The State of the European Union, 6
Tanja A. Börzel and Rachel A. Cichowski (eds)

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This is the sixth volume in the biennial series State of the European Union, which was launched in 1991 and is produced under the auspices of the European Union Studies Association (EUSA). It takes the dynamic interaction between law, politics, and society as a starting point to think critically about recent developments and future innovations in European integration and EU studies. The book provides an overview of recent key events in the EU, while illuminating how these institutional (formal legal) developments impact on ordinary individuals and EU politics. For example, it examines the European Convention with the possibility of an EU constitution, and asks what impact the creation of judicially enforceable rights may have on Europeans and European integration, and how the opportunity for new rights claims alters the balance of power between individuals and EU organizations (such as the European Court of Justice vis-à-vis national governments in EU policy expansion). The book also seeks to provide a unique and interdisciplinary approach to studying the EU by bringing together legal scholars and political scientists. Chapter contributors offer readers sophisticated theoretical and empirical accounts of new developments. Issues such as enlargement, immigration reform, and monetary union require a precise understanding of an increasingly complex set of formal legal rules (the domain of legal scholars), and, equally important, of the effects on ordinary citizens and political participation (the power struggles that concern political scientists). The volume seeks to integrate these two approaches and bridge the divide between them. It is arranged in eight parts: I, EU Law and Politics: The State of the Discipline (3 chapters concerned with broad changes, both theoretical and substantive, in the area of EU politics and law); II, Structures of Governance (3 chapters providing in-depth analyses of new structures of governance and modes of decision making in the EU); III, EU Citizen Rights and Civil Society (2 chapters) and IV, EU Law in Action (3 chapters), which engage the many processes and recent developments characterizing the interactions.
between law, politics, and society in the EU; V, Innovation and Expansion (3 chapters analysing the salient policy innovations and expansion since 2000, from monetary to immigration policy); VI, Researching and Teaching the EU (2 chapters discussing cutting-edge techniques, methodology, and resources for research and teaching in the area of EU studies); VII, References; and VIII, List of Contributors.

The Swedish Permanent Representation to the EU: Melding National and Collective Interests
Sonia Mazey

in The National Co-ordination of EU Policy: The European Level
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The chapter is divided into two main parts, with the first part of the discussion providing the contextual backdrop to the detailed study of the Swedish permanent representation that follows. The argument presented in the first part is twofold: first, it is argued that effective co-ordination of EU policy at both the national and EU levels is regarded as extremely important by the Swedish government for at least two related reasons—the high political salience of EU matters in Sweden, and the Social Democratic government’s determination to be an influential actor in the EU policy arena; second, it is argued that, although Swedish administrative adjustment to EU membership has been relatively unproblematic in the short term, the process of adaptation is not yet complete—the initial belief that EU matters could simply be incorporated into the Swedish system of ministerial consultation has proved problematic, and the volume and pace of EU policy-making has placed considerable strains upon the limited resources of the Swedish ministries, and might yet prove to be incompatible with Swedish policy style. In an attempt to address these problems, the government introduced in 1998 new co-ordinating structures designed to streamline central EU policy co-ordination and strengthen political leadership on EU policy. The second part of the chapter examines how the Swedish permanent representation fits into this wider picture; it discusses the organization, personnel, internal functioning and working methods, and role of the Brussels-based administration, and evaluates its effectiveness and capacity to implement ambitions, bearing in mind the co-ordination needs and policy ambitions of the Swedish administration. The picture that emerges from this study is one of a technically specialized, functionally segmented, and non-hierarchical bureaucracy, which, after five years, is nevertheless still evolving as an administration, and whose effectiveness in delivering
national policy ambitions is as much a reflection of its capacity to influence the national administration as of its diplomatic role in Brussels.

EU Immigration Policy: From Intergovernmentalism to Reluctant Harmonization
Terri Givens and Adam Luedtke

in The State of the European Union, 6: Law, Politics, and Society
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Focusses on EU immigration policy. While providing an overview of the current status of EU immigration policy, Givens and Luedtke also examine the various national-level factors from party politics to citizen action that can influence the direction and shape of new EU laws. The analysis reveals that harmonization is more difficult in areas of immigration policy that are highly politicized at the national level. After an introduction, the second section of the chapter proposes a model of how EU immigration policy is harmonized, and how this harmonization can be blocked or restricted. The third section traces the history of EU immigration policy harmonization, focussing on European Court of Justice case law in respect of Third-country nationals, and the fourth concludes.

Conclusion
Hussein Kassim

in The National Co-ordination of EU Policy: The Domestic Level
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This concluding chapter has three main aims: to identify the main findings that emerge from the ten country case studies presented in the book; to present an argument about the factors that shape the strategies and structures of national co-ordination; and to draw attention to a number of wider issues on the basis of what the findings suggest. The first finding is that European integration exerts a powerful need for co-ordination on the part of governments and that European Union (EU) policy-making has become an important locus of domestic co-ordination for governments; however, membership of the Union confronts the member states with very specific challenges, and meeting its complex demands is extremely problematic. Second, national responses to the
demands of EU membership have led to a redefinition of the functions traditionally performed by some actors and a recasting or recalibration of interinstitutional relationships. Third, there are important similarities between the way in which the member states co-ordinate their European policies, although diversity persists and institutional convergence is limited in scope and extent. The main part of the conclusion presents a cross-national view of the co-ordination of EU policy, looking at similarities and differences and explaining them; the last part presents concluding remarks on the effectiveness of national co-ordination systems, co-ordination as a process, the systemic implications (impact) of the findings, and theoretical issues.

The United Kingdom
Hussein Kassim

in The National Co-ordination of EU Policy: The Domestic Level

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Item type: chapter

This chapter on the national co-ordination of European Union (EU) policy in the United Kingdom has four sections. The first considers the UK’s interpretation of the co-ordination need generated by EC/EU membership; the co-ordination ambition is outlined in relation to the UK political system and explanatory factors are discussed. The organization, structure, and procedural operation of the co-ordination system are discussed in the second section of the chapter, which examines in detail the relationship between central actors and the line ministries, the division of labour and responsibility, and the formal and informal channels of communication. The third section assesses the effectiveness of UK co-ordination within the wider context of the relationship between administrative efficiency and policy success. The final part concludes that the UK’s system for co-ordinating EU policy has been shaped more profoundly by pre-existing institutional structures and values that characterize the domestic polity than by the demands generated by membership of the EU, but that the influence of both imperatives is apparent.
The author of this chapter on the national co-ordination of European Union (EU) policy in Germany contends that, in order to arrive at a more balanced picture of the efficiency of German EU policy co-ordination, the various aspects of the term ‘Europa-Politik’ need to be distinguished more carefully than experts on the EU usually do; accordingly, the chapter draws on the polity–policy–politics distinction and other policy classifications customary in the field of policy analysis in the pursuit of four objectives. First an analysis is made of the already well documented structural arrangements in Bonn, the Länder and Brussels for co-ordinating various policy types in the multilevel decision-making system; the German co-ordination machinery is described as basically a two-track system consisting of a diplomatic track built and a sectorized expert track. Second, substantive policy interdependencies reflected and articulated within the departmental division of labour (as well as on the other two layers of the European decision-making system) are explored as to their issue salience and their bearing on the politics dimension of Europa-Politik. Third, the place of politics (and politicians) in the apparently diplomat- and bureaucrat-dominated, expert-driven German subsystem of the European political system is considered more systematically, and it is contended that the German pattern of ex post co-ordination is ultimately superior to a practice of ex ante co-ordination of all policy matters regardless of their salience. Fourth, the French and the British co-ordination systems, which emphasise ex ante central co-ordination, are considered and pronounced as less thorough than their image suggests; their emphasis on ex ante central co-ordination is explained by the more defensive nature of the two governments towards European integration in the past and, in the case of Britain, by features of the Westminster system that allow more hierarchical interministerial relations than does a coalition government, or a federal system.
The EU has emerged as a major source of innovation in environmental governance. This is manifested through the frameworks it is putting in place for environmental governance, and through its position on the world stage for international environmental law. An institutional richness has developed which is sometimes daunting in its complexity but which offers much promise for the future. This book seeks to give a taste of this, and of the challenges which face the EU in its sustainable development phase. The book opens with a broad historical overview of the evolution of EU environmental governance. This discussion characterizes the most recent phase as that of sustainable development, in which the political dynamic is one of destabilization and the preferred instrument of decision-making, the reflexive framework directive. There follows a series of case studies, ranging from the general to the particular, that cover both the internal and external aspects of EU policy. These include recent key issues in EU environmental law and governance, such as the water framework directive, the new chemicals regime (REACH), and European responses to the challenge of climate change. These case studies engage with key issues in environmental law and governance, including environmental justice, the relationship between trade and environment, and participation in environmental decision-making.

Conclusion: Co-ordinating National Action in Brussels—a Comparative Perspective

Hussein Kassim and B. Guy Peters

in The National Co-ordination of EU Policy: The European Level

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This concluding chapter addresses the main issues raised in the Introduction and presents the general findings that emerge from the country studies. It has three main aims. First, it puts forward three arguments on the basis of the national investigations of policy co-ordination at the European level, and comparisons of permanent representations: the first argument is that that all the member states have responded to the co-ordination need that arises from EU policy-making and most aspire to a careful crafting of policy, but that the nature of their response varies according to the prevailing national attitude to European integration, features of the national political and administrative opportunity structures, policy style, and available resources; the second argument is that, although there are some similarities between national arrangements with respect to some aspects
of organization and core functions, there are also several very substantial
differences—neither the ‘convergence hypothesis’ nor the ‘continuing
divergence hypothesis’ outlined in the Introduction is confirmed by the
case studies, but there is evidence that many of the factors identified
by each are at work; the third argument is related to effectiveness—
each set of national arrangements has its own particular strengths
and weaknesses, but one common factor affecting performance is the
efficiency of domestic co-ordination procedures. The second aim of the
Conclusion is to consider the wider implications of the findings both for
the functioning of the European Union as a system and for theorizing
about the EU; with respect to the former, national arrangements
in Brussels do little to overcome the problem of segmentation that
characterizes the EU, but concerning the latter, the case studies suggest
that the intergovernmentalist image is at odds with how national policy
preferences are actually formed and the nature of the role played by the
permanent representations; the alternative image approach outlined
above, and described in the Introduction, offers a better guide on both
counts. The third and final aim of the chapter is to compare national
coordination practices at the domestic level with those found at the
European level; the contention put forward is that the domestic co-
ordination of EU policy is more effective than processes at the European
level.

Denmark
Thomas Pedersen

in The National Co-ordination of EU Policy: The Domestic Level

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This chapter on the national co-ordination of European Union (EU)
policy in Denmark starts by pointing out that the Danish position within
the EU is somewhat contradictory. On the one hand, Denmark has
acquired the image of a ‘Eurosceptic’ having obtained several opt-
outs from the Maastricht Treaty; on the other hand, its day-to-day
performance in the EU is widely regarded as positive, since its rate and
speed of implementation of EU legislative acts is one of the highest.
This performance is partly due to Denmark’s EU co-ordination system,
combined with its internal emphasis upon consensus. The Danish EU co-
ordination system is centralized but also displays some decentralized
features; in addition, compared with the normal domestic procedures
for co-ordination, EU co-ordination in the country is very formalized,
although it is also achieved informally through consensus. The four main
sections of the chapter discuss: the centralization issue; the structure and procedures for EU policy co-ordination; sectorization (a decision-making process in which the decisive influence is located in an alliance between a sectoral ministry and important interest groups in an area); and the role of parliament and the European Committee.

Austria
Wolfgang C. Müller

in The National Co-ordination of EU Policy: The Domestic Level

This chapter on the national co-ordination of European Union (EU) policy in Austria starts by discussing the challenge of co-ordination, and outlining the policy changes and reforms in the lead-up to membership of the EU. The strategy employed has resulted in high ambitions concerning EU co-ordination, and this co-ordination ambition is supported by a policy-making culture that values co-ordination and integration, and is based on the country’s long tradition of wide consultation, grand coalition government, parliamentary consensus seeking, and corporatism. The remainder of the chapter looks at the various actors involved individually, briefly pointing out in which way membership of the EU constitutes a challenge, mapping out the respective actor’s formal role in the co-ordination process, and evaluating the actor’s impact on Austria’s position- taking in the EU. The five sets of actors examined are: the central players (the cabinet and the central administration); Parliament; the President; the Länder; and interest groups (corporatism). The conclusion aims at an overall evaluation of the EU co-ordination process from a political power perspective.

The National Co-ordination of EU Policy
Hussein Kassim, Guy Peters, and Vincent Wright (eds)

This book is the first of two volumes in which leading scholars examine the way in which member states of the European Union (EU) co-ordinate their European policies. Rather than looking at the ‘Europeanization’ problematic within which the issue is usually addressed, it adopts a broader, more inclusive approach, examining domestic processes and
investigating co-ordination in ten member states --Austria, Belgium, Denmark, France, Germany, Greece, Italy, Portugal, Spain and the United Kingdom -- looking at co-ordinating ambitions, the actors involved in EU policy-making, and the structures and processes by which policy is made. These particular countries were selected to cover the most important dimensions of variation among member states. From a comparative perspective, the book identifies and assesses the impact of the influences that have shaped systems of national co-ordination – the demands exerted by Union membership, the institutional structure of the national polity, the pre-existing balance between domestic institutions, administrative norms and values, and attitudes, both popular and elite, to European integration. It assesses the extent to which there has been a convergent response to the administrative challenges posed by membership on the part of the member states or whether a pattern of divergence emerges. The effectiveness of member states in influencing policy outcomes at the European level is also addressed. All the chapters except for that on Portugal and the Conclusion are substantially revised versions of papers presented at a workshop on co-ordinating EU policy held at Oxford in June 1998. The companion volume answers similar questions about national administrations in Brussels and looks at twelve member states; it is the first systematic examination of the role played by Permanent Representations in national EU policy-making.

Spain

Ignacio Molina

in The National Co-ordination of EU Policy: The Domestic Level

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The purpose of this chapter is to examine the national co-ordination of European Union (EU) policy in Spain. It concentrates on the processes that take place in Madrid, and using a threefold categorization, examines the mechanisms used by central government in its dealings with the other main actors involved in the process. The first set of relationships are horizontal, and relate to non-governmental actors, including the Parliament, political parties, and interest groups; the second set are vertical, or more precisely intergovernmental, and concern relations between the centre and the periphery under the surveillance of the Constitutional Court; the third set are internal, and relate to intragovernmental co-ordination within the central administration and the core executive. These three sets of relationships are examined in the three main sections of the chapter. It is argued that Spain’s politico-
constitutional uniqueness has been retained, and even reinforced within the EU, and that the Spanish case appears to challenge the assumption that Europeanization is hollowing out the state, since the Spanish state, here identified with its central government, has been strengthened since accession.

Introduction: Co-ordinating National Action in Brussels
Hussein Kassim

in The National Co-ordination of EU Policy: The European Level
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The purpose of this Introduction to the book is to provide a point of reference and context for the eleven country studies that follow. It begins with a brief discussion of national co-ordination and why it matters to governments at the European level, and then outlines the tasks and difficulties that face national co-ordinators in Brussels, looking at the EU as a political system, and at its complex institutional structure (the Council of the Union, the European Parliament, the European Commission). The following section looks at the tasks that national co-ordinators are called to perform in routine policy-making, and identifies four phases: policy initiation, policy formulation, deliberation and decision; and implementation and enforcement. A brief section on ‘heroic’ decision-making by national governments follows, and then the matter of the emergence of an overall pattern in national co-ordination —of convergence or divergence—is considered. The next section looks at the effectiveness of national arrangements in Brussels, and the concluding one introduces the eleven country case studies.

European Enlargement and Institutional Hypocrisy
Elena A. Iankova and Peter J. Katzenstein

in The State of the European Union, 6: Law, Politics, and Society
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Provides an account of the status of the enlargement process in the EU, both in the candidate countries and in terms of institutional changes at the EU level. In particular, it argues that European enlargement is a combination of ‘institutional and political hypocrisy’. While political
hypocrisy is the result of the purposeful strategy of specific actors that wilfully disobey EU law, institutional hypocrisy results from involuntary non-compliance due to the lack of capacity or clarity; both have been a systemic feature of legal integration and a major driving force of the European constitutionalization process. However, as the heterogeneity of the EU member states increases, enlargement may well lead to a substantial erosion of the legal and policy coherence of the EU. The first section of the chapter discusses the problem of non-compliance, the second characterizes the European polity as resulting from the enmeshment of the process of Europe's legal integration with different national legal systems, the third and fourth sections discuss the southern and eastern enlargements of the EU, and the fifth section concludes by pointing to differences in national legal traditions that make institutional and political hypocrisy a systemic outcome of the process of European enlargement.

From Welfare States to Welfare Regions
Maurizio Ferrara

in The Boundaries of Welfare: European Integration and the New Spatial Politics of Social Protection

The chapter discusses the increasing role of sub-national territories as new, distinctive and relatively autonomous “bounded spaces” in certain areas of social protection, notably health care, active labour market policies, social services and assistance. This new development is illustrated by reference not only to within-state trends of social protection regionalization, but also to novel forms of transnational regional groupings. The Italian case is presented in detail as an emblematic example of the shift from welfare state to welfare regions.

Introduction
Hussein Kassim, B. Guy Peters, and Vincent Wright

in The National Co-ordination of EU Policy: The Domestic Level
This introduction starts by pointing out that entry into the European Union (EU) appears to pose even greater demands for co-ordination on its member states than that already required for the domestic public sector. With entry into the EU, the domain of government and action and responsibility has been extended, the complexity of decision-making has been increased and the policy stakes in many policy areas have been raised. In addition to co-ordinating their internal policy-making activities, governments must also be prepared to defend more coherent programmes at the EU level and ensure that their proposals in Brussels and their actions in their national capital are compatible. The different sections of the introduction discuss EU membership and the sources of co-ordination need, the challenge of EU policy co-ordination, and convergence and distinctiveness (divergence).

Variable Geometry, Multilevel Governance: European Integration and Subnational Government in the New Millennium

Mike Goldsmith

in The Politics of Europeanization

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The creation of the European Union, and the associated process of economic, political, and social integration that has accompanied it, has changed the nature of nation state and subnational politics as it had been known for at least two centuries. This chapter starts by reviewing three of the models that have been used to conceptualize the different ways in which EU integration has occurred. The state-centred, supranational and multilevel governance models. Next it offers a conceptualization of Europeanization. In the following three sections (Subnational Government in the EU Context; EU Regional Policy and Subnational Government; and The Operation of EU Regional Policy) it goes on to evaluate some of the changes that have occurred, which have resulted particularly in changing forms of subnational politics within the European Union. Most specifically it examines the extent to which the essential distinction between northern and southern European styles of local politics is being undermined by the process of European integration and policy Europeanization. The chapter concludes by evaluating the extent to which ideas such as variable geometry and multilevel governance remain useful concepts in aiding understanding of the processes of change through which EU territorial politics are currently passing.
Law, Politics, and Society in Europe
Rachel A. Cichowski and Tanja A. Börzel

in The State of the European Union, 6: Law, Politics, and Society
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Provides an introduction to the book, giving a general overview of the evolution of EU law and politics with emphasis on the growing intersection between these two disciplines. The first section describes the approach taken (use of the dynamic interaction between law, politics, and society as a starting point to think critically about recent developments and future innovations in European integration and EU studies), and the objectives. These are: to provide an overview of key events of 2000–2002 in the EU, while illuminating how these institutional (formal legal) developments are linked to an ongoing interaction between law, politics, and society; to illuminate why the key events since 2000 are also distinct from previous trends; and to provide a unique and interdisciplinary approach to studying the EU by bringing together both legal scholars and political scientists. The second section looks at law, politics, and society as a process of institutional change, and outlines the varying approaches taken in the different chapters. The last section provides an overview of the book by part and chapter.

Greece
Calliope Spanou

in The National Co-ordination of EU Policy: The Domestic Level
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This chapter analyses the national co-ordination of European Union (EU) policy in Greece, seeking to show that in terms of formal arrangements the country is more or less in tune with other EU members, although co-ordination deficiencies are often apparent and pronounced. The chapter highlights the ‘inanimate’ character of the arrangements in place and their neutralization by the absence of clear priorities set at the political level and diffused throughout the political–administrative system. The co-ordination scheme is described as looking like a truncated pyramid, where everything is in place apart from the unifying element at the top. It is further argued that although the existing arrangements are apparently well entrenched, they are not unalterable, and that what is
essentially required is leadership from the centre and for government to lay down general orientations in the European policy domain; the core executive needs to take daring decisions and mark clear priorities so that ultimately it becomes possible to give a sense of direction. The three main sections of the chapter discuss the prerequisites of co-ordination, the ‘truncated pyramid structure’ of the Greek administrative system, and the missing link of governmental steering.

The National Co-ordination of EU Policy

Vincent Wright

Hussein Kassim, Anand Menon, and B. Guy Peters (eds)

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This book is the second of two volumes in which leading scholars examine the way in which European Union (EU) member states co-ordinate their European policies, and investigates the structures, institutions and processes put in place by national governments in Brussels. The companion volume, published in 2000, examines the national co-ordination of EU policy at the domestic level. This second book offers a comprehensive, comparative analysis of national co-ordination at the European level. It investigates the way in which eleven member states—Austria, Belgium, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Sweden, and the United Kingdom—co-ordinate their European policy in Brussels. It examines their co-ordination ambitions, the value attached to co-ordination and their conception of it, and the strategies adopted by the member states for defining and defending a national position in EU policy-making. It looks in detail at the organization and operation of the permanent representations—the principal institution charged by governments with safeguarding the ‘national interest’ in Brussels—and at how, to what extent (indeed, whether) they succeed in reconciling their responsibilities as both agencies of the national government and part of the EU decision-making system. The book assesses the effectiveness of the various national arrangements in achieving their intended goals, and identifies the factors that influence or determine performance at the European level. The institutions, structures, and processes utilized by the member states in Brussels are compared with a view to discovering whether there is evidence of convergence around a common model or whether national differences persist. All of the chapters except for the Conclusion are extensively revised versions of papers presented at a workshop, held at Nuffield College, Oxford, on 13–14 May 1999.