reforms are rewarded) rather than negative conditionality (lagging behind in reforms is punished). As pressure is exerted through a process of “naming and shaming” with the elaboration of evaluation reports, learning and socialisation play a central role in driving institutional changes. But contrary to previous research on socialisation in the framework of enlargement (e.g. Schimmelfenning, Sedelmeier 2004), we do not consider this phenomenon as a one-way process. Therefore, the theoretical literature employed is rather a sociological, neo-institutionalist one, whose concepts have been adapted to the field of international relations (Tulmets, 2003a, 2005c; Königová, 2003, 2004).

*A sociological, neo-institutionalist approach*

The goal of institutional Twinning is a direct provision of expertise and adaptation of experience with the functioning of public administrations implementing the *acquis* in different member states to public servants in Beneficiary Countries. This move by the Commission came in recognition of the varied institutional histories, patterns and trajectories in Europe.<sup>7</sup> Traditionally, though involved in and organising many debates on public administration reform, the EU, as Olsen (2002: 5) reminds us, has not been particularly attentive to and focused on administrative issues. It was much rather policy making and substantive results than administrative arrangements that ranked top in Brussels, no less for the limited legitimacy of the Commission and its modest administrative capacities for this task. In spite of the Commission keeping an intentionally low profile, the EU has more recently paid great attention to the institutional capacities of applicant states and has exerted a strong pressure on the candidates to modernise their administrations (Grabbe 2001; Lippert, Umbach, Wessels 2001). There is no well-developed encompassing public administration within the EU, no “institutional blueprint” for domestic administrations to adapt to, no shared

understanding(s) of a distinct “best practice” in terms of *structure and procedures* (Sverdrup 2000:18), though the *White Paper on European Governance* (European Commission 2001b) seeks to set *performance* standards. The lack of a clear overarching public administration model and the relatively weak European powers for the imposition of *specific* changes in domestic administrations might be also considered as a factor for slowing down European integration (Sverdrup 2000:44). As Twinning aims at exchanging experience on the ways to implement the *acquis*, thus at promoting the good and best practices in this field, the literature on policy learning, institutional transfer / adaptation and socialisation might be best adapted to grasp this exchange of experience, i.e. what is learned from experience, how experience is transferred and then adapted to each national context.

#### *Learning and Socialisation*

A large body of literature already exists on *learning* and *socialisation* at the national level, but emerged only recently on organisational learning and socialisation at the regional or international level. As learning at the national level identifies *several types of learning* (individual, organisational, inter-organisational) (DiMaggio, Powell, 1991), learning at the international level refers to individual learning as well as to collective learning, but a general emphasis is put on collective or organisational learning (Checkel, 1999, 2001). Other strands of literature focus more specifically on policy learning, which “occurs when policy-makers adjust their cognitive understanding of policy development and modify policy in the light of knowledge gained from past policy experience” (Stone, 2004: 549; also Rose, 1993). One may say that Twinning fosters individual, collective and organisational learning in specific policy fields (Drulák, Königová 2005).

A way to gain knowledge on policy development is through socialisation. *Socialisation* was already present in the neo-functional work of Ernst Haas, the author of “The Uniting of Europe” (1968). Inspired by the

functionalist David Mitrany, who believed that economic integration could lead to a spill-over effect on the political, Ernst Haas advocated that socialisation among elites could create integration within specific fields of activity. With the absence of spill-over effect in the European Political Cooperation (EPC), neo-functional approaches kept on being criticised by intergovernmentalists. At the end of the 1980s / beginning of 1990s, European integration gained momentum again with the creation of the internal market, the launching of a Common Foreign and Security Policy (CFSP), with the communautarisation of part of the third pillar in 1997 as well as with the launching in 1999 of the Euro and of the European Security and Defence Policy (ESDP). For some authors, these steps forward were possible due to socialisation among European elites and actors on common values in specific policy fields (Smith, 2004, see also Haas, 1990). The open method of coordination (OMC) adopted in the fields of employment policy in 1997 and of social policies in 2000 also aims at socialising actors with different institutional and national backgrounds in order to elaborate common values through the exchange of best practices and evaluations by the Commission. Interestingly, we believe that this method has inspired the reform of the enlargement policy at the end of the 1990s, as the publication of the “Agenda 2000” shows, and has even been extended in its adapted form to the European Neighbourhood Policy (more on this: Tulmets, 2003a, 2005a, 2005b).

Socialisation plays a growing role in the countries targeted by EU’s external relations, although it has been so far more depicted like a one-way process. Similar to international activism promoting democracy at the international level (Finnemore, Sikkink, 1998; Risse, Ropp, Sikkink, 1999), EU’s policy of political conditionality mainly aims at socialising Candidate Countries and third states into the EU’s conception of Human Rights (Checkel, 2001) and political and normative culture. The policy of enlargement to Eastern Europe contributed to export EU norms through

conditionality, socialisation and persuasion (Schimmelfennig, 2001; Schimmelfennig, Sedelmeier, 2004). When looking at Twinning projects, they clearly participate in this process of exporting norms and values in extending EU's internal policies abroad and socialising actors from third countries into EU's sectoral norms, but not in a one-way, rather an interactive mode (Tulmets, 2003a, 2005c; Königová, 2004). Twinning can thus be seen as an attempt to supplement conditionality by a policy-dialogue approach (Checkel 2000:5), which helps to build political support and consensus for reforms through consulting a spectrum of stakeholders even outside the institution in sectors and policies where conditions and the very nature of the issues allow so. Furthermore, the importance of "low politics" in EU's external relations has recently been acknowledged in other fields of EU's external relations, mainly in the European Neighbourhood Policy:

We already have an impressive range of policy instruments, including development aid, diplomacy, trade policy, civilian and military crisis management, and humanitarian assistance. We also need to do more to recognize and utilise the external dimension of the EU's internal policies. Thanks to globalization, most internal policies now have an international element (Ferrero-Waldner, 2006a).

The consequence of this learning and socialisation process is, ideally, institutional imitation, if not, at least institutional change or adaptation.

#### *Institutional Change and Adaptation*

Analyses studying the impact of EU norms abroad often rely on neo-institutionalism (DiMaggio, Powell, 1991) as well as on the literature on policy transfer or adaptation (Dolowitz, Marsh, 1996; Rose, 1993) to examine *institutional changes* in third countries. According to DiMaggio and Powell, institutional changes can take place in three various contexts and forms: Through coercion, mimetism and normative adaptation (DiMaggio, Powell, 1991: 65). Thus, change can result (a) from formal and informal pressure exerted in a coercive way by institutions on other institutions (e.g.

conditionality); and it can also take place (b) in a situation of uncertainty, where copying (intentionally or unintentionally) other institutions can represent a solution to a problem. Finally, change can happen (c) in a situation of professionalisation. Professions are subject to similar coercive and mimetic pressures than organisations, either through education (legitimisation of a specific knowledge) or through the creation of professional networks. These networks link together institutions of a same profession and thus contribute to disseminate relevant knowledge for the profession.

The third case particularly applies to Twinning, which aims at building networks among civil servants in specific, “low” policy sectors between the EU and third countries. Networking is a key word used at each annual NCP meeting to foster transfer of knowledge and support institutional change. The transfer of knowledge on policies (policy transfer) is generally defined as:

The process by which knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system (Dolowitz, Marsh, 1996).

In Twinning, policy transfer never took place in a void and very often enabled *institutional adaptation* through a mix of past and new practices, which one may call adaptation or hybridisation. Richard Rose defines policy adaptation as the process of “adjusting for contextual differences a program already in effect in another jurisdiction” and making a hybrid as the process of “combining elements of programs from two different places” (Rose, 1993: 30). Without institutional mix, reforms would stay very costly and the new policy would often lose legitimacy. Policy adaptation and hybridisation are therefore a way for third states to optimise already existing resources and to ensure sustainability.

### *Mutual Learning*

As pointed out earlier, Twinning is not a one-way process directed from the EU to Candidate Countries or partner states. Besides, it also aims, as far as possible, at mutual learning and adaptation (European Court of Auditors, 2003; BMWi/GTZ, 2006; also Tulmets, 2005b, 2005c; Königová, 2003, 2004). Various Twinning reports and documents from enlargement indicate that not only did beneficiaries learn substantially from EU experts, but that the EU experts also learned a lot from and in Candidate Countries. Experts interviewed explained that Twinning contributed to enlarge their knowledge of the Beneficiary Countries and sectors they have been working in, but also, thanks to Twinning consortia, the *acquis* implementation solutions used other Member States. Occasionally, the solutions found in Candidate Countries to implement the *acquis* constituted positive lessons for MS experts. Some of these lessons were taken back to the EU as good practices from future Member States.

## **Methodology**

In order to identify what has been learned during 9 years of experience with Twinning, how this experience was (and is still) transferred and then adapted to each national context, we analysed and evaluated the data collected through over 160 questionnaires sent to and interviews with Twinning National Contact Points (NCPs), the central points of communication between the Commission and the Member States, as well as to experts from “old” and “new” Member States, and representatives of the European Commission (DG Enlargement, DG Relex, EuropeAid). We also drew upon several of Twinning and PHARE evaluation studies and reviewed a number of quarterly, final and monitoring reports.

*Questionnaires and interviews*

Aiming to provide an evaluation of the experience so far of the Old Member States (OMS) with TWO, this report relies mainly on primary data collected through questionnaires and personal interviews with OMS National Contact Points, Project Leaders (PLs), Resident Twinning Advisers (RTAs), Short- and Mid-Term Experts (STEs/MTEs).

The first version of questionnaires was piloted on a few experts and the NCPs in France and the United Kingdom. The NCP questionnaire as well as the questionnaires for experts involved in TWO and TWI (Appendix 1 of the report) were then abbreviated and used for mailing out and personal interviews. The questionnaire included both multiple choice and open questions and we encouraged the respondents to add any information or comments they felt were necessary. In interviews, additional questions were also asked to get more specific answers or make deeper explorations.

In spite of the initial decision to focus primarily on the most active and successful providers of TWO assistance (see statistics in Appendices 5a,b of the report), i.e. Germany, France and the United Kingdom, the research team had to extend the scope and refocus the geographical coverage on the basis of the first experience with the (un)responsiveness and accessibility of experts from these three Member States.<sup>8</sup> Also, after the initial phase of desk research and early fact-finding and background interviews, we decided to zoom in specifically on countries with some structural similarities to the Czech Republic, i.e. countries with similar populations, sizes and comparable public administration capacities (though not necessary structures and traditions). That is also why Denmark, Finland, the Netherlands, and Sweden rank among the major data providers for our research.

To get some cross-check of the data we would get from OMS and the European Commission, we decided to mail out another set of questionnaires to the New Member States (NMS) and a candidate country (Turkey) in order

to verify some information and validate the responses by providing the recipient perspective.<sup>9</sup> In several cases, we were able to get answers (in personal interviews or via questionnaires) from experts from both the MS and the Beneficiary Countries who have been working on the same project.

In order to secure the highest possible return rate which would be both manageable in terms of data interpretation and evaluation, and representative of the experience of OMS, we used three sources and ways of sending out questionnaires and asking for interviews: (a) the first version of the European Commission database of all Twinning projects and contacts since 1998<sup>10</sup> (EuropeAid / DG Enlargement 2005), (b) contacts given to us by OMS NCPs, and (c) personal contacts from previous research done by two members of our research team (Drulák, Königová 2005; Königová 2003, 2004; Tulmets 2003b, 2003c, 2005a, 2005b, 2005c, 2006). Importantly, interviews with the Czech National Contact Point and the administrators from the CFCU as well as interviews with Senior Programme Officers (SPOs), TWI and TWO contact persons and heads of EU departments in Czech ministries were conducted to study the situation in the Czech Republic and establish the grounds for our recommendations.

Out of the 15 NCP questionnaires sent to Old Member States National Contact Points, 13 came back (the Spanish and Portuguese NCPs did not react to any of our repeated requests for co-operation) and 7 have been discussed in more details during in-depth interviews with the NCPs in Austria, Denmark, France, Germany, the Netherlands, Sweden and the United-Kingdom.<sup>11</sup>

## Interviews and Questionnaires (Appendix 2 of the report)

Country	Respondents Contacted	Respondents Reached	Interviews and Completed Questionnaires	Reaction Rate*	Success Rate**
Old Member States					
Austria	-***	-***	-	-	-
Belgium	-	-	-	-	-
Denmark	21	21	13	62%	62%
Finland	34	29	11	32%	38%
Greece	11	10	1	9%	10%
France	27	3	3	11%	100%
Germany	61****	61	23	38%	38%
Italy	-	-	-	-	-
Ireland	6	6	0	0%	0%
The Netherlands	5	5	5	100%	100%
Portugal	-	-	-	-	-
Spain	-	-	-	-	-
Sweden	9	9	4	45%	45%
UK	55	42	6	11%	14%
New Member States					
Bulgaria	27	15	4	15%	27%
Czech Republic	11	11	11	100%	100%
Estonia	19	15	4	21%	27%
Hungary	23	8	3	13%	38%
Poland	54	37	8	15%	22%
Romania	46	46	19	41%	41%
Slovakia	13	12	10	77%	83%
Turkey	8	3	0	0%	0%
<b>TOTAL</b>			125		

Note: The Respondents Reached figures include interviewees but exclude NCPs and CFCU/AO staff.

\* Calculated as a percentage of questionnaires returned and interviews made out of the total number of respondents contacted in the country.

\*\* Calculated as a percentage of questionnaires returned and interviews made out of the total number of respondents reached in the country.

\*\*\* Due to personal changes at the Austrian NCP, we were unable to contact the persons responsible of the NCP before the end of July and only met them in mid-September. We considered that September was thus too late to send the questionnaire around to Austrian RTAs

\*\*\*\* In the German case (but that may also apply to other countries), it is impossible to evaluate exactly how many respondents have been contacted as some NCPs also accepted to forward the questionnaire to their national experts and did not inform us of the number of persons contacted.

*Methodological challenges*

During the data collection phase, our team had to deal with several methodological challenges. First, due to the high turnover of staff in some administrations, contacts in the Commission's database were not up-to-date in quite a few cases, so asking NCPs to send the questionnaires out to their updated mailing list was a way to compensate for the shortcomings in the first way of circulation. Second, requesting help from NCPs meant another challenge in that some of them did not react to our request for PL, RTA and STE contacts while some other NCPs did not forward the questionnaire to a large enough number of persons (that explains the small rate of answers for some countries, e.g. Estonia, Hungary). That is why we used some personal contacts from previous Twinning-related research projects to offset this shortcoming (return success rate and absolute figures are presented in the chart above). Third, some respondents skipped some questions in our questionnaire due to the lack of knowledge of the specific issue and/or the lack of time. These answers were rated as "don't know" / "other" or "no difference".

In our original research plan, we intended to mail-out and classify the questionnaires according to the most prominent TWO sectors and sectors identified as priority fields by the Czech NCP (cf MF R and MZV R 2006). Following initial interviews piloting a longer version of the questionnaire, however, we decided to drop this variable since it was not bringing any relevant data in terms of sector-specificity. More importantly, though, our research project was aimed at project management and organisation issues which would be of value to all sectors and could be a basis for a successful TWO strategy for the Czech Republic, rather than providing sector-specific advice.

*Sample and further sources*

Given all the above, it is possible to consider the sample of over 160 respondents (listed in Appendix 3 of the report) as quite representative of the “Twinning community”. Also, considering the limited period of time for data collection, interpretation and evaluation, the small size of our research team and the related financial limitations, it would have been quite difficult to reach more persons and work with a larger sample.

Our research team also drew upon several Twinning evaluation reports and on a number of quarterly and final reports. However, we did not carry out any systematic analysis of project reports since (a) this was the method used in the evaluations we drew upon so we could rely to a large extent on these findings; and (b) we wanted to capture and evaluate the immediate experience of TWO actors, i.e. PLs, RTAs/PAAAs, STEs/MTEs and NCPs and learn more and in a more targeted way than we could from Twinning project reports. Last but not least, we made use of Twinning-related policy documents, legislation and methodological guidance provided by both the European Commission and individual Member States.

*Data analysis*

Following the data collection phase, we proceeded with data interpretation and qualitative and quantitative analysis of both the primary and secondary data gathered (see Chapter 4). Our team has studied and categorised various TWO organisation models, focussing particularly on National Contact Points and their operation and involvement in various phases of the TWO cycle (Chapter 4.1). Following the study of the TWO project phases (preparation, bidding, contracting, implementation and evaluation), the hands-on experience of Old Member States was analysed (Chapters 4.2 to 4.6). The evaluation of this experience, along with the advice given by the respondents to New Member States, formed the basis for our formulation of the basic

TWO success criteria from the perspective of TWO assistance provider. The benefits and drawbacks, as well as risks, constraints and opportunities were then identified (Chapters 5.1 to 5.3). Considering the structural conditions and the political situation in the Czech Republic, a series of recommendations was then made, along with some more general ones, for a successful TWO strategy in the Czech Republic. Czech specificities, capabilities, areas of expertise, strengths and weaknesses and, above all, resources (both human and financial) were taken into account (Chapter 6.2). The recommendations and the cost-benefit analysis then served as a basis for the formulation of five models of Czech TWO involvement (Chapter 6.2.4), which can also be used by new Member States in general.

### **Practical results: Lessons learned with Twinning by the “old” and “new” Member States**

#### *General benefits and drawbacks of Twinning*

The below lists present some of the key positives and negatives of Twinning in the context of EU external relations programmes. Far from being exhaustive, the argument sheets reiterate what our research revealed as the most important and relevant benefits and drawbacks of Twinning in general.

#### **Box 1**

##### General Benefits of Twinning

- A two-way street – a learning and communication process for both sides.
- A vehicle for the transfer of knowledge and hands-on experience.
- An excellent PR tool for the EU – “sells Europe” to neighbouring countries.
- A win-win situation for all parties involved: Beneficiary Countries get what they need (if they know what they want and learn how to put it in a project fiche) and Member States establish contacts with their colleague in the recipient states.
- An important tool to make experts in Beneficiary Countries familiar not only with the EU legislation but also with the methods of implementation.

- A potentially sustainable instrument: the work is done by the beneficiaries themselves, providers of assistance do not come to teach and preach – they come to assist them in what BCs would be doing anyway, only helping them to avoid dead ends and speeding the process up a bit.
- A good vehicle for sharing professional knowledge.
- A tool helping to change structures and processes where projects are linked specifically to the acquis and where projects benefit a specific unit of the recipient institution and a concrete group of people, instead of the system / institution in general.
- A good basis for spin-offs (follow-up Twinning / Technical Assistance / other bilateral projects).
- A possibility to establish / extend sectoral professional networks.
- Focus on hands-on experience and practical solutions.
- An instrument for real change in policies and understanding perceivable in mid- to long-term perspective, as BC organisations grow and change, rather than after the project is wound up.
- Different from the “project industry” (commercial enterprise): what is delivered must be good since MS work with their peers and future colleagues.
- A multicultural experience broadening horizons of both sides and fostering diversity in the EU.
- A platform for targeted, practical training.
- A vehicle for study visits which are often the breaking point for convincing the recipient institutions of a value of changes in attitudes / practices proposed. Study visits are cited as a great inspiration and “eye-opener”; they also facilitate team building in and communication between BC institutions responsible for the implementation of a specific acquis.
- Often facilitating cooperation between central and regional / local authorities and actors.

While the above benefits are recognised by both Twinning partners, acknowledged by the Commission and repeated in many different ways by our respondents, the drawbacks are acknowledged mainly by the sending and recipient institutions, even though DG Enlargement is aware of many of these issues and its revisions of the Twinning Manual as well as some of the rules under EDIS are a conscious reflection of the below criticism.

The following argument sheet lists the negative sides of Twinning mentioned most frequently by our respondents, some of them having been also pointed out in previous Twinning evaluation studies.

## Box 2

## General Drawbacks

- A slow instrument and a very bureaucratic one.
- The Twinning Manual and procedures are rather complicated and time consuming to read, understand and use. Also in different delegations in different countries as well in different CFCUs the interpretation of the same rules and guidelines varies.
- Tight and inflexible rules, especially with regard to minor changes to and amendments of Twinning contracts.
- Too short if basic structures have to be changed in the recipient country (e.g. internal management, establishment of cooperation with other ministries/~~institutions~~ etc.), i.e. when ambitions are high.
- **Limited absorption capacity of BC institutions:** when the situation in the recipient country is not as expected, the BC institution's experts are not readily available to receive all the requested assistance.
- Often **insufficient coordination between projects and national strategies.**
- The **lack of flexibility** allowing significant change to the project which would contribute to the overall reform process.
- **Participants from receiving institutions cannot be paid for any extra efforts** from Twinning budget.
- **Uncertain sustainability** due to **high staff turnover and politicisation of public administration** in Beneficiary Countries.

*Benefits and Drawbacks of Twinning Out for Provider Countries*

While many of the previous benefits are highly relevant for countries and institutions providing Twinning Out assistance to Beneficiary Countries, there are also benefits and drawbacks that are specific to either providers or recipients of this type of aid. Box 3 indicates that Twinning brings mainly non-material (“soft”) benefits for MS providing TWO assistance. The list, however, reveals that these soft benefits are important and pave the way for some material (“hard”) benefits in terms of economic gains and political influence.

## Box 3

## Benefits of Twinning Out for Provider Countries

- A tool for **strengthening of the economic position of the provider country** in the Beneficiary Country / region.
- An opportunity for **establishing potential voting coalitions in the Council** formations.
- A chance to **increase the “return of investment in the EU.”**
- A way of **reinforcing or improving the country’s image and reputation.**
- A mechanism helping to **ensure stability of the European neighbourhood regions: more safety for Czech investors, more security for EU citizens.**
- A way of establishing **good working relationships with colleagues in future EU Member States** on peer positions.
- A springboard for **further bilateral / multilateral cooperation.**
- An instrument for **spreading of democracy and stability** to a wider European area.
- A tool for **creating network of contacts** (development of **sectoral professional networks**).
- An exceptional **career and personal growth opportunity for experts**, expanding their horizons and helping to put new perspectives on their work.

## Box 4

## Costs and Drawbacks for Twinning Out Provider Countries

- **Overhead costs of posted experts** for sending institutions.
- **Uncertainty and financial losses** related to **late starts of projects.**
- **Payment bureaucracy:** Many RTAs are expected to self-fund parts of their secondment until approval of funding; they must rely on “bridging funds” from their home administrations which are sometimes extremely difficult to organise for legal reasons.
- Sometimes **problematic recovery of costs related to the preparation, bidding and other activities.**
- **Loss of an expert** who is **missed back home** (especially in small

countries / administrations).

- **Organisational / management difficulties** related to a posting of an expert with crucial expertise.
- **Tight and inflexible rules**, which do sometimes not allow to respond adequate to a living learning process (unlike in Technical Assistance projects)
- **Twinning project approvals may be unforeseeable**, which makes planning and preparation for the (home) government employer, experts and the family of the RTA very difficult

In order to design an effective strategy for Twinning Out, it is necessary to be aware of and deal with both benefits and costs of TWO. To be a successful provider of Twining assistance, New Member States must be able to “sell” the benefits to their home administrations and communicate them clearly and strongly enough to the top levels at ministries and mandated bodies. At the same time, however, it is necessary for them to take care of the costs and drawbacks as well as the risks and constraints related to Twinning Out preparation and implementation.

#### *Risks and Constraints of Twinning Out*

The red line running through all of our interviews was that the best way to deal with risks and constraints of Twinning Out was to be aware of them and try to deal with them as early in the process cycle as possible, rather than shunning them or not revealing them to the institutions providing assistance. The big advantage of NMS is that many of their Project Leaders and RTAs/STEs have had some experience with Twinning at the receiving end (Twinning In), so they are often aware of the risks. Still, in order to find solutions for either eliminating or at least mitigating them, the following list highlights some key risks and constraints of Twinning Out that have been and/or will be faced by Czech experts. This list has been drawn on the basis

of input from Old Member States as well as the information provided by Czech authorities that have already started TWO preparation, bidding or implementation activities.

### Box 5

#### Risks and Constraints of Twinning Out

- **Structural / institutional changes** (changes in administration; management changes; changes of RTAs / PLs; turnover of staff on both sides)
- **Disinterest in New Member States** (will most probably apply also to Romania and Bulgaria after their accession) **when the pressure of pre-accession assessment is gone**
- **Delays** (in preparation, project launching, contracting, provision of offices to RTAs, reports)
- **Political externalities and slowness of policy-making**
- **Staff problems** on both sides (shortage of staff; insufficient training; lack of management skills on BC side; unavailability of STEs; unsatisfactory qualifications of short-term experts)
- **Lack of interministerial cooperation and coordination** on the BC side
- **Uncertain sustainability**
- **Budget problems** (suboptimal use of project funds; budgetary underestimations; lack of BC co-financing)
- **Limited impact:** recommendations not taken into account or not implemented
- **Inability to provide planned activities** (for budgetary, organisational or other reasons)
- **Contract problems** (poorly drafted contracts; need for several addenda)
- **Conflicting priorities** between MS consortia members, MS and BC, BC institutions (especially when more than one BC institution is the recipient of TWO)
- **Training problems** (insufficient numbers of BC institutions staff; training participants being chosen just to hit the numbers and not according to their area of specialisation)
- **Limited timeframe** (need for project extension – not always approved)
- **Communication problems** (between MS consortia members, between BC institutions, between BC and MS; lack of English language skills of BC experts)

## **Institutional adaptation: Cross-breeding experiences and policy recommendations**

### *NCP models*

With the introduction of new management rules for EU programmes in March 1998 (Council regulation nb 622/98 of 16 March 1998) and, most importantly, the launch of Twinning in the same year, each Member State created a National Contact Point (NCP) responsible for the coordination of European assistance programmes and communication with the Commission in the framework of enlargement. NCPs channel information to Member States' ministries and other relevant administrative bodies and advise them on the process and development of TWO administrative issues while providing general support throughout the preparation, bidding, contracting and implementation phases of the TWO cycle.

NCPs are located at different levels of the Member States central government. As one interviewee at the German NCP pointed out:

The location of the NCP particularly reflects the importance assigned to European policies at the national level: if located at the Prime Minister's Office, it shows that these questions are seen as political in all sectors; if located at the Ministry of Foreign Affairs, they are seen as belonging to the domain of international relations; if created at the Ministry of Finance, it indicates that European financial issues are of particular importance, if at the Ministry of Economy, that greater priority is given to trade and economic issues.

The way NCPs have been created in Old Member States thus mainly depends on already existing institutional legacies. Yet, the NCP location may and does change over time in some countries, depending on national political constellations and new priorities for the allocation of "European" competences.

The following section of the report describes the location, organisational set-up, operation, communication as well as the tasks carried out and support services provided by the NCPs in Austria, Belgium,

Denmark, Finland, Greece, France, Germany, Italy, Ireland, the Netherlands, Spain, Sweden and the United Kingdom.<sup>12</sup> In order to avoid the classic classification of centralised versus federal states and not to focus only on the ministries where NCPs are seated, the variety of institutional experience has been classified among two groups:

1) **NCPs with an agency adding strong infrastructure and operational support** (These NCPs are located within a Ministry - of Foreign Affairs, of Economy, of Finance. The agencies have generally a private status - association, company with non-for-profit activities, are financed from the state budget and may be either independent or located directly at the Ministry where the NCP is based. In two cases, that is in Ireland and Sweden - see Table 1, the entire NCP functions have been delegated to agencies.

2) **NCPs without agencies** (The NCPs are located either at the Ministry of Foreign Affairs or at the Prime Minister's Office. They are in direct contact with line ministries, which have a more important management and communication role than in the case of NCPs supported by agencies - see Table 1).

**Table 1: Location of NCPs in Old Member States:**

	Prime Minister's Office	Ministry of Foreign Affairs	Ministry of Economy / Finance	Agency / Support Structure
<b>Austria</b>		X		AEI
<b>Belgium</b>		X		
<b>Denmark</b>		X		
<b>Finland</b>		X		
<b>France</b>	X			
<b>Germany</b>			X	GTZ
<b>Greece</b>		X		
<b>Ireland</b>				X - IPA
<b>Italy</b>		X		
<b>Luxembou</b>		X		

<b>rg</b>				
<b>Netherlands</b>		X		EDV
<b>Portugal</b>		X		
<b>Spain</b>		X		FIIAPP
<b>Sweden</b>				X - SIDA
<b>UK</b>		X		

*Source: Interviews with NCPs, NCP questionnaires and the DG Enlargement list of NCPs ([http://ec.europa.eu/enlargement/pdf/financial\\_assistance/institution\\_building/current\\_ncpms\\_en.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/institution_building/current_ncpms_en.pdf))*

## General Recommendations for New Member States

As we showed in the previous chapter, Twinning can be a very useful tool and a tremendous opportunity for assistance providers, be it from the Old or New Member States. Nevertheless, to be able to really benefit from this opportunity, some essential prerequisites need to be ensured. Following our mapping exercise covering the organisation of Twinning in New Member States<sup>13</sup>, we concluded that there is still room for improvement and that the majority of NMS still need some substantial changes in the way they coordinate, administer, promote and support TWO on a national basis.<sup>14</sup>

Chapter 6.1 therefore brings some recommendations regarding the organisation and coordination of Twinning Out in New Member States. These are applicable to more or less all NMS as they have been often mentioned by our respondents and some of them appeared in previous Twinning evaluations. Recommendations in Chapter 6.2, however, are formulated specifically for the Czech Republic. After describing and assessing the existing Twinning arrangements in the country, we proceed with presenting six scenarios for the location and empowering of the National Contact Point. Several recommendations are then given to improve the current TWO organisation and support services. Five models of Czech involvement in TWO are sketched out in section 6.2.4.

Based on our analysis of the data collected and information from previous evaluations, our research team has formulated the following recommendations, which have been split into several categories. We start with the most important, strategic recommendations, which are then followed by organisational and, finally, operational proposals and suggestions.

### Box 6

#### Strategic Recommendations

- Make **Twinning Out one of the Government's European priorities** and advocate the country's interests in providing TWO services (have a list of arguments ready – *we shall have such a list of benefits in our report*).
- Use **Twinning Out and TAIEX as complementary instruments**.
- Define and communicate the country's **competitive advantage and the unique area of expertise**; identify and "market" the **value that the country can add** to the Beneficiary Country's administrations and/or systems
- Create more stable **partnerships** with some countries (building on previous experience of cooperation in TWI projects, established partnerships and good track-record from other bilateral and multilateral projects); yet, remain open to cooperation with any country. Good reputation of a lead partner is key.
- Identify the country's **competitive advantage as a Junior Partner** and **market the country's recent experience with the implementation of the *acquis***.
- Make clear **Twinning Out priorities** (i.e. objectives, key regions, key areas of expertise, partnership policy etc). These priorities, consistent with the country's foreign policy focus, should be preferably summarised in a fiche-like document. Most importantly, make these priorities known to:
  - 1) National public administration bodies;
  - 2) Other MS NCPs and institutions;
  - 3) Beneficiary Countries;
  - 4) EU secretaries at NMS embassies in Beneficiary Countries.
- Recognise **Twinning Out as part of the country's national experts career growth**; communicate this to the management of government authorities and mandated bodies.
- Formulate your **own national Twinning Out guidelines**, along

<p>with the Commission rules and <b>provide relevant training</b> for ministries, mandated bodies and other organisations concerned and interested</p> <ul style="list-style-type: none"> <li>• Make use of the command of <b>Slavic languages</b>, where applicable, in project bids and project implementation.</li> <li>• Consider involving <b>regional and local authorities</b> (STEs) where it might be beneficial</li> </ul>
<p><b>Organisational Recommendations</b></p>
<ul style="list-style-type: none"> <li>• Set up a <b>special Twinning Out agency / unit / organisation</b> to coordinate and concentrate TWO information. This TWO unit/agency shall be managed by and accountable to one public administration body only: one ministry or the Government Office.</li> <li>• Use the <b>expertise of the people who have administered TWI and TWO so far</b> (including the CFCU/AO staff).</li> <li>• Make sure that the <b>NCP mandate and organisational status is strong enough</b> to facilitate contacts and effective cooperation with top level management of ministries and mandated bodies.</li> <li>• Ensure <b>enough resources</b> to run the NCP daily business.</li> <li>• Establish a <b>network of ministries and agencies and initiate and encourage active networking</b></li> <li>• <b>Build Twinning institutional memory</b> in order to set off staff turnover in NMS public administrations.</li> </ul>
<p><b>Operational Recommendations</b></p>
<ul style="list-style-type: none"> <li>• Create a <b>special website</b> dedicated to Twinning – list all project fiches there and update it frequently.</li> <li>• Have <b>one person</b> just for circulating fiches around ministries and mandated bodies, updating the website and generally taking care of incoming and outgoing e-mail.</li> <li>• <b>Communicate regularly with the management of ministries and mandated bodies</b> to convince them of the importance of TWO both for the country and for the institution. Remind SPOs and contact persons constantly about TWO opportunities but <b>avoid “information overkill”</b>. Provide <b>timely, structured and clear information</b>.</li> <li>• Make regular contact with, provide information to and make use of the information from <b>embassy officers</b> in Beneficiary Countries.</li> </ul>

- Provide **training** (most importantly in TWO preparation, Logical Framework Approach (LFA) and other relevant skills) and continuous **support**.
- Publish a “**smart version**” of the **Twinning Manual**.
- Allocate some **funds for pre-bidding visits and preparatory work; establish bridging funding**.
- Be **present at presentations / preparatory visits / fact-findings** if possible.
- Make information about **cultural and interpersonal sensitivities** part of the training provided to RTAs, PLs, STEs and MTEs.
- Allow for **flexibility** and **creative solutions**.

The above recommendation sheets draw mainly upon the data collected throughout the time of our research project implementation. Some of them, however, also appear in previous evaluations of Twinning (Birker et al. 2000; MZV R 2001; Cooper, Johansen 2003; WM Enterprise 2006; Bouquet 2006; BMWi/GTZ 2006), which lends our findings and the subsequent recommendations some more credit and provides support to our proposals and advice.

## **Recommendations Specific to the Czech Republic**

Twinning Out is a new instrument that Czech authorities are learning to use. Given the information gathered so far as well as the terms of reference for this research project, we feel that there is a need for some key strategic and operational decisions to be taken to benefit as much as possible from the positive aspects of TWO and its spin-off effects.

The following section therefore brings some specific TWO recommendations taking into account the structural and political conditions in the Czech Republic. It starts with a brief outline of the experience so far with TWO and the description of the public administration environment within which TWO is set in the country. Based on the analysis of Czech

Republic's foreign policy and assistance priorities as well as the structural conditions, particularly public administration capacities and human and financial resources, suggestions regarding the location, organisation and operation of the National Contact Point are made. Out of the five scenarios given, the research team recommends to choose an agency-based approach, inspired by one of the NCP models used in OMS. The chapter closes with a presentation of five models of Czech involvement in TWO projects and the outline of benefits and drawbacks as well as probability of and requirements for the use of each of them.

### **Czech Republic: Priorities, Prerequisites and Scope Conditions**

The Czech Republic is a small country with limited human and financial resources. In that respect, it is similar to Austria, Belgium, Denmark, the Netherlands or Sweden. Also, the continuing public administration cuts are making it rather difficult for the Czech Republic to become active participants in the TWO mechanism. Still the previously mentioned benefits and the fact that the European Neighbourhood Policy is a prominent priority in the EU policy and, last but far from least, the European Commission is planning to allocate substantial amounts of money to ENP assistance programmes should be enough of a reason for the Czech Republic to ensure that TWO opportunities are maximised by effective, efficient and economical participation in the instrument. Due to the fact that MS are already hitting their limits in terms of sending experts abroad

As we show in Chapter 4 of our Report, Good Twinning Out performance is largely dependent on effective NCP and on the overall organisation and coordination of TWO activities as well as on the human resource and practices of TWO experts. The following section will therefore

focus on the structural, financial and political conditions of the country. We will briefly describe the current system of TWO coordination and organisation in the Czech Republic and highlight the issues Czech TWO actors already have to deal with.

The Czech Republic's foreign policy objectives include involvement in the EU's external activities. Twinning is one of the key instruments of this involvement. In order to implement this goal, the Czech government adopted the Main Territorial Priorities in the Framework of the Common Foreign and Security Policy (Government Resolution No. 388/2005).<sup>15</sup> The **main territorial priorities for the Czech Republic's participation in Twinning Out** have been identified as South European Countries supported within the framework of the EU Stabilisation and Association Process, in particular **Serbia and Montenegro** and **Bosnia and Herzegovina; Ukraine, Moldavia, Georgia and Palestine** (European Neighbourhood Policy countries) (MF R and MZV R 2006).<sup>16</sup>

The Czech Republic would like to provide assistance specifically but not only to these countries in the field of Justice and Home Affairs; public administration reform; implementation of Structural Funds; trade policy, competitiveness and consumer protection; employment and social policy; harmonisation of technical standards; higher education systems; transport policy; statistics; environment; agriculture, veterinary and phytosanitary area, and food safety.

Czech TWO, as well as TWI activities are administered and coordinated by the National Contact Point located at the Centre for Foreign Assistance, Ministry of Finance.<sup>17</sup> Some administrative support is also provided by the Central Financing and Contracting Unit / Administrative Office (CFCU/AO). The NCP communicates with sending institutions, i.e. ministries and mandated bodies through Senior Programme Officers (SPOs) or other authorised contact persons. The Ministry of Foreign Affairs (Trade Policy and Agriculture Department) has a special role in terms of providing

some political guidance and contacts with embassies in the Beneficiary Countries and other MFA departments.

Czech authorities involved in Twinning Out (ministries and mandated bodies) are generally in favour of taking part in this form of assistance, both as Junior Partners and Project Leaders/Lead Partners and some of the ministries (particularly the Ministry of Environment) have been quite active in this respect. Moreover, many Beneficiary Countries have been expressing their interest in working specifically with the Czech Republic.<sup>18</sup> The Czech Republic's strength is an advanced level of *acquis* implementation, cultural links to many of the Beneficiary Countries (in the TACIS and CARDS regions as well as to Acceding and Candidate Countries) and similar administrative histories and patterns to be overcome. However, the first months of Czech involvement in TWO<sup>19</sup> already revealed that there are some administrative obstacles and structural limitations to Czech participation in TWO. Firstly, and most importantly, the major problem is the (un)availability of experts and the lack of support that TWO receives from the top levels of ministries and authorities. The issue of RTA/STE availability boils down to the size of the country and public administration and the pool of the Czech Republic's human and financial resources. In that respect, the Czech Republic is in a similar situation as Austria, Denmark, Finland, the Netherlands, or Sweden. There are few key experts who can be spared for a project abroad without being missed badly by their sending institution as finding a similarly trained and experienced replacement is very difficult. Moreover, due to the non-existence of the Civil Service Act, experts have no guarantee of returning to the same position they left. Also, the high turnover of staff in Czech ministries is a problem for both Twinning Out and Twinning In projects.

Secondly, our interviewees mentioned that the financial methodology, as presented by the CFCU is not clear and is unadapted to the local situation. SPOs and Heads of EU Departments At different ministries express their fear

of financial control and evaluation. The financial methodology was described as “just a translation of the EC document” (Ministry of Labour and Social Affairs). It was suggested that Czech SPOs and other authorised officers would welcome a “Twinning Out Cookbook,” i.e. a document well adapted to the Czech institutional environment. This document would set out clear rules in order to avoid misunderstandings and control problems. Some of the ministries (e.g. Ministry of Environment) have already drafted their own TWO guidance.

Thirdly, some interviewees also highlighted difficulties related to financial flows which are, however, not specific to the Czech situation since other countries face the same problem. It generally takes a lot of time after the project starts to get an advance payment, if any is provided at all. Ministries in many MS often cover the expenses and pre-finance the missions of the experts without being reimbursed afterwards. To remedy this situation, the Ministry of Labour and Social Affairs suggested setting up a special fund that could be administered by the Ministry of Finance (or another body responsible for TWO) and that might serve as a reserve fund, helping ministries and other institutions with pre-financing, especially with logistics-related expenses.<sup>20</sup>

Fourthly, where several sectors need to cooperate, complications arise due to unclear delimitation of competences and statutes. Similarly to other (post-Communist) NMS, the strong hierarchy in public administration in the Czech Republic is making inter- and intra-ministerial coordination quite difficult. And the willingness and readiness to take up responsibilities and make own decisions is quite underdeveloped (cf. Lippert, Umbach 2005). This is also why the Czech government has been discussing a draft legislation providing for the establishment of the Czech Agency for Development Cooperation (MZV R 2006a,b,c,d).

This development agency is to remedy the ineffective, uncoordinated and fragmentary situation development assistance provision by the Czech

Republic, as it is at the moment. Inter-ministerial barriers and rivalries prevent synergy and linkage in assistance provision and the administrative costs are quite high. The Czech Agency for Development Cooperation would be established by and work under the political guidance of the MFA. The agency is inspired by the Scandinavian model. The management and control of development assistance would rest with the MFA but all executive tasks would be delegated on this agency. The MFA would be advised by the International Development Assistance Council and the National Coordination Committee for Development Assistance (MZV R 2006b,d). Given the shifts of geographical and conceptual focus of Twinning (see Chapter 2.3) it might be quite effective to link TWO to other development assistance programmes and draw upon the benefits of a support infrastructure with relevant administrative capacity in the area of development assistance.

Fifthly, the administrative burden linked to the preparation of bids and project monitoring and financial arrangements proves to be quite heavy for Czech TWO assistance providers, considering their workloads. As there is little chance of setting up special Twinning units at ministries, some interviewees suggested the use of outsourcing (e.g. relying on support structures such as the National Training Fund in case of the Ministry of Labour and Social Affairs). That, however, may not be an ideal solution since this would further reinforce the fragmentation and exacerbate the uncoordinated system of assistance provision in the Czech Republic.

As evident from the above description, the systemic and structural conditions make TWO provision quite challenging for Czech public administration bodies. The recommendations in sections 6.2.2 and 6.2.3 of our Report are designed to show how this situation may be improved, both on systemic and operational levels.

## National Contact Point Location

Taking into consideration the above structural conditions of the Czech Republic (a small country with limited human and financial resources) and the need to find an efficient, effective and economic solution for the future TWO coordination and organisation, the following scenarios have been formulated by our research team. The scenarios have been designed on the basis of TWO arrangements and NCP models described in Chapter 4. Of course, the EU-related administrative systems of Old Member States cannot be transposed as *acquis* has been. Indeed, that would be far from desirable. But they can serve as a source of inspiration for and consideration by Czech decision-makers. Each scenario gives an outline of the possible arrangements, linking them to specific Old Member States' models and highlighting the benefits and downsides of the respective solutions. Having considered the current policy and legislative developments in the Czech Republic, we suggest the third scenario as the solution of first choice if the Czech Agency for Development Cooperation is endorsed by the Czech government and the relevant law is passed by the Parliament.

Scenario 1	NCP as a special unit of the Ministry of Foreign Affairs
Scenario 2	NCP based at the Ministry of Foreign Affairs but delegating services to an agency
<b>Scenario 3</b>	<b>NCP based at a special agency</b>
Scenario 4	NCP as a special unit of the Ministry of Finance
Scenario 5	NCP based at the Ministry of Finance but delegating services to an agency
Scenario 6	NCP based at Government Office

## Suggestions for Improved Performance in Twinning Out Coordination

Irrespective of which, if any, of the above scenarios is selected, we point out which of the recommendations listed in section 5 we believe are crucial and should be seriously considered by Czech decision-makers:

### Box 7

#### Suggestions for Improved Performance

##### *Improved Internal and External Communication*

- Make **Twinning more visible and attractive**.
- Make **Czech territorial and technical priorities explicitly known to partners at home** (Czech institutions and organisations) **and abroad** (other NCPs): create an electronic presentation package with information on the organisation of TWO in the Czech Republic, priorities, competitive advantage, capacities and possibilities of partnership; circulate this information around both EU Member States, BCs and Czech embassy officers in BC countries.
- Use the **website as a real communication platform** for partners at home and abroad and post all circulations there – get inspired by other NCPs whose experience with using the intranet and internet website has been very positive and appreciated by their RTAs, PLs and other “clients.”
- Keep your **communication as open, transparent, simple and relevant as possible**.
- Send domestic institutions **clear and short notices highlighting the main points in the fiches** to catch their attention – circulation is not enough, think about the “**packaging**” and **time-effective solutions** making it easier for SPOs and their colleagues to react.
- Be in **frequent personal contact with the management of Czech institutions and organisations** and find effective ways of “selling” TWO (point at success stories etc.) – **ensure political and management support**.
- Organise **annual meetings of TWO experts** (RTAs, PLs, STEs and MTEs).
- Make **full use of Czech embassy officers in ENP countries** and let them inform you on any potential project fiches in the pipeline.
- Print out a **small, easy-to-carry version of the Twinning Manual** and distribute it to SPOs, RTAs, PLs and other relevant TWO actors.

##### *Financial Support*

- Try to identify and deploy **sources of funding to cover preparation, pre-financing and other bridging costs**.
- Find a viable solution in terms of *per diems*.
- **Redraft the financial flows guidance to better reflect the Czech**

**institutional situation** – make use of the experience of ministries so far and draft the guidance in consultation with them.

**Training**

- Provide **practical and focused training sessions for RTAs and PLs** several times a year, on top of the general RTA training in Brussels.
- Invite a **current/former Czech RTA and/or PL to share their experience and answer specific, practical questions** of Czech civil servants considering to work as TWO experts. Use the experience and formats of such training in other MS as an inspiration; explore opportunities for cooperation with the MS providers of training.
- Make information about **cultural and interpersonal sensitivities** part of the training.
- Highlight the **career growth opportunities and personal development** side of TWO involvement.

**Other Suggestions**

- Use **Twinning Out and TAIEX as complementary instruments**.
- Promote **partnership and cooperation of sectors** where it would be beneficial and enhance the chances of winning tenders.
- Be **involved in the contracting phase** as well.
- Use **TAIEX experts for fact-finding purposes**.

This set of recommendations does not claim to be all-embracing and several other recommendations might be added. Also, more input in this respect was added by the international Twinning Out Seminar in March 2007. The above list of recommendations, however, is meant as an inventory for Czech authorities in general and the Czech NCP in particular from which to chose and to which to add if they want Czech TWO participation to be effective and successful. We believe these recommendations to be relevant irrespective of the models of Czech involvement in TWO activities presented in the final section of this report.

## Models for Czech Involvement in Twinning Out

There are several ways in which small countries with limited human and financial resources can be involved in Twinning Out. This section looks into the prerequisites, advantages and disadvantages of the various options, seeking to identify the probability with which these models of involvement will be used in the case of the Czech Republic.

<b>Model 1: Czech Republic as a Single Applicant and Provider of Twinning Out</b>			
<i>Model Probability</i>	<i>Prerequisites</i>	<i>Positives</i>	<i>Negatives</i>
<b>Low</b>	<ul style="list-style-type: none"> <li>- strong administrative and management skills</li> <li>- good presentation skills</li> <li>- clear vision and well-developed workplan</li> <li>- strong language skills</li> <li>- a competent RTA and availability of STEs</li> <li>- top-level support</li> </ul>	<ul style="list-style-type: none"> <li>- stronger image of the CR and the sending institution</li> <li>- no difficulties arising from consortium management issues</li> <li>- better control over project outcomes</li> <li>- higher management fees for sending institution</li> </ul>	<ul style="list-style-type: none"> <li>- substantial demands on the time and availability of Czech experts</li> </ul>
<b>Model 2: Czech Republic as a Lead Partner in Twinning Out Consortia</b>			
<i>Model Probability</i>	<i>Prerequisites</i>	<i>Positives</i>	<i>Negatives</i>
<b>Low to medium</b>	<ul style="list-style-type: none"> <li>- strong management and administration skills</li> <li>- preferably experience from previous, similar projects</li> <li>- good coordination, communication and negotiation skills</li> <li>- clear vision and</li> </ul>	<ul style="list-style-type: none"> <li>- stronger image of the CR and the sending institution</li> <li>- more control over project outputs and outcomes</li> <li>- lesser capacity demands</li> <li>- creation of partnership for future bids / co-operations</li> <li>- learning experience for</li> </ul>	<ul style="list-style-type: none"> <li>- consortium management and coordination difficulties</li> <li>- substantial demands on the time and availability of Czech experts</li> </ul>

	well-developed workplan - a competent RTA and availability of STEs - top-level support	Czech experts	
--	--	---------------	--

<b>Model 3: Czech Republic as a Junior Partner in Twinning Out Consortia</b>			
<i>Model Probability</i>	<i>Prerequisites</i>	<i>Positives</i>	<i>Negatives</i>
<b>High</b>	- good partnership skills - good technical expertise - good “marketing” of the country on the TW market - flexibility - adaptability	- better chances of success - little or no demands for management and coordination skills	- some administrative demands on sending institution - lesser control over project outcomes
<b>Model 4: Czech Republic as a Strategic Junior Partner of Some Member States</b>			
<i>Model Probability</i>	<i>Prerequisites</i>	<i>Positives</i>	<i>Negatives</i>
<b>medium to high</b>	- commitment to strategic partnership - good “marketing” of the country on the TWO market - good technical expertise - provision of updated CVs of Czech experts - flexibility - adaptability	- strengthened cooperation with some MS with strong positions in some countries - little or no demands for management and coordination skills - guaranteed chances in certain sectors/domains/countries	- restricted options for cooperation - some administrative demands on the country

<b>Model 5: Czech Republic providing Individual Experts for Consortia</b>			
<i>Model Probability</i>	<i>Prerequisites</i>	<i>Positives</i>	<i>Negatives</i>
<b>High</b>	<ul style="list-style-type: none"> <li>- good technical expertise</li> <li>- provision of updated CVs of Czech experts</li> <li>- frequent and extensive contact with other MS</li> </ul>	<ul style="list-style-type: none"> <li>- very little administrative and no management demands on home administration</li> <li>- flexibility</li> <li>- good option to use the expertise of Czech STEs</li> <li>- greater complementarity with TAIEX</li> </ul>	<ul style="list-style-type: none"> <li>- little control over project results and impact</li> <li>- limited effect on the reputation of the country / sending institution</li> <li>- no management fees for home administration</li> </ul>

Given the Czech Republic's structural conditions and taking into consideration the findings from initial research among Czech TWO actors, models number three and five are given high probability rating. In other words, **the Czech Republic might be expected to provide Junior Partner services and the expertise of individual experts on a most regular basis.** These two models also suit best the current administrative / institutional capacities of and the level of commitment by Czech TWO actors (i.e. do not require top-level support and long-term secondment abroad) However, this is not to say that the other models should be dropped in the long-term perspective. Our conclusions only highlights the most probable and least demanding options for the near future which reflects the structural and other limitations presented earlier in the report. The models proposed also echoes the demands by BCs who trust the Czech Republic' experts (and experts from other NMS) in their technical knowledge and value their accession experience but prefer OMS to manage Twinning projects. Finally, these two models suit best the preferences and capacities of the most active sectors in TWO, especially the Ministry of Environment.

## Conclusion

This article presented the theoretical and methodological underpinnings as well as the results of the report entitled “Twinning Projects: Analysing the Experience of „Old“ EU Member States and Evaluating the Benefits of Twinning Out for the Czech Republic” handed out in November 2006 by the Institute of International Relations (IIR) to the Czech Ministry of Foreign Affairs. The first aim of the report was policy advice on ways to improve the Czech participation in Twinning Out on the basis of nine years experience of the “old” Member States with this instrument. More generally, the results of the report might be extended to all EU “new” Member States, which might expect the above mentioned benefits from their participation in Twinning.

In a more academic perspective, the information collected allowed for a further validation of the approach in terms of policy learning, socialisation and institutional adaptation as far as the method of enlargement and more precisely the Twinning instrument are concerned. Interestingly, this method, which promotes the exchange of best practices and relies on the mechanism of “naming and shaming” through regular evaluations, was progressively adapted to other European foreign policies, namely the European Neighbourhood Policy. As it supports an interactive approach, further research needs to be done to understand how learning, socialisation and institutional adaptation might happen in a context where accession is excluded and third countries are *a priori* more free to co-define the rules of the game.

---

## Notes

<sup>2</sup> Report written by Königová, L., Tulmets, E., Tomalová, E..

<sup>2</sup> These criteria are: 1) stable institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities (*political criteria*); 2) the existence of a market economy capable of coping with competitive pressures and market forces inside the Union (*economic criteria*); 3) the capacity to assume the obligations of accession, and notably to subscribe to the objectives of political, economic, and monetary union (*legal criteria* or the ability to adopt the *acquis communautaire*). Conclusions of the Copenhagen Summit: [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/73842.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/73842.pdf).

<sup>2</sup> Council Regulation 3906/89. Originally aimed at helping Poland and Hungary only, the PHARE programme has been later on extended to cover other CEECs as well (Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Slovakia, Slovenia and Romania).

<sup>2</sup> TAIEX is the first PHARE institution-building instrument and was introduced by the European Commission in 1995.

<sup>2</sup> The report was written by Lucie Königová, Eliška Tomalová and Elsa Tulmets (Institute of International Relations, IIR, Prague), with the research assistance of Karolina Harries and Petra Häfner. It is available from [www.iir.cz](http://www.iir.cz). The report starts with a brief outline of the evolution of Twinning and the contextualisation of this instrument in the process of enlargement. It also describes both the past and future uses of Twinning in the European Union's external relations policy, focused specifically on the organisation and coordination of Twinning Out (TWO), i.e. twinning from the provider point of view. This includes the set-up and operation of National Contact Points (NCPs) in Austria, Belgium, Denmark, Finland, Greece, France, Germany, Italy, Ireland, the Netherlands, Spain, Sweden and the United Kingdom; the preparation activities; domestic resources used to motivate and support public administration institutions as Twinning expertise providers; the contracting and implementation processes and procedures as well as TWO evaluation.

<sup>2</sup> One could also add the level of the neighbour countries, it was not the aim of this research project.

<sup>2</sup> “[Twinning] brings the candidate countries into wider contact with the diversity of practice inside the EU.” (*Twinning in Action*:5). See also Grabbe 2001: 1023. Diverse diffusion of norms and standards as well as varied adaptation and only limited convergence in member states was also reported by Olsen and Peters (1996).

<sup>2</sup>To compensate for the very low reaction rate (not to be mistaken with the response rate – see chart below), the French NCP gave to us a valuable document that the French NCP prepares

---

every year and sends to the EC before the NCP meeting in Brussels. The document (“Questions posées par les autorités françaises”) sums up all the comments of French PLs and experts. Similarly, we could offset the UK’s low response rate by drawing upon background interviews and findings from previous research (Königová 2003, 2004).

<sup>2</sup> In general, answers from three types of experts were collected in NMS: 1) persons who have been involved in Twinning as beneficiary, generally until 2004-06 (TWI); 2) persons who have been involved as beneficiary and provider (TWO/TWI); and 3) persons who have been involved only as provider, since 2004 (TWO). Despite the small rate of answers, they are quite representative of the different types of experience with Twinning as they come from Twinning NCP, project leaders / managers and experts, as our background interviews and Twinning evaluation reports confirmed.

<sup>2</sup> A second, updated version of the database has been released since the project was handed out.

<sup>2</sup> Due to the quite limited involvement of Belgium, Greece, Italy and Luxembourg in TWO, we did not seek any additional information on and from these Member States.

<sup>2</sup> As suggested in Chapter 3 – Methodology, we have not received any information on the Portuguese and Spanish models in spite of several written and telephonic requests for data. Also, in spite of receiving a completed NCP questionnaire filled in by the Greek NCP, we could not really make a comprehensive picture of the Greek NCP function since the data provided was very sketchy and we could not really retrieve any additional information about this NCP from any other sources we had access to.

<sup>2</sup> In this respect, we rely on data provided in questionnaires sent to us from NMS – see Appendix 2) and information about and from the “NCP workshop to promote successful donor Twinning activity” for NCPs from New Member States organised by the Hungarian NCP in Budapest, 24 – 25 November 2005.

<sup>2</sup> Some NMS, however, have seen major developments in the institutionalisation and organisation of European affairs in general and Twinning assistance in particular. For example, Poland has been inspired in its EU affairs coordination by the French SGAE (see Bouquet 2006).

<sup>2</sup> The country’s territorial priorities are also identified in the Czech Republic’s Pro-Export Policy (Government Resolution No. 188/2003) and the Czech Republic’s International Development Assistance Policy (Government Resolution No. 91/2002).

<sup>2</sup> The Czech Republic, however, does not exclude the possibility of providing TWO assistance to Bulgaria, Romania, Croatia and Turkey as well as to Albania, Macedonia and Russia, or Belarus (if the political situation permits) and Egypt or other Mediterranean countries (MF R and MZV R 2006).

---

<sup>2</sup> [http://www.mfcr.cz/cps/rde/xchg/mfcr/hs.xsl/eu\\_Twinning\\_programy.html](http://www.mfcr.cz/cps/rde/xchg/mfcr/hs.xsl/eu_Twinning_programy.html)

<sup>2</sup> One of the interviewees mentioned that even though the bid and the presentation of one Czech authority was far from well-done and impressive, one BC chose the Czechs because they badly wanted to have them there since the country's preferred way of implementing that particular component of the *acquis* was the Czech one.

<sup>2</sup> The implementation of first projects with Czech experts started in autumn 2005. 11 TWO projects were implemented as at the cut-off date of this report, with several other bids being prepared.

<sup>2</sup> The existing system is difficult to synchronise with the budgetary calendars of Czech ministries.

## References

### *Academic Literature*

- Bailey, D. and L. de Propriis (2004), 'A Bridge too Phare? EU Pre-accession Aid and Capacity-Building in the Candidate Countries', *Journal of Common Market Studies*, 42(1), pp. 619-639.
- Bouquet, E. (2006), *National Coordination of EU Policy. Is Poland following the French Path?*, Working Paper FG1, 2006/06, SWP Berlin, May. Available on: [http://www.swp-berlin.org/common/get\\_document.php?id=1669](http://www.swp-berlin.org/common/get_document.php?id=1669)
- Checkel J. T. (1999), 'Sanctions, Social Learning and Institutions. Explaining State Compliance with the Norms of the European Human Rights Regime', CEU Working Papers IRES, (99/3), June.
- Checkel, J. T. (2000), *Bridging the Rational-Choice / Constructivist Gap? Theorizing Social Interaction in European Institutions*, Oslo: ARENA Working Paper no. 11.
- Checkel, J. T. (2001), 'International Institutions and Socialization in the New Europe', ARENA Working Papers, WP 01/11.

- 
- DiMaggio P. J. and W. W. Powell (eds.) (1991), *The New Institutionalism in Organizational Analysis* (Chicago/London: Univ. of Chicago Press).
- Dolowitz D. and D. Marsh (1996), 'Who Learns What from Whom: A Review of the Policy Transfer Literature', *Political Studies*, 44 (3), pp. 343-57.
- Drulák, P. and L. Königová (2005), 'From Socialist Past to Socialized Future' in Flockhart, Trine (ed),, *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe* (London: Palgrave), pp. 149-168.
- Finnemore, M. and K. Sikkink (1998), 'International Norms Dynamics and Political Change', *International Organization*, 52 (4), Aut., pp. 887-917.
- Grabbe, H. (2001), 'How does Europeanization affect CEE governance? Conditionality, diffusion and diversity', *Journal of European Public Policy*, 8 (6), Dec., pp. 1013-1031.
- Haas, E. B. (1968), *The Uniting of Europe. Political, Social and Economic Forces 1950-1957*, (2d ed.) (Stanford, Stanford Univ. Press).
- Haas E. B. (1990), *When Knowledge is Power. Three Models of Change in International Organizations* (Berkeley/Los Angeles/Oxford, Univ. of California Press).
- Königová, L. (2003), *Genetically Modified Organisations? Twinning as a Case of Transnational Interaction*. Paper for the CEEISA/ISA Convention in Budapest, CEU, 26 – 29 June 2003.
- Königová L. (2004), 'Geneticky modifikované organizace? Twinning jako p ípad transnacionální interakce', *Mezinárodní vztahy*, 1/2004, pp. 7-26.
- Lippert, B. , G. Umbach and W. Wessels (2001), 'Europeanisation of the CEE Executives: EU Membership Negotiations as a Shaping Power', *Journal of European Public Policy*, Vol. 8, No.6, pp. 980-1012.
- Lippert, B. and G. Umbach (2005) *The Pressure of Europeanisation*. Institut für Europäische Politik. *Europäische Schriften* 82, Nomos.

- 
- Olsen J. P. (2002), *Towards a European Administrative Space?* Oslo: ARENA Working Paper no 26/02.
- Olsen, J. P. and B. G. Peters (eds.) (1996). *Lessons from Experience: Experiential Learning in Administrative Reforms in Eight Democracies* (Oslo: Scandinavian University Press).
- Papadimitriou, D. and D. Phinnemore (2003a), 'Exporting Europeanisation to the Wider Europe : The Twinning Exercise and Administrative Reform in the Candidate Countries and Beyond', *Journal of Southeast European and Black Sea Studies*, 3 (2), pp. 1-22.
- Papadimitriou, D. and D, Phinnemore (2003b), 'Mettre en œuvre les jumelages institutionnels : les leçons du cas roumain', *Revue d'Etude Comparative Est-Ouest*, 34 (3), Sept. pp. 65-83.
- Peters, B. G. (1999), *Institutional Theory in Political Science: The New Institutionalism* (London: Pinter).
- Risse, T., S. Ropp and K. Sikkink (eds.) (1999), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, Cambridge University Press).
- Rose Richard, *Lesson-Drawing in Public Policy*, Chatham (N.J.), Chatham House, 1993.
- Schimmelfennig, F. (2001), 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union', *International Organization*, 55 (1), pp. 47-80.
- Schimmelfennig, F. and U. Sedelmeier (2004), 'Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe', *Journal of European Public Policy*, 11 (4), August, pp. 661-679.
- Smith, M. (2004), 'Towards a theory of EU foreign policy-making : multi-level governance, domestic politics, and national adaptation to Europe's

- 
- Common Foreign and Security Policy', *Journal of European Public Policy*, 11 (4).
- Stone, D. (2004), 'Transfer agents and global networks in the 'transnationalization' of policy', *Journal of European Public Policy*, 11 (3), June, pp. 545-566.
- Sverdrup, U. (2000), *Ambiguity and Adaptation - Europeanization of Administrative Institutions as Loosely Coupled Processes*. ARENA report No. 8 2000, Oslo.
- Tomalová Eliška (2005) 'French Cultural Diplomacy', In: *Sborník Západoevropských studií*, Karolinum Praha.
- Tulmets, E. (2003a), 'Les programmes d'aide de l'Union européenne à l'Est : analyser l'impact des réformes', *Revue d'Etude Comparative Est-Ouest*, 34 (3), pp. 5-36.
- Tulmets, E. (2003b), 'L'impact de l'élargissement de l'Union européenne sur la coopération française et allemande à l'Est : quelle gouvernance?', *Revue d'Etudes Comparatives Est-Ouest*, 34 (3), pp. 111-156.
- Tulmets, E. (2003c), 'La coopération allemande face à l'élargissement de l'Union européenne : de Transform à PHARE/Twinning', *Allemagne d'Aujourd'hui*, (166), Oct.-Dec., pp. 68-94.
- Tulmets, E. (2005a), 'The Management of New Forms of Governance by Former Accession Countries : *Institutional Twinning in Estonia and Hungary*', *European Law Journal*, 11 (5), Sept., pp. 657-674.
- Tulmets, E. (2005b), 'New Modes of Governance in EU's External Relations: Explaining the Transfer of Ideas and Cooperation Methods from the Enlargement to the Neighbourhood Policy', in Šar nas Liekis et al (eds.), *European Union and its New Neighbourhood: Different Countries, Common Interests*, Mykolas Romeris University, Vilnius, pp. 26-52.

---

Tulmets, E. (2005c), *'La conditionnalité dans la politique d'élargissement de l'Union européenne à l'Est: un cadre d'apprentissages et de socialisation mutuelle?'*, thèse de doctorat en science politique, Institut d'Etudes Politiques de Paris/Freie Universität Berlin. 28 Septembre.

Tulmets, E. (2006), 'L'adaptation de la méthode ouverte de coordination à la politique d'élargissement de l'UE : l'expérience des jumelages institutionnels en Estonie et en Hongrie', *Politique européenne*, (18), hiver, pp. 155-189.

### *Documents*

European Commission (1995), *Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union*, COM (95) 163 final, 3 May.

European Commission (1997), *'Agenda 2000, For a Stronger and Larger Union'* (COM (97) 2000 final), 5/97.

European Commission (1998), *Jumelage: un instrument d' 'institution building'*, fascicule d'information, December.

European Commission (1999), *An Evaluation of PHARE Public Administration Reform Programmes : Final Report*. Online on: <http://europa.eu.int/comm/europeaid/evaluation/reports/PHARE/951465.pdf>.

European Commission (2001a), *Twinning in Action*, [http://europa.eu.int/comm/enlargement/pas/Twinning/pdf/Twinning\\_en.pdf](http://europa.eu.int/comm/enlargement/pas/Twinning/pdf/Twinning_en.pdf).

European Commission (2001b), *White Paper on European Governance*, COM (2001) 428 final. [http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001\\_0428en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf)

- 
- European Commission (2002a), *Preparing Candidate Countries for the Accession to the EU – Institution Building – A Reference Manual on ‘Twinning’ Projects*, Manual downloaded from the website of DG Elargissement (<http://europa.eu.int/comm/enlargement/pas/Twinning/htm>), February.
- European Commission (2002b), « *Communication de la Commission concernant les plans d'action dans le domaine des capacités administratives et judiciaires et le suivi des engagements pris, dans le cadre des négociations d'adhésion, par les pays participant à ces négociations* », COM(2002) 256 final, Bruxelles, 5 June.
- European Commission (2002c), *Annual Report 2001 from the Commission to the Council and the European Parliament on the EC Development Policy and the Implementation of the External Assistance* (COM(2002) 490 final), Bruxelles, 12 September. Online on: <http://europa.eu.int/comm/europeaid/reports/index-en.htm> .
- European Commission (2002d), *Vers l'Union élargie. Document de stratégie et Rapport sur les progrès réalisés par chacun des pays candidats sur la voie de l'adhésion* (COM (2002) 700 final ; SEC (2002) 1400-1412), Bruxelles, 9 Oct.
- European Commission (2003a), *Wider Europe-Neighbourhood : a New Framework for Relations with our Eastern and Southern Neighbours*, communication to the Council and the Parliament, 11/03/2003, COM (2003) 104 final.
- European Commission (2003c), *Convergence with EU environmental legislation in Eastern Europe, Caucasus and Central Asia: a Guide*, Luxemburg, Office for Official Publications of the EC.
- European Commission (2004a), *European Neighbourhood Policy Strategy Paper*, Communication from the Commission COM (2004) 373 final, 12 May.

- 
- European Commission (2004b), *Communication from the Commission to the Council on the Commission Action Plans under the European Neighbourhood Policy*, COM (2004) 795 final, 9 Dec.
- European Commission (2005a), *Consolidation, conditionality, communication – the strategy of the enlargement policy*, IP/05/1392, 9 Nov.
- European Commission (2005b), *Institution-Building in the Framework of European Union Policies. A Reference Manual on Twinning Projects*, Online on:  
[http://ec.europa.eu/enlargement/pdf/financial\\_assistance/institution\\_building/manual\\_2005\\_en.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/institution_building/manual_2005_en.pdf)
- European Commission (2006a), *Twinning: Building Europe Together*. Luxemburg, Office for Official Publications of the EC.
- European Commission (2006b), *'List of mandated bodies'*, online on:  
[http://ec.europa.eu/enlargement/pdf/financial\\_assistance/institution\\_building/mandated\\_bodies\\_191006\\_en.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/institution_building/mandated_bodies_191006_en.pdf)
- European Court of Auditors (1997), 'Special Report n°3/97 concerning the decentralized system for the implementation of the PHARE programme (period 1990–1995) together with the Commission's replies', 97/C 175/02, *Official Journal of the European Communities*, pp. 4–47.
- European Court of Auditors (2003), 'Special Report No 6/2003 concerning Twinning as the main instrument to support institution-building in Candidate Countries together with the Commission's replies', June.
- EuropeAid Co-operation Office / (in cooperation with) DG Enlargement, *Institutional Twinning Projects Thesaurus*, 1<sup>st</sup> version, 2005.
- Ferrero-Waldner, B. (2006a), "The EU in the World", speech/05/59, European Policy Centre Breakfast Meeting, Brussels, 2 February.

- 
- Ferrero-Waldner Benita (2006b), "The European Neighbourhood Policy – The EU's Newest Foreign Policy Instrument", *European Foreign Affairs Review*, 11, pp. 139-142.
- Hübner, D. (2006), 'The essential role of Community conditionality in the triumph of democracy and market economy', speech 06/27, Conference: European Strategies for Promoting Democracy in Postcommunist Countries, Vienna, 21 January.
- Landaburu, E. (2006), 'From Neighbourhood to Integration Policy: are there concrete alternatives to enlargement?', *conference CEPS "Revitalising Europe"*, Brussels, 23 Jan.
- Ministerstvo financí ČR a Ministerstvo zahraničních věcí ČR (2006), *Účast České republiky v projektech Twinningové spolupráce v jiných zemích*.
- Ministerstvo zahraničních věcí ČR (2006a), *Finanční a personální vyhodnocení variant institucionálního uspořádání zahraniční rozvojové spolupráce České republiky*. Výňatky z analýzy firmy Deloitte, která byla zpracována na žádost MZV.
- Ministerstvo zahraničních věcí ČR / Odbor rozvojové spolupráce a humanitární pomoci (2006b), *Návrh věcného záměru zákona o zahraniční rozvojové spolupráci a humanitární pomoci poskytované do zahraničí*. 18.9.2006.
- Ministerstvo zahraničních věcí ČR / Odbor rozvojové spolupráce a humanitární pomoci (2006c), *Předkládací zpráva k návrhu věcného záměru zákona o zahraniční rozvojové spolupráci a humanitární pomoci poskytované do zahraničí*.
- Ministerstvo zahraničních věcí ČR / Odbor rozvojové spolupráce a humanitární pomoci (2006d), *Stávající a návrh nového institucionálního uspořádání zahraniční rozvojové spolupráce České republiky*.
- Prodi, R. (2002), 'A Wider Europe. A Proximity policy as the key to Stability', speech/02/619, Brussels, Dec.

---

Solana, J. (2003), 'European Security Strategy. A Secure Europe in a Better World', Brussels, 12 Dec.

Vláda České republiky (2002), *Koncepce zahraniční rozvojové pomoci ČR* (Usnesení vlády č. 91/2002)

Vláda České republiky (2003), *Koncepce proexportní politiky ČR*. Usnesení vlády č. 188/2003.

Vláda České Republiky (2005), *Teritoriální priority v rámci Společné zahraniční a bezpečnostní politiky*. Usnesení vlády č. 388/2005.

# Chapter 13

## Adjusting to the European Union: What are the effects of European integration on party and government policy positions?

Jale Tosun and Marc Debus  
*University of Konstanz, Germany*

### **Abstract**

This study compares the EU-related position of political parties and governments. We analyze the party and government positions in seven European member states, i.e., Austria in the time period between 1979 and 2006, Belgium (1985-2003), France (1986-2002), Germany (1980-2005), Ireland (1982-2002), the Netherlands (1977-2006) and the United Kingdom (1979-2005). Thereby, we derive the data from the analysis of the content of election manifestos, coalition agreements and government declarations. We ask the following research questions: What is the European stance of national parties and governments? How have their positions changed over time? And how strongly do party and government positions correlate with popular Euroskepticism? For being able to respond to our research questions, we discuss hitherto studies that dealt with national parties and the EU. Second, we present our methodology and data. Third, we show our descriptive results, which we seek to explain in the fourth section. The fifth section draws the conclusion.

## **Introduction**

The current state of European integration can best be summarized as unidirectional. On the one side, the enlargement of the European Union (EU) has advanced notably. Besides the 27 member states, the European Commission is eagerly negotiating future enlargements, which will most probably concern the countries of south-eastern Europe, namely Croatia, the former Yugoslav Republic of Macedonia, and Turkey. Through its enlargement policy, the EU inspired profound reforms in Central and Eastern Europe and extended prosperity, democracy, and the rule of law across Europe (see Grabbe 2003).

On the other side, the defeat of the EU Constitution represents another essential momentum in the history of European integration. The proposed constitution contained the key reform issues including the basic principles of the EU, the regulation of material policy competencies, and a reform of the institutional framework.<sup>1</sup> Yet, in a referendum held on 29 May 2005, French voters rejected the terms of the treaty with 55.6 percent voting against it. Dutch voters confirmed this result on 1 June 2005 with 61.8 percent of the turnout voting against the treaty. The fact that by that time fourteen other member states had already ratified the constitutional text (see Göler/Jopp 2006: 92), clarifies the divergent national positions related to the European constitution. Accordingly, it seems fair to say that “[t]here is currently a sense of indirection, of confusion, and of doubt as where the grand project that the Six [i.e., Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands] began with the Treaty of Paris in 1951 is going” (Sbragia 2006: 238).

This picture, however, becomes less ambiguous when we look more precisely at the underling decision-making processes. When speaking of the enlargement process, we have to keep in mind that this is an area in which the supranational institutions of the EU clearly dominate decision-making.

More precisely, it is the European Commission that assesses whether an applicant meets the conditions of membership. Only if the Commission delivers a positive opinion, and the Council unanimously agrees a negotiating mandate, the negotiations between the candidate and all the member states are opened formally. Hence, enlargement entails an inter-state bargaining between the candidate countries and the EU institutions. Although there is a difference among the attitude of various supranational concerning the question about either further or lesser integration (see Tsebelis/Garrett 2000), the EU-institutions are generally assumed to be more favorable to enlargement than the domestic governments as well as electorate.

Yet, also in the case of the European constitution, the Commission and the European Parliament played a significant role by providing information and preparing the agenda. However, the decision was made by the citizens, who in the French and Dutch cases at least voted against the European constitution. In fact, most voters did not explicitly against the constitution. As Schild (2005: 190) explains, 52 percent of the French 'no' was motivated by an overall dissatisfaction with the country's social and economic situation. Additional 24 percent used the referendum to express their disagreement with President Chirac and his government. By contrast, the Dutch 'no' was to a stronger degree motivated by the perception of high costs related to EU integration (see Aarts/van der Kolk 2006), however also here dissatisfaction with domestic politics represented an important factor. In fact, a study by Hug and Schulz (2005) reveals that the voters responded positively to the single dimensions of the constitution when asked separately from the referendum in an ex-post survey.

The occurrence of this kind of 'involuntary defections' (see Hug/Schulz 2005) in multi-level systems draws our attention to the public opinion toward European integration as well as the attitude of the relevant actors at the national level. Thereby, we concentrate on political parties since they link the public opinion with the behavior of governments. Political parties provide the

instrument for the electorate to express itself by accommodating diverse interest groups and offering voters different political options. Even with referendums, political parties play an important role by advocating one side in the referendum, which will affect the way citizens vote (Hix 2005: 176). From this point of view, the unsuccessful referendums in France and the Netherlands can at least partially be explained by a ‘gap’ between political parties and voters. In the French case, the centre-left parties – which were in favor of the EU constitution – were unable to mobilize their electorate (Schild 2005: 194). And in the Netherlands, there was an extremely weak correlation between the party choice in the 2003 elections and the voting behavior in the referendum on the European Constitution as voter were against it whereas their parties had supported it (Aarts/van der Kolk 2006: 245). In conclusion, political parties have the potential to move integration forward by convincing the public that a further European integration is acceptable and that the EU produces a number of benefits for the citizens.

Despite of their vital role for the functioning of representative systems, the relevance of political parties often became obscured in light of relative complexity of EU politics. But “to understand how EU politics work, then, we need to understand how parties compete and organize” (Hix 2005: 180). Thus, in a first step we must examine how political parties define their stance on European integration. However, EU politics is clearly dominated by the interaction between supranational institutions and domestic government. From this follows that we must understand how party positions are transposed into government positions, and how strongly they correlate.

So in light of all these considerations, this study compares the EU-related position of political parties and governments. To this end, we analyze the party and government positions in seven European member states, i.e., Austria in the time period between 1979 and 2006, Belgium (1985–2003), France (1986–2002), Germany (1980–2005), Ireland (1982–2002), the Netherlands (1977–2006) and the United Kingdom (1979–2005). Thereby,

we derive the data from the analysis of the content of election manifestos, coalition agreements and government declarations. So far, there have been only a few studies that relied on election manifestos (see Pennings 2006; Kritzinger et al. 2004). However, an approach that combines both party and government positions has not come up yet.

Accordingly, we ask the following research questions: What is the European stance of national parties and governments? How have their positions changed over time? And how strongly do party and government positions correlate with popular Euroskepticism? For being able to respond to our research questions, we structure the paper in the following manner. First, we discuss hitherto studies that dealt with national parties and the EU. Second, we present our methodology and data. Third, we show our descriptive results, which we seek to explain in the fourth section. The fifth section draws the conclusion.

### **Political party analysis in the context of EU-integration**

Generally, we can distinguish between two strands of research that focuses on political parties and the EU. The first strand examines the political parties at the European level, mainly in the European Parliament, and the evolution of the European party system, concentrating on party legitimacy, party organizational strength, and the systemic functionality of parties (see e.g. Pedersen 1996; Hix/Lord 1997; Hix 2002). The second type deals with the European policy orientation of individual national political parties, which corresponds to the perspective adapted in our study (see e.g. Gaffney 1996; Ray 1999; Marks et al. 2002). Often this perspective has been associated with the impact of Europeanization on the national political parties of the member states. While Europeanization originally refers to downloading' EU directives, regulations and institutional structures to the domestic level and the processes

of ‘uploading’ preferences to the EU level (see Knill 2001), there are some studies (e.g. Mair 2000; Ladrech 2001) that represent an insightful application of this concept to political parties.

In this context, Mair (2000) analyzes the direct impacts of European integration on the format (i.e., the emergence of new parties) and mechanics of national party systems (i.e., the way in which parties interact with each other in the national electoral arena). Mair’s main conclusion is that party systems turned out to be resistant to potential change resulting from Europeanization. He explains this finding by two factors. First, the absence of a genuine European party system might inhibit the restructuring of the domestic party competition. Second, the imperviousness of domestic party systems could stem from a misplaced division of competences associated with the national and European electoral arenas. When exploring the indirect effects of Europeanization, Mair further concludes that politicians and bureaucrats dominate decision-making at the European level, which reduces the active engagement of the electorate, and hence the lowers the importance of political parties.

A different approach is undertaken by Ladrech (2001), who presents a basic framework for assessing how political parties as organizations respond to the effects of European integration. Though also departing from the Mair’s (2000) analysis, he identifies five areas of investigation for testing the potential effects of Europeanization on political parties:

- (1) Programmatic change, which can be measured the programmatic content of the party manifestos across time,
- (2) Organizational change, which may lead to new internal party rule and statutes concerning delegation to the European Parliament,
- (3) Patterns of party competition, i.e. the extent to which a party has a pro- or anti-EU position,

- (4) Party-government relations, which is an important aspect since national governments are organized on partisan bases,
- (5) Relations beyond the national party system, i.e. the perspective of transnational cooperation with other parties from other member states.

Of these five areas, our paper touches only the programmatic change, the patterns of party competition as well as the party-government relations. As concerns the first two aspects, i.e. the programmatic change and party competition, there is a solid body of research, which helps us to formulate theoretical expectations. Concerning the party-government relations, we have to adopt a more explorative approach, which may be subject to further theoretical refinement.

In rather general terms, Ray (1999) presents data indicating that parties have, on average, become increasingly pro-European over the period 1984–1996. Both the salience of the issue of integration and the extent of intra-party disagreement increased. However, intra-party divisions appear to be less prevalent than commonly assumed. For explaining the position of national parties toward European integration, the research literature mainly suggests three variables. First, a relationship between the positioning of parties on the left-right spectrum is suggested (see Hooghe et al. 2002). Though theoretically intuitive, there has not been strong empirical support for this perspective. Therefore, Hooghe and Marks (2004: 1) claim there is no linear relationship between the level of support for European integration and the positioning on the conventional left-right dimension. It should be more reasonable to refer to the costs and benefits of a party's EU-related positioning. This entails that parties that are parties of government or potential government parties of government have high costs when expressing strong Euroskepticism since they participate in the European decision-making processes. By contrast, peripheral parties that base their appeal on their status

as outsiders are more likely to oppose further European integration since this outside government this stance does not imply high costs (see Taggart/Szczerbiak 2004: 5, and implicitly Mair 2000: 34).

Although the second variable is quite intuitive, it falls short of explaining the variation among the 'core' national parties. Hence, we need to consider another variable, which touches more directly the dynamics of competition within national party systems. In fact, party competition could enhance the incentive for the expression of divergent positions on EU-integration, which stems from the policy preferences of the voters. If parties primarily try to maximize their vote share (Downs 1957; Grofman 2004), then they should bear in mind the positions of their voters when writing their election manifestos. In consequence, we assume that party positions on the European Union correlate with the public opinion on European integration. Though it has often been argued that European integration is a 'second-order issue' (see Taggart/Szczerbiak 2004: 6), we reason that the increasing involvement of the EU with domestic politics enhances its relevance for domestic electoral decisions (see Aarts/van der Kolk 2006). In the case of the position of governments on European integration, in contrast to the last mentioned hypothesis our expectation is that governments should not primarily follow the voter's policy positions on that issue. This is because governments are expected to enforce long-term perspectives on policies such as European unification regardless of 'populist' viewpoints of the electorate (see Laver/Shepsle 1998; Warwick 2001). Hence, we can formulate the following hypotheses:

H1: *If a national party belongs to the 'core' of the political system, it will have a more positive attitude toward European integration.*

H2: *If a national party belongs to the 'periphery' of the political system, it will have a more negative attitude toward European integration.*

H3: *The higher the level of popular Euroskepticism, the more negative will be the (core) parties' attitude toward European integration.*

H4: *If there is a high level of popular Euroskepticism, then the government will not directly respond to it.*

## **Data and Method**

The dependent variables of our analysis are the positions of political parties and governments toward EU integration. Our explanatory variables are the positioning of the single parties within the domestic party system (i.e., core/periphery) and the public opinion on the EU. Except for the public attitude toward the EU – which we operationalize by using the cumulative *Eurobarometer* dataset (ZA-Nr. 3521) – we receive all variables by conducting a content analysis of documents. In contrast to data by the *Comparative Manifesto Project* (Budge et al 2001; Klingemann et al. 2006), our self-generated analysis provides data on both the party's *and* the government's European policy position over time. Further, the *Comparative Manifesto Project* does cover issue saliencies rather than positions of political actors on various policy dimensions (Laver 2001). An alternate source of data would have been expert surveys (e.g. Ray 1999; Laver/Hunt 1992; Huber/Inglehart 1995; Benoit/Laver 2006; Warwick, 2006). However, there are a number of problems related to expert surveys. One is that examining the position toward the EU there is little variance, which induce the respondents to overestimate differences between parties (Taggart/Sczerbiak 2004: 8). Most importantly in our case, however, there are no expert surveys measuring the programmatic position of both political parties and (coalition) governments over time.

For overcoming these problems, we use a fully computer-aided analysis of policy documents. For the party-positions, we refer to their election manifestos as the document containing their policy goals. To estimate the position of the coalition government, coalition agreements and – in case of

single party governments – government declarations are used (see e.g. Budge/Laver 1992, 1993; Warwick 2001). According to Timmermans (1998: 423; 2006: 265), coalition contracts not only have a symbolic and conflict prevention function, their task also is to build a framework for the political agenda for the years following the election. Therefore, coalition agreements as well as government declarations approximate the intended future policy of the respective government, taking into consideration and balancing the positions of party cores (Timmermans 1998: 419). Table 1 below shows the number of covered government formation processes as well as of the analyzed policy documents.

**Table 1: Number of analysed policy documents**

	<i>Election manifestos</i>	<i>Coalition agreements/ government declarations</i>
Austria (1979–2006)	39	8
Belgium (1985–2003)	63	6
France (1986–2002)	27	2
Germany (1980–2005)	40	9
Ireland (1982–2002)	34	6
Netherlands (1977–2006)	91	10
United Kingdom (1979–2005)	26	18
<i>N</i>	320	59

*Notes: In Belgium the coalition agreements are analysed in both Dutch and French. In the case of France, we only have coalition agreements for the coalition governments formed in 1986 and 1993.*

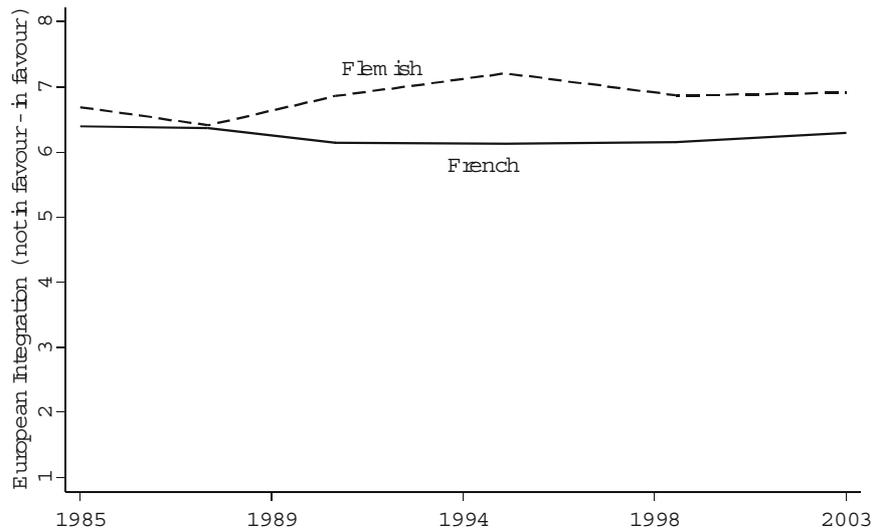
To estimate the programmatic positions of parties and governments, we use the language blind and non-manual *wordscore* method developed by Laver et al. (2003; see for applications Kritzinger et al. 2004; Gianetti/Laver 2005; Laver et al. 2006). The *wordscore* technique allows estimating positions of political parties on various policy issues. The basic idea of the *wordscore* procedure is to compare the frequency distribution of words in a text, whose programmatic position is known, to the word distribution of a text of the

same character whose position is unknown. Laver et al. (2003: 314-5) refer to these two sorts of documents as reference and virgin texts, respectively. In a nutshell, the position of a virgin text changes if the frequency of some signal words goes up or down. This implies that the required assumption by using *wordscore* is that political parties do not use words randomly. Moreover, when writing election manifestos parties include ideological signals by mentioning some sort of words more frequently and others less frequently or even never. It is important that reference and virgin texts have the same type and therefore the same text corpus (Laver et al. 2003: 326-7). As reference texts, we use the election manifestos that come close to the survey period of the expert survey conducted by Marks et al. (2006). These election manifestos were scored with data on the programmatic position of each party on European integration.<sup>2</sup> The policy dimension ranges between the value “1”, which indicates strong opposition towards integration, and the value “7”, which implies that the respective party is strongly in favor of further Integration. The results from that procedure are the programmatic positions on European integration of political parties on the one hand, and on the other hand the coalition agreements as well as government declarations for each election and government formation process covered in this study.

An example from Belgian politics shows the success and robustness of the results based on the *wordscore* technique. Because of its division in a French-speaking and a Flemish-speaking part, all documents from the government and thus the coalition agreements are bilingual. The goal is now to calculate the programmatic position of the Belgian coalition agreements for their French and Flemish version separately for each language. The reference texts are the Flemish and Walloon election manifestos from the elections held in 2003, scored with the Marks et al (2006) data. If *wordscore* works correctly, then there should be no large differences between the programmatic positions of the French and Flemish version of the coalition agreements. As figure 1 shows, this is indeed the case. The *wordscore*

technique delivers very similar values for the European policy position of the six Belgian coalition agreements on the basis of their French and Flemish version. The coalition agreements of all Belgian governments regardless of their partisan composition have clearly favourable viewpoints on steps of further European integration.

**Figure 1: Positions on European Integration of Belgian coalition agreements in their French and Flemish version, 1985-2003**



## Descriptive Results and Explanatory Factors

We apply a two-step procedure for answering our research questions. In a first stage, the programmatic change and the patterns of party competition are under consideration. That is, we present descriptive results of the development of the positions on European integration of political parties and their supporters in each of the seven countries here under consideration. Thereafter, we investigate whether the European policy position of each party is correlated with the viewpoint of their supporters. In the second part of the

empirical section, we take into account the policy position of the government as given in coalition agreements or government declarations (see Timmermans 1998, 2006; Müller/Strom 2000). Thereby, we explore whether the positions of the government parties diverge from the ones of the government and test what reasons influence the policy position of the government.

### *The positions of political parties on European Integration*

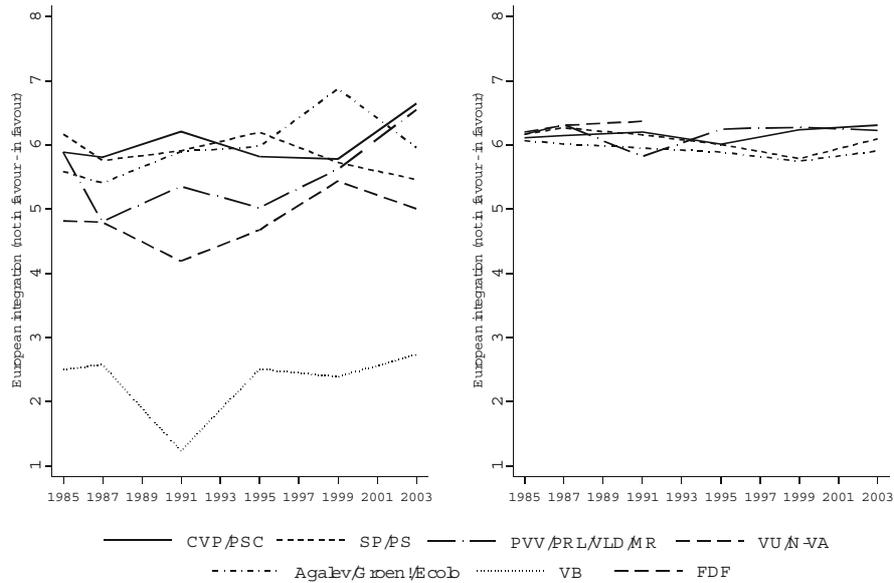
As already highlighted in the literature review, parties that are located at the center of the ideological left-right spectrum are generally assumed to support further European integration, whereas anti-system parties and/or ones that belong to the extreme left or right wing of the ideological spectrum are usually considered to stand against European integration at all (see e.g. Marks et al. 2002). This differentiation between core and peripheral parties represents the first dimension of our analysis.

We begin with Belgium, France, Germany and the Netherlands as the four countries included in this study that are founding members of the European Community. Thereafter, we turn to the United Kingdom and Ireland, which entered the European Community in 1973. Finally, we are going on to interpret the policy positions of parties from Austria as the only country in our sample that joined the EU in the 1990s.

To start with the programmatic development of Belgian parties on European policy, it becomes obvious that in the Walloon part of the country all, and in the Flemish region most of all parties have supported further European integration (see figure 2 below). While there is no much variance in the policy positions of the Walloon parties in the time period under consideration here, some differences between the parties in Flanders become obvious. In contrast to the Christian-Socials (CVP) and the Socialists (SP), the Flemish Liberals (PVV/VLD) are somewhat more skeptical on European integration until 1995. The same is true for the Flemish Peoples Union

(VU/N-VA) and the separatist Flemish Bloc (VB) in particular. The latter hints the hypothesis mentioned above on the Euroscepticism of extremist parties as the VB is widely considered as a right-wing populist party (see e.g. Erk 2005; for an overview on Belgian party competition see De Winter et al. 2000; Keman 2002; Deschouwer 2004).

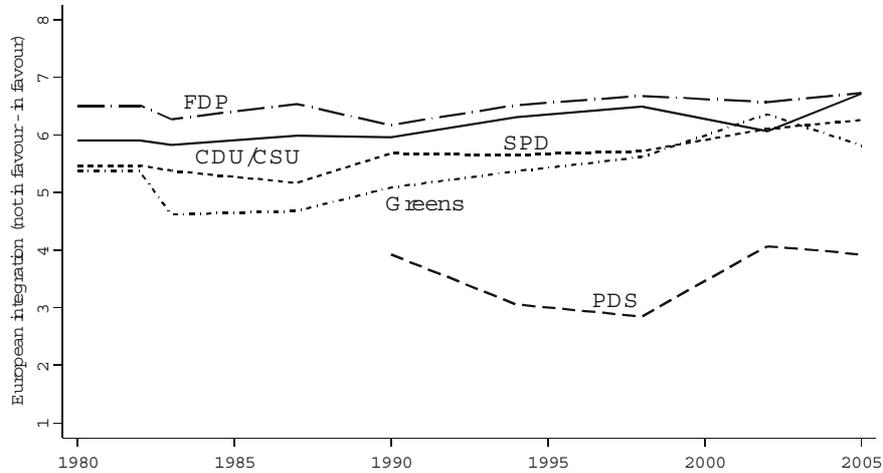
**Figure 2: European Policy Positions of Flemish parties (left panel) and Walloon parties (right panel), 1985–2003**



A similar picture arises when turning to the European policy position of German parties since 1980 (see figure 3; for a detailed analysis on the German party competition see Pappi 1984; Saalfeld 2000). In this case, the former Eastern German Communists (PDS) represent the only party that does not have a positive opinion on European integration. By contrast, the four major parties have very different positions than the PDS. While the liberal Free Democrats (FDP) as well as the Christian Democrats (CDU/CSU) are the German parliamentary parties that are strongly in favor of further European

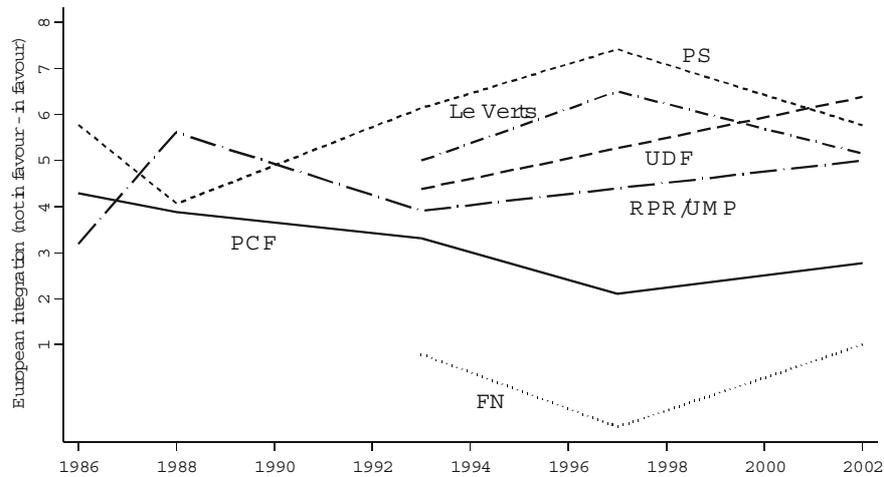
integration, Social Democrats (SPD) and Greens are somewhat more critical on that issue until the end of the 1990s.

**Figure 3: European Policy Positions of German parties, 1980-2005**

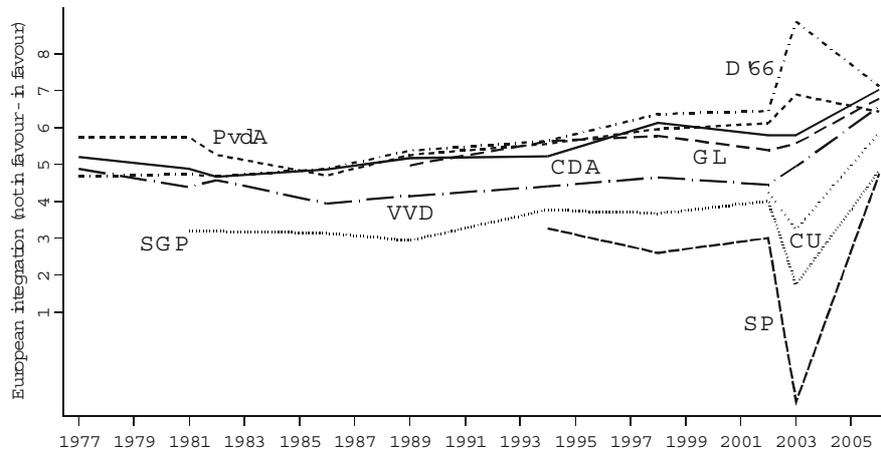


In France, the picture is somewhat different (see e.g. Thiebault 2000). First, the differences in the European policy position of the major parties are more pronounced than in the case of Germany. During the first half of the 1990s, for instance, the Socialists (PS) were the party that was the most 'Euro-friendly' one, whereas the conservative Gaullists (RPR/UMP) and the Communists (PCF) in particular were not that much in favor of further integration. These patterns changed in 2002, when the policy positions of Socialists, Gaullists, Liberals (UDF) and Greens (Le Verts) converged. Further, in contrast to Germany and Belgium, there exists a second party besides the Communist Party, which is continuously opposed to European integration. Like the Flemish Bloc in Belgium, the National Front (FN) is the corresponding French party at the extreme right. Consequently, their explicit anti-European position comes as no

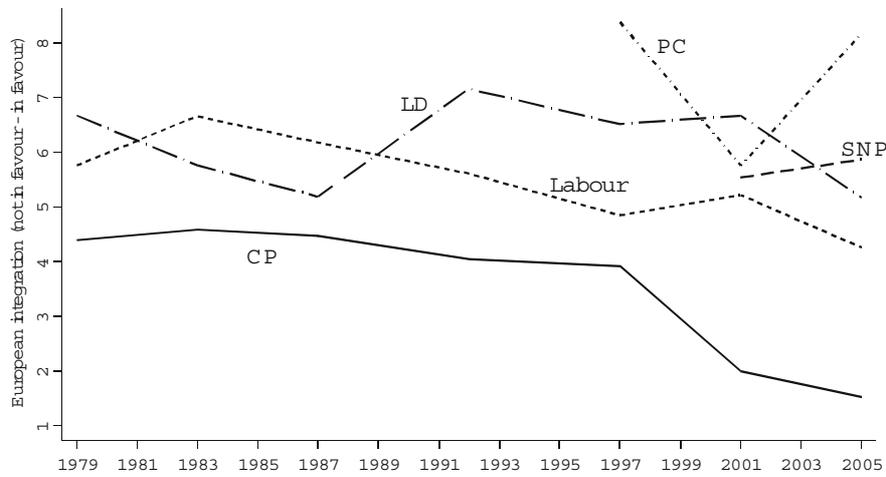
o surprise.

**Figure 4: European Policy Positions of French parties, 1986-2002**

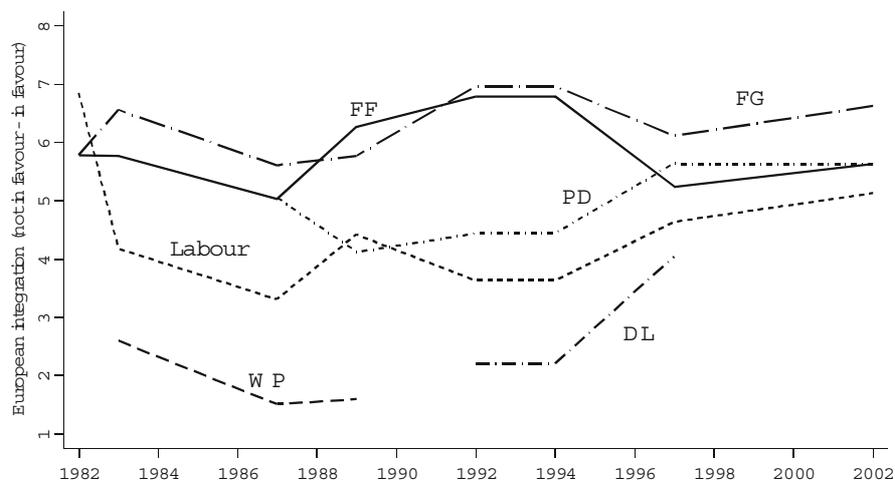
As figure 5 reveals, there are no considerable differences in the European policy position of Dutch major parties. Social Democrats (PvdA), Christian Democrats (CDA), the libertarian Democrats'66 (D'66), the Green Left (GL) and – though to a lesser degree – the liberal VVD have a positive attitude toward European integration. There are no major changes in the programmatic positions of those parties during time course (for further analysis of Dutch party competition see Koole 1999; Timmermans/Andeweg 2000; Andeweg/Irwin 2005: 45ff.; 110ff.). Three of the parties included in our analysis have not that much of a favorable position on further steps on European integration. These parties are the Socialist Party (SP) and two orthodox Calvinist parties SGP and CU. Except for the 2003 election, however, those three parties were not as hostile against Integration like the French FN or the Belgian VB.

**Figure 5: European Policy Positions of Dutch parties, 1977-2006**

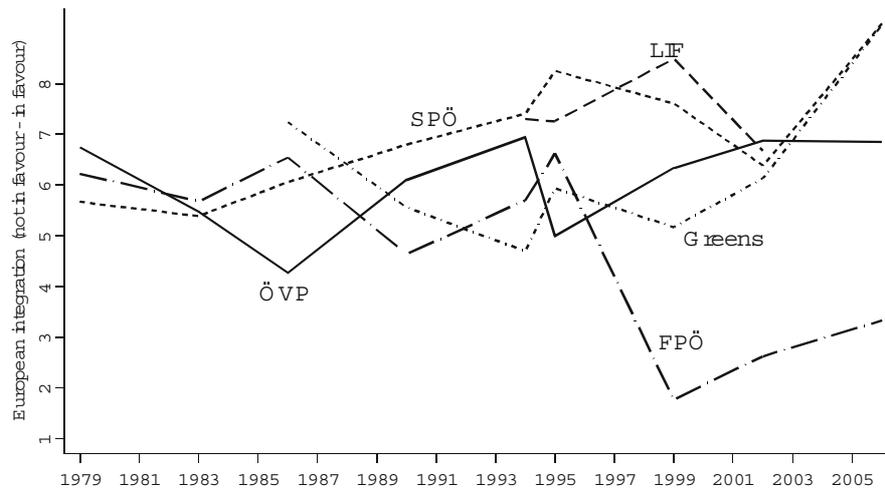
When turning to the United Kingdom and Ireland as the two countries that joined the European Community in 1973, two very different patterns emerge in the programmatic movement of the main political parties. While in the United Kingdom a clear tendency towards unfavorable positions on European integration since 1979 exists (see figure 6), in Ireland the four major parties Fianna Fáil (FF), Fine Gael (FG), Labour and the Progressive Democrats (PD) converged in their view of European Integration since the election in 1997 (see figure 7). In the United Kingdom, the Conservative Party (CP) is the political actor, which is not in favor of further integration. Surprisingly, until 2001 their policy positions on European integration were not that much negative as described in a number of studies (see e.g. Laver 1998; Clarke et al 2004). The Liberal Democrats (LD) and the British Labour Party are more favorable toward European integration, but with a decreasing tendency. The two main regional parties – the Scottish Nationalists (SNP) and the Party of Wales (PC) – together with the Liberal Democrats belong to the pro-European parties in the United Kingdom.

**Figure 6: European Policy Positions of British parties, 1979-2005**

In Ireland, it seems that both large parties FF and FG not only have similar positions in policy areas like economic or social affairs (see Mitchell 2000; Mair/Marsh 2004; Mair/Weeks 2005; Benoit/Laver 2006: 265). Both parties in fact had equally favorable viewpoints on European Integration between 1982 and 2002. In contrast to the United Kingdom, the Irish Labour Party is more critical on further Integration. The same holds true for the Progressive Democrats until the elections in 1997. The Worker's Party (WP) and the Democratic Left as two explicit left-wing parties also had more hostile policy positions on European integration.

**Figure 7: European Policy Positions of Irish parties, 1982-2002**

When finally turning to the positions of Austrian parties on European Integration from 1979 to 2006, their viewpoint on European policy show a considerable degree of divergence during the observed time period (see figure 8). This is mainly because of the change in the position of the Freedom Party (FPÖ), which turned into a right-wing populist party in 1986 when Jörg Haider took over the party leadership (Pelinka 1993; see also Luther 1999; Müller 2000; Pelinka 2002; Müller/Plasser/Ulram 2004). The Austrian Social Democrats moved steadily towards a more pro-European policy position. While the same is true in case of the Green Party since the beginning of the 21<sup>st</sup> century, the Christian-social Peoples Party (ÖVP) is more skeptical of giving more authority towards the European Union. The Liberal Forum (LIF), created by former FPÖ members, who were unsatisfied with the ideological direction of the Freedom Party under the leadership of Jörg Haider, used to be the most pro-European party. Yet, it constantly failed at the electoral level since the general elections in 1999.

**Figure 8: European Policy Positions of Austrian parties, 1979-2006**

To sum up the findings from our descriptive analysis, there is, first, variance among the countries, and secondly, between national political parties. While the finding of Marks et al. (2002, 2006) on the negative viewpoint of extremist parties on European integration can be verified, there are also different directions of the programmatic movement of system immanent parties. Consider, for instance, the European policy positions of British and German parties. While in the latter all parties except for the left-wing PDS adopted more supportive programmatic positions on European Integration during the course of time, the reverse development took place in the United Kingdom (see also Mair 2000: 36). There, not only the Conservatives, but also Labour and the Liberal Democrats, which are seen as the most Euro-friendly British major political party, changed their programmatic position towards a more unfavorable position on European integration over time.

Moreover, in states like Belgium and the Netherlands likewise to Germany, the respective parties seemingly do not try to win programmatic profile against each other, whereas in Austria, France, Ireland and the United Kingdom the main parties have very different positions on European policy.

One reason may be that in those countries this policy area is of high saliency for the voters, compared to other policy dimensions. Our findings also reveal an increasingly pro-EU positioning of parties that used to have a more complex relationship with the EU, namely the Green parties (see also Bomberg 2002).

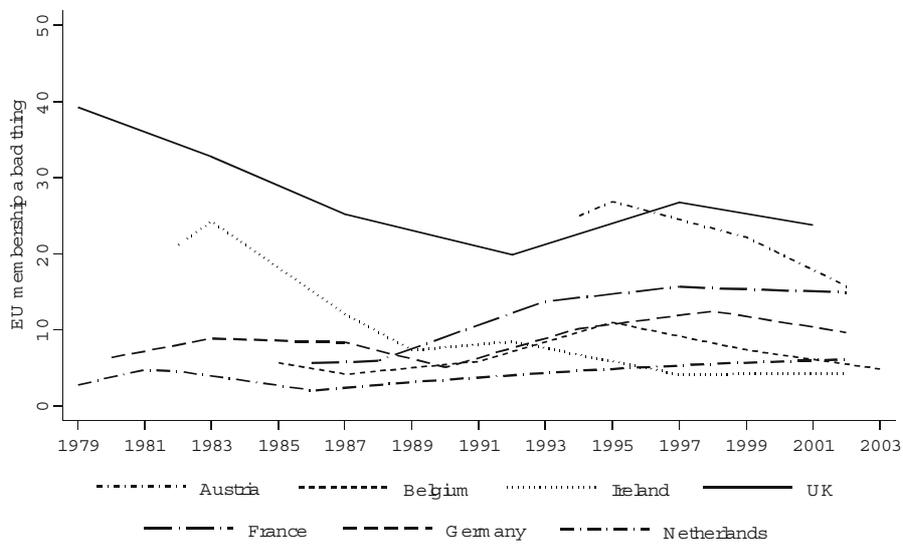
Therefore, in the following, we evaluate whether the European policy position of the political parties depends on the share of voters of each party that says that the membership of their country in the European Community/Union is undesirable. The last mentioned value serves as an indicator for the voter's programmatic position on European integration. We assume that such respondents are not in favor of further steps in European integration. The larger the share of party voter's with a negative opinion on European integration is, the smaller the support of the respective political party for further Integration should be. Before turning to the regression model, however, we shall present some descriptive results on the voter's viewpoint on European integration.

As already mentioned, we use data from the cumulative *Eurobarometer* trend file (ZA-Nr. 3521) that provides voter positions on European Integration from 1979 to 2002 in six of the countries covered in this study. In the case of Austria, which joined the European Union in 1995, data is available since 1994. This restricts our analysis to the elections held until the year 2002 and 2003.<sup>3</sup> Table 1 and figure 9 below show the share of voters with a dismissive opinion on European integration across all parties for the election years under consideration here. While the share of voters with a negative attitude toward the European Community in the United Kingdom, Austria and Ireland in particular decreased over time, it increased on a low level in the remaining states since the beginning of the 1990s.

**Table 1: Share of Respondents Membership in the European Community/Union a “bad thing” per country and election year (share of respondents in percent)**

Belgium	1985	1987	1991	1995	1999	2003		
	5,6	4,1	5,8	10,9	7,3	4,8		
France	1986	1988	1993	1997	2002			
	5,6	5,9	13,7	15,6	14,9			
Germany	1980	1983	1987	1990	1994	1998	2002	
	6,3	8,8	8,3	5	10,1	12,4	9,6	
Netherlands	1977	1981	1982	1986	1989	1994	1998	2002
	2,7	4,7	4,5	2	3,1	4,6	5,5	6,1
Ireland	1982, Feb.	1982, Nov.	1987	1989	1992	1997	2002	
	21,1	24,2	12	7,3	8,4	4,1	4,3	
United Kingdom	1979	1983	1987	1992	1997	2001		
	39,2	32,7	25,1	19,8	26,7	23,7		
Austria	1994	1995	1999	2002				
	24,9	26,8	22,1	15,7				

**Figure 9: Share of Respondents Membership in the European Community/Union a “bad thing” per country and election year (share of respondents in percent)**



To estimate now the effect of the European policy position of party supporters on the programmatic positioning of the respective party, we use a regression model based on ordinary least squares (for a similar approach, see Marks et al. 2002). The independent variable is the position of each party on European integration as given in the figures above. Our dependent variable is the share of the respective party supporters that look upon the European Union membership of their country as something bad. To control for the factor that some parties tend to be ‘Euroskeptic’ in general, we further include a dummy variable into the regression model that identifies those parties.<sup>4</sup> Additionally, similar to Marks et al. (2002) we add dummy variables for each country into the model to account for the ‘national surroundings’ in which each party is embedded. Table 2 below presents the results of this simple regression model. Under control of the ‘extremist’ character of some parties and the country dummies, the coefficient of the voter’s policy position has the expected negative direction: the larger the share of EU opponents within the voters of a specific political party, the more this party will adopt more skeptic policy positions on European integration. Such an effect is even stronger in the case of parties that are considered as being extreme left- and right-wing ones.

**Table 2: OLS Regression on the European policy position of parties**

<i>Independent Variables</i>	<i>Coefficients</i>
European policy position of voters	-0.026 (0.009)**
Extremist party	-1.922 (0.244)**
Austria	1.319 (0.438)**
Belgium	-0.094 (0.246)
France	-1.16 (0.318)**
Ireland	-1.196 (.278)**

Netherlands	-0.515 (0.253)*
United Kingdom	0.187 (0.368)
Constant	5.561 (0.119)**
<hr/>	
N	241
Adj. R-squared	0.423

The baseline is the European policy position of a German political party. Standard errors in parentheses. \* significant at 5%; \*\* significant at 1%

### *The government's position on European integration and its determinants*

As concerns the government's position on the EU, we argued that governments for reasons of path dependency or long-standing policy goals – such as overcoming the thinking in national borders – adopt different positions in their program for government. For this reasons, we not only estimate the European policy position of political parties, but also the ones of each government as given in coalition agreements or government declarations. As various analyses on the congruence between the policy-area specific positions of parties before the election and the position of the government after the election have shown (see Budge/Laver 1992, 1993; Warwick 2001; Debus 2007: 177f., 2008), the policy position of a (coalition) not necessarily is Pareto-optimal and, thereby, does not reflect the ideological “center of gravity” (Gross/Sigelman 1984: 467; Cusack 1997: 381f.) of the government parties.

Figure 10 below presents the European policy positions as mentioned in the publications of the respective governments.<sup>5</sup> The positions of the respective governments vary between the countries and within time. The European policy position of the Belgian governments is not only very favorable to further Integration, but also represent the government with the most stable viewpoints on European policy among the states included in this study. This is despite the fact that a number of changes in the partisan composition of the Belgian government took place since 1985. The German

governments since 1980 were also supportive to further European integration. One exception was the position of the 'red-green' (i.e., the Social Democratic Party and the Greens) coalition governments in 1998 and 2002, which adopted somewhat less favorable programmatic positions on that issue. While the Dutch governments steadily moved towards more friendly positions on European integration, similar to Germany, the governments elected in 2002 and 2003 were somewhat more critical. The Irish governments like the Dutch ones were more indifferent on further integration during the 1980s and the first half of the 1990s. These patterns changed clearly in 2002, as Ireland became the country included in this study with the government that is the most favorable one on giving more authority to Brussels. Also the French government became increasingly Euro-friendly.

As expected, the British government is consistently skeptic on integration, regardless which party forms the government. Only the 2001 Blair government articulated more favorable positions on European integration, but in 2005 the re-elected Labour government moved back towards the traditional British position on European policy. When turning to Austria, since its accession to the EU the Austrian government, like the British one, was not that much in favor of giving further authority to Brussels. This was in particular the case after the Euro-skeptic FPÖ became a member of the government in 2000, which further resulted in sanctions of the European Union toward Austria (see Hummer/Pelinka 2002). The coalition between Social Democrats and the Peoples Party formed after the 2006 election turned towards a more EU friendly policy position, but the government of Austria together with the one of the United Kingdom still remains as the most Euro-skeptic one of the countries under consideration here.

So, which factors influence the EU-position of the coalition government? As we already argued above, the European policy position of the electorate should have no or an opposite impact on the policy goals of the

government. This stems from the fact that governments take long-term perspectives on issues like European unification into account, while to voters are assumed to be myopic. Therefore, we expect that the share among the electorate, which is not in favor of stronger integration, does not influence the policy position of the government into a Euro-skeptic direction. There are, of course, other factors that should influence the position of national governments on European integration. From an economic perspective, a government should be favorable vis-à-vis the EU – and therefore on further European integration – if it receives more resources from the EU than it transfers to Brussels (see e.g. Carruba 1997; Rodden 2002). The higher the net financial transfers to a EU member state, the more positive the government of the respective country should be on further integration. A third influential factor should be the time that a country is already a member of the EU. According to theories on path dependency (see Hall/Taylor 1996), once a policy is implemented in a specific direction, it is difficult to change the general direction of the respective policy. Therefore, we expect a positive impact of time on the government's positions on European integration: the longer the respective country is a member of the EU, the more favorable the governments of the respective should be on further integration.

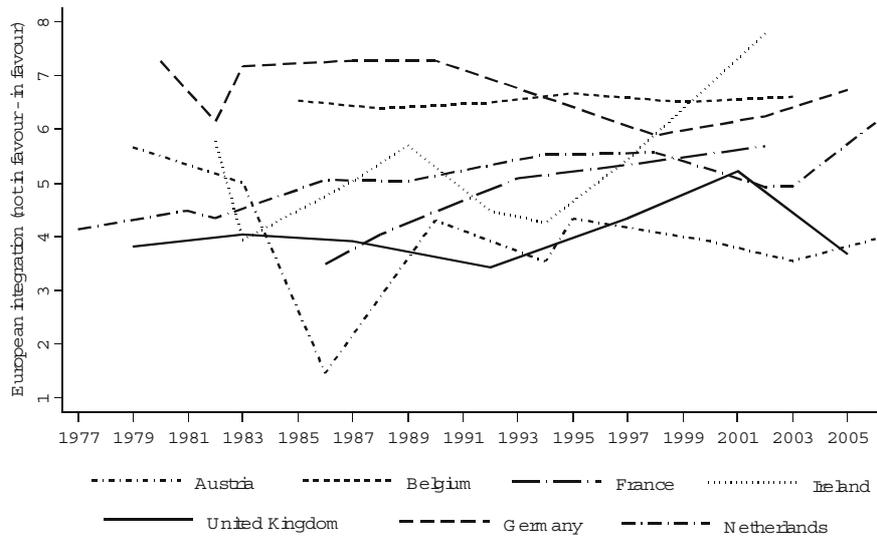
**Table 3: OLS Regression on the European policy position of governments**

<i>Independent Variables</i>	<i>Coefficients</i>
European policy position of voters	-0.019 (0.028)
EU membership (in years)	0.031 (0.017)*
Net financial transfer (per capita)	-1.846 (1.671)
Austria	-1.360 (0.820)
Belgium	-0.271 (0.400)
France	-1.937

	(0.449)***
Ireland	0.147 (1.051)
Netherlands	-1.738 (0.389)***
United Kingdom	-1.625 (0.685)**
Constant	5.690 (0.689)***
Observations	42
Adj. R-squared	0.639

The baseline is the European policy position of a German political party. Standard errors in parentheses. \* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Table 3 presents the result of the regression models on the European policy position of the 42 governments included in this study, once more under control of country dummies. As the results show, there is partial evidence for our reasoning. The coefficient of the variable that accounts for the years a country is already a member of the EC/EU has the predicted sign: the longer a country is a member of the European Community, the positive is the policy position of its government on further integration. As concerns the net financial transfers, the effect is statistically not significant. As predicted, the latter is also the case when turning to the share of voters that are not in favor of the European Union. This is in line with our expectation: the policy positions of (coalition) governments in contrast to the parties do not take the European policy preferences of the electorate into account when defining the future policy goals.

**Figure 10: Positions of governments on European integration**

In summary, we find empirical evidence that only the European policy position of political parties, but not the one of the government depends on the policy preferences inside the electorate. While factors with a temporal background have a statistically significant impact on the government's position on European integration, there is no evidence that the degree of financial benefits is of relevance for the European policy position of a government in the seven EU member states under consideration here.<sup>6</sup>

## Conclusion

In this paper, we analysed the positions of national political parties and governments toward further European integration by using *wordscore* as a technique for content analysis. Thereby, we illustrated that there is a remarkable variation among countries and between national political parties. According to our regression analysis, the European policy position of the political parties depends on the share of voters that are sceptical in terms of

EU membership and stronger integration. Hence, national parties respond in a rather direct manner to the public opinion. By contrast, the national governments, which are also composed by political parties, show another development. While the positions of the respective governments also vary between the countries and within time, we find evidence that there is a positive impact of time on the government's positions on European integration: the longer the respective country is a member of the EU, the more favorable the governments of the respective should be on further integration. Therefore, only the European policy positions of political parties, but not the government positions, are shaped by the policy preferences of the electorate.

With respect to the principal-agent theory, in which the electorate functions as the principal and the government as the agent, we can interpret this finding as some sort of defection as the government does not take up popular Euroskepticism. The political parties, however, as intermediary institutions can include public concerns related to the EU and voice them in their manifestos. However, once the parties participate in the government, their stance on the EU becomes 'mellowed'. As suggested by Mair (2000: 48), this gap between the public opinion and its limited reflection in the behavior of governing politicians may in fact foster negative outcomes for important referendums on the issue of European integration. While the insights of our study are surely instructive, it also suffers from a number of limitations. Most importantly, our analysis is restricted to a sub-group of EU member since the collection of necessary data is highly time-consuming. However, the consequential next step will be the more comprehensive coverage of member states. Further, there may be a problem of omitted variables in the analysis, which we tried to minimize by referring to the state of the art in theoretical work.

## Notes

<sup>1</sup> For further details on the policy-making process related to the European constitution see Hug and König (2006).

<sup>1</sup> The Marks et al (2006) data served as the basis for scoring the manifestos from the Austrian parties in 2002, the Belgian parties in 2003, the British parties in 2001, the French parties in 2002, the German parties in 2002, the Irish parties in 2002 and the Dutch parties in 2003.

<sup>1</sup> To loose not more observations than necessary, we assign the positions of Belgian voters in 2002 to positions of parties in the 2003 Belgian elections. Similar is done in the case of the Netherlands, where the positions of the voters from 1979 are assigned to the European policy position of parties in 1977.

<sup>1</sup> According to Marks et al. (2002: 587), these are parties that belong to extreme left-wing and extreme right-wing party families. Furthermore, radical Calvinist parties as well as some of the Green parties belong to this “Euroskeptic” category (see also Gallagher et al. 2006: 231ff.).

<sup>1</sup> In the case of France, we only have the coalition agreement between the Gaullists and the liberal UDF in 1986 and 1993. For the remaining cases, we refer to the non-weighted centre of gravity of the respective government parties.

<sup>1</sup> We further tested whether the European policy positions of the government parties as mentioned in their election manifestos have an impact on the position of the government as stated in the coalition agreement or government declaration, respectively. Because there is a high correlation between the positions of the government parties and the whole government (*Pearson's*  $r = .78$ ), we excluded the position of the government parties from the regression model to be safe from multicollinearity.

## References

- K. Aarts and H. van der Kolk (2006), ‘Understanding the Dutch “No”’: The Euro, the East, and the Elite’, *Political Science & Politics* 39: 1, 243–246.
- R. B. Andeweg, B. Rudy and G. A. Irwin (2005), *Governance and Politics of the Netherlands* (Houndsmill, Basingstoke, New York: Palgrave-Macmillan).
- Benoit, K. and M. Laver (2006), *Party Policy in Modern Democracies* (London, New York: Routledge).

- Bomberg, E. (2002), 'The Europeanisation of Green Parties: Exploring the EU's Impact', *West European Politics* 25: 3, 29-50.
- Budge, I., H.-D. Klingemann, A. Volkens, J. Bara and E. Tanenbaum, Eric (eds.) (2001), *Mapping Policy Preferences. Estimates for Parties, Electors and Governments 1945-1998* (Oxford: Oxford University Press).
- Budge, I. and M. Laver (1992), 'The relationship between party and coalition policy in Europe. A synthesis', in Laver, M. and Budge, I. (eds.), *Party policy and government coalitions* (New York: St. Martin's Press), 409-430.
- Budge, I. and M. Laver (1993) 'The Policy Basis of Government Coalitions: A Comparative Investigation', *British Journal of Political Science* 23: 4, 499-519.
- Carruba, C. (1997), 'Net Financial Transfers in the European Union: Who Gets What and Why?', *The Journal of Politics* 59: 2, 469-496.
- Clarke, H. D., D. Sanders, M. C. Stewart, and P. F. Whiteley (2004), *Political Choice in Britain* (Oxford: Oxford University Press).
- Cusack, T. (1997), 'Partisan politics and public finance: Changes in public spending in the industrialized democracies, 1955-1989', *Public Choice* 91: 375-95.
- Debus, M. (2007), *Pre-Electoral Alliances, Coalition Rejections, and Multiparty Governments* (Baden-Baden: Nomos).
- Debus, M. (2008), 'Office and Policy Payoffs in Coalition Governments', *Party Politics* 14 (forthcoming).
- Deschouwer, K. (2004), 'Political Parties and their reaction to the Erosion of Voter Loyalty in Belgium: Caught in a Trap' in Mair, Peter; Müller, Wolfgang C.; Plasser, Fritz (eds.), *Political Parties and Electoral Change: Party Responses to Electoral Markets* (London, Thousand Oaks, New Delhi: Sage), 179-206.
- L. De Winter, A. Timmermans and P. Dumont (2000), 'Belgium: On Government Agreements, Evangelists, Followers, and Heretics' in Müller, W. C and K. Strøm, (eds.), *Coalition Governments in Western*

- Europe* (Oxford: Oxford University Press), 300–355.
- Erk, J. (2005), 'From Vlaams Blok to Vlaams Belang: The Belgian Far-Right Renames Itself', *West European Politics* 28: 3, 493–502.
- Gaffney, J. (ed.) (1996), *Political Parties and the European Union* (London: Routledge).
- Gallagher, M., M. Laver, P. Mair (2006), *Representative Government in Modern Europe* (Boston, London: McGraw-Hill).
- Gianetti, D., M. Laver (2005), 'Policy positions and jobs in the government' in *European Journal of Political Research* 44: 1, 91–120.
- Göler, D., M. Jopp (2006), 'Die europäische Verfassungskrise und die Strategie des 'langen Atems'', *Integration* 29: 2, 91–105.
- Grabbe, H. (2003), 'The implications of EU enlargement', in S. White, J. Batt, P. G. Lewis (eds.), *Developments in Central and East European Politics*. (Basingstoke: Palgrave Macmillan, 253–266).
- Gross, D. A., L. Sigelman (1984), 'Comparing Party Systems: A Multidimensional Approach', *Comparative Politics* 16: 463–79.
- Hall, P. A. and R. C. R Taylor (1996), 'Political Science and the Three New Institutionalisms', *Political Studies* 44:1, 936–957.
- Hix, S. (2002), 'Parties at the European Level' in Webb, P., D. Farrell, I. Holliday (eds.), *Political Parties in Advanced Industrial Democracies* (Oxford: Oxford University Press), 280–309.
- Hix, S. (2005), *The political system of the European Union* (Basingstoke: Palgrave Macmillan).
- Hix, S. and C. Lord (1997), *Political Parties in the European Union* (London: Macmillan).
- Hooghe, L., G. Marks, C. J. Wilson and J. Carole (2002), 'Does Left/Right structure party positions on European integration?', *Comparative Political Studies* 35: 8, 965–989.
- Hooghe, L. and G. Marks (2004), 'European Integration and Democratic Competition', *Europäische Politik* 3: 1, 1–8.

- Huber, J. D. and R. Inglehart (1995), 'Expert Interpretations of Party Space and Party Locations in 42 Societies', *Party Politics* 1: 1, 73-111.
- Hug, S. and T. Schulz (2005), 'Using Mass Survey Data to Infer Political Positions', *European Union Politics* 6: 3, 339-352.
- Hug, S. and T. König (eds.) (2006), *Policy-Making Processes and the European Constitution: A Comparative Study of Members States and Accession Countries* (London: Routledge).
- Hummer, W. and A. Pelinka (2002), *Österreich unter EU-Quarantäne. Die „Maßnahmen der 14“ gegen die österreichische Bundesregierung aus politikwissenschaftlicher und juristischer Sicht* (Wien: Linde).
- Keman, H. (2002), 'Koalitionen in Belgien und in den Niederlanden' in Kropp, S., S. S. Schüttemeyer and R. Sturm (eds.), *Koalitionen in West- und Osteuropa* (Opladen: Leske und Budrich), 107-135.
- Klingemann, H.-D., A. Volkens, J. Bara, I. Budge and M. McDonald (2006), *Mapping Policy Preferences II. Estimates for Parties, Electors and Governments in Eastern Europe, European Union and OECD 1990-2003* (Oxford: Oxford University Press).
- Knill, C. (2001), *The Europeanisation of National Administrations: Patterns of Institutional Change and Persistence* (Cambridge, Cambridge University Press).
- Koole, R. (1999), 'Die Antwort der niederländischen Parteien auf die wahlpolitischen Herausforderungen' in Mair, P., W. Müller, W.C. and F. Plasser (eds.), *Parteien auf komplexen Wählermärkten. Reaktionsstrategien politischer Parteien in Westeuropa* (Wien: Signum), 315-351.
- Kritzinger, S., F. Cavatorta and R. S. Chari (2004): 'Continuity and change in party positions towards Europe in Italian parties: an examination of parties manifestos', *Journal of European Public Policy* 11: 6, 954-974.
- Ladrech, R. (2001), 'Europeanization and Political Parties' in *Party Politics* 8: 4, 389-403.

- Laver, M. (1998), 'Party policy in Britain, 1997: results from an expert survey', *Political Studies* 46: 2, 336-347.
- Laver, M. (2001), 'Position and salience in the policies of political actors' in Laver, M. (ed.), *Estimating the Policy Positions of Political Actors* (London, New York: Routledge), 66-76.
- Laver, M. and K. A. Shepsle (1998), 'Events, Equilibria, and Government Survival', *American Journal of Political Science* 42: 1, 28-54.
- Laver, M., K. Benoit and J. Garry (2003), 'Extracting Policy Positions from Political Texts Using Words as Data', *American Political Science Review* 97: 2, 311-331.
- Laver, M., K. Benoit and N. Sauger (2006), 'Policy Competition in the 2002 French Legislative and Presidential Elections', *European Journal of Political Research* 45: 4, 667-697.
- Laver, M. and W.B. Hunt (1992), *Policy and Party Competition* (New York, London: Routledge).
- Luther, K. R. (1999), 'Austria: From Moderate to Polarized Pluralism?' in Broughton, D. and D. Donovan (eds.), *Changing Party Systems in Western Europe* (London, New York: Pinter), 118-142.
- Mair, P. (2000), 'The Limited Impact of Europe on National Party Systems', *West European Politics* 23: 4, 27-51.
- Mair, P. and M. Marsh (2004), 'Political Parties in Electoral Markets in Postwar Ireland' in Mair, P., W. C. Müller and F. Plasser (eds.), *Political Parties and Electoral Change. Party Responses to Electoral Markets* (London: Sage), 234-263.
- Mair, P. and L. Weeks (2005), 'The party system' in Coakley, J., M. Gallagher (eds.), *Politics in the Republic of Ireland* (London, New York: Routledge), 135-159.
- Marks, G., C. J. Wilson and L. Ray (2002), 'National Political Parties and European Integration', *American Journal of Political Science* 46: 3, 585-594.

- Marks, G., L. Hooghe, M. Nelson and E. Edwards (2006), 'Party Competition and European Integration in the East and West: Different Structure, Same Causality', *Comparative Political Studies* 39: 2, 155-175.
- Mitchell, P. (2000), 'Ireland. From Single-Party to Coalition Rule' in Müller, W. C. and K. Strøm (eds.), *Coalition Governments in Western Europe* (Oxford: Oxford University Press), 126-157.
- Müller, W. C. (2000), 'Austria: Tight Coalitions and Stable Governments' in Müller, W. C. and K. Strøm (eds.), *Coalition Governments in Western Europe* (Oxford, New York: Oxford University Press), 86-125.
- Müller, W. C. and K. Strøm (2000), 'Die Schlüssel zum Zusammensein: Koalitionsabkommen in parlamentarischen Demokratien' in van Deth, J. and T. König (eds.), *Europäische Politikwissenschaft: Ein Blick in die Werkstatt* (Frankfurt, New York: Campus), 136-170.
- Müller, W. C., F. Plasser, and P. A. Ulram (2004), 'Party Responses to the Erosion of Voter Loyalties in Austria: Weakness as an Advantage and Strength as a Handicap' in Mair, P., W. C. Müller and F. Plasser (eds.), *Political Parties and Electoral Change. Party Responses to Electoral Markets* (London: Sage), 145-178.
- Pappi, F. U. (1984), 'The West German Party System' in Bartolini, S. and P. Mair (eds.), *Party Politics in Contemporary Western Europe* (London: Cass), 7-26.
- Pedersen, M. (1996), 'Euro-parties and European parties: new arenas, new challenges and new strategies' in Andersen, S. and K. Eliassen (eds.), *The European Union: How Democratic is it?* (London: Sage), 15-39.
- Pelinka, A. (1993), *Die kleine Koalition SPÖ-FPÖ 1983-1986* (Köln, Graz: Böhlau).
- Pelinka, A. (2002), 'Koalitionen in Österreich: Keine westeuropäische Normalität' in Kropp, S., S. S. Schüttemeyer and R. Sturm (eds.), *Koalitionen in West- und Osteuropa* (Opladen: Leske und Budrich), 69-87.

- Pennings, P. (2006), 'An Empirical Analysis of the Europeanization of National Party Manifestos, 1960–2003', *European Union Politics* 7: 2, 257–270.
- Ray, L. (1999), 'Measuring party orientations towards European integration: Results from an expert survey', *European Journal of Political Research* 36: 2, 283–306.
- Rodden, J. (2002), 'Strength in Numbers? Representation and Redistribution in the European Union', *European Union Politics* 3: 2, 151–175.
- Saalfeld, T. (2000), 'Germany: Stable Parties, Chancellor Democracy, and the Art of Informal Settlement', in Müller, W. C. and K. Strøm (eds.), *Coalition Governments in Western Europe* (Oxford: Oxford University Press), 32–85.
- Sbragia, A. (2006), 'Introduction – The EU and Its “Constitution”: Public Opinion, Political Elites, and Their International Context', *PS: Political Science and Politics* 39: 2, 237–241.
- Schild, J. (2005), 'Ein Sieg der Angst – das gescheiterte französische Verfassungsreferendum', *Integration* 28: 3, 187–200.
- Taggart, P. and A. Szcerbiak (2004), 'Contemporary Euroscepticism in the party systems of the European Union candidate states of Central and Eastern Europe', *European Journal of Political Research* 43: 1, 1–27.
- Thiébaud, J.-L. (2000), 'France: Forming and Maintaining Government Coalitions in the Fifth Republic' in Müller, W. C. and K. Strøm (eds.), *Coalition Governments in Western Europe* (Oxford: Oxford University Press), 498–528.
- Timmermans, A. (1998), 'Conflicts, Agreements, and Coalition Governance', *Acta Politica* 33: 4, 409–432.
- Timmermans, A. and R.B. Andeweg (2000), 'The Netherlands. Still the Politics of Accommodation?' in Müller, W. C. and K. Strøm (eds.), *Coalition Governments in Western Europe* (Oxford: Oxford University Press), 356–398.

- Timmermans, A. (2006), 'Standing apart and sitting together: Enforcing coalition agreements in multiparty systems', *European Journal of Political Research* 45: 2, 263-283.
- Tsebelis, G. and G. Garrett (2000), 'Legislative Politics in the European Union', *European Union Politics* 1: 1, 9-36.
- Warwick, P. V. (2001), 'Coalition Policy in Parliamentary Democracies: Who Gets How Much and Why', *Comparative Political Studies* 34: 1212-1236.
- Warwick, P. V. (2006), *Policy Horizons and Parliamentary Government* (Houndmills, Basingstoke: Palgrave Macmillan).
-



# Chapter 14

## The European Union and the Spanish State of the Autonomies

Francesc Morata

*University Institute of European Studies, Autonomous University of Barcelona*

### **Abstract**

This chapter analyses the dialectics in the State of the Autonomies in connection with EU integration from four perspectives. First, it reviews the factors that have constrained or facilitated the participation of ACs in the decision-making process of the EU through the central state. Secondly, it explains the pressures behind the recent quasi-official recognition of non-Spanish languages by the European institutions. The third section refers to regional mobilisation as a response to the institutional changes at the European level and to the opportunities generated by Community policies. The last section analyses the implications of new institutional framework of Catalonia's relations with the EU foreseen in the new statute of autonomy.

### **Introduction**

One of the most salient impacts of European integration relates to the territorial distribution of power in compounded member states, whether they

are federal, quasi-federal, regionalized or decentralized (Loughlin 2000: 24–32). The reason is well known: EU treaties are "blind" to the internal organization of member states and, therefore they do not consider the potential division of competencies between the different levels of government (Weatherill, 2005). According to the treaties, the representation of national interests is attributed to the central governments.

Spain's accession to the EU has caused a redistribution of the institutional resources originally allocated to the regions by the Constitution (Morata, Ramon 2005; Jauregui 2005). On the one hand, the regions or "Autonomous Communities" (ACs) have been deprived – completely or partially – of policy competencies transferred to the EU. On the other, the Spanish government, as the representative of the state's interests in the Union's Council participates in the adoption of decisions for which, internally, the ACs are responsible. Such a mismatch explains that, since 1986 Catalonia and the Basque Country raised the need to be involved in the EU decision-making process. However, the absence of institutional cooperation mechanisms and, especially, of a Senate capable of integrating and representing regional interests, and the lack of political will on the part of the successive Spanish governments delayed the negotiation of an effective agreement until the end of 2004.

Such a political shift results from three interrelated factors: the triumph, with no absolute majority, of the socialist party (PSOE) in the general elections; the support given to the new government by the independence-seeking party Esquerra Republicana de Catalunya (ERC); and Zapatero's Europeanist commitment, made real by the decision to summon a referendum to ratify the project for a European Constitution. Two other indicators of the impact of Europeanization on the State of the Autonomies can be organized around the same lines: the Spanish government's good offices in favour of the use of the national minorities' languages in the EU; and the institutionalisation of regional participation in the EU as foreseen in

the new Catalan statute of autonomy of 2006.

The progressive evolution of the Spanish State of the Autonomies towards a more cooperative model in relation to the EU contradicts the intergovernmental assumptions according to which both the opportunities and constraints of European integration reinforce the power of the central state to the detriment of sub-national actors (Moravcsik 1994, 1998). On the contrary, it points out the interaction between European integration and the responses derived from the misfits Europeanization generates when sub-state actors have veto powers or the ability to constrain central state politics (Börzel 2002; Kassim 2005). Moreover, regional actors may use the European political opportunity structure to up-load domestic issues in search of rights they don't enjoy at the domestic level. The empirical analysis of the Spanish case confirms these views. It sheds more light on the differentiated impact of European governance on the member states and, more specifically on the need to take into account the intergovernmental - and also the polity's - dynamics to explain domestic responses to adaptational pressures induced by Europeanization.

The present paper analyses the dialectics in the State of the Autonomies in connection with EU integration from four perspectives. First, it reviews the factors that have constrained or facilitated the participation of ACs in the decision-making process of the EU through the central state. Secondly, it explains the pressures behind the recent quasi-official recognition of non-Spanish languages by the European institutions. The third section refers to regional mobilisation as a response to the institutional changes at the European level and to the opportunities generated by Community policies. The last section analyses the implications of new institutional framework of Catalonia's relations with the EU foreseen in the new statute of autonomy.

## 1. Domestic participation in European decisions

Regional participation in the EU is one of the central issues dealt with in the literature on regionalism and European multilevel governance in Spain as well as in the other compounded member states (Nagel 2004; Jeffery 2000; Keating and Jones 1995). The Spanish case has, at least, three specific characteristics: first, the constitutional ambiguity of the state model (e.g. the unstable balance between “unity” and “autonomy”); second, the asymmetrical sharing of competencies, based on the so-called “*hechos diferenciales*” (differential facts); third, the electoral weight, at times determinant, of the nationalist parties in Parliament. In 1986, Spain’s accession to the European Community took place, as the institutionalisation process of the State of the Autonomies still was under way in a context of high confrontation about the sharing of competencies and financial resources. Such a situation was aggravated by the constitutional vacuum relative to the cooperation between the two levels of Government and, especially by the lack of institutional representation of the ACs in the centre (Jáuregui 2005). The result was the creation of competitive intergovernmental relations combining multilateralism with bilateralism (Börzel 2002). Multilateralism refers to the need to reach general agreements and establish organisational arrangements to cope with common issues while bilateralism results from institutional asymmetries materialised in the various autonomy statutes.

With this background, it is not surprising that the entry into Europe generated very different attitudes between the central government, with absolute majority of the PSOE (socialist party) until 1993, and the most demanding communities, like the Catalan or the Basque. Just as the main concern of the Socialists and, in general, of state elites, was to take maximum advantage of the new development opportunities, guaranteeing Spain’s credibility through compliance with Community law, the nationalist forces perceived the admission simultaneously as a threat and an opportunity. On the

one hand the rules of the game of the EU reduced their new competencies and, at the same time, induced an internal re-centralization process. On the other hand, belonging to the EU would have opened for their territories an unsuspected horizon of political, economic and cultural projection beyond the state. To sum up, acting as the gate-keeper of national interests in the European sphere (Hooghe, Marks 2001) the central government was mainly concerned with the respect of Community law by the ACs. In contrast, the latter intended to compensate the centralising effects of accession by claiming a direct involvement in European politics. The evolution of the respective stands over time reflects a process of mutual adjustment as a result of exogenous variables and, in particular of the incidence of the nationalist parties in the formation of the governmental majorities in the centre (Morata 2001).

### ***1.1. 1985-1993: from conflict to pragmatism***

Already in December 1985, the Spanish executive was the first to take the initiative by presenting an agreement proposal on "cooperation on issues related to the European Community" (MAP 1995). The objective was to guarantee the correct enforcement of Community law, unifying the transposition of directives, but not the participation of the ACs in the decision-making process. The document granted the sectoral Conferences -- created in 1983 as an intergovernmental coordination mechanism-- the definition of common criteria vis-à-vis the implementation and also suggested the use of bilateral mechanisms, like the mixed State-ACs committees, anticipated in most of the autonomy statutes.

The Catalan government responded with a counterproposal based on three points: the distribution of competencies had to be the only criterion in determining the implementation responsibilities for Community norms; the central Government would assume the commitment of informing about all

the European issues susceptible of affecting the autonomic competencies; the ACs would be able to formulate recommendations, binding when it was an area of their exclusive competence. The proposal included the creation of a "Delegation of the Autonomous Communities for European Affairs", composed by six representatives, three of which would belong to the historical communities. The delegates had to be a part of the Spanish Permanent Representation (REPER) "with full rights" and take part in all the committees and working groups of the Community.

The Catalan proposal provoked the immediate rejection by both the central executive and most regional governments (MAP 1995: 141). Whereas the former was against a direct participation, the latter were opposed to the recognition of any type of privilege for the historical communities.

In April 1986, the Spanish Government presented a second draft of the agreement, inspired by the German model (Nagel 2004; Engel 2001) in which it committed itself to transmit to the ACs all the documents relative to the proposals of the European Commission which could affect their competencies. On their part, the ACs could express criteria and positions that could be incorporated "as much as possible, as long as they were compatible with the general interests of the state and with the European integration process." At the European level, the ACs would have had an observer and a joint observer - appointed by the Ministry of Foreign Affairs - in charge of sending information to the internal organ of coordination. Both observers would have been allowed to attend the meetings of the committees and working groups of the Commission and the Council of Ministers.

The proposal did not prosper due to the insistence of Catalonia and the Basque Country to have their own representative in the Spanish REPER and to grant a binding character to the regional positions. The objective to reach a general agreement seemed impossible, not only because of the discrepancies between state and regional actors, but also given the lack of a

common position of the ACs. Many lagging ACs, governed by the PSOE or the PP (Peoples' party), did not share the ideas of the strongest ones. Others, simply, were still not sensitive to Community issues (Börzel 2002).

The question re-emerged in 1988 (Diego Casals, 1994). In view of the first EC Spanish presidency, the government proposed the creation of a "Sectoral Conference for issues related to the European Communities" (CARCE, by its acronym in Spanish), chaired by the Minister of Public Administrations and composed by the Secretaries of State for the EC and for Territorial Administrations, as well as an advisor for each AC. The initial objective of the Conference was to inform about the six-month presidency and to serve as a mechanism for the exchange of information and opinions between the two levels of Government. It was a change of strategy based on the pragmatism and the increasing preoccupation with respect to the conflicts derived from the implementation of Community law. However, the horizontal character and the lack of pre-eminence of the CARCE vis-à-vis the other sectoral conferences reduced its effectiveness (Morata 2001).

The signature of the "autonomic pact" of 1992 between the PSOE and the opposition PP, that brought the level of competences of the 10 "lagging" ACs closer to those of the other seven (Catalonia, the Basque Country, Galicia, Andalusia, Navarre, Valencia and the Canary Islands) led to the institutionalisation of the CARCE. Catalonia and the Basque Country, unsatisfied with the homogenisation of the autonomic system, did not subscribe it. The agreement stressed "the need to go deeper in the participation of the autonomous communities in European decisions" (MAP, 1995: 148), granting a superior rank to the Conference and perfecting its working methods. Nevertheless, the institutionalisation agreement from the CARCE, of which the Basque Country excluded itself, did not materialise in any specific advance with respect to autonomic participation.

## **1.2. 1993-1996: relative majority of the PSOE**

The general elections of 1993 in which the PSOE lost the absolute majority for the first time since 1982 turned the nationalist forces and, in particular the Catalan *Covergència i Unió* (CiU) into the referees of the situation. It led to the adoption of a new agreement, in November of 1994, relative to the internal participation of the ACs in Community issues through the sectoral conferences. The procedure that up until now has inspired the model of internal participation (Alberti 2005) is developed as follows:

- Given a proposal of the European Commission, the ACs adopt a consensus-based position that they then transferred to the central Government through the competent sectoral conference with the objective of negotiating a common position;
- Nevertheless, the proposal is not binding for the Government, unless it deals with an issue relative to the exclusive competencies of the ACs, in which case "it is considered in a determinant way".

In other words, the regional participation has different degrees of intensity based on two criteria (Jauregui 1995: 155): the nature of the affected competencies (exclusive, shared, concurrent) and the degree of agreement reached in each case among the ACs. The procedure was not only complex. It had also to be further adapted by each of the sectoral conferences, according to the specific distribution of the competencies and the reach of the respective Community policy. In addition, the operating system of the CARCE until now has been very heterogeneous and irregular since it does not have the organizational means nor a common criterion regarding its intervention in the European procedure (Alberti 2005: 17). In practice, the CARCE does not exercise any hierarchic or monitoring power over the rest of the sectoral conferences. It only provides "technical assistance" and the "follow up" of issues related to the EU.

### **1.3. *The Aznar Government (1996–2004)***

Aznar's conservative government term reproduced similar trends to those of its predecessor. The first legislature (1996–2000), in which the parliamentary support of the nationalists was essential for governmental stability, included significant changes in the participation of the ACs in the EU. However, the second, when the PP had absolute majority, ended with the paralysis of the process.

The tight electoral victory of the PP in the 1996 elections again turned the nationalists into the central axis of the policy of alliances to guarantee political stability. Although throughout the electoral campaign CiU had committed itself to never support a Government of the PP, both groups quickly subscribed to a "pact of investiture and governance." This included the improvement of the regional participation in the EU, materialised in the empowerment of the CARCE; the effective intervention of the ACs in the shaping of the European positions of the Spanish government; the presence of a regional adviser within the Spanish REPER; and the participation of regional delegates in the committees and working groups of the Commission and the Council. Given the preoccupation provoked by the negotiating power of the Catalan government, the agreements benefited the whole of the ACs and not only Catalonia, except with respect to the creation of a State-Generalitat commission on EU matters as part of the cooperation framework between both administrations. In practice, the central government assumed only a part of its commitments, vetoing the presence of regional representatives in the meetings of the Union's Council of Ministers and in the committees and working groups of the Council.

Following the agreement, the CARCE, regulated by law since 1997, defined itself as an "organ of cooperation, consultation and deliberation" between the state and the ACs. One of its main functions consisted of articulating "mechanisms to make the participation of the autonomous

communities effective in the formation of the will of the state in the Union". The conference was organized in working groups with an issue-based variable regional composition (BE 1993). However, the CARCE continued exerting no significant influence on the other sectoral conferences (Roig 2004).

In relation to participation at the European level, initially the CARCE fixed the autonomic representation in 55 consultation committees of the near 400 that were already established by the European Commission. A further extension to a total of 95 committees was decided during the period 2002-2006. The experience of these years shows two types of problems: the difficulty to formulate a common position between the ACs due to the absence of effective mechanisms of horizontal and vertical cooperation; and the central government's complaints about the lack of technical preparation, and even of political motivation on the part of some ACs.

As has already been said, the CiU-PP pact created the figure of the regional advisor, which was incorporated into the Spanish Representation with the purpose of transmitting information to the ACs through their offices in Brussels. However, the advisor was an official of the diplomatic corps, assigned to the Ministry of Public Administrations.

The central government's reluctance to accept the autonomic presence in the Council of Ministers of the EU led the Congress of Deputies to approve, in March of 1998, a motion asking the government "to establish a formula allowing the presence of an AC representative in the government delegation in the meetings of the Council of Ministers of the EU in which issues that pertain to the ACs exclusive competences are discussed". The PP executive, governing with an absolute majority since 2000, never translated the motion into concrete proposals, shielding itself behind the complexity of the distribution of competencies and in the lack of agreement between the ACs. In conclusion, the period of 1996-2000 is characterized by four elements:

- (1) The consolidation of the CARCE as the central axis of domestic participation. However, such participation had little effectiveness due to a host of reasons: procedural complexity, information asymmetries, the governmental monopoly of the agenda, the lack of means, the incapacity to coordinate the other sectoral conferences and the lack of motivation or the shortage of technical resources of some ACs;
- (2) The creation of the regional advisor assigned to the REPER, but dependent on the central level;
- (3) The increasing presence of regional representatives in the consultative committees of the European Commission;
- (4) The breach, on the part of the central government, of its commitment to facilitate the incorporation of regional delegates to the Council meetings.

#### ***1.4. 2004: Zapatero's Government***

As a result of the victory of the PSOE in the March 2004 elections, since 2005 the ACs participate regularly in the meetings of the Council of the EU. Two types of reasons explain this novelty. On the one hand, the PSOE campaigned with an electoral proposal inspired in giving an impulse to the ideas of "the plural Spain" and "the return to Europe". This proposal was based on four main commitments (PSOE 2004):

- Revitalising the relations between the central state and the regional governments through the creation of a "Presidents Conference";
- Reforming the Senate in order to guarantee territorial representation;
- Ensuring the participation of the ACs in the EU;
- Convoking a referendum for the approval of the Constitutional Treaty project.

On the other hand, having no absolute majority, unlike Gonzalez and Aznar before him, Zapatero had to negotiate the required parliamentary support with a series of political parties and, especially, with the Catalan Republicans (ERC) and the coalition made of the former communists and the Greens (IU/Iniciativa per Catalunya-Verds). Both groups had among their priorities the participation of the ACs and the use of the co-official languages in the EU. From there, with all eyes set on the referendum called for February 2005, the Government quickly took the initiative. After several preparatory meetings, in December 2004, the CARCE passed two agreements that regulate both the participation of the ACs in the working groups of the Council of the Union, and their direct representation in the various configurations of the latter.

#### **A. The autonomic representation in Council formations.**

For the first time, the agreement made possible the incorporation in the state delegation of a regional minister in matters affecting regional competences. Each one of the sectoral conferences concerned chooses the representative of an AC for a six-month period, equivalent to the presidency terms of the Union. The autonomic representative works under the supervision of the head of the Spanish delegation. Finally, the autonomic participation cannot alter the unity principle of the representation and of the Spanish action in the EU (Ramon 2006).

The four selected Council configurations are the following:

- Employment, Social Policy, Health and Consumers;
- Agriculture and Fisheries;
- Environment;
- Education, Youth and Culture.

This selection, of an experimental nature, is justified because the four Council configurations cover competences exercised by all ACs. In contrast, other configurations, such as ECOFIN or Justice and Home Affairs, would only affect the Basque Country and Catalonia.

### **B. Participation in working groups**

The agreement also implies the presence of regional officials and experts that can provide state officials with their criteria so that the Spanish position has an adequate base. The new procedure replaces the figure of the advisor of 1996 with two advisors designated by the ACs themselves, for a period of three years, through a system of rotation. They are responsible vis-à-vis the CARCE. The advisors are full members of the REPER and, thus, of COREPER I and the CAP's Special Committee. Their main duties consist of transmitting all the Community information that can affect the ACs' competencies through their delegations or offices of representation in Brussels and to assist, or simply replace, the autonomic representatives in Council working groups meetings as members of the Spanish delegation.

The new system does not establish any distinction between the ACs, although the provision to name a third advisor leaves the door open for the aspirations of Catalonia and the Basque Country of having their own representative, in which case it would have to be shared.

### **C. Evaluation of the new system**

The new agreement has established and reinforced a cooperation system which aims to make compatible two kinds of preoccupations that are present in this debate since the beginning: the respect for regional competencies and the adequate defence of Spanish interests before the EU. Due to its recent implementation, it is still difficult to draw conclusions in terms of its effectiveness. However, it is possible to formulate some remarks

on the elements of continuity and the new features of the model.

Continuity is reflected in the predominant role of the central government within the system of sectoral conferences, in the persistence of the horizontal fragmentation, and in the demand for unanimity among the ACs when formulating a joint position. In addition, the selection of the four Council configurations favours the elements of symmetry in the autonomic state. From the institutional point of view, as in the German case, the new model reinforces even further the power of the executives to the detriment of the regional parliaments that are still excluded from the process insofar as the regional minister that participates in the meetings of the Council represents all of the ACs, but is not accountable to his or her respective Parliament.

The most important new features refer to access to information and the increase in the ACs' capacity to influence the decision-making process through the participation of regional experts in the Council's working groups and the participation of regional ministers in the selected Council configurations. The breaking of the governmental monopoly in the representation of the state's interests translates into a greater transparency of Spanish positions and in a greater interdependence between the two levels of Government in relation to EU issues (Ramon 2006: 29).

From the organizational point of view, it is interesting to point out the variety of representation modalities put into practice by the different sectoral conferences: semester rotation by alphabetical order or based on special interests (Agriculture); by random decision (Public Health and Consumers); based on special interests (Fisheries); rotation with "troikas" and geographic criteria (Environment); according to the economically active population (Employment and Social Affairs); or according to the total population, combined with political criteria (Education, Youth and Culture).

Finally, the new procedure is not a zero-sum game, in which the regional actors would capitalize on possible losses of the central Government. In contrast, it is a positive-sum game with several edges. For the first time,

the ACs are able to penetrate the core of the European decision-making process increasing, simultaneously, their own legitimacy and their institutional relevance at the European level. On its part, the central Government reinforces the degree of domestic cohesion before the EU, ensuring the co-responsibility of the ACs in the different phases of the negotiation process and in the final decision. At the same time it prevents potential conflicts with the regions (Ramon 2006: 34).

## **2. The Europeanization of national minorities' languages**

Spain did not bring out its cultural and linguistic diversity during the negotiations of the accession treaty. As a result, the recognition of national minorities' languages by the EU has been a controversial issue since 1986. After the general elections of March 2004, Esquerra Republicana de Catalunya (ERC) bargained its parliamentary support to Zapatero's investiture in exchange for adding Catalan to the official languages listed in the EU constitutional draft (art. IV.10). The Government committed itself to do "as much as possible" to achieve such a recognition including also the Basque and the Galician languages. Nevertheless, the Spanish attempt failed since the Intergovernmental Conference was almost concluded and no member state was ready to re-open the issue.

In December 2004, shortly before the Spanish referendum on the EU Constitution, the Spanish Foreign minister delivered a memorandum to his EU colleagues seeking "official recognition in the European Union of the Spanish languages - apart from Castilian (Spanish) - that have official status in Spain". For the first time since 1986, Spain was claiming its linguistic diversity:

“These [Catalan, Basque and Galician] are living languages in the fullest sense of the term, widely used by several million citizens (a quarter of Spaniards employ them regularly in their daily lives). They are the official languages of the Public Authorities (state, regional and local) in their dealings between themselves and with individuals, and have full legal validity and effect. They likewise are the vehicle for teaching in schools and universities in a large part of Spain. Moreover, they have a great literary tradition which in recent decades has enjoyed moments of particular splendor. Finally, they are used habitually in media such as radio, television or the written press”.

The Spanish Government stressed the argument that the EU should not ignore cultural identities in the new stage of European construction, symbolized by the Treaty establishing a Constitution for Europe.

Technical objections from some member states (France, Austria and the Netherlands) blocked the reform of the regulation. However, the official use of Spanish languages was authorized on the basis of an administrative arrangement concluded with Spain (or any other member state). Further on, the Council recognized the need “to bring the Union closer to its citizens” and to take into account “the richness of the EU linguistic diversity”. Allowing citizens the right of using additional languages in their relations with the institutions was considered as an important factor in strengthening their identification with the European Union's political project. The agreement applies to regional languages "whose status is recognized by the Constitution of a member state on all or part of its territory or the use of which as a national language is authorized by law". It is up to member states to decide whether or not to implement the new provisions.

According to the arrangement, the Spanish government will be able to send the European Parliament and the Council a certified translation of legislative acts adopted in co-decision into the three languages although without the status of law. In addition, the Council will ensure that these

translations are published on its Internet site on the same basis. Regarding speeches to official EU meetings, Spain will be able to ask the Council, and other Institutions or bodies (EP or Committee of the Regions) “to use the three languages in speeches by one of the members of the institution or body in question at a meeting” (passive interpreting). In the case of the Council, the request will be granted, “provided it is made reasonably in advance of the meeting and the necessary staff and equipment are available”. Citizens will also be allowed to send a communication to any of the EU institutions or bodies in one of the three languages through a specific body designated by Spain. The same procedure will apply to the reply. The Council invited the other institutions to conclude administrative arrangements on the same basis. Only the request to include the national minorities in the *Lingua* programme was not accepted. As a result, in October 2005 the Council and the CoR became the first European institutions to apply the agreement.

The “Europeanization” of Spain's linguistic diversity promoted and funded by the Spanish Government conveys a striking paradox. The Spanish citizens who usually express themselves in Catalan, Galician or Basque enjoy in Europe rights that they do not enjoy in Spain. For instance, they cannot use their own language in written communications with the central state institutions. The only exception is the Senate, which accepts communications in those languages – which are answered only in Castilian – and speeches in one of its committees. Thus, domestic pressures have led to the Europeanization of linguistic rights that are still missing in Spain.

### **3. Regional mobilization at the EU level**

Domestic constraints along with new opportunities provided by the EU system of governance explain regional mobilization beyond the state (Morata, 2003; Hooghe and Marks, 2001). Though the continuous expansion of EU competencies has had a negative impact on regional autonomy, it has

also increased implementation responsibilities at the regional level. In addition to promoting concepts such as partnership, policy networks and subsidiarity, the EU has provided incentives in terms of funding, rights of representation and access to policy-making. In this way, it indirectly strengthens regional legitimacy (Kohler-Koch 2002). From a bottom-up perspective, Europeanization fosters regional mobilization in search of additional resources; from a top-down perspective it provides incentives to operate at the EU level. Leaving aside participation through the Committee of the Regions, ACs' mobilization uses three main channels: permanent offices or delegations in Brussels, coalition building and regional networks.

### ***3.1. Regional offices in Brussels***

Following the example of the German *Länder*, Catalonia, the Basque Country and Galicia established their own offices of representation in Brussels already in 1986. By the mid 90s all 17 ACs had established their own antenna. At present, Catalonia, the Basque Country, Andalusia and the Balearic Islands are designated as delegations of their respective Governments - although they do not enjoy any official status at the EU level - while the remaining 13 still keep the original name of "offices". There is a variety of organizational patterns deriving from the initially informal presence of the regions in Brussels (Badiello 2004). In 1986 relations with EU institutions were still considered as "international relations" which, according to the Spanish Constitution, belonged to the exclusive competence of the central Government. The legal status for regional offices based in Brussels was established in 1994 when the Spanish constitutional Court ruled against the central Government in a dispute with the Basque Government about the setting up of a "Basque official delegation" before the European Community. However, institutionalization has not led to homogenization. For example, in 2006, a delegation of the Catalan Government, headed by the General Secretary for European Affairs, has replaced the *Patronat Català Pro Europa*.

The Patronat was created already in 1984 as a consortium made of public (regional and local representatives, universities) and private (unions and business associations, Chambers of Commerce, savings banks). The Basque representation is also of a strictly institutional nature while the Galician one acts through a public-private foundation. However, most of regional offices are located as regional development agencies.

Offices' performance relies on political will, expertise, abilities and organizational resources to achieve effective administrative coordination (Marks et al, 2002). However, their effectiveness also depends on domestic intergovernmental arrangements. The creation of the autonomic adviser in 1996, the growing participation of regional experts in the consultative committees of the European Commission and, from 2004, the involvement of regional representatives in the Council workings have certainly reinforced the strategic role of regional offices as linkages between the three levels of Government. In addition to exchanging information among themselves and with the several DGs of the European Commission and the EP, the offices coordinate their home delegations at the CoR. Finally, ACs' representations are part of a larger network made of more than 200 regional offices (Badiello 2004).

### ***3.2. Regional coalitions***

The building of European integration has led ACs to seek to strengthen their institutional position through the building of partnerships with other European regions. Historic nationalities such as Catalonia and the Basque Country have taken advantage from their influence in the Spanish arena, especially between 1993 and 2000. Some regional leaders, and especially the former Catalan president Jordi Pujol, have contributed to the rising of European regionalism, defining new strategies and building alliances aimed at enhancing the role of the regions in the EU.

During the 90s, the German, Spanish, Belgian and Italian regions were strongly supporting the “Europe of the Regions” as a strategy to get institutional recognition as the “third” level within the EU institutional system. For this purpose they initially focused on the Assembly of the European Regions (ARE), a common platform founded in 1985 and chaired by the former president of Catalonia, Jordi Pujol, from 1992 to 1996. However, this high ambition was not matched in practice: “What emerged as the institutional manifestation of the ‘third’ level was the Committee of the Regions (CoR), established at Maastricht as a mixed regional/local body to advice on EU legislative proposals. The CoR has not established itself as an authoritative voice of the regions” (Jeffery 2004: 4). Regional expectations were further frustrated by the regulation of subsidiarity in Maastricht (1992) and Amsterdam (1997). Such a disappointment explains the stronger European regions’ moves towards a new strategy based on closer institutional interests at the end of the 90s.

In September 2000, during the IGC of Nice, Catalonia and the Basque Country, along with 22 “constitutional” regions from Germany, Austria and Belgium reached a common position reflecting their concerns in connection with the ongoing treaty reform: a clear allocation of competencies, the upgrading of the CoR, a special status for the regions provided with legislative competencies, the improvement of subsidiarity, and access rights to the European Court of Justice. This proposal led to the first Conference of Presidents of Regions with legislative powers (REGLEG) that took place in Barcelona, in November 2000. REGLEG brings together 73 regions with ‘their own Government and Parliament’ in Austria, Belgium, Germany, Italy, Spain, the UK, plus island regions from Portugal and Finland. Further on, in May 2001, seven “constitutional regions” (Catalonia, Bavaria, Scotland, North Rhine-Westphalia, Salzburg, Wallonia and Flanders) put forward a common Declaration as a contribution to the debate on the “Future of Europe”. These positions along with pressures from the

Belgian regions and the German Länder on their Governments led to including an explicit reference to the role of the regions in the EU in the Laeken Declaration of December 2001 (Morata and Ramon, 2005). During the workings of the European Convention, REGLEG put forward its main concerns regarding the constitutional treaty. Those included (Jeffery, 2004):

- a clearer allocation of competencies in the EU so that the limits of European integration can be marked out and controlled more effectively by and within member states;
- a recognition of the particular status of REGLEG regions as significant law-making bodies distinct from other regional and local authorities represented in the CoR;
- the formalization of their direct right of access to the Council of Ministers in the Treaty;
- direct access to the Court of Justice in cases where it feels the principle of subsidiarity has been infringed;
- better access to the pre-legislative stage of decision-making in order to ward off the possibility of over-intrusive regulation.

Even though the Convention and the consecutive IGC did not take into account all the demands made by regional actors, the constitutional treaty incorporates some significant improvements regarding the recognition of local and regional autonomy, cultural and linguistic diversity or the principle of subsidiarity (Jeffery, 2004). The CoR also would win the right to bring actions before the European Court of Justice (ECJ) in policy fields dealing with the principle of subsidiarity.

### ***3.3. Horizontal networking***

The Spanish regions have contributed to the construction of wide-European organizations, such as the Association of Europe's Regions (ARE), seeking the exchange of experiences and collective lobbying vis-à-vis the

member states and Community institutions. Since the end of the 1980s, the multi-purpose ARE has given rise to a number of functional organizations such as the Conference of Peripheral and Maritime Regions (CRPM), the Association of European Border Regions (ARFE), Mountain Regions, Working Communities or European Industrial Regions (AERI).

The INTERREG initiative and more generally, EU dynamics have led to the creation of several Euroregions at the Spanish borders: Galicia-North of Portugal; Extremadura-Alentejo-Algarve; Andalucía-Algarve; French-Spanish Basque Country; and the Euroregion Pyrenees-Mediterranean. The last one brings together three Spanish (Aragon, Catalonia, Balearic) and two French (Midi-Pyrenees and Languedoc-Roussillon) regions.

The ACs are also active members of wider multi-regional networks with general (i.e. the Atlantic Arc, from Portugal to Ireland) or single-issue purposes (the Mediterranean Technologies Arc, from Valencia to Lombardy; the South European Arc, based on transport networks). Those examples should be complemented with transregional agreements like the Four Motors for Europe, a network made of Catalonia, Baden-Württemberg, Rhône-Alps and Lombardy which seeks technology innovation and external trade co-operation.

#### **4. The Catalan Statute of Autonomy of 2006**

In Spain, the statutes of autonomy are quasi-constitutional laws establishing the organization of each autonomous government, the electoral rules, the powers allocated to the region and other provisions. Whereas they follow similar patterns, the statutes may include specific provisions (e.g. protection of cultural and linguistic rights, additional competencies or particular financial arrangements with the central state) which express the asymmetrical nature of the system. Another relevant difference arises from the

procedure of approval and reform of the statutes. According to the Constitution, a regional referendum is required to adopt and amend the statutes drafted by the parliaments of the three historical nationalities, although these are negotiated with the central government and, eventually, amended by the Parliament.

When the original Catalan statute of 1979 was approved Spain did not belong to the EC. The new statute, ratified by referendum in June 2006, pays special attention to the relations with the EU, both on bilateral and multilateral basis. During the negotiation process of the statute with the central government the most controversial issues were the definition of Catalonia as “nation” and the financial arrangements. Surprisingly, the long set of provisions related to the EU remained unchanged. These address five main issues (articles 184 to 192): participation in decision-making, policy implementation, financial management, judicial review and direct representation before the EU.

As a general rule, on the basis of the Statute, the Generalitat participates in EU matters affecting “the powers or the interests of Catalonia” including EU treaty-making as well as ordinary decision-making. On the one hand, the Spanish government informs the Generalitat of initiatives for reviewing EU treaties and of the signing and ratification processes. Both the Catalan executive and the Parliament may address observations to their counterparts at the Spanish level. Furthermore, the Spanish delegations may include Catalan representatives to take part in the negotiations on matters affecting the exclusive powers of the Generalitat.

On the other hand, the Generalitat is involved in the formulation of the Spanish positions before the EU – and especially, before the Council – in matters concerning the powers or the interests of Catalonia “on *bilateral* basis when those affect it exclusively or through *multilateral* procedures with the other ACs”. The central Government is required to provide the Generalitat with complete information about initiatives put forward by the European

Commission. The Government and the Parliament of Catalonia may then address observations and proposals to the central Government and the Parliament in relation with EU initiatives. More importantly, “the positions expressed by the Generalitat are determinant for the formation of the State positions” when its exclusive powers are at stake and when the European proposals could imply “important financial or administrative burdens for Catalonia” (art. 186-3).

In line with the multilateral agreement of 2004, the Generalitat is involved in Spanish delegations to the EU that deal with affairs within its legislative powers, including the consultative committees of the Commission and the working-groups of the Council. In areas falling within its exclusive powers, the Generalitat, by means of preliminary agreement, may represent Spain and chair these bodies. In agreement with the central State, it participates also in appointing representatives to the Spanish REPER before the EU. The Catalan Parliament may establish relations with the EP in areas of common interest. It would participate also in the procedure aiming at overseeing the principles of subsidiarity and proportionality set up by the EU Constitution in relation to legislative proposals affecting the powers of the Generalitat.

Following the Spanish Constitutional Court’s rulings, the Statute emphasises that European regulations do not modify the internal distribution of powers established by the Constitution and the Statute itself. As regards the implementation process, the Generalitat enforces and implements the law of the EU within its own jurisdiction. Whenever the implementation of EU law would require the adoption of domestic measures beyond the Catalan jurisdiction that the ACs are unable to adopt by means of collaboration or coordination mechanisms, the central government shall consult the Generalitat before adopting them. The Generalitat participates in the governmental bodies responsible for it or – should this participation not be possible – issues a preliminary report to the Spanish government. In the event

that the European legislation replaces the state's framework regulations, the Generalitat may adopt its own legislation based on the European rules.

According to the statute, the regional administration is responsible for the management of European funds in matters within its jurisdiction.

In addition, the new statute institutionalises the right of access to the European Court of Justice, a long-standing claim of the ACs. The Catalan government may demand that the central government bring actions before the Court in defence of its interests and powers. The refusal to bring the requested actions must be justified, and immediately communicated to the Generalitat.

Finally, the Generalitat may establish a delegation to better defend its interests before the EU institutions. As already said, the delegation was set up officially in September 2006.

To sum up, the Catalan Statute designs a new co-operation framework for relations with the EU. While giving quasi-constitutional status to the multilateral arrangement on regional participation, it establishes additional rights of representation for Catalonia through the central state in the various phases of treaty making, policy formulation, policy-making, implementation and judicial review. It allows likewise for direct representation at the EU level. Worth noting is also the fact that the Statute enhances the role of the regional parliament in EU matters counterbalancing the traditional predominance of the executive. Considering the institutional isomorphism that impregnates the State of the Autonomies, the Catalan approach to the EU has had a direct influence on the drafters of the new Andalusian Statute of 2007 and of the various statutes undergoing revision. The challenge now is to adapt both regional and central organizational structures and practices to the new legal framework.

## Conclusions

This paper has addressed some of the issues raised by the Europeanization of the Spanish State of the Autonomies including its impacts at the EU level. The empirical analysis shows that the internal institutional and political contexts shape domestic responses to Europeanization. For almost twenty years, intergovernmental disagreements, the exclusion of the regions from general decision-making and centralist attitudes have slowed down the adoption of arrangements aimed at counteracting the domestic centralisation of competencies derived from European integration. The gradual advances achieved have not been brought about as a consequence of a shared vision of the Spanish polity and its projection in Europe, but rather as a function of the occasional veto power of nationalist parties in the Parliament. Only recently, electoral politics once again, but also Zapatero's government openness towards adapting the State of the Autonomies to the EU have determined the shifting towards a cooperative agreement providing for regional participation through the state channels. Given the domestic shortcomings and the asymmetrical character of Spanish regionalism, the most active ACs have taken the initiative of 'by-passing' the state barriers, acting as political entrepreneurs and developing their own strategies in the European arena. The regional offices in Brussels have facilitated informal direct contacts with EU institutions, and in particular with the European Commission. Moreover, the multilevel governance approach promoted by the EU has given the regions the opportunity to become political actors in the European arena through the creation of transnational and cross-border networks of co-operation, the exchange of experiences and the transfer of new policy concepts and practices. Moreover, the ACs have sought to defend their institutional interests during the processes of treaty reform joining efforts with other European regions and to lesser extent through the CoR. However, the effective impact of such strategy has been very limited up till now.

Successive treaty reforms and the (not yet ratified) European Constitutional Treaty confirm that the central state continues to represent the main channel of access by the regions to the EU (Jeffery 2000; Borzel 2002). Hence the importance of the intergovernmental agreement reached at the end of 2004 which widens regional participation in four formations of the Council of the EU and in their corresponding working groups. The arrangement represents a qualitative leap forward influenced, undoubtedly, by electoral considerations, but also by a new cooperative policy-style within the State of the Autonomies (e.g. the creation of a “Conference of the Presidents”). It is a positive-sum game insofar it meets some of the strongest regions’ expectations for playing a major role in the supranational arena where sub-national concerns might gain greater influence. At the same, while breaking of the governmental monopoly in the representation of the state’s interests, it increases domestic interdependence and transparency in the formulation of Spanish preferences. Furthermore, by involving the ACs the central government prevents potential domestic conflicts over European issues. Both levels of government will share responsibilities in the different phases of the negotiation process and in the final decision. The new climate of understanding has even produced a paradoxical situation: the recognition at the European level of the linguistic diversity of Spain, although not yet at the Spanish level.

However, the Spanish case indicates also that institutional adaptation to the EU relies on constraints/opportunities arising from adjustments of the asymmetrical territorial state that lead to a redistribution of power. The new statute of Catalonia includes a large set of provisions dealing with the EU that challenge the multilateral agreement of 2004. In practice, it designs a joint-decision system in all phases of the policy process, leaving considerable scope for direct action at the EU level. This form of bottom-up Europeanization adds pressure to achieve further domestic adaptation considering, in particular, its immediate appeal to other regions.

## Notes

<sup>1</sup> An earlier version of this paper was published in *Zeitschrift für Staats- und Europawissenschaften*, 4 (March 2007). I wish to thank Simon Bulmer and Kenneth Hanf for their critical comments and suggestions to the present draft.

<sup>2</sup> In fact, the Generalitat of Catalonia and the Basque Government inaugurated their representation offices in Brussels already in 1986.

<sup>3</sup> Sectoral conferences are a vertical mechanism of administrative co-ordination imported from the German federalism. They carry out information and consultation tasks between national, regional ministers and high officials in 25 policy sectors.

<sup>4</sup> "Project of Agreement between the Government of the Nation and the Autonomous Communities on their Cooperation in the Issues related to the European Communities" (MAP, 1995).

<sup>5</sup> In 1989, the Minister of Public Administration (MAP) referred to "the conflict of competences derived from the application of the European legislation as one of the fundamental problems pending solution between the ACs and the central state with respect to European decisions" (MAP, 1995: 146).

<sup>6</sup> The reason behind this action was the refusal of the central Government to accept the constitution of a bilateral cooperation committee for issues related to the EC, through which the Basque Government attempted to confront the questions related to its fiscal autonomy and the autonomic police in the European arena. The Basque Country ended up ratifying the CARCE Agreement in November of 1995 in exchange for the creation of the bilateral body (Vid. Jáuregui 2005: note 3).

<sup>7</sup> Worth noting is to remember the commitment of the then president of the Generalitat, Jordi Pujol, to maintain the support of CiU for the Socialist government until the end of the Spanish presidency of the EU during the second semester of 1995.

<sup>8</sup> According to Alberti (2005, note 10), until 2004, only 3 out of the 25 conferences had developed the framework procedure: Agriculture and Rural Development, Sea Fishing and the Inter-Territorial Council of the National Health System.

<sup>9</sup> Vid. "Acta constitutiva de la Comisión bilateral de cooperación Administración del Estado-Administración de Catalunya para asuntos relacionados con las Comunidades Europeas" (9 June 1998).

<sup>10</sup> Law 2/1997, BOE 64, 15 March 1997.

<sup>11</sup> This figure is clearly inspired in the German model of the *Länder Beobachter* (The *Länder* Observer).

<sup>12</sup> As a confirmation of this trend, between 1992 and 2002, the CARCE only met 36 times. In 2002, 4 meetings were held as opposed to the 11 of the Consultative Council of Agricultural Policy for Community Affairs (Vid. MAP, 2003, *Conferencias Sectoriales*, Informe Annual 2002).

<sup>13</sup> However, some authors refer to the committees of the committology system and not to the preparation phase of European norms (Vid., for example, Alberti 2005).

<sup>14</sup> In the first meeting of the (state-ACs) Presidents Conference, in October 2004, President Rodriguez Zapatero formally committed himself to submit a proposal before the year's end.

<sup>15</sup> BOE 64, 16-3-2005.

<sup>16</sup> In 2005 6 regional ministers participated in the Council meetings: Andalusia (3 times), Aragon (1 time), Asturias (1 time), Castile and Leon (2 times), Catalonia (3 times), Galicia (1 time). During the first semester of 2006, another 5 have been incorporated: Madrid (6 times), Extremadura (1 time), Cantabria (2 times), the Canary Islands (1) and Murcia (1).

<sup>17</sup> By the end of 2006, regional experts had participated in more than 70 meetings of the Council's working groups, together with the technical representative of the corresponding Ministry (web MAP).

<sup>18</sup> During 2005-2007, the advisors belong to Andalusia (governed by the PSOE) and Galicia (governed by the PP until June 2005 and, thereafter by the a socialist-left nationalist coalition .

<sup>19</sup> The evaluation of the new model formulated by the Department of Agriculture of the Generalitat is significant in the sense that "it will reinforce the cohesion of the Spanish agrarian policy and the negotiating power of the Spanish Minister vis-à-vis his or her peers". (DARP/Info 1/3/2005, cited by Ramon, 2005:35).

<sup>20</sup> 13-XII-2004, [www.es-ue.org/Documents/MemorandumLenguasCCAA10\(DEFINITIVA\)ES10dic04.DOC](http://www.es-ue.org/Documents/MemorandumLenguasCCAA10(DEFINITIVA)ES10dic04.DOC). The Catalan Government was directly involved in the memorandum's drafting.

<sup>21</sup> The Government also delivered to the Secretary-General of the Council the official translations of the Treaty into the three language versions made available by the Autonomous Communities concerned (the Basque Country, Galicia and the Valencian Community and Catalonia – the latter also on behalf of the Balearic Islands).

<sup>22</sup> The Spanish government 1'5 millions of Euros per year

<sup>23</sup> Vid. Resolution of the 3<sup>rd</sup> REGLEG Conference (<http://ue.eu.int/newsroom/NewMain.asp?>)

<sup>24</sup> However, the potential participation of the regional parliaments in the subsidiarity procedure would depend on domestic arrangements.

<sup>25</sup> [http://www.euroregio-epm.org/qu\\_presentacion.html#objetivos](http://www.euroregio-epm.org/qu_presentacion.html#objetivos)

<sup>26</sup> The other statutes require a qualified-majority vote in the Spanish Parliament on the basis of a proposal put forward by each regional assembly.

## References

- Alberti, E. (2005), 'Las Comunidades Autónomas en la Unión Europea: las nuevas perspectivas del Tratado Constitucional y la Participación Interna', in E. Albertí et al., *Las Comunidades Autónomas en la Unión Europea* (Madrid: Centro de Estudios Políticos y Constitucionales).
- Badiello, L. (2004), 'La representación funcional en Bruselas: evolución, funciones y perspectivas', in F. Morata (ed.), *Gobernanza Multinivel en la Unión Europea* (Valencia: Tirant lo Blanch).
- Börzel, T. (2005), 'Europeization: How the European Union Interacts with its Member States', in S. Bulmer and C. Lequesne (eds.), *The Member States of the European Union* (Oxford: Oxford University Press).
- Börzel, T.A. and Risse, T. (2003), 'Conceptualizing the Domestic Impact of Europe', in Featherstone K. and C. Radaelli (eds), *The Politics of Europeanisation* (Oxford: Oxford University Press), pp. 57-82.
- Börzel, T.A. (2002), *States and Regions in the European Union, Institutional Adaptation in Germany and Spain* (Cambridge: Cambridge University Press).
- Bulmer, S. and Lequesne, C., eds. (2005), *The Member States of the European Union* (Oxford: Oxford University Press).
- Christiansen, T. and K. E. Jorgensen (2004), 'La gobernanza transregional en la nueva Europa', in F. Morata (ed.), *Gobernanza Multinivel en la Unión Europea* (Valencia: Tirant lo Blanch).
- Christiansen, T. (2005), 'Towards Statehood? The EU's move towards Constitutionalisation and Territorialisation', *Working Paper*, 21, Oslo: ARENA (<http://www.arena.uio.no>).
- Cowles, M.G., J. Caporaso and T. Risse (eds.) (2001), *Transforming Europe: Europeanization and Domestic Change* (Ithaca, N.Y.: Cornell University Press).

- Hooghe, L. and G. Marks (2001), *Multi-Level Governance and European Integration* (Lanham: Rowman and Littlefield Publishers).
- Jáuregui, G. (2005), 'La participación de las comunidades autónomas en la Unión Europea', *Revista Catalana de Dret Públic*, 31, pp. 137-172.
- Jeffery, C. (2000), 'Sub-national mobilization and European integration: Does it make any difference?', *Journal of Common Market Studies*, 38:1-23.
- Jeffery, C. (2004), 'Regions in the EU: Letting Them In and Leaving Them Alone', *Online Paper XX-04*, The Federal Trust.
- Jones, B., and M. Keating (eds.) (1995), *The European Union and the Regions* (Oxford: Clarendon Press).
- Kassim, H. (2005), 'The Europeanization of Member State Institutions', in Bulmer, S. and C. Radaelli (eds.), *The Member States of the European Union* (Oxford: Oxford University Press, 2005).
- Kohler-Koch, B. (2002), 'European Networks and Ideas: Changing National Policies', *European Integration online papers (EIoP)*, 6 (<http://eiop.or.at/eiop/texte/2002-006a.htm>).
- MAP-Ministerio para las Administraciones Públicas (1995), *La Participación de las Comunidades Autónomas en los Asuntos Comunitarios Europeos* (Madrid: MAP).
- Loughlin, J. (2000), 'Reginal Autonomy and State Paradym Shifts in Western Europe', *Regional and Federal Studies*, 10/2, 10-32.
- Marks, G., Haesley G. and H. Mbaye (2002), "What Do Subnational Offices Think They Are Doing in Brussels?", *Regional and Federal Studies*, 12: 3 (Autumn), pp. 1-23.
- Morata, F. and Ramon, R. (2005), 'Regiones y Constitución Europea', *Quadern de Treball*, 44 (Bellaterra: IUEE).
- Morata, F. (2001), 'El Estado de las Autonomías', in M. Alcántara and M.A. Martínez (eds.), *Política y Gobierno en España* (Valencia: Tirant lo Blanch).

- Morata, F. (2003), 'La Gouvernance à Niveaux Multiples et la Coopération Sub-nationale en Europe', in A. Sedjari (ed.), *Gouvernance et Conduite de l'Action Publique au XXI siècle* (Paris : L'Harmattan).
- Nagel, K.J. (2004), 'La actuación de las regiones en la política europea: un análisis comparado', in F. Morata (ed.), *Gobernanza Multinivel en la Unión Europea* (Valencia: Tirant lo Blanch).
- Radaelli, C.M. (2000), 'Whither Europeanization? Concept stretching and substantive change', *European Integration online Papers* (EIoP), num. 8 ([eiop.or.at/eiop/texte/2000-008a.htm](http://eiop.or.at/eiop/texte/2000-008a.htm)).
- Ramon, R. (2006), 'Multi-level governance in Spain: building new patterns of sub-national participation in the Council of Ministers of the EU', Working Paper presented at the Research Seminar of the Institut Universitari d'Estudis Europeus (unpublished).
- Roig, E. (2004), 'Continuidad y Refundación; Deliberación y Decisión: el proceso de la Convención y la reforma de los Tratados', in E. Alberti and E. Roig (eds.), *El Proyecto de Nueva Constitución Europea* (Valencia: F. Pi i Sunyer-IEA).
- Schmidt, V. (2003), 'The European Union: Democratic Legitimacy in a Regional State?', *Journal of Common Market Studies*, vol. 42, num.4.
- Weatherill, S. (2005) in Weatherill and Bernitz, U., (eds.), *The role of regions and sub-national actors in Europe*, Oxford: Hart, 2005.

# Chapter 15

## Multi-Level Governance and Sustainable Development in Spain: The Case of the Missing Actors

Kenneth Hanf  
*Pompeu Fabra University, Barcelona, Spain*

### **Abstract**

This paper is a first attempt to bring together and order some ideas that were stimulated by three different impulses. Initially, there was what seemed to be an interesting conclusion regarding the “incompleteness” of a particular system of multi-level governance, drawn from some empirical research on the implementation of Local Agenda 21 initiatives in a sample of local authorities in Spain. From this came the original title of the paper: the missing actors in the Spanish multi-level system of action through which these initiatives were being developed. The second impulse took the form of a reference by a PhD student, in presenting the plan of attack for her dissertation, to “the theory of multi-level governance.” The confidence with which this remark was made surprised me since I had not been aware that the work with the concept of multi-level governance had advanced to the point where there now existed a full-blown theory. Thirdly Ulf Sverdrup’s paper on “Implementation and Europeanization”, prepared for the meeting of the Research Group in Oslo in May of 2005, convinced me that it was time to come out of the closet of

Europeanization and accept my true identity as a student of policy implementation and management, for whom the EU, in the first instance, is but an additional level of action linking authoritative policy decisions with behavioural changes at the “street level.”. As a result, in this paper, I do number of things, that do not really form an integrated whole. I first present my “case of the missing actors” to describe some of the essential features of both the context and institutions through which Local Agenda 21 initiatives are being developed in a number of local authorities in Spain, with an emphasis on the Autonomous Community of Catalonia. I then take this case as an excuse – if not a point of departure – for making some comments on the concept of multi-level governance, focusing on some aspects that I think might make it sharper and more useful as a perspective for understanding policy implementation in general and, in particular with regard to the EU.

### **An Apologia: In defence of the “first cut”**

This paper is a first attempt to bring together and order some ideas that were stimulated by three different impulses. Initially, there was what seemed to be an interesting conclusion regarding the “incompleteness” of a particular system of multi-level governance, drawn from some empirical research on the implementation of Local Agenda 21 initiatives in a sample of local authorities in Spain. From this came the original title of the paper: the missing actors in the Spanish multi-level system of action through which these initiatives were being developed. Whatever the intrinsic value of this information, my enthusiasm for presenting it soon dissipated upon considering what its broader significance – and general interest – might be to the outside world.

The direction of an initial answer to this question was given by two further stimuli. The first took the form of a reference by a PhD student, in presenting the plan of attack for her dissertation, to “the theory of multi-level governance.” The confidence with which this remark was made surprised me

since I had not been aware that the work with the concept of multi-level governance had advanced to the point where there now existed a full-blown theory. My impression had been that we were still in the era of more or less systematic description of a phenomenon which we all agreed involved various forms of linkages and interactions between different levels of government – and governance, of course – which promised to shed light on the dynamics of the EU as a political system representing or embodying “new forms of governance.” Perhaps, I optimistically thought, the Spanish case could be fleshed out and used to examine some of the questions raised by any attempt to upgrade the concept of multi-level governance to a theory.

Before I attempted to inform myself more on the discourse of multi-level governance, I chanced to re-read Ulf Sverdrup’s paper on “Implementation and Europeanization”, prepared for the meeting of the Research Group in Oslo in May of 2005. While this paper did not take me further in my search for theory, it did convince me that it was time to come out of the closet of Europeanization and accept my true identity as a student of policy implementation and management, for whom the EU, in the first instance, is but an additional level of action linking authoritative policy decisions with behavioural changes at the “street level.” I am not sure if this “outing” disqualifies me for continued membership in a group of EU scholars, but I began to think seriously about the extent to which and the ways in which a more self-conscious integration of the EU into the more general study of policy implementation and management, might only help us better understand the “implementation deficit” that continues to trouble students of EU policy while, at the same time, provide some interesting inputs to the sharpening of our use of terms like multi-level, governance and networks – three important ingredients of current attempts to develop an analytical perspectives for understanding the EU.

As a result, in what follows, I do number of things, that do not really form an integrated whole. I first present my “case of the missing actors” to

describe some of the essential features of both the context and institutions through which Local Agenda 21 initiatives are being developed in a number of local authorities in Spain, with an emphasis on the Autonomous Community of Catalonia. I then take this case as an excuse – if not a point of departure – for making some comments on the concept of multi-level governance, focusing on some aspects that I think might make it sharper and more useful as a perspective for understanding policy implementation in general and, in particular with regard to the EU. No attempt is made to present any kind of a systematic exegesis of the literature on multi-level governance. I am unabashedly selective in the service of preparing the ground for seconding some of the suggestions the Ulf Sverdrup has made for orienting a renewed round of studies of EU policy implementation. One question, in this connection, which interests me is whether it makes a difference – regarding our concepts, theories and tools of analysis – if we put the management of collective problem solving in and through systems of multi-level governance at the center of our interest, instead of using implementation studies as a means of learning something more about Europeanization and the developments of the EU as a “peculiar type of political system.”

### **Multi-level governance for sustainable development in Spain: The case of the missing actors**

Implementation involves temporally, and most often organizationally, a separation between the decision taker and the implementer. There is a prior decision and then a series of activities through which the intentions of this decision maker are to be realized – the policy, program or measure is to be implemented. This distinction, and some of the problems this can cause, has been captured by the differentiation between the principal and the agent, even though the dynamics of implementation cannot, I think, be captured

completely by principal-agent theory. Sometimes this separation will be between levels of action; in other cases the division of labor can be between different parts of a government at a single level, or even between different “levels” of action with regard to a single agency (a district or borough within a city government, an administrative field office or even a prefecture with regard to central government).

When we talk about implementation there tends to be an expectation that the decision of what we could call the agent (the authoritative decision maker or the source of a decision that we voluntarily accept as an obligation to fulfil) should guide the behaviour of the agent (that is, the actor who either stands in some dependent relation to the decision maker or who has agreed to carry out the decision taken). And that these “implementers” should attempt to realize the objectives set by the policy maker. (In many cases, particular with regard to international policy, the implementer may have also been, either directly or indirectly, the “authoritative decision maker,” thus binding itself with regard to the obligation to put the decision into effect.)

In this sense, policy implementation has a “top-down” dynamic. This does not mean that what the “bottom” ultimately does will be the result of inputs from above or that effective implementation in some simplistic fashion can be defined solely – or in the first instance – in terms of the degree to which the performance at the bottom corresponds to the intentions of the actors at the top. Still, no matter what level we take, the authoritative decision (which, in some way, is to be implemented or to guide the actions of other actors) has a “higher” position – in the sense that a principal has a higher position (in principle even if not always in fact!) than the agent who is supposed to do his bidding. In this sense there can be a “higher-lower” relation between actors at one and the same level – or between different levels of actors within a single organization (which may or may not be located at different territorial levels – e.g. field offices of a ministry; prefecture offices within departures, other kinds of “regionalization” of the activities of actors at

any given level of government – city district service centers).

In the description that follows, we sketch some of the general characteristics of the multi-level system of governance through which international policy on sustainable development is implemented. What we find is a highly differentiated system of action that cannot rely on hierarchical relations of authority to ensure that “lower” levels act in accordance with decisions taken at more comprehensive level. At the same time, there are components of this implementation system where the relations between different actors (or between levels in that political unit) contain an important element of hierarchy, which, while not determining the behaviour of the actors involved, can influence or even structure the relations or interactions between them. In this sense, implementation of the decisions of this international system of governance has the “top-down” character noted above. It involves a process by means of which decisions taken with regard to a more general scale are concretized or applied within and through territorially defined actors of a less extensive scale.

In this particular case, the UNCED system formulates policy at a global scale – in principle, applicable to all countries –which is to guide the policy actions of actors operating at a lower level and where, the relations between them and their implementers cannot be defined and influenced in terms of hierarchical authority only in some cases the relations between levels are governed by or can be influenced only – or at all – by hierarchical relations of authority

In the case of international policy on sustainable development can be found in the results of the Earth Summit in Rio, 1992. These decisions can be considered to be the initial source and substance of policy to be “implemented” by members of the international community (not only governments but also members of society). The elements of this policy are the Rio Principles, the collection of practical measures directed at the signatory governments in the Agenda 21 action plan and the draft international

agreements on climate change (signed during the conference), bio-diversity and forest management. These decisions, taken collectively by the international community present at the Earth Summit are directed to a number of different kinds of actors – governmental, in the first place, as well as organizations of different kinds and, ultimately to citizens of countries themselves. They contain a variety of policy actions which require further decisions and actions from a multitude of actors located at different levels of governmental and societal action. “Successful implementation” of the policy decided at Rio clearly depends on the coordination of actions taken by these different constellations of actors, operating in different arenas and through different institutional arrangements.- multi-lateral negotiations, international agreements and regimes; the European Union; national governments (acting within their territories, in international arenas, and as members of the EU); and local and regional levels within the signatory states.

As a signatory of the “Rio Agreements”, the EU was also expected to take policy actions that would “implement” this international policy on Sustainable Development. This would involve decisions on a “general policy” on sustainable development for the EU – as well as “policies” dealing with different parts of this overarching policy. Since 2001 there exists a European Strategy on Sustainable Development (recently revised but retaining the basic content of the previous strategy) which lays out the priority issues and actions to be pursued during (This strategy represents “compliance” on the part of the EU, with an obligation that had been assumed at Rio.) In turn, the application of this strategy involves taking a number of specific actions (which will require the appropriate decisions requiring implementing actions on the part of the Member States) to create the legal and programmatic basis for the measures required to realize the objectives that have been set in the different issue areas.

While one line of implementation of international policy on sustainable development by national governments runs through the EU and its Member

States. At the same time, Rio also impacts directly upon the national governments of the signatory states, as well as the sub-national governments within them. In this paper, we are interested in the specific mandate given by Chapter 28 to local governments to undertake action to further the objectives of sustainable development. This is interesting for two reasons: First of all, because local action is to be taken to implement directly an international policy, without first being mediated by national policy decisions. But, secondly, because it could be expected that this local action (known as Local Agenda 21) would be more likely to occur and be more effective if it were embedded in and supported by national action on sustainable development. This relation is recognized in Chapter 8 of Agenda 21 which calls on countries to adopt national strategies for sustainable development that “should build upon and harmonize the various sector economic, social and environmental policies and plans that are operating in the country.” In this sense, the realization of the intentions of Chapter 28 were seen as depending on “a more comprehensive national interest in Agenda 21 as a whole” (Lafferty, ed., 2001: 276) In point of fact, as studies have shown that in all countries, except Spain, national governments have, to varying degrees, has some form of responsibility for LA21. The form of national government involvement ranged from serving as a focal point for coordination and information; producing manuals, guidelines and training programs; providing funds for research and pilot programs; and funding LA21 initiatives in local authorities (Lafferty, 2001 ) These same studies indicate a direct correlation between the level of national government involvement and the time and scope of LA21 activities in the country. In short, national governments have played an important role as facilitators of local government action.

Local government is important for sustainable development since “so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities.” Consequently, the participation and involvement of local authorities is viewed as “determining factor” in fulfilling the objectives

of the action plan. To this end Chapter 28 of AG21 calls for “all local authorities...in partnership with stakeholders to produce LA21, through which to address sustainable development.” To this end, LA21 refers to the consultative process, initiated by local authorities, through which local strategies for the achievement of sustainable development are to be produced.

It is assumed that local authorities had leeway to take decisions on local development, although just how much and within which broader institutional context will obviously be a function of the place of these governments in the larger constitutional system of the country in question. In general, with regard to member states of the EU, local authorities were constitutionally in a position to initiate and carry out LA21 (even though the timing and nature of these initiatives varied with the degree of local autonomy. In general, local action depends on awareness of and interest in this kind of initiative; understanding of what it involves and “how to do it.” Of particular importance were the capacities of local authorities for undertaking the necessary analysis and organizing planning process and the availability of money to cover expenses involved. Whether or not these preconditions were met, in a given case, depended on the characteristics of communities themselves, and on the availability of assistance and support from outside the municipality.

Here is where national governments were expected to make an important contribution. In addition to – or in some cases, perhaps in place of – these national actions, regional governments could also play a supporting role vis-à-vis local authorities interested in or active with LA21 initiatives. Whether or not this level of government comes into play in this respect, will depend upon the political order characteristic of a particular country defining the relations between national, regional and local governments, and the division of labor among them with regard to the relevant policy areas and actions. In an extensive study of the experience of EU countries with local A21 initiatives, it was found that the nature of the relations between national

and local governments differed tended to vary with the unitary or federal character of the political system

International and regional organizations also played a major role in following up on and filling out the general signals provided by Chapter 28. Obviously the original mandate contained in Agenda 21 had to be interpreted and made more specific in terms of exactly the local authorities were expected to and how to do it. An actor of particular importance in this regard was the International Council on Local Environmental Initiatives, which was established just prior to the Earth Summit in Rio. This organization played an important role in the preparation and coordination of Chapter 28 and worked, in this connection, closely with the United Nations Environmental Program, the International Union of Local Authorities, and the European Commission. The EC's European Sustainable Cities and Towns Campaign had an especially large impact on the general understanding of what Chapter 28 implied. ICLEI also play a central role in monitoring program with LA21 and supplying information to the UN on this progress for the special session of the United Nations General Assembly in 1997 on Rio+5

The Sustainable Cities and Towns in Europe conference, held in Aalborg, Denmark, in May of 1994, result in a crucial three part document (the Aalborg Charter) outlining the basic values, and basic strategic options for sustainable development in European urban areas, which launched a broad-based campaign to promote sustainable development initiatives at the local level in Europe. In a third part of the Charter, which has since been signed by hundreds of local authorities, "made a specific commitment to follow up Chapter 28 of Agenda 21 and made a direct connection between the Charter, Agenda 21 and the European Union's Fifth Environmental Action Programme....(Lafferty, 2001:3). The Aalborg Charter thus spelled out further what is to be implemented and provided guidelines for preparing and implementing a local action plan.

While local answers are needed to local problems it is also necessary to realize that these solutions depend on the role and influence of policy and politics outside the immediately affected local areas themselves. Consequently, it is necessary, both as an analyst and practitioner, to step beyond the local as the frame of reference and to engage with processes which shape local capacity and political will for sustainable development at multiple sites and scales of government. Clearly, moves at local levels reflect multiple moves by societal and governmental actors at higher (more comprehensive) levels. It is necessary to be aware of the way in which local sustainability is constructed and contested at a variety of scales of governance and through multiple political spaces.” Or, as Susan Baker has written, “While attention is focused at the local level, account has also to be taken of how broader processes, across the different levels of global, international, national and local gov4rnance, act as facilitators or as impediments to change” (Baker, 2006:104).

It is certainly true that the pursuit of sustainable development cannot be confined to the central government. Sustainable development requires coordinated action on different territorial scales within a country. Consequently, the implementation of strategies for sustainability would appear to require explicit and well-orchestrated cooperation and collaboration between the national and decentral levels of action. However, although it is true that we cannot treat local as discrete and separate scale of political authority and action, it is possible that we may find cases where local authorities have been more or less abandoned due to absent of framing and supporting action by higher levels of government. There can be essential gaps in the network of relations and relations between levels of government action which results in a lack of national guidance and the relative independence and neglect of local planning systems. It cannot, therefore, be assumed that policy and planning necessarily move in linear fashion from higher levels—international or EU to national governments of Member States – to the

detailed action plans of regional and local governments. Although we can analyze the implementation of sustainable development policy – or any other policy, for that matter – in terms from a multi-level process unpacking general policy pronouncements into increasing more specific understandings of that policy and concrete measures to implement it at the lower scales we have to be careful not to assume that multi-level governance in some way involves a top-down sequence of steps involved in the sense of “implementing national strategies of sustainable development,” in a way that creates space for local action within the broader parameters defined for the country as a whole

Still, many discussions of the multi-level character of the implementation of international policy on sustainable development, give the impression that there exists a adequate articulation between processes and products of decision making between the separate levels in the form of a system of nested planning which, while providing opportunities for participation in decisions of inferior levels, sets the parameters that define the normative space for the actions of these “lower” levels as well as for the horizontal coordination between the different governmental units within a given territorial level. In the case of Spain, however, until now the central government does not have a national strategy defining framework. It has not, established the basic parameters within which society will be expected to move toward more sustainable paths of development. While most EU countries (acting on their commitment to do so during the special session of UNGA in 1997 and the agreement among the member states of the EU in this regard) started to prepare national strategies, all but 3 (France, Portugal and Spain) had them ready before the summit in Johannesburg. France and Portugal approved their strategies in 2003 and 2004 respectively, “leaving Spain as the only EU-15 country without a national strategy for sustainable development.”

In 2001, the Spanish government announced that it would prepare a national strategy, promising to be finished within one year, in time for the

Spanish presidency of the EU during the first half of 2002. At the end of the day, the Spanish presidency came and went, the Johannesburg summit was celebrated and the national strategy. Thought presented for public comment in draft form, the strategy was never formally approved. In fact the topic has completely disappeared from public debate, until recently, when the new Socialist government (established in May of 2004) announced that a new strategy is “in the offing”. However, even under the more auspicious conditions created by an environmentally more concerned government, this promised has also remained unfulfilled.

Spain is an interesting case with regard to the assumed multi-level character of governance for sustainable development. It reminds of the possibility of a reality of bottom-up or bottom-only processes of LA21, where there are significant gaps in the channels of communication, guidance and support for these initiatives between national, regional and local levels of action. In Spain, defining the parameters within which local government can contribute to the realization of sustainable development has not been a question of integrating national sustainable development goals into local authorities’ policies and actions, or of balancing the responsibilities of national government with and providing sufficient room for the initiatives of local authorities.

Consequently, national support for LA21 has been non-existent. It was argued that since environmental protection had been decentralized to regional and local governments, LA21 did not, constitutionally, fall within the jurisdiction of the national government but rather was the responsibility of regional and local governments. While one might have expected that in Spain, where the national cat continues to sleep, that the regional mice would play, this has not been the case. Even though “the relative absence of central government...has allowed...a rare opportunity to see Spanish regions operating in an uncoordinated and relatively free manner”, generally speaking, “they have not been up to the challenge” (Mezo, 2005) Of the 17

Autonomous Communities that constitute Spain, roughly 7 have undertaken some kind of action – although this has not resulted in final regional plan in any case. However, the response of regional administration has been uneven: some have given certain amount of technical or financial support to local administrations in order to allow them to take the first steps in the adoption of LA21, most regional government have not been involved at all.

In the case of Catalonia,, at the instigation of Catalan parliament in 1997, the regional government (the Generalitat) began work on the development of an Agenda 21 for the Autonomous Community of Catalonia, which was to serve as the strategy for sustainable development of the region. This document was to establish the criteria, the priorities and the objectives of the government in order to ensure that the various policies what were to be developed in the region in the coming years would be “economically, socially or environmentally more sustainable.” After a promising start in 1998 and the production of a draft document in 2001, a change of government in 2003 put an end to this process before the final document could be approved by the parliament. The present government was, during its first term of office, preoccupied with redefining its relation with central government in a new regional constitution and did not follow up on or continued work of the previous government on sustainable development and A21. Recently, the Catalan government decided to proceed with drawing up and approving a Strategy for the Sustainable Development of Catalonia. To this end, it promised that the Department of the Environment and Housing would promote a process of multi-sectoral participation to draw up the White Paper for the Sustainable Development of Catalonia, prior to the formulation and approval of the Strategy. In 2006 a document appeared entitled “Catalunya 2005.”

With a total absence of efforts to enhance sub-national administrative capacity via central initiatives, what we do find, particularly in Catalonia, are strong initiatives from the level of provincial government together with some

less well-developed but still important measures by the regional government to mobilize and assist local authorities with respect of Local Agenda 21. This has meant that local initiatives on sustainable development – in the form of LA21 action plans – have enjoyed limited but crucial technical, informational and financial support for capacity building from regional and provincial governments but with no overall guidance in the form of some kind normative vision and framework from some higher more extensive jurisdiction within which to locate and with which to coordinate the various local initiatives.

With regard to this support from the regional government, there developed a perhaps unintended – and, uncoordinated – division of labor between the Generalitat and the provincial government of Barcelona. In 1998 the Department of the Environment of Catalonia established a Program for the Promotion of Local Sustainability (which was renewed in 2002) with the aim of supporting the strategic planning efforts and proposals of local authorities for a more sustainable development. This program included measures for the diffusion of information regarding LA21, advice on developing these initiatives, and some financial support.

Given the non-existence of national and but limited regional support for LA21 the vast majority of LA21 actions have come from the provincial levels of government (a level of indirect administration located between the municipalities and the regional governments) and the local authorities themselves. In Catalonia, the province of Barcelona has played a particularly active role in this regard.. At the local level, the responses have been varied. Most larger municipalities have taken some LA21 related actions – ranging from the signing of the Aalborg Charter through the exploratory auditing phase of the LA 21 process to the promulgation and implementation of an LA21 Plan of Action). A proportionately lesser number of small and medium size municipalities have launched some kind of LA21-related initiatives.

After the local elections in 1995, (formally provincial government is considered to belong to the local level of administration) the provincial administration of Barcelona took the political decision to place integrated environmental protection on its political agenda. The aim was to make assistance to municipalities within the province in developing strategy for sustainability a priority of the provincial government. In order to manage these activities, a separate unit for environmental protection was created. Since then, local authorities have been encouraged both by technical assistance in preparing and carrying out the local planning process and by financial assistance offered by the province to engage in LA21 activities.

The source and type of assistance from a “higher” level of government – especially, from the provincial government in the Barcelona area– have shaped the substantive character of the action plans of most of the municipalities using the “provincial model” of LA21 planning. The action plans produced have tended to be concerned more with issues and aspects of traditional local environmental policy and less with sustainability. At least in the initial round of planning activity, sustainability was mostly interpreted in terms of environmental protection and the need to incorporate environmental considerations into actions of other policy areas. To an large extent, this narrow understanding of sustainable development was the result of both the institutional position of the actor in charge of LA21 in the provincial government (the Department of the Environment) and the planning model and methodology promoted by the province vis-à-vis the local authorities. The technical assessment provided by the general eco-audit of the municipality defined the starting point for the LA21 process almost exclusively in environmental terms. In addition, to the important role in the supra-municipal LA21 support programs of units for environmental manage, the environmental departments which have assumed responsibility for LA21 initiatives in the local authorities.

Here it is the old story of the difficulties faced by these – young and politically weak – administrative units when trying to persuade the sectoral departments that dominate the institutional networks and the political agendas to change their work procedures and engage in more collaborative and coordinated cross-sectoral action. Consequently, given these problems plus the organizational focus of the environmental departments, only a few municipalities have developed Action Plans as instruments of strategic planning imbued with the philosophy of LA21. The vast majority have adopted isolated environmental issues or simply labelled pre-existing environmental policies as “LA21.” As a result, many social issues were ignored, and instead of integration of the economy and the environment, both existed side-by-side in separate plans or in separate lines of actions within the Environmental Action Plan. (The name of the plan says it all!) In light of this situation, Subirats and Font conclude, on the basis of their study of the development of LA21 initiatives in Spain, that “Sustainability does not guide local planning but may reinforce environmental policies.”(in Lafferty, 2001)

An institutional arrangement of particular importance for the stimulation of and support for LA21 initiatives in the larger municipalities in Catalonia (in addition to technical and material support), was the creation in 1997 by the government of the province of Barcelona of the Network of Sustainable Cities and Towns. A year later, the province of Girona followed suit with its Council for Local Initiatives for the Environment. In addition to Girona, the province of Tarragona has set up, with considerable success, a networks and program of support for the realization of LA21. These networks became important regional platforms of support for local actors in Catalonia with regard to questions of the environment and sustainability. Their objectives are to promote sustainable development within and among local authorities, to facilitate their work in elaborating LA21 and to advise them on any aspect related to sustainability. In these ways they provide arenas, occasions and procedures for encouraging and structuring inter-municipal

contacts and exchanges. These activities, as we have noted, have been parallel to but apart from the measures undertaken by the regional government of Catalonia.

There has been an interesting element of partisan politics by-play between the Barcelona province and the regional government of Catalonia that, in the past, has impeded coordination and cooperation with respect to their respective programs of support. Most of the larger municipalities in the province of Barcelona (that represent more than half of the total population of the region) are governed by socialist-green coalitions as is also the case with the provincial government of Barcelona. The smaller rural communities are more likely to be governed the nationalist/conservative party, as was the regional government during the period under review (1990–2003) There was next to no coordination and cooperation between these two levels of government; each tended to concentrate on its particular political and territorial clientele. This partisan political situation was also reflected in responses of local authorities to questions regarding contacts with other levels of government. Consequently, the capacity building actions of provincial and, to certain extent, regional levels were offered without any overarching vision of sustainable development or normative framework that defined the parameters and points of reference for local planning.

Another coordination gap can be found in the lack of horizontal relations of coordination and cooperation on questions of strategic planning and action between contiguous municipalities. Even when explicitly asked about contacts with neighboring communities during the planning process – whereby it was assumed that, given the fact that what happens in or is being planned for a given community will be affected by or should be synchronized with what your neighbors are doing or planning to do – no explicit mention was made of this kind of interaction. Although reference was made to a wide-range of contacts and even joint activities with neighboring communities on specific projects (such as rehabilitation of a shared river course or inter-

municipal collaboration on waste management), there does not appear to be any arrangements for systematically inter-relating the planning activities of contiguous or in other ways interdependent communities. There were cases in which mention was made of participation by neighboring communities in the public hearings organized as part of the strategic planning process. These kinds of inter-municipal contacts and cooperation: are considered to work smoothly and regular communications, exchange of experiences and consultation on issues of shared concern are standard practice. Of course, municipalities located in the province of Barcelona (but also others located outside the province) underscored their involvement in the provincial network (as well as the contacts many also maintained with more distant colleagues via different international networks) for the exchange of information and experience for exchanging information on respective initiatives as well as their participation in work groups examining shared problems of planning. However, the provincial network did not serve as an arena or opportunity for encouraging and pursuing joint or coordinated strategic planning. Furthermore, opportunities for the participation of local authorities in regional planning with respect to developments impacting on their communities remain underdeveloped. In general, therefore, with regard to strategic planning, the local authorities tend to operate as self-contained units. While they are well aware of the way in which “outside developments” define the pressures that impact on their communities and define the challenges for its future development, they do not participate, in an institutionalized manner, in the making of the decisions on the developments which define this broader context

Evidence regarding the experiences with LA21 in Spain – and particularly in the province of Barcelona – makes clear how important political commitment, both for sustainable development, in general, and the LA21 initiatives in particular, has been for stimulating and carrying out LA21 actions by the local authorities. As far as the location and strength of such

political support is concerned, in Catalonia, the most important source has been the provincial level of government and the local authorities themselves. (To a lesser extent the activities undertaken by the regional government have lent support to these initiatives). It is important to note that the main sources of political impulses behind LA21 have come from the governmental actors; social support and public involvement have tended to follow the opportunity structure created by the planning process itself and the actions taken by governmental actors to mobilize actors from civil society.

In both the planning and implementation phases of LA21 initiatives, the mechanisms translating social support into demands for governmental action, which then led to corresponding action by the local authority, have not functioned. It has been more a question of government actions stimulating and “educating” public opinion and directing the resultant public interest into the available institutional channels. In any case, one cannot speak of an active public opinion knocking impatiently on the governmental door to demand access to the arenas of strategic – and later operational – decision making

A factor, often overlooked, when considering resources and capacities for effective implementation, is the simple fact of a crowded agenda, a lack of time to devote to new programs and challenges, and a lack of incentives (or pressures) to adapt to the new style of integrated administrative action— unless the political priority of issue is visible in the commitment and behaviour of key political and administrative actors and this support results in additional resources and stimuli for institutional change. Political and administrative leaders need to provide incentives so that officials, and other actors, will be willing to incur the costs of changing the “usual ways of doing things” and to respond appropriately to demands for more coordination and collaboration in the interest of cross-sectoral integration. As is well known, new policies, new demands for processing problems and issues do not enter an empty space or fall upon a *tabula rasa*. They compete for attention and time. They challenge and are resisted by already established routines and the pattern of “vested”

organizational, personal and social interests. Within certain limits (to be empirically established in a given case) the actors involved can “choose” (or be brought to a point where they would be willing) to mobilize and invest resources in making the necessary adjustment to accommodate the new demands. Here we see an important interplay between the factors of political will (support) and the development of the institutional capacities (in the broadest sense) required for the effective implementation (and continued developed) of the strategic plan for sustainable development.

Most importantly, the persistence of a fragmentation of local administration along primarily sectoral lines continues to determine work routines, patterns of contacts and the mentality of the administrative officials involved. Consequently coordination and cooperation across organizational lines continues to be difficult. In addition, the organizational status of the new AG21 or Sustainable Development Offices tends to hamper their coordinating tasks since they lack both the status and authority (not to speak of the resources) in represent the cross-cutting logic of policy integration vis-à-vis the traditional policy sectors. In short, sustainable development remains a “political lightweight” in organizational terms. Successful integration of this commitment into other policy areas depends on “negotiated” coordination and the understandings and commitment of the sectoral officials.

Of course, Local Agenda 21 has not, in most cases, turned out to be a single-shot undertaking. Concern with sustainable development and the capacity for doing it have to be developed and nurtured, that is, institutionalized. The institutionalization of these initiatives into the organization, management and operations of the local authorities is an ongoing process. It has been the result of as well as a contribution to a process of learning, in the sense of a gradually unsteered adaptation to set of responsibilities and challenges (in the form of policy objectives and the development of practices for realizing them) that continue to be of central importance to the municipal government. For example, there is evidence that

the second round of planning been more “successful” in the sense that the revised plans reflect a fuller understanding of sustainable development as something transcending traditional environmental concerns and consequently, are more self-consciously and, to a degree, self-consciously “integrative.” Of course, subsequent rounds of activity can build on experiences of the initial planning process, plus the institutionalization of a more elaborate system of organized monitoring and feedback into the planning units. Still, a potentially debilitating factor is the uncertainty and varying intensity of political support, at the level of the municipal executive, for continued (“sustained”!) attention to this issue. For this reason, it is important to institutionalize concern for sustainable development in the organizational routines, professional commitments and the self-interest of the administrative units, so as to provide “sustainable development” an administrative shelter where it can survive the vagaries of political fashion and short-term partisan interest.

In this sense, the crucial, long-term challenge for the implementation of LA21 is that of maintaining (and, institutionalizing) the support of political and administrative leadership, the administrative apparatus and the local community as a whole. The interplay and balance between political support and institutional capacities for “doing sustainable development” will continue to be important in that it determines the extent (and seriousness) of the general commitment and, consequently, the relative weight of the different administrative actors in the intra-governmental manoeuvres and negotiations. In addition to the institutional and political changes within the municipalities themselves, external impulses and assistance continue to be important factors in maintaining interest and providing support. In general, the so-called Aalborg +10 document signalled the renewal and the extension of the original commitment of local governments to the objectives of Local 21 – including a new set of tasks and targets. Moreover, in the case of Catalonia, both the regional and, most especially, the provincial governments continue to offer technical and financial support.

The developments that have been occurring at the local, provincial and, to a lesser extent, regional levels underscore the myriad of changes that need to be realized if both the willingness and capacity for seriously implementing this kind of initiative are to be developed. Both developing an AG21 Action Plan, in accordance with the criteria promoted both by the original policy (Chapter 28 of the UNECD Agenda 21 Action Plan and by the Aalborg Charter) and subsequently putting this strategic plan into practice require creating the capacities for actually “doing” these things, as well as mobilizing – and managing – the support and active participation of the local community. As we have seen, this has included the institutionalization of responsibility for the policy into the organizational structure and the work routines of the municipal administration (particularly as part of the remit of the environmental agency, but also in the form of a special AG21 Office or Office for Sustainable Development); the incorporation of priority issues from the AG21 strategic plan into medium term political program of government in office (and translation of these goals into concrete work plans and budgets of administrative units); the organization of education and information campaigns to inform both citizens and officials regarding sustainable development, in general, and action plan in particular; the introduction of coordination mechanisms to encourage and channel interactions between the different parts of the administrative apparatus; and the development and use of indicators and evaluation methodologies to monitor the performance of administrative actors with respect to objectives of plan and to feed this information back into the subsequent rounds of technical and public planning;

The experiences of local authorities in Spain – but surely in other countries as well – shows the importance of a) the range of institutional changes required in creating the capacities for strategic planning of the participative kind pushed by Chapter 28 and for the implementation of these Action Plans in the daily work of the municipal administration. Indeed, what is particularly clear is the extent of the challenge to translating strategic

objectives into organizational, procedural and work routines appropriate to the integrative logic of sustainable development. A second important conclusion of this study is that government – particularly at the local level but also, depending on the concrete situation, from other levels – plays a central role in organizing and managing these processes of support mobilization and institutional capacity building. The important point to keep in mind in this connection is that no matter what the patterns of governance found in a given community, they are, in large measure, created and held together by the actions taken by governmental actors.

Experiences with the implementation of LA21 illustrate that the “process of governing” involves both governmental actions and processes that are channelled through new institutional arrangements and networks of actors. Yet there is also clear evidence from the Spanish case(s) that public authorities continue to engage in the “traditional business of government,” and, consequently, serve as both the focus for and organizers of the activities of the other actors involved. They offer additional support for the conclusion that the “history of LA21 in Europe over the last decade has clearly shown” that very little would have happened “without the energy, leadership and commitment of local government politicians and officials” (Evans, et al., 2005:5) However, before government (and with it, governance) can contribute to the effective promotion of the objectives of sustainability, certain capacities will have to be built and in place. And the development of such capacities for “local governance” will require – or at least be more effective with – the assistance of actors operating within the larger multi-level system which forms the broader policy and institutional context within which these local actors operate.

## **Institutions, networks and multi-level governance**

What does all this mean for my broader interest in contributing to a sharpening – if not refocusing – of the concept of multi-level governance and, at the same time, defining a point of departure for the next round of EU implementation studies? Perhaps nothing more than the case study can serve as the occasion for making some remarks that could probably have been made without the preceding pages. On the other hand, the case of LA21 in Spain does illustrate some of the points that I would like to make, even if the relation between them is sometimes quite tenuous. At the same time, I think we can understand the Spanish case better with the help of some of the distinctions that I offer below.

This is neither the time nor place for an exegesis of the literature on multi-level government, in an attempt to tease out of the work of these authors a concept of “multi-level governance” that would do justice to their respective concerns and which would enjoy general acceptance as to capturing the essence of the phenomenon in question. As noted in the introduction, what I have tried to do is highlight a few of the essential ingredients or dimensions of the concept of multi-level governance that seem to understand the essential features of the phenomenon the concept is trying to describe. The idea is to draw attention to what I think is missing from or underdeveloped in the way in which the concept tends to be used. In keeping with both the spirit and style of presentation in this paper, I will do this in the form of a number of discussion points rather than as a fully developed argument.

### **Formal institutions as factors in defining patterns of interaction across levels**

It is an important point to keep in mind when describing and analyzing multi-level systems (of governance) is that we cannot ignore the role of formal

governmental institutions and allocations of competences in accounting for the patterns of interactions and the way in which relations between levels form and function. The fact that a given level of government cannot rely on its formal authority to secure the behaviour it feels is required or preferred, does not necessarily mean that differences in hierarchical position (as these are reflected in the definition of roles, the allocation of authority and resources, the legal reach of an actor's decisions, the relevance of the actor for a particular decision or problem solving effort, the "weight" of the actor in the system of joint action) are not important for shaping the pattern of interactions and the way in which decisions are taken through these – how coordination is achieved, and how much steering of behaviour can be achieved from one level to the next. The possibilities (opportunities) for and the rules of engagement between actors from different levels are defined by the formal institutional arrangements (procedures, decision rules, rules of entry, etc) – as well as informal factors shaping the "real" weight of formal relationships.

### **The specification of networks of governance**

We need a more precision in our use of the analytical concept of "network", if we are to move beyond the metaphorical use of this term. Much can be learned from the more recent development in network analysis. Building on the work of students of policy networks, I think there are three points that need to be kept in mind, and which should serve as points of reference when talking systematically about networks of multi-level governance.

In continuation of the general point made above, regarding the importance of formal institutions, we need to be aware that networks will form around formal institutions. It is the pattern of institutional fragmentation and the dispersal of decision making competence and resources among

different actors that create the need and occasions for the formation of the interactions and relations that define the networks we are interested in.

The second point is that there is no single network, no single system of multi-level governance. Patterns of multi-level governance will need to be traced for each set of functional activities that together constitute the different stages of the policy process (or sub-stages of one particular phase of the policy process, e.g. implementation). The constellation of actors, where they come from, what they bring to the network etc, will vary with the particular phase of implementation we are looking at, with the particular policy area and type of measure being implemented, and the formal institutional arrangements already in place in a given country. This point is clearly illustrated, for example, in the Hooghe/Marks discussion of the different patterns of patterns of interaction between European, national and sub-national governmental actors in the phases of policy initiation, decision making implementation and application with regard to EU policy making; or their discussion of the presence (or absence) and relative weights of the different actors in the different phases of policy making with regard to cohesion policy. It will also be necessary to distinguish among different kinds of decisions, different contexts or arenas, etc.

Taking these variations in network of governance into consideration provides us with an “answer” or at least a perspective for analyzing the “case of the missing actors” in Spain. Whether or not an actor is present or not, what role it plays and what the significance of a particular configuration of actors will vary with the phase of implementation. Another analytical question is, of course, what difference does a particular pattern of multi-level governance make for the outcome of a particular decision process.

Thirdly, in doing this, we will have to be more specific and concrete regarding the structure and the processes that occur within networks. It is not very helpful – except as point of departure to direct our attention beyond formal institutions, formal institutional actors and procedures for taking

decisions – to say that increasingly important parts of public business are “negotiated” within or through networks of more or less autonomous actors, representing powerful interests, with varying degrees of influence and power, and pursuing own sets of goals. How does that occur? What is relation between these negotiations and the decisions or actions of government, what role do “representatives” of governmental institutions play in all this? In short, what are the mechanisms and institutional arrangements through which levels are linked, actors interact and participate in decisions in different arenas? Vague references to processes and interactions are not enough. We need to know something about the institutions that structure and influence these processes. How do things get done, decisions taken,? A simple example: much is made of learning processes in systems of governance. But little is said about how this learning occurs – as a social and institutionally organized process. Who is responsible for collecting data on performance, monitoring progress toward the achievement of policy or program objective, for analyzing and feeding this information back into subsequent rounds of decision making? How – on what occasions, in what form and with what consequences – are reports made (to whom?) How do we organize the input of stakeholders and other actors into decision making. etc.

### **The role of government in network management**

There is one more distinction to take on board when working with networks. On a general level, the fact that a particular governmental actor (“government” as such does not act; parts of a government engage in different kinds of actions) cannot do everything by itself, and, therefore, relies upon the problem-solving inputs from other actors, both governmental and non-governmental, from the same and from other levels of government – does not mean that we can conclude that governance, in some mysterious way – occurs without government. It follows from our comments above the multi-level

governance, in connection with conscious collective problem solving, are shaped and managed by governmental actors.

In order to grasp this point we should make a distinction between different uses of the network concept. The idea of a network can be used to describe a situation in which everything and everyone seems to be connected and interdependent, and what one actors does, has been affected by and has consequences for other actors. The world is higher differentiated and complex. No actor is an island. Trying to survive and function effectively in such a world involves understanding the limits of individual action and the possibilities of joint action. Used in the way, the term network refers to the characteristics of the general context within actors of all kind function and their behaviour is influenced by factors outside their action space and beyond their control

Another usage of policy network – informed by the methodologies of network analysis – tries to trace the complex of interactions and exchanges between different actors through which policy decisions are made. It involves, in the first instance, constructing the network of relations analytically, in terms of the pattern of contacts through something, of interest to the analyst is produced. The network is an analytical construct, whereby the members of the network may be more or less conscious of belonging to the network or contributing to the production of some output or outcome.

A third usage of network is of particular interest to policy implementation – both in describing what happens and explaining what went wrong – or why something went well. Here the network is viewed in instrumental terms. It is something intentionally constructed in order to bring together and coordinated the activities of separate actors in a manner conducive to achieving a particular goal. Such networks are necessary because the “logic” of a problem-solving strategy – a policy or program – requires contributions from different actors – public and private – for the successful “implementation” of the measure in question. To a certain extent, one could

probably rely on or hope for the spontaneous – voluntary – coordination among the relevant actors. However, both in terms of efficiency and effectiveness of such problem-solving activities, “implementation networks” will have to be explicitly organized, managed and used. It is here that we can learn much from the literature on and experience with network management. This draws our attention to multi-level governance in terms of the “care, feeding and use” of networks, as intentionally constructed and managed systems of cooperative and collaborative action. Understanding the dynamics and skills of network management will shed important light on factors that both facilitate and impede successful collective problem solving, in particular, the activities that we associate with policy implementation.

### **Taking implementation studies into the world beyond transposition**

Implementation will always be – in some non-trivial sense – a multi-actor and multi-level process. Implementation analysts have long known that formal hierarchical relations and associated instruments are not always sufficient; nor can policy objectives be achieved by actions of governmental actors alone. Depending on what the objectives of the policy are and what kinds of instruments are being used to achieve them, implementation will involve actors from different levels and from both public and non-public sectors. Under such conditions, it is obvious that the implementation of any policy – (although the degree to which this is so will vary by policies) requires actions on part of a wide variety of separate actors, over which the “policy maker will have limited direct control (if any). A basic problem of implementation (even in situation characterized by more hierarchically defined relations between principal and agent) is ensuring that what the various actors involved in implementing the policy decision (and perhaps especially those who are the final target of the policy, those whose behaviour is to be affected in some way

to achieve the policy objectives) will act in a manner that is to some acceptable degree in conformance with the intentions to the original decision. In this sense, implementation involves conscious “putting together” or bringing together the inputs contributions of a variety of actors – or creating the conditions that will ensure that relevant actors will “interact and relate to one another in a manner appropriate to the realization of the intentions of the policy maker (or, from another perspective, necessary in order to deal effectively with a given collective problem.)

If we are to get a handle on this process – both conceptually and empirically – we will have to move on beyond transposition to the world in which EU policies – irrespective of their legal form – are applied in the “real” world of collective action. While it is true, that – at least in the case of directives – that effective policy implementations is unlikely to occur unless and until the EU decisions have been adequately incorporated into national law, the real test of the impact of EU policy will be determined during the phase of practical application. This should be the focus of our attention in a new round of implementation studies. Some of the specific points to place on the research agenda have been presented by Ulf Sverdrup. Let us make a serious start toward gather cumulative insights and understandings on these questions by re-reading his paper and entering into discussion of the suggestions he makes. It is a chance to break out of the increasingly sterile debates regarding the presumed implementation deficit being suffered by EU exists or not (collecting, challenging and reanalyzing data on transposition performance and infringement proceedings. An answer to that question – together with both explanations for the degree of success or failure of the efforts to implement EU policies can only be given if we learn to analyze and ultimately to manage better the processes of multi-level governance by moving beyond what happens at the level of national government and looking at the networks of actors – the patterns of governance – through which policy implementation occurs.

## Notes

<sup>1</sup> In the same sense, there is a bottom-up flow of action with regard to policy formulation in multi-level systems: action and input are directed toward some point of decision making, the results of which will reflect to some degree the contributions of actors from different territorial levels – or from the same territorial level of aggregation.

<sup>2</sup> It is clear that the formal signing of an international agreement, i.e. the taking of a policy decision, represents but the momentary end point of a continuing process of deliberation and negotiations. In this sense Agenda 21 is the result of prior preparation and bargaining, with input from various national delegations, as well as from NGOs and sub-national governments. There is evidence to support the conclusion that those EU countries that have been most active with respect to local agenda 21 activities also played a more active role in the run-up to the Earth Summit and the preparation of Chapter 28 (Lafferty, 2001: ).

<sup>3</sup> The provinces of Tarragona and Girona have both smaller, more rural populations and are governed by conservative-nationalist governments, as was also the case of the city of Tarragona. The city of Girona, which was also very active with regard to LA21 and sustainable development, was governed by a socialist-green coalition. The fourth province in Catalonia, Lleida, has been relatively inactive with regard to LA21.

<sup>4</sup> Not surprisingly, given the generally low level of activity on this issue at the regional level in Spain, there is no evidence of cooperation between the different Autonomous Communities on sustainable development.

## References

- Bache, I. and M. Flinders, (eds.) (2004), *Multi-level Governance*. Oxford: Oxford University Press
- Baker, S. (2006), *Sustainable Development*. London: Routledge.
- Evans, B., M. Joas, S. Sundback and K. Theobald (2005), *Governing Sustainable Cities*. London: Earthscan.
- Font, N., F. Gomila and J. Subirats (2001), “Spain. LA21: A question of institutional leadership?” in Lafferty, W., (ed.), *Sustainable Communities In Europe*. Pp. 245-65.
- Hoogh, L. and G. Marks (2001), *Multi-Level Governance and European Integration*. New York: Rowman and Littlefield

- Kohler-Koch, B. (ed.) (2003) *Linking EU and National Governance*. Oxford: Oxford University Press.
- Lafferty, W. (ed.), (2001), *Sustainable Communities in Europe*. London: Earthscan
- Mezo, J. (2005), “*Think Locally and Act Slowly: Spanish Regions Stumble on Sustainable Development.*” Paper presented at the ECPR Joint Workshops, Granada, 14 April.
- Morata, F. (2004), “Regiones y Gobernanza en la Unión Europea” in F. Morata, (ed.) *Gobernanza multinivel en la Unión Europea*. Valencia: Tirant lo Blanch. Pp. 19-50
- Peters, B. G. and J. Pierre (2004), “Multi-level Governance and Democracy: A Faustian Bargain?” in Bache and Flinders, (eds.), *Multi-level Governance*. Pp. 75-89.
- Sverdrup, U. (2005), “*Implementation and Europeanization*”. Paper presented at CONNEX meeting in Oslo 27-28 May.



# Chapter 16

## Bilateral diplomacy in an integrated Europe: the co-existence of institutional orders?

Øivind Bratberg  
*University of Oslo, Norway*

### **Abstract**

Bilateral diplomacy is typically portrayed as under threat by European integration, which has forged direct links between sectoral ministries, introduced an all-embracing policy arena in Brussels and, arguably, rendered traditional embassy representation irrelevant. This paper questions whether this thesis indeed holds sway, inspired by insights from historical institutionalism. Drawing on data from diplomatic service lists we present a time-series analysis of embassy staff allocation. The results from five foreign services point towards maintained representation in EU 15 and a strong increase in EU 16-27, in line with an expectation of institutional robustness. As regards variation between the foreign services, convergence in representation patterns is a dominant trend. Furthermore, it is suggested, where the foreign ministry has a strong position, changes in the allocation of embassy staff will be less radical. Among the cases, France points itself out by its high and increasing priority of embassies in EU 15.

## Introduction

How does the traditional institution of bilateral diplomacy fare in an integrated Europe? This empirical puzzle has not as yet been subject to any systematic scrutiny. While some key comparative studies of foreign ministries have been made (Hocking 1999, Hocking and Spence 2005), little research has been done more specifically on the status of the bilateral diplomacy enacted through embassies (Rana 2002:16). In light of profound changes at the international level, it seems appropriate to re-evaluate the status and function of bilateral diplomats today. Nowhere should the urge to do so be stronger than in Europe, where integration has posed a range of new challenges to diplomacy, which could jeopardise embassy representation between the European Union (EU) member states.

This paper looks at trends in bilateral diplomacy by analysing changes in the resources allocated by foreign services to embassies in Europe. More specifically, it presents a time-series analysis of the number of diplomatic embassy staff in various capitals in Europe, drawing on data from the foreign services of four EU member states – Britain, France, Denmark and Sweden – and one European Economic Area (EEA) member state – Norway. Together, these cases represent variation along some key variables assumed to influence the status of bilateral diplomacy, such as *degree of EU scepticism* and *strength of the foreign ministry*, as well as *size and timing of EU accession*. While restricted in empirical scope, it is the purpose with this paper to open a research avenue on the broader process of change within bilateral diplomacy.

If such change is profound it could be seen to hold important implications. What I will argue here is that *the degree to which bilateral diplomacy is transformed could be seen as a key indicator of tightening European integration*. Thus, if deep integration takes place, there should be less need for bilateral diplomacy as the decision-making arena is multilateralised and drawn to the centre. If, on the other hand, integration is limited, the need for bilateral

arrangements should be maintained. It follows from this that the significance of bilateral diplomacy should decrease over time as European integration is strengthened. In an integrated polity there is no justification for bilateral representation, as political authority is centralised and diplomacy restricted to federal representation abroad. We could thus witness a phasing out of bilateralism by way of integration, a process depending on the institutional framework in place and on the resistance of the component parts.<sup>1</sup>

In the following, we give a brief thematic backdrop as well as a theoretical framework for accounting for change in bilateral diplomacy. The empirical analysis which follows thereafter presents a time-series analysis of diplomatic staff numbers in bilateral embassies in Europe over the last twenty-five years.

### **Diplomacy's predicament in Europe**

Inter-state diplomacy is characterised by unified structures and rules of conduct that are stable across space and time and thus facilitate interaction (Bátora 2005). Diplomacy, from this perspective, refers to the methods and personnel maintaining the Westphalian system, in Nicolson's classic definition (1969:41) "the management of the relations between independent States by way of negotiation". To adherents of this classical conception there should be ample reason for concern in an environment where borders between nation-states are blurred and where decision-making takes place in a multi-level system in which sectoral ministries are deeply involved. This is indeed the case in the EU.

In the process of European integration there are two clear dimensions that could be seen to threaten classical bilateral diplomacy.<sup>2</sup> First, the multilateralisation or *Brusselisation* of diplomacy definitely threatens the *bilateral* method to the benefit of a hybrid multilateral structure in which the foreign ministry controls only parts of the agenda and personnel. Member

states vary with regards to composition of and recruitment to EU delegations. The typical model appears to be a slight majority of non-diplomats (Hayes-Renshaw and Wallace 1997:220, Kassim et al. 2001:303-05). Delegations, with some notable exceptions such as France, remain part of the foreign ministry portfolio, chaired by an ambassador and with their formal line of communication passing through the foreign ministry at home (Kassim et al. 2001:304). Furthermore, the second-pillar character of the EU's Common Foreign and Security Policy (CFSP) has typically tied this policy area to foreign ministries as their *domaine séparé* (Keukeleire 2003). However, the decision-making arena in Brussels is inherently multilateral, and while diplomats may dominate the CFSP, sectoral and technical expertise prevails in the broad committee structure under the European Commission as well as the Council (Egeberg et al. 2006).

Second, as a threat to both multi- and bilateral diplomacy, a process of *domestication* characterises cross-national contact patterns. The foreign ministry, while never an omnipotent gatekeeper in this respect, has seen its controlling and coordinating function further weakened (Hocking 2005). Sectoral ministries increasingly communicate outside of the foreign ministry's purview, a pattern that is promoted by Commission policy as well as by the sectoral organisation of the Council (Egeberg 2006c). Sector-based international cooperation is hardly a novelty, drawing on more than a century of technical coordination such as in telecommunication and transport. It is primarily when these organisational efforts are drawn together in a multi-purpose executive such as the Commission that the Westphalian system is challenged. This is becoming an established pattern of interaction within the EU, particularly in the shape of Commission-generated networks of national agencies operating at arm's length from their ministries. As a consequence of such networks of governance not only the role of the foreign ministry but the idea of national coordination as such may be reduced, with the Commission arriving as a second locus of authority (Egeberg 2006b).<sup>3</sup>

## Theoretical framework

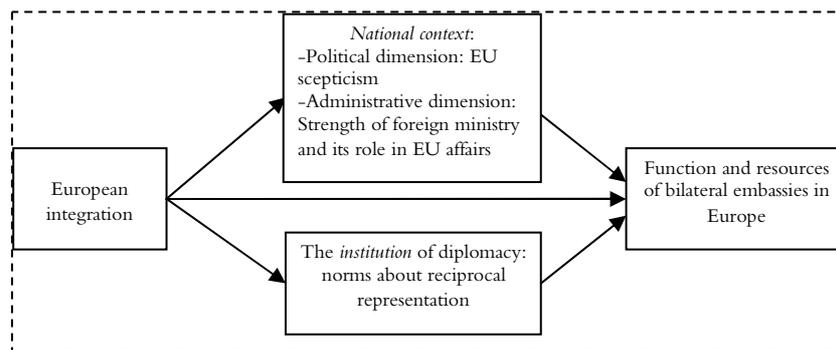
As part of a larger project on bilateral diplomacy, this paper draws on institutional theory with particular emphasis on historical institutionalism. In latter years a research avenue has opened which conceives of diplomacy from an institutional vantage point (Bátora 2005, Jönsson and Hall 2005). Due to its unity in structure (foreign ministries, embassies) and collective identity, diplomacy is here seen to convey core characteristics of a cross-national institution. Concerning reform and change, this leads to the empirical prediction that functionally driven change will be difficult to achieve (March and Olsen 1989). First, national foreign services are embedded in the (international) organisational field of diplomacy, where isomorphism and mutual adaptation prevail, based on a norm of reciprocal representation and shared conventions (DiMaggio and Powell 1983). Second, as they reflect national sovereignty and prestige foreign services could be less amenable to rationalisation and reform than sectoral ministries.<sup>4</sup>

Based on the above, an assumption of institutional resilience is particularly interesting to test on the foreign services of EU member states. Viewed through the theoretical lenses of institutionalism, the process of European integration represents a tension between innovative political design and inherited institutional structures (Olsen 2007). The latter weigh heavily on the scope for political (re)design by defining the margin of manoeuvre, whether these constraints are derived from normative structures or from embedded material interests (Hall and Taylor 1996). Institutional resilience or “stickiness” typically prevails: where change does occur, it will tend to leave core characteristics of the institution intact. New structures could be *layered* upon rather than replacing the old, thus evading the thorny process of re-justification. Alternatively, existing structures can be *converted* to facilitate a new content while the institutional shell is kept intact (Pierson 2004). If European integration goes further, it could push the institution of diplomacy

to more radical change. From such a critical juncture we would have a change *of* rather than *in* diplomacy (Bátora 2005:50).

Resilience of national institutions in the face of Europeanisation could today be perceived as a robust research finding (Ladrech 1994, Harmsen 1999, Cowles et al. 2001, Knill 2001, Bache and Jordan 2006). With reference to the Europeanisation literature, the effects of European integration on diplomacy entail not only the common institutional response but also sustained national trajectories. At the national level, contextualisation has both a *political* and an *administrative* dimension. The political dimension refers here to the degree of Euro-scepticism: the administrative dimension refers primarily to the position of the foreign ministry within the government and the degree to which it holds a leading role in EU policymaking. The causal model reads as follows:

**Figure 1**



## Hypotheses

The general theoretical expectation from this material is one of institutional resilience, which could be operationalised in this context as the maintenance of diplomatic staff. It is however on variation along national lines that the more specific hypotheses may be defined:

With regards to the *political dimension*, one could expect member states with a tradition of EU scepticism to maintain a stronger emphasis on bilateral diplomacy through embassies. Meanwhile, in member states where integration is perceived with less opposition, one could hypothesise a clearer shift of priorities from bilateralism to multilateral representation in Brussels.

Hypothesis 1: More EU-sceptical member states will maintain their bilateral representation to a higher degree than less EU-sceptical member states.<sup>5</sup>

With regards to *strength of foreign ministry*, one would expect that in member states where the ministry has a strong position and a clear coordinating role in EU affairs bilateral representation will be largely maintained as a reflection of the ministry's position. Conversely, where the foreign ministry has a historically weaker position and is partly by-passed in EU affairs, the tendency to neglect it will translate into a reduction of bilateral embassy staff. From a theoretical perspective, the institutional resilience of the foreign ministry will be less evident.

Hypothesis 2: Member states with a strong foreign ministry holding a leading role in EU affairs will maintain bilateral representation to a higher degree than member states with a weak foreign ministry.

Two hypotheses may be added which do not follow directly from our causal model. First, we expect the *size* of a member state to be of importance, as smaller units may be easily adaptable to changing demands.

Hypothesis 3: Smaller member states will be more exposed to change, for example by reducing staff numbers faster where decrease is a general trend.

Finally, familiarity with European integration may play a role, as early member states with a long acquaintance with the EU may be expected to have shifted their attention towards Brussels over a longer time frame. This is also in line with the thesis of incremental change and institutional robustness, as the consequences of exogenous change will take time to sink in. Recent member states, then, will lag behind in adapting to a more densely integrated EU.

Hypothesis 4: old member states will already have reduced their number of embassy staff (and re-established stability) to a larger extent than more recent member states, due to the former's longer time of adaptation.

The cases selected for study represent diversity within a comparative design. With regards to *size* and *timing of EU accession*, the constellation of cases ranges from big (France, Britain) to small (the Scandinavian nations) and from a founding father (France), via late-comers (Britain, Denmark), to one recent member (Sweden) and finally one non-member that nevertheless takes part in the integration project through the EEA and Schengen (Norway). Variation is also present with regards to the relative weight and function of the foreign ministry in government. This has implications for how European integration is dealt with by the individual member state, and for how pressures for coordination and harmonisation are met (Hocking and Spence 2005, Kassim et al. 2000). Our brief empirical overview of the foreign ministries given below is organised around the variables of traditional role, relative strength in national administration, and role in the coordination of EU policies.

*Political dimension:*

In terms of EU scepticism, **Norway** represents the singular case here in having twice (1972, 1994) refuted membership by referendum. The destructive potential of EU debates on party politics has meant that the question of membership has been kept off the political agenda for long periods. When it has resurfaced, in the main prior to the two referenda, the traditional cleavage structure has been particularly prevalent, in particular the conflict between centre and periphery (Nelsen 1993). While a “no” has been the Norwegian response to the EU question, political opinion does not diverge profoundly from Sweden, where membership was marginally accepted in 1994 (Jenssen et al. 1998). Furthermore, due to its EEA affiliation, Norway is closer to the EU decision-making processes than non-membership would seem to imply (Egeberg 2005).

Among the other cases, **Sweden**, although acceding to the EU in 1995 may be grouped with **Denmark** and **Britain** as part of a common sceptic, northern fringe of EU member states (Miles 1996, Geddes 2004). A preference for inter-governmental arrangements and scepticism towards enhanced powers to Brussels are concomitant to this approach, along with an explicit emphasis on the nation-state as reference point. **France** represents the longest trajectory and most intimate affiliation with the EU. The European project was essential to French foreign policy throughout the post-war period and is intrinsically linked to the promotion of French interests abroad (Balme and Woll 2005, Charillon 2001). Significantly, closer integration has also met with strong opposition, as shown by the negative result of the 2005 referendum on the EU's Constitutional Treaty. Nevertheless, in comparison with the EU's northern member states investigated here, we will nevertheless place France on the less EU-sceptical side of the political dimension. A more integrationist approach should according to our causal model correlate with a stronger preference for

multilateral diplomacy in Brussels and a relative lower emphasis on maintaining bilateral representation within Europe.

*Strength of foreign ministry and its role in EU affairs:*

**Sweden, Denmark and Norway** share a tradition of a strong foreign ministry in a consensus-oriented public administration, although some variations in status occur (Jørgensen 2005, Neumann 1999, Ekengren and Sundelius 2005). Of the three, the Danish foreign ministry could be seen to hold the strongest relative position, something that is reflected in EU affairs (Jørgensen 2005). Sweden represents an egalitarian governmental structure where the foreign ministry has held fewer special prerogatives, while in Norway the foreign ministry's influence has been weakened by administrative deficiencies and a cultural resentment towards diplomacy from a young and egalitarian nation-state (Moses and Knutsen 2001, Utenriksdepartementet 2006). All the Scandinavian foreign ministries have acted as focal point of foreign policy coordination and they still draw upon an extensive network of embassies abroad. Behind this common profile, Norway and Sweden in particular have represented the stronger preference for distant geographical areas, foreign aid and conflict resolution, based on a somewhat idealised self-perception (Johansson 1999, Neumann and Leira 2005). The Danish foreign ministry seems characterised by a stronger position at home and lower profile abroad.

Following EU accession, the Danish foreign ministry quickly had to accept that sectoral ministries were drawn into the policy-making orbit and a new role hammered out for the foreign ministry itself (Jørgensen 2005:80-82). Nevertheless, in this process the Danish foreign ministry has managed to maintain a considerable authority (Jørgensen 2005). For the Swedish foreign ministry, a prolonged re-evaluation of competencies occurred after EU accession in 1995 (Ruin 2000). The essence of structural reforms conducted

since accession is a shift of coordination tasks from the foreign ministry to the prime minister's office and the ministry of finance (Ruin 2000). In Norway, the reluctance to participate in Europe has been a barrier to modernisation of the foreign ministry (Moses and Knutsen 2001). The issue of coordination remains underspecified due to the de-politicised process of implementing EU law. Non-membership has the further consequence of keeping the foreign ministry out of Council proceedings while sectoral ministries may participate in expert groups under the Commission. Along with the Swedish ministry, the Norwegian foreign ministry could in sum be seen as holding a weaker position than its Danish counterpart.

**Britain and France** share key characteristics as former colonial powers with political and economic leverage to play leading roles in Europe. Notwithstanding their differing relations to the EU – and the systemic difference between a parliamentary and presidential system – the foreign ministries seem to have met with many of the same challenges. In Britain as in France, the foreign ministry is part of a continuous power struggle over defining and guiding foreign policy goals. In the context of European integration, the British arrangement seems to have worked beneficially for the FCO, which, in a triad with the Cabinet Office and the Permanent Representation in Brussels, has maintained considerable leverage and prevalence over sectoral ministries and managed to modernise its structures and *modi operandi* accordingly (Allen and Oliver 2006, Bulmer and Burch 1998). The FCO has managed to retain a significant role in this system due to its command of geographical competence and relative flexibility in its relation to other ministries, as first among equals. In the British government, the FCO thus holds a vital coordinating role despite visible traits of sectorisation in Britain's European policies (Smith 1999:232).

Where conflicts of interests occur in British EU policy, issues may be resolved with the Cabinet Office's European Secretariat as arbiter. As the coordinating body of Britain's EU policy, the European Secretariat holds

considerable leverage, yet arguably less so than its French counterpart. French communication with its permanent representation in Brussels is formally channelled through the SGAE<sup>6</sup>, placed under the auspices of the Prime Minister's Office. Where the foreign ministry has maintained exclusive competencies is mainly on issues relating to the CFSP (Morisse-Schilbach 2005:119-21). In the institutional machinery of French foreign policy, the foreign ministry is additionally faced with the presidential prerogative. The ministry's influence may vary with political constellations and new challenges – enhancing its role, for example, with EU presidencies and, being weakened by the power struggle between Prime Minister and President in the case of cohabitation (Védrine 2002). On the whole, however, as regards position in government we may conclude with a relatively strong foreign ministry in Britain against a somewhat more constrained foreign ministry in France.

### **Empirical analysis**

By looking at staff numbers, this paper provides one indicator of institutional change: the number of diplomatic staff is here perceived as gauging the resource allocation towards and between bilateral embassies. The core of the analysis is based upon data on the number of diplomatic staff in various embassies in Europe in the years between 1982 and 2006. Other indicators of change could be the allocation of tasks in various bilateral embassies, the qualifications of diplomatic staff, and their identity and role conception. The focus in this paper, however, is on changes in the number and allocation of diplomatic staff. Five cases are analysed and compared, namely Britain, France, Sweden, Denmark, and Norway.

### **Method**

Data are taken from national diplomatic service lists, usually published every year, where diplomatic staff in each embassy abroad is listed.<sup>7</sup> While there are

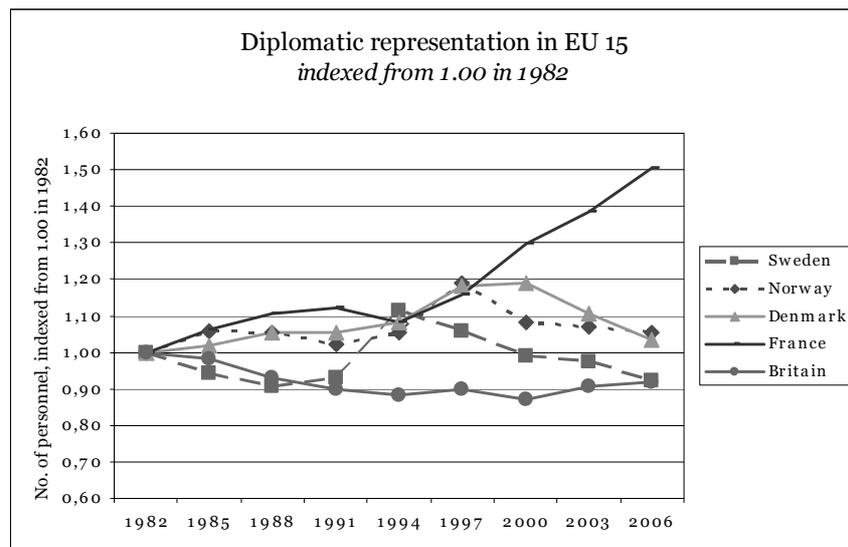
clear cross-national differences as to how much of the personnel are included in these directories, each national case is conceived as consistent, enabling a valid comparison over time. For each of the cases, the diplomatic staffs in (present) EU member state embassies were counted in three-year intervals from 1982 to 2006. To broaden the perspective, data were also registered on four selected embassies in Asia and on the UN delegations in New York and Geneva. Consular as well as locally engaged staff was to the extent possible omitted from the data. Although some cross-national difference may occur here (due to differences in the staff lists), data within each case are registered consistently with regards to which categories are included. What has *not* been registered in the data are fluctuations in the allocation of tasks or staff *categories* within the embassies. There are several reasons for this, the most important one being that diplomatic staff categories are broad and do not lend themselves easily to systematic comparison.<sup>8</sup>

## Results

### *General patterns*

Due to our focus of change rather than absolute numbers, we choose to index the number of staff in each national case to 1.00 in 1982. This has the benefit of enhanced comparability between big and small: the obvious drawback lies in the risk of overrating change in the smaller foreign services. We choose nevertheless to maintain the relative rather than absolute numbers except where they give clearly biased results. From this starting point, we may observe the development in diplomatic staff numbers in bilateral embassies across Europe. In the data collected here, staff numbers are counted in 3-year cycles from 1982 to 2006.<sup>9</sup> As a further organising device, we choose to aggregate embassies in EU 15 and embassies in EU 16-27. The results in the 15 core members of the EU are shown in figure 2.

Figure 2



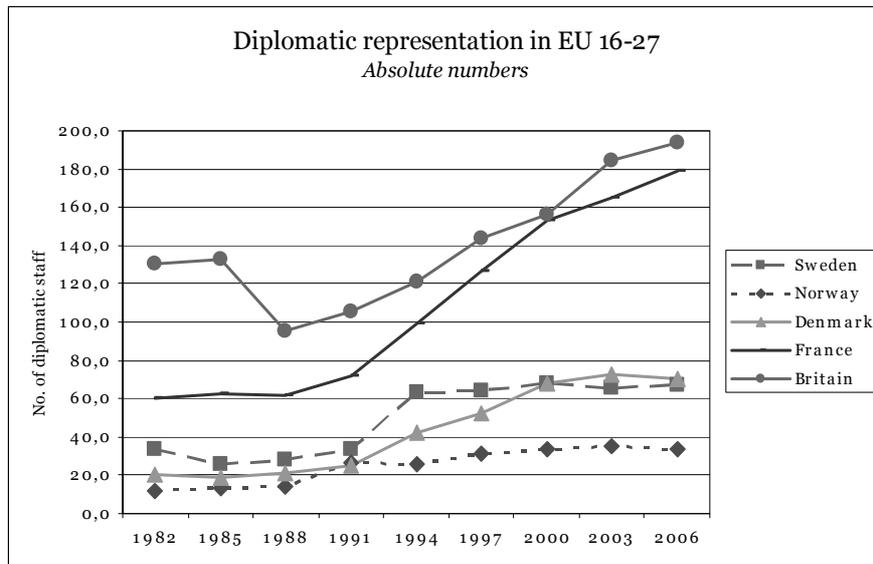
The graphs show a number of interesting trends. At a general level, all the cases – with the notable exception of France – display a relatively strong stability as regards staff numbers in embassies in EU’s old member states.<sup>10</sup> This stability is striking considering the changes in bi- and multilateral relations occurring during the period, which traverses the end of the Cold War and various EU treaty revisions (Single European Act, Maastricht, Amsterdam, Nice) that have taken integration into new issue areas and, as we will see, considerably enhanced the diplomatic presence in Brussels.

On the basis of this overall stability, the increase in French staff numbers is particularly notable. The aggregate numbers for French embassy staff in EU 15 show an increase of 50% from 1982 to 2006, from 241 to 362 positions.<sup>11</sup> A similar calculation for Britain points to a *decrease* of 8% during the same period, from 322 to 296 diplomatic staff. While the British trend is steady throughout the period, French representation climbs steeply from 1994 onwards, which corresponds with an assumption that developments from Maastricht (such as the emerging CFSP) may have been pivotal.<sup>12</sup> Among the

Scandinavian nations, Denmark equally shows an increase in its representation in EU 15 from 1994 to 2000, but, significantly, this trend is countered and turns towards a slight reduction thereafter. The trend towards a cautious reduction of embassy staff is observed also on Sweden and Norway's behalf. In both these cases, the summit of the graph appears in fact during the 1990s – in 1994 and 1997 respectively – which may be linked to the particular focus accorded to the EU in this period, where the question of membership was high on the agenda.

If we turn towards representation in the more recent member states of the 2004-07 enlargements, a new pattern is revealed. Due to systematically skewed starting points, we choose to present the absolute rather than relative numbers here (figure 3). French representation, from a relatively low starting point in 1982, has been considerably increased since 1991, bringing the number of diplomatic staff alongside Britain.<sup>13</sup> Danish embassies in the emerging EU 16-27 more than tripled in the period from 1988 to 2006. The British case represents a slow and cautious increase throughout the period. Among the significant observations is also that the representation of Norway and Sweden, both subject to abrupt change during the period, went through a similar quantitative leaps but at different points of time, in 1988-91 and 1991-94 respectively. One may hypothesise that this represents a contrast in (the swiftness of) reaction to the post-Cold War liberalisation of Eastern Europe.

Figure 3

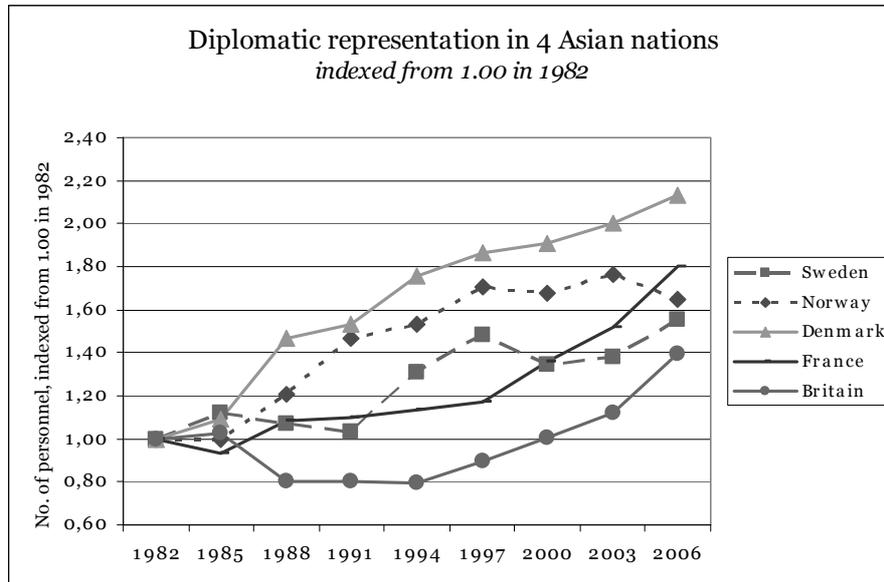


Some caveats must be added to this presentation of developments in central and East European embassies. First, staff numbers are inflated by the establishment of the Baltic states (on which no staff is counted before 1994).<sup>14</sup> Secondly, as observed in the graph, the sharp increase of French representation in Central and Eastern Europe testifies not only to a heightened presence during the 1990s but also a lower starting point than Britain. Equally, Norway and Denmark had considerably less diplomatic staff than Sweden in this region during the 1980s. Between Britain and France, then, and between the Scandinavian nations, what we may observe in this area is also a process of *convergence*.

Do developments elsewhere in the world confirm the trends in Europe? For a suitable comparison, we look to another growth area of diplomacy, namely the distant East, represented by embassies in India, China, Japan and South Korea (figure 4). The three Scandinavian nations have all

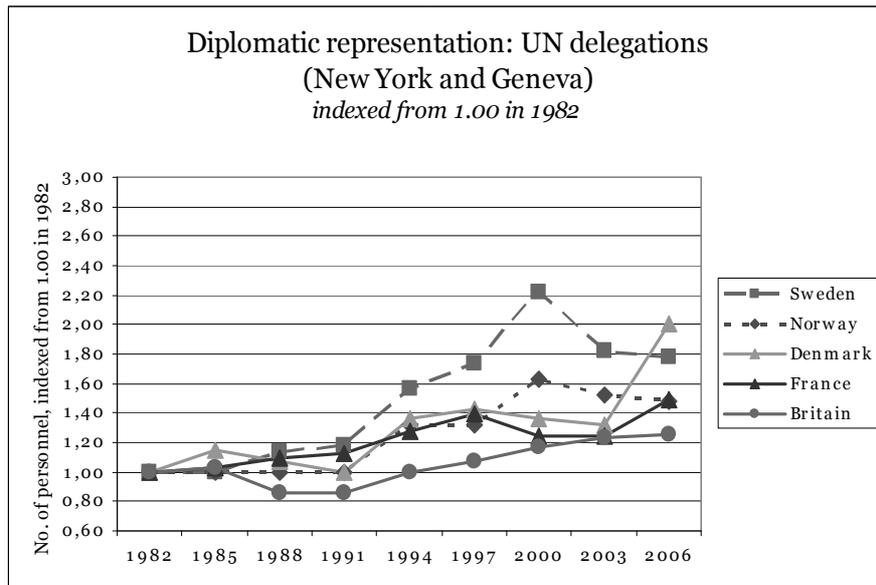
strengthened their presence in South-East Asia consistently. France has equally increased its representation, more so in relative terms than Britain, which could benefit from a higher number of staff from the start of the period.<sup>15</sup>

**Figure 4**



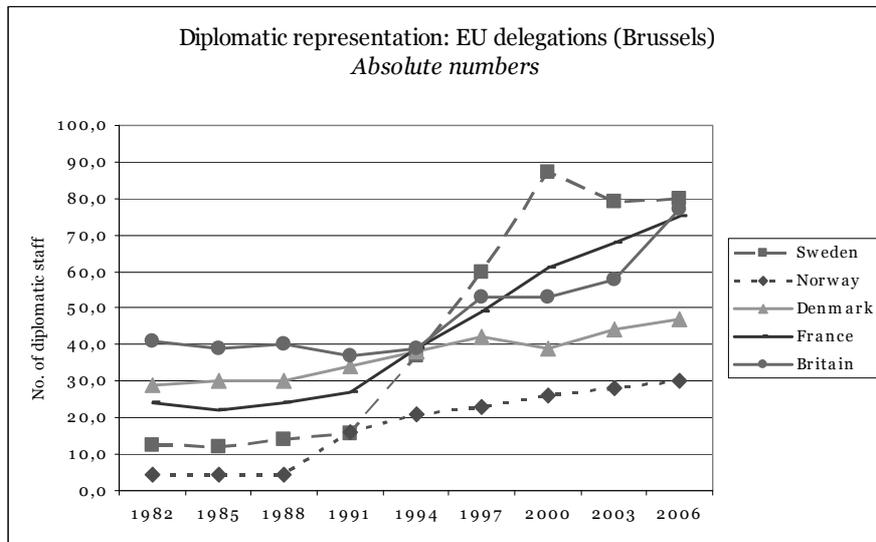
Finally, for comparison, we also look upon the multilateral side of diplomacy, represented by permanent representations in Brussels and UN-related delegations in New York and Geneva. Let us begin with the latter, where we combine diplomatic staff numbers from delegations in New York and Geneva. The results are shown in figure 5.

Figure 5



In relative terms, this modest increase makes a striking contrast with the growth of permanent representations in Brussels.<sup>16</sup> Increase in staff numbers differs considerably between the member states, however, due to shifting priorities and different models of policy coordination (Kassim et al. 2001). Sweden represents a particular case, being one of the smaller member states, yet with “one of the largest permanent representations in Brussels” (Mazey 2001:265). Other – and primarily older – member states – have not increased the number of staff by anything near the Swedish growth rate. We choose here to present the absolute rather than relative numbers, due to the differences in starting point:

Figure 6



## Conclusion

On the basis of our data on embassy staff, institutional robustness is an apt characterisation of bilateral diplomacy in Europe. It seems clear that embassy representation is largely maintained in the integrated EU. Thus, while we can say little from these data about the actual *tasks* conducted in the embassies, we may draw the conclusion that the number of staff – and hence resources – accorded to these embassies has remained relatively stable in EU 15 and increased in EU 15-27, which points towards an enhanced rather than reduced scope for bilateral diplomacy.

While robustness appears to prevail, convergence is an equally valid observation. This becomes apparent in a comparative time-series design. What we see here is a development where France has closed its negative gap in staff numbers vis-à-vis Britain while the three Scandinavian countries have reduced similar cross-national differences. In the case of the permanent

representation in Brussels, Sweden and Norway have taken the convergence thesis further, not only reducing the gap from a point of low representation, but, in the Swedish case, going beyond the staff numbers other member states have attained in Brussels.

With regards to variation between the cases, our hypothesis that *more EU-sceptical member states will maintain a higher bilateral representation* is not supported by the data. Given that France and Britain were presented as contrasting cases along this variable, the data point to rather the opposite observation: while Britain has reduced its representation, the more integrationist France does not demobilise but rather *strengthen* its bilateral diplomacy in EU 15. One possible interpretation is that working bilaterally may be a way of enhancing leadership and initiative at the decision-making arena of the EU (Smith and Tsatsas 2002). When it comes to strength of foreign ministry, we hypothesised that *member states where the foreign ministry has a leading role (including in EU affairs) will maintain a higher bilateral representation*. Denmark and Britain were presented as cases with comparatively strong foreign ministries. The data do not point to a stronger maintenance of representation. What characterises in particular the Danish and the British trajectory, however, is a relatively high degree of stability, from which we may draw a competing interpretation: where the foreign ministry is comparatively strong, changes and adjustments will be *more incremental* and *more easily accommodated* within existing structures than in relatively weaker foreign ministries, which will be more susceptible to deep reform. Sweden, and to some extent Norway and France, may exemplify the latter category.

Finally, we also expected that *old member states will have reduced their number of embassy staff (and re-established stability) to a larger extent than more recent member states*. Among the Scandinavian cases, the Danish foreign ministry could be interpreted in this light when compared with its two Scandinavian neighbours. The observation of rapid reform in Norway and Sweden during

the 1990s furthermore lends some credence to our final hypothesis, *that smaller member states will be more exposed to change*. However, the French volatility in staff numbers goes against a crude differentiation on the basis of size.

On a general level, innovations in diplomacy appear to be *layered upon* the traditional structures of bilateral diplomacy in Europe. However, while embassies may retain traditional tasks it could also be that these bilateral structures have been converted by new and functionally driven needs. Staff developments give only an initial cue to developments in European bilateral diplomacy. Further research should be directed in particular towards the *strategic planning* on the part of foreign ministries on the one hand and the *tasks and functions in bilateral embassies* on the other. Much remains to be said about the role of bilateral diplomacy in an age of closer international integration. That analysis on Europe should be on the frontier of this research seems obvious: whether European integration does indeed represent a critical juncture to diplomacy remains to be seen.

## Notes

---

<sup>1</sup> The contrasting experiences of American and German unification may illustrate the significance of constitutional structures. The transition from con-federalism to federalism embedded in the American Constitution (1787) was relatively clear-cut compared with German unification under Prussia in the 1870s. Under Prussian auspices inter-state relations and the unified federal structure co-existed for some time under a weakly constitutionalised polity (Lerman 1997).

<sup>2</sup> This discussion is inspired by Bátorá's (2005:52–60) discussion of where to trace empirical evidence of a transformation of traditional diplomacy in Europe.

<sup>3</sup> In addition to these EU-specific trends, there are also general global processes in play to which foreign ministries must adapt. The new demands and challenges resulting from globalisation and the communications revolution are frequently referred to, but less often discussed systematically (Melissen 1999, Bátorá 2006). Nevertheless, while part and parcel of

---

the pressures towards traditional diplomacy, globalisation and communication are not analysed specifically in this paper.

<sup>4</sup> Though difficult to substantiate, this argument is reflected in the literature on new public management (NPM), where a focus on foreign ministries is rarely seen. One may hypothesise that NPM-inspired reform of public administration will be the more difficult when performance criteria are unavailable and the symbolic significance of structures is strong. For general reference see Christensen and Læg Reid (2001).

<sup>5</sup> Norway represents a particular case in this respect, as non-member yet with participation in the inner market and the Schengen agreement. Analytically, one would expect Norway to cling even harder to bilateralism as a substitute for participation in the EU's (multilateral) institutions in Brussels. This emphasis on bilateralism as channel of influence was strongly reflected in foreign minister Jonas Gahr Støre's six-monthly report to the Norwegian parliament concerning EU and EEA issues, presented on 4 June 2007. See [http://www.regjeringen.no/nb/dep/ud/dep/Utenriksminister\\_Jonas\\_Gahr\\_Store/taler\\_artikler/2007/eusaker.html?id=469773](http://www.regjeringen.no/nb/dep/ud/dep/Utenriksminister_Jonas_Gahr_Store/taler_artikler/2007/eusaker.html?id=469773)

<sup>6</sup> The SGAE (Secrétariat Général aux Affaires Européenne), previously known under the acronym SGCI (Secrétariat Général du Comité Interministériel (pour les questions de coopération économique européenne)), is the coordinating body of French EU policy. Originally created in 1948 to assist the implementation of the Marshall Plan, the SGCI was during the 1950s converted to coordinate French relations to, firstly, the European Coal and Steel Community (ECSC) and, secondly, to the European Communities (EC). In October 2005 the name was changed to SGEA to respond to the actual remit of the secretariat. Under the authority of the Prime Minister's Office at Matignon the SGEA constitutes the exclusive communication channel with the Permanent Representation in Brussels. Excepted from the arrangement are CFSP-related issues, for which the ministry of foreign affairs is formally responsible (Lanceron 2007).

<sup>7</sup> The relevant publications for each of the cases are: (i) Britain: the Diplomatic Service List, (ii) France: *L'Annuaire Diplomatique*, (iii) Sweden: *Utrikesdepartementets Kalender*, (iv) Denmark: *Udenrigsministeriets Kalender*, (v) Norway: *Norges Diplomatiske og Konsulære Representasjon i Utlandet*. See bibliography for complete references.

<sup>8</sup> A useful example is the distinction between various counsellors and first, second and third secretaries, categories that have rather different meanings across diplomatic services.

<sup>9</sup> Some exceptions to the 3-year cycle had to be made, due to lack of access to certain years of the diplomatic yearbooks. Adjacent years have in these cases been applied as a substitute. This includes the following data entries (correct year in parentheses): Sweden: 2002 (2003) and

---

2004 (2006), France: 2002 (2003), Norway: 1984 (1982), 1987 (1988), 1992 (1991), 1998 (1997) and 2004 (2006).

<sup>10</sup> Notably, if we limit our purview to embassies in the original core Europe, EU 6, results are slightly more heterogeneous while the main trends still reappear. It hence appears valid to conceive of EU 15 en bloque.

<sup>11</sup> It should be noted here that the French embassy in Germany is under-represented in 1991, -94 and -97 as diplomats in the remaining French "Berlin office" have not been added to the embassy staff in Bonn. However, even if these positions are included, staff numbers in 2002 and 2006 are higher than the aggregate representation in 1994 and -97: the representation in 1991 is equalled in 2002, and clearly exceeded in 2006.

<sup>12</sup> Although the French increase is consistent across EU 15, there is some variation between embassies. French representation in Portugal, the Netherlands, Sweden, Austria, Germany and Britain show the highest relative increase in the period from 1994-97 to 2006. The material thus indicates a combined focus on new member states (Sweden, Austria) and on the more powerful partners (Britain and Germany). French increase in Italy and Spain is slightly, but not dramatically, lower.

<sup>13</sup> French staff numbers in EU 16-27 rose from 71 in 1991 to 179 in 2006; corresponding numbers for Britain are 105 and 194.

<sup>14</sup> The Czech Republic and Slovakia are counted as one until 1991. From 1994 numbers are split between the Prague and Ljubljana embassies. As regards Yugoslavia, diplomatic staff in the embassy in Belgrade is counted until 1991, thereafter only staff from the embassy in Ljubljana are counted, due to Slovenia's later accession to the EU.

<sup>15</sup> This also means that developments since 1982 have not closed the French-British gap in representation. The aggregate number of embassy staff in these four Asian embassies is for Britain 149,5 (1982) and 209,0 (2006), while for France the similar numbers are 75,5 (1982) and 136,0 (2006).

<sup>16</sup> A caveat should be added with regards to personnel data on representations in Brussels, which may contain some inaccuracies and slightly lower comparability than data from bilateral embassies. This is primarily due to differences in the staff directories for Brussels delegations. The fact that secondees and delegates from sectoral ministries participate in these delegations further complicate the picture.

---

## References

- Allen, D. and Oliver, T. (2006), 'The Foreign and Commonwealth Office', in I. Bache and A. Jordan (eds.) *The Europeanization of British Politics* (Houndmills: Palgrave Macmillan), pp. 52-66.
- Bache, I. and Jordan, A. (eds.) (2006), *The Europeanization of British Politics* (Houndmills: Palgrave Macmillan).
- Balme, R. and Woll, C. (2005), 'France: between integration and national sovereignty', in Bulmer, S. and Lequesne, C. (eds.), *The Member States of the European Union* (Oxford: Oxford University Press), pp. 97-118.
- Bátora, J. (2005), 'Does the European Union transform the institution of diplomacy?', *Journal of European Public Policy* 12(1): 44-66.
- Bátora, J. (2006) *'Diplom@cy.com or diplomacy.gone? Foreign affairs administration in the information age'*, Ph.D. dissertation, Department of Political Science, University of Oslo.
- Bulmer, S. and Burch, M. (1998), 'Organizing for Europe: Whitehall, the British state and European Union', *Public Administration* 76(4): 601-628.
- Charillon, F. (ed.) (2001), *Les Politiques Etrangères: Ruptures et Continuités* (Paris: La documentation Française).
- Christensen, T. and Lægreid, P. (eds.) (2001), *New Public Management. The Transformation of Ideas and Practice* (Aldershot: Ashgate).
- Cowles, M. G., Caporaso, J. and Risse, T. (eds.) (2001), *Transforming Europe. Europeanization and Domestic Change* (Ithaca: Cornell University Press).
- DiMaggio, P. J. and Powell, W.W. (1983), 'The iron cage revisited: institutional isomorphism and collective rationality in organizational fields', *American Sociological Review* 48(2): 147-160.
- Egeberg, M. (2005), 'The EU and the Nordic countries: organizing domestic diversity?', in S. Bulmer and C. Lequesne (eds.), *The Member States of the European Union* (Oxford: Oxford University Press), pp. 185-208.

- 
- Egeberg, M. (2006a) (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Houndmills: Palgrave Macmillan).
- Egeberg, M. (2006b), 'Europe's executive branch in the melting pot: an overview', in M. Egeberg (ed.), *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Houndmills: Palgrave Macmillan), pp. 1-16.
- Egeberg, M. (2006c), 'The institutional architecture of the EU and the transformation of European politics', in M. Egeberg (ed.) *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Houndmills: Palgrave Macmillan), pp. 17-30.
- Egeberg, M., Schaefer, G.F. and Trondal, J. (2006), 'EU committee governance between intergovernmental and Union administration', in M. Egeberg (ed.) *Multilevel Union Administration. The Transformation of Executive Politics in Europe* (Houndmills: Palgrave Macmillan), pp. 66-85.
- Ekengren, M. and Sundelius, B. (2005) 'Sweden', in B. Hocking and D. Spence (eds.), *Foreign Ministries in the European Union. Integrating Diplomats*, Revised edition (Houndmills: Palgrave Macmillan), pp. 238-249.
- Foreign and Commonwealth Office (1982-2006), *The Diplomatic Service List*, London: the Stationery Office. Annual editions.
- Geddes, A. (2004), *The European Union and British Politics* (Houndmills: Palgrave Macmillan).
- Hall, P.A. and Taylor, R.C. (1996), 'Political science and the three new institutionalisms', *Political Studies* 44(5): 936-957.
- Harmsen, R. (1999), 'The Europeanization of national administrations: a comparative study of France and the Netherlands', *Governance* 12(1): 81-113.

- 
- Hayes-Renshaw, F. and Wallace, H. (1997), *The Council of Ministers* (Houndmills: Macmillan).
- Hocking, B. (ed.) (1999), *Foreign Ministries. Change and Adaptation*, (Houndmills: Macmillan).
- Hocking, B. (2005), 'Introduction: gatekeepers and boundary-spanners – thinking about foreign ministries in the European Union', in B. Hocking and D. Spence (eds.), *Foreign Ministries in the European Union. Integrating Diplomats*, Revised edition (Houndmills: Palgrave Macmillan), pp. 1-17.
- Hocking, B. and Spence, D. (eds.) (2005) *Foreign Ministries in the European Union. Integrating Diplomats*, Revised edition (Houndmills: Palgrave Macmillan).
- Jenssen, A.T., Pesonen, P. and Gilljam, M. (eds.) (1998), *To Join or Not to Join: Three Nordic Referenda on Membership in the European Union*, (Oslo: Scandinavian University Press).
- Johansson, K.M. (ed.) (1999), *Sverige i EU*, Stockholm: SNS Förlag.
- Jönsson, C. and Hall, M. (2005) *Essence of Diplomacy* (Houndmills: Palgrave Macmillan).
- Jørgensen, K.E. (2005), 'Denmark', in B. Hocking and D. Spence (eds.), *Foreign Ministries in the European Union. Integrating Diplomats*, Revised edition (Houndmills: Palgrave Macmillan).
- Kassim, H., Guy Peters, B. and Wright, V. (eds.) (2000), *The National Co-Ordination of EU Policy. The Domestic Level* (Oxford: Oxford University Press).
- Kassim, H., Menon, A., Guy Peters, B. and Wright, V. (eds.) (2001), *The National Coordination of EU Policy. The European Level* (Oxford: Oxford University Press).

- 
- Knill, C. (2001), *The Europeanisation of National Administrations. Patterns of Institutional Change and Persistence* (Cambridge: Cambridge University Press).
- Keukeleire, S. (2003), 'The European Union as a diplomatic actor: internal, traditional, and structural diplomacy', *Diplomacy and Statecraft* 14(3): 31-56.
- Ladrech, R. (1994), 'Europeanization of domestic politics and institutions: the case of France', *Journal of Common Market Studies* 32(1): 69-88.
- Lanceron, V. (2007), *Du SGCI au SGAE. Evolution d'une Administration de Coordination au Cœur de la Politique Européenne de la France* (Paris: Logiques Juridiques, L'Harmattan).
- Lerman, K.A. (1997), 'Bismarckian Germany and the structure of the German empire', in M. Fulbrook (ed.), *German History Since 1800* (London: Arnold).
- March, J. G. and Olsen, J.P. (1989), *Rediscovering Institutions. The Organizational Basis of Politics* (New York: The Free Press).
- Mazey, S. (2001), 'The Swedish permanent representation to the EU: melding national and collective interests', in H. Kassim et al. (eds.), *The National Coordination of EU Policy. The European Level* (Oxford: Oxford University Press), pp. 256-277.
- Melissen, J. (ed.) (1999), *Innovation in Diplomatic Practice* (Houndmills: Macmillan).
- Miles, L. (ed.) (1996), *The European Union and the Nordic Countries* (London: Routledge).
- Ministère des Affaires Étrangères (1982-2006), *L'Annuaire Diplomatique, Paris: L'imprimerie nationale*. Annual editions.
- Morisse-Schilbach, M. (2005) 'France', in B. Hocking and D. Spence (eds.), *Foreign Ministries in the European Union. Integrating Diplomats*, Revised edition (Houndmills: Palgrave Macmillan), pp. 111-131.

- 
- Moses, J.W. and T. Knutsen (2001), 'Inside out: globalization and reorganization of foreign affairs ministries', *Cooperation and Conflict* 36(4): 355-380.
- Nelsen, B. (ed.) (1993), *Norway and the European Community: The Political Economy of Integration* (London: Praeger).
- Neumann, I. (1999), 'Norway. The foreign ministry: bracketing interdependence', in Hocking, B. (ed.), *Foreign Ministries. Change and Adaptation* (Houndmills: Macmillan), pp. 152-169.
- Neumann, I. og H. Leira (2005), *Aktiv og Avventende: Utenriksjensestens Liv 1905-2005* (Oslo: Pax).
- Nicolson, H. (1969), [1939] *Diplomacy*. Third edition (Oxford: Oxford University Press).
- Olsen, J.P. (2007), *Europe in Search of Political Order. An Institutional Perspective on Unity/Diversity, Citizens/Their Helpers, Democratic Design/Historical Drift and the Co-Existence of Orders* (Oxford: Oxford University Press).
- Pierson, P. (2004), *Politics in Time. History, Institutions, and Social Analysis* (Oxford: Princeton University Press).
- Rana, K.S. (2002), *Bilateral Diplomacy*, Geneva: DiploHandbooks.
- Ruin, O. (2000), 'The Europeanization of Swedish politics', in L. Miles (ed.) *Sweden and the European Union Evaluated* (London: Continuum), pp. 51-65.
- Smith, M.J. (1999), *The Core Executive in Britain* (Houndmills: Macmillan).
- Smith, J. and Tsatsas, M. (2002), *The New Bilateralism. The UK's Relations Within the EU* (London: The Royal Institute of International Affairs).
- Støre, Jonas Gahr (2007), 'Halvårlig redegjørelse for Stortinget om viktige EU- og EØS-saker', *speech to the Norwegian parliament* (Stortinget) on 4 June 2007. Reproduced at [http://www.regjeringen.no/nb/dep/ud/dep/Utenriksminister\\_Jonas\\_](http://www.regjeringen.no/nb/dep/ud/dep/Utenriksminister_Jonas_)

---

Gahr\_Store/taler\_artikler/2007/eusaker.html?id=469773 , accessed on 22 June 2007.

Udenrigsministeriet [the Danish Foreign Ministry] Udenrigsministeriets Kalender, Copenhagen: Udenrigsministeriet. Annual editions.

Utenriksdepartementet [the Norwegian Foreign Ministry] (1982–2004) Norges Diplomatiske og Konsulære Representasjon i Utlandet (Oslo: Utenriksdepartementet). Annual editions.

Utenriksdepartementet [the Norwegian Foreign Ministry] (2006) 'Utenriksdepartementets historie', based on a text by Erik-Wilhelm Norman and Jon Bech, updated November 2006. Accessed at [http://www.regjeringen.no/nb/dep/ud/dok/rapporter\\_planer/rapporter/2000/Utenriksdepartementets-historie.html?id=105584](http://www.regjeringen.no/nb/dep/ud/dok/rapporter_planer/rapporter/2000/Utenriksdepartementets-historie.html?id=105584) on 29 March 2007.

Utrikesdepartementet [the Swedish Foreign Ministry] (1982–2004) Utrikesdepartementets Kalender (Stockholm: Utrikesdepartementet). Annual editions.

Védrine, Hubert (2002), 'Cohabitation, Europe: comment se fabrique la politique étrangère?', *Politique Étrangère* 67(4): 863–877.

