THOMAS LARUE

AGENTS IN BRUSSELS

DELEGATION AND DEMOCRACY
IN THE EUROPEAN UNION

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Abstract: This dissertation explores delegation and democracy within the European Union (EU). The EU now constitutes one of the cornerstones of the democratic systems of its member states. The most vital instrument of democracy is lawmaking, which increasingly occurs at the European level. Many different actors contribute to the shaping of EU legislation. Among the most important of these are national bureaucrats representing their member states in Council negotiations. This thesis focuses on these bureaucrats. In particular it analyzes the delegation and accountability relationship between member states’ governments and their national bureaucrats stationed at the permanent representations (PRs) in Brussels. It is based on semi-structured elite interviews with 80 French and Swedish senior civil servants in Brussels, Paris and Stockholm.

Using an explorative and descriptive comparative case study of two EU member states, France and Sweden, the dissertation seeks to describe and analyse how delegation between member states’ capitals and Brussels are affected by: i) the coordination and preparation of EU issues in member states’ government offices, ii) the organisation and functioning of the permanent representations, and, most importantly, iii) existing accountability mechanisms. Applying a principal-agent approach, this study shows that the delegation between governments and their Brussels-based bureaucrats is adequate, despite relatively weak delegation and accountability designs. The study identifies institutional divergence between France and Sweden as regards the design of national systems of EU delegation, particularly monitoring and reporting requirements, where Sweden seems to have a more developed system. Both countries have similar contract design and screening and selection systems for employing national agents stationed at the PRs. The impact of domestic coordination of EU affairs is important in order to understand processes of both preference formation precedent to delegation and of preference transfer through instructions. In this case it is obvious that French coordination is more efficient. The functions of the permanent representation also influence delegation between national and European levels. For example, administrative procedures in the PRs in Brussels have had effects on the drafting of instructions, something that is particularly notable in the Swedish case.

The study identifies several central problems as regards delegation between bureaucrats in Brussels and governments in member states’ capitals. The first problem has to do with the ongoing blurring of political and bureaucratic dimensions. This inhibits the ability of principals (in our case member state governments) to hold their agents (Brussels-based bureaucrats) accountable. The second problem identified by this study as regards the working of democracy is the distinction between formal and informal processes. One conclusion is that informal processes should be formalised or made more transparent. Opacity in lawmaking processes has detrimental effects on long-term legitimacy of democratic systems. Holding de facto lawmaking bureaucrats, caught in a cross-pressure between national demands and European ambitions, accountable is essential for democracy. The dissertation includes practical suggestions as to how to improve delegation, and argues that additional research on both the roles and power of bureaucrats as well as issues of cross-pressure is necessary.

Keywords: accountability, bureaucracy, delegation, democracy, European Union (EU), France, national EU coordination, permanent representations, principal-agent, Sweden
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<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
</tr>
<tr>
<td>CIVCOM</td>
<td>Committee for Civilian Aspects of Crisis Management</td>
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<tr>
<td>COREPER</td>
<td>Committee of the Permanent Representatives</td>
</tr>
<tr>
<td>ECJ</td>
<td>European Court of Justice</td>
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<tr>
<td>ECSC</td>
<td>European Coal and Steel Community</td>
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<tr>
<td>EP</td>
<td>European Parliament</td>
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<tr>
<td>EURATOM</td>
<td>European Atomic Energy Community</td>
</tr>
<tr>
<td>ESDP</td>
<td>European Security and Defence Policy (a part of CFSP)</td>
</tr>
<tr>
<td>EUKORR</td>
<td>Swedish European Correspondents</td>
</tr>
<tr>
<td>Fi/BA</td>
<td>Swedish Ministry of Finance’s section for Budget issues</td>
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<tr>
<td>GAC</td>
<td>General Affairs Council</td>
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<tr>
<td>IGC</td>
<td>Intergovernmental Conference</td>
</tr>
<tr>
<td>JAI</td>
<td>Justice and Home Affairs</td>
</tr>
<tr>
<td>JORF</td>
<td>Official journal of the French republic</td>
</tr>
<tr>
<td>MEP</td>
<td>Member of the European Parliament (plural: MEPs)</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament (plural: MPs)</td>
</tr>
<tr>
<td>PR</td>
<td>Permanent representation</td>
</tr>
<tr>
<td>PSC</td>
<td>Political and Security Committee</td>
</tr>
<tr>
<td>SB</td>
<td>Swedish Prime Minister’s Office</td>
</tr>
<tr>
<td>SB-EU</td>
<td>Swedish PMO unit for coordination of EU affairs</td>
</tr>
<tr>
<td>SCA</td>
<td>Special Committee on Agriculture</td>
</tr>
<tr>
<td>SFS</td>
<td>Swedish official journal</td>
</tr>
<tr>
<td>SGCI</td>
<td>French interministerial committee for coordination of EU affairs</td>
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<tr>
<td>SGG</td>
<td>French government’s secretariat</td>
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<tr>
<td>TD</td>
<td>French diplomatic telegraph</td>
</tr>
<tr>
<td>UD-EP</td>
<td>Swedish’s Foreign Ministry’s unit for CFSP/ESDP issues</td>
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<tr>
<td>UD-EU</td>
<td>Swedish Foreign Ministry’s unit for European Union affairs</td>
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Writing a dissertation is like making a long (and unfortunately solitary) sailing trip. One starts with high expectations, a pristine mind and fresh body as well as a boat filled to the brim with food, water, and fuel. After undraping the neatly folded sails the ship takes speed; land first turns into a thin line on the horizon and by nightfall, it disappears. Alone, amidst the beautiful dark blue waters with only the company of the pale moon or the milky way’s mesmerizing streak of star dust on moonless nights, a long journey begins: Ephemeral meetings with dolphins and sea-turtles. Ceaseless struggles against storms with 40 feet waves threatening above the squeaking mast; ensued by hours of windless voids under the blistering hot sun, a most peculiar feeling of being stuck in a desert in the middle of water. But all is well that ends well: the battered boat, covered in salt, silently drifts into the safe harbour of destination with torn sails and empty tanks. Though the voyage had a price: a scarred soul, a slightly wearier and older body, a thicker skin, it was well worth it. Because we must always remember that it is the challenges that define us best. It is the obstacles which illuminate what we are truly capable of. This is why we should always welcome adversity and embrace struggle, and no matter what we get from life never give less than one hundred and ten percent back. For at the end of each battle weary day, we fold ourselves into peaceful darkness and we find some comfort in loneliness and dreams of the next expedition on the deep blue seas.

Sailing, in all its form, requires however more than a sturdy soul and sleek muscles. Sailors throughout history have used stars to navigate safely and regatta skippers are dependent on their team mates’ effort to push the boat beyond its limits in order to win. As captain of SS Agents in Brussels I am solely responsible for the final destination, but I have enjoyed the company and support of many team mates and relied on many stars for celestial navigation. First and foremost, I would like to thank my thesis supervisor Torbjörn Bergman. With his great experience, unique sang-froid and great acumen, he has saved me, on numerous occasions from icebergs, treacherous currents and bad winds. Truly I could have not wished for a better onboard navigator. I hold the deepest respect for his demeanour as thesis supervisor: both admonishing and endorsing me with equal verve. But Torbjörn is more than an excellent mentor, he is also one of Norrland’s finest man; his wisdom and integrity are matched only by his kindness. He went above and beyond the call of duty in standing by me during my crossing into troubled waters towards the end of my time as a PhD student. My deputy thesis supervisor, Krister Wahlbäck, deserves a warm thank for reading my manuscript chapters and leaving vital comments and suggestions throughout the years. His insights into the world of diplomacy and the Swedish chancery were invaluable. While my two thesis supervisors are undoubtedly the persons from the department to whom I owe most, I would also like to thanks all the other senior members of the department who have contributed to
both this book (both as seminar commentators and in any other way) as well as to my academic skills and knowledge (through their teaching engagements in various PhD courses). I would also like to give a special thank to Staffan Andersson, Nick Aylott, Malin Eklund-Wimelius, Svante Ersson, Lovisa Hagberg, Cynthia Kite, Kjell Lundmark, and Camilla Sandström. I would like to thank Viveca Jonsson for embodying the very definition of a perfect agent: efficient, helpful and charming with it. Ingemar Ring proficiently solved my recurring troubles with the devilish monsters we commonly refer to as computers and programs. Christina Boström has in a very professional way contributed to the final editing of this book and Frances Boylston has helped me with the English language.

Perhaps the most important thing that happened during all of my years I spend researching at the department of political science was that I was offered the chance to meet true characters possessing virtues and skills I can only dream to gain one day: my fellow PhD students. During all these years they have been the guiding stars on my all but too dark heaven, they are the gold nuggets in life’s rocky and barren soil. Victories were sweeten and defeats were soften by their warm support and their enlighten criticisms. This is true of all (both former and present) PhD students at the department. A special warm thanks to Theresé Andersson, my long lost sister and a dear friend with a strong soul; Magnus Blomgren, friend and compassionate consigliore on small and big things in life; Niklas Bolin, good friend with a great heart and an open mind and vice-versa; David Feltenius, bright colleague and friend voted most likely to make it to professorship; Eva Mineur, one of my rarest and brightest stars, a true fighter and an exceptional friend who shared great moments helped me through hard times; and last but not least, Jessika Wide, generous colleague and friend with (almost) the same childish taste for pranks as I have.

During my time as PhD student I also had the satisfaction and luck of counseling gifted and ambitious undergraduate students. They have contributed to this book in very practical ways. Foremost among them is the unique dynamic duo of Christina Norrgård and Hanna Sjöberg, who managed to captivate both me and the Swedish minister of justice with their wits and inquisitive minds. Lars-Gunnar Jonsson and Susanne Hellqvist also provided me with great food for thought.

Luckily, there exists a reality outside the walls of the department. The Swedish Network for European Studies in Political Science has provided me with vast intellectual inspiration. I would like to especially mention Sverker Gustavsson, Karl Magnus Johansson, Rutger Lindahl, Daniel Naurin and Thomas Persson for comments and stimulating discussions. In 2003 I spent seven months, as guest researcher at the IEP of Paris. The stay was made possible by Professor Renaud Dehousse to whom I’m very grateful. During this stay in my old hometown I was also kindly received by the Swedish Ambassador Frank Belfrage, who provided me with an office at the embassy. Kristina Heed has generously offered me her hospitality during my stays in Brussels. Last but not least, a deep thanks to all my interviewees for participating in this research project. Several scholarships and stipendiums have
allowed me to finance both my research and participation in conferences, these are the Stiftelsen JC Kempes minnes stipendiefond; the Länsförsäkringar Västerbottens och Föreningssparbankens fond för ekonomisk och social forskning vid Umeå Universitet, and the ECPR Mobility Fund. I would like to especially gratefully acknowledge research grants from both the Swedish Ministry of Foreign Affairs and the Swedish Network for European Studies in Political Science.

Even more luckily, there exists a reality far from cerebral hemorrhage-causing acronyms such as JORF and DGAFAI and beyond the lonely hours in the crow’s nest, staring at the blue horizon seeking land and the safety of the harbor. During my maiden trip on the seas of political science, my own little ray of sunshine on this earth, Anton, has grown from a childish five years old little gangster to a precocious ten years old boy. Other than me, no person has paid a higher price than him too see this book being completed. Thanks to him my life was filled with some honest-to-god joys and thrills: Watching him score a match winning goal, helping him with his homework or even seeing him trying to set the kitchen on fire with his friends while baking a cake provided me with energy and perspective on the things that really matters in life. Solitude was also occasionally bested by my closest friends and family: Christina Forsberg, Daniel Nordgren, Fanny Holm, Henrik Johansson, Jean Larue, Joakim Bergström, Joel Stenberg, Johan Ericsson, Johan Normark, Jonas Burstedt, Malin Bergström, Marc Larue, Monica Andersson, Nicole Contencin, Philippe Larue and Sofie Stenberg. To paraphrase one of my favorite singers, they have all offered me protection, a lot of love and affection. Thanks also to Marit Bergman, Chris Martin, Anders Wendin and Robbie Williams for providing much needed solace to both heart and mind.
Chercher un protecteur puissant, prendre un patron,
Et comme un lierre obscur qui circonvient un tronc
Et s’en fait un tuteur en lui léchant l’écorce,
Grimper par ruse au lieu de s’élever par force?
Non, merci. Dédier, comme tous ils le font,
Des vers aux financiers? se changer en bouffon
Dans l’espoir vil de voir, aux lèvres d’un ministre,
Naître un sourire, enfin, qui ne soit pas sinistre?
Non, merci. Déjeuner, chaque jour, d’un crapaud?
Avoir un ventre usé par la marche? une peau
Qui plus vite, à l’endroit des genoux, devient sale?
Exécuter des tours de souplesse dorsale?...
Non, merci! Calculer, avoir peur, être blême,
Préférer faire une visite qu’un poème,
Rédiger des placets, se faire présenter?
Non, merci! non, merci! non, merci! Mais...chanter,
Rêver, rire, passer, être seul, être libre,
Avoir l’œil qui regarde bien, la voix qui vibre,
Mettre, quand il vous plaît, son feutre de travers,
Pour un oui, pour un non, se battre, ou faire un vers!
Travailler sans souci de gloire ou de fortune,
A tel voyage, auquel on pense, dans la lune!
N’écrire jamais rien qui de soi ne sortit,
Et modeste d’ailleurs, se dire: mon petit,
Sois satisfait des fleurs, des fruits, même des feuilles,
Si c’est dans ton jardin à toi que tu les cueilles!
Puis, s’il advient d’un peu triompher, par hasard,
Ne pas être obligé d’en rien rendre à César,
Vis-à-vis de soi-même en garder le mérite,
Bref, dédaignant d’être le lierre parasite,
Lors même qu’on n’est pas le chêne ou le tilleul,
Ne pas monter bien haut, peut-être, mais tout seul!

Cyrano de Bergerac
(Edmond Rostand 1897)
While democracy is one of the most scrutinized and debated terms in political analysis, it remains also one of the most elusive. How should one define democracy? Political scientist Giovanni Sartori (1987:6) aptly points out that “…we characteristically live, then, in an age of confused democracy. That ‘democracy’ obtains several meanings is something we can live with. But if ‘democracy’ can mean just anything, that is too much.” Clearly democracy is a complex concept, but I argue that it need not be an academic Cheshire cat whose substance, upon examination, fades away, leaving only a mocking smirk. Numerous political scientists have devoted the better part of their academic lives trying (and to some extent succeeding) to understand and to illuminate the concept of democracy. Even though this dissertation does not claim that it provides the ultimate answer to what constitutes democracy; nevertheless, it does attempt to offer some insights as to how modern democracy works. The chosen method is by studying the delegation from the governments of EU member states and their permanent representatives in Brussels. Accordingly, this chapter sets out the core concepts for the study of democracy and explains the role they will serve in our analysis of the delegation from governments of EU member states to their permanent representatives.

The results of any study of democracy will certainly be affected by how one chooses to define democracy. As mentioned, many political thinkers have sought to clarify the meaning of democracy. David Held (1987) identifies ten different models of democracy, including protective democracy, strongly influenced by the legacy of thinkers such as Locke (1690), Montesquieu (1748), and Madison (1788), and legal democracy, inspired by Nozick (1974) and Hayek (1960, 1978). Three common perceptions of democracy are the electoral, participatory and deliberative democracy (Gilljam and Hermansson 2003). Each of these definitions of democracy has its strong points and together they combine to establish a “unique” epitome of democracy. Electoral democracy builds upon the theorems and axioms of recurring competitive elections (cf. Schumpeter 1942, Riker 1982, or Fiorina 1981). Participatory democracy emphasizes the increased participation of citizens and arrangements associated with direct democracy (such as referendums or local self-governing boards). Some classic scholars have been associated with the ideals of participatory democracy such as Rousseau (1762) and Mill (1861) whereas the modern authority is Pateman (1970). Deliberative democracy is centred on the Habermasian appraisal of the good conversation (where issues of power and interest struggle are prohibited) as a means to reach democratic goals.
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(for a good overview of different variations of deliberative democracy, see Bohman and Rehg 1997). Associative democracy makes an attempt to enhance representative democracy with civil society governance (Hirst and Bader 2001). This taxonomic inquiry into democracy does not restrict itself to conceptual discussions, i.e. what is democracy. Political scientists also enquire as to which level (where) one might find democracy; for example, Sjövik (2004) asks whether democracy can be found beyond the nation state. Among this multitude of perspectives I have chosen explicitly to anchor my study on a particular definition of representative democracy. More specifically the focus of my analysis is concentrated on one vital aspect of modern representative democracy: namely, delegation. In our everyday lives we both solve problems and accomplish dreams through delegation. When our car breaks down, we assign the task of repairing it to a mechanic, when we sell or buy real estate we rely upon the services of realtors, when we are ill we seek the assistance of doctors, and we entrust schools and teachers with the responsibility of educating our children. These are but a few of the instances in which delegation is used to help us accomplish our goals. The same holds true in the political sphere.

Democracies, indeed all political systems, rely on a chain of delegation to establish structures which manage to articulate and materialize values, needs, and preferences into political decisions. Furthermore, and perhaps more importantly, these chains of delegation permit and, in some cases, enhance the potential of people to assure accountability throughout the political system. Without proper systems ensuring and upholding accountability, real democracy seems unfeasible. Here we stress two important attributes associated with accountability: legitimacy and efficiency. If legislators, ministers, government officials and civil servants at every level of the political apparatus are seen as being accountable to the people, the political system gains legitimacy. Devoid of such legitimacy the ruled will not respect the rulers’ authority and society may fall into anarchy. We see this enacted in countries where the executive enjoys a certain level of discretionary powers. It may use its powers to govern efficiently but when such powers take the form of unconstrained authority a dangerous situation is created. The second is the efficiency of the political system. If political actors at the various levels are not held accountable, then incompetent agents (whether they are legislators or bureaucrats) may weaken the system indefinitely, undermining the political system’s ability to deliver political goods, such as welfare, justice or security. It is through the chain of delegation, linking together citizens, parliament (legislature), government (executive) and bureaucracy that democracy and democratic decisions are born and that political accountability becomes part of lawmaking.

Lawmaking is one of the most important tools with which policy-makers shape their world. Laws also define binding rules which can be enforced by the only legitimate use of force available in a society. Hence, accountability makes democracy possible in a society that legislates and uses the sovereign state’s right of legitimate force in order to ensure implementation of its legislation. The process of lawmaking in a democracy should entail delegation and accountability. In his 1994 presidential
address to the American Political Science Association, Charles O. Jones argued (in contrast to Otto von Bismarck’s aphorism that laws are like sausages: it is best not to see them being made) the need for more studies of lawmaking. Among other things he pointed out that:

Lawmaking for any one issue is a trackable process as legislators, executives, bureaucrats, judges, and others variably participate in statute-making, rule-and-standard setting, administrative and executive interpretation and court decision-making, which, combined, constitute the legitimate base for public policy. (Jones 1995:1)

While recognizing that courts and implementation policies are important parts of the lawmaking process, Jones maintained that we must never lose sight of the lawmaking procedure as a prime concern for democracy: If the will of the people cannot be translated into applicable laws then democracy has failed. In his address to the association Jones identified the lawmaking process as “the core decision-making process of a democratic state.” While we agree with the broad outlines of this principle, for purposes of this study and for better clarification we make three important modifications. First, lawmaking is no longer the state’s exclusive domain. Lawmaking, in the broad definition that Jones offers us, is practiced at many levels. For example, member states of the European Union (EU) an important level is that of the European level since increasingly lawmaking in EU member states is carried out in European institutions or, to put it in colloquial terms, “in Brussels”. Though some of European lawmaking needs to be implemented by national state authorities, such as the legislative branch, to finally come into effect, many of the acts and decisions taken by the European Parliament and the Council of Ministers are directly applicable throughout the Union. Second, the concept of lawmaking is, as shown by Jones’ citation, a much broader concept than is studied in this dissertation which restricts the concept of lawmaking to the phase of decision-making taking place at the European level. Third, lawmaking involves different political actors, ranging from lobbyists to the decision-makers themselves. But who qualifies as a decision-maker? Do members of parliament and heads of parliamentary committees qualify? Party leaders? Local bureaucrats? Ministers? Judges? State secretaries? By recognizing that others also qualify as influential actors, this dissertation examines the influence of the bureaucratic level in government. In practically all instances of lawmaking bureaucrats are involved, whether at the initial steps of policy as new legislation is discussed or at the final steps when the law is implemented in real-life. As noted by Joseph Schumpeter, one of 20th century’s most influential thinkers, “...bureaucracy is not an obstacle to democracy but an inevitable complement to it” (Schumpeter 1976:206). It remains, however, to see to the degree and way that bureaucracy manages to complement and not complicate democracy.
Every scientific endeavour must commence with one or more conceptual and central research problems. In the words of Manheim and Rich (1986:5), "The first step in undertaking political science research is the selection of an appropriate research question." By setting out the research question in the beginning the communication process between researcher and reader is facilitated. The reader is prepared for what is to follow and is pointed to the underlying main theme. For the researcher the delineation of the research problem affords the researcher an opportunity to define her/his main scientific problem and thus assists the researcher in the actual writing process. Finally, the process of defining the research problem aids in distilling the complex reality into more manageable principles and clear predicaments.

For my research I have identified two main research problems. Intertwined in certain ways, the two could rightly be described as two faces of the same coin. The first research problem is the relationship between elected representatives and bureaucrats, the second concerns delegation. Given my main focus is on the link between politicians and bureaucrats, such as it exists between member state government offices and their representatives in Brussels, it would not be out of order for the reader to ask: Why this focus? Ali Farazmand put it best when he stated that:

> The political and administrative history of human civilization from the ancient empires and city-states to the modern nation-states reveals a central feature of governance in all societies: the relationship between the administrative or bureaucratic elites and the political elites... /.../ ...it may even be argued that the relationship between bureaucrats and politicians is the heart of modern governance... /.../ However, this relationship has not been without tension. In fact, the tension between democracy as a form of government and bureaucracy as an institution of administrative governance has been a persistent dilemma in modern political systems. (Farazmand 1997:vii, emphasis added)

It is this tension (or at least one of its manifestations) that this dissertation seeks to examine, explain and analyse. But before advancing further, a cautionary word is in order. Given that I endeavour to describe and evaluate the tension between "democracy as a form of government" and "bureaucracy as an institution of administrative governance", crucial to this study is the definition of democracy and administrative governance and the relationship between the two. Furthermore, there are several other points that the reader need keep in mind. First, with regard to the EU level, I mainly focus on a single type of European-level institution and the relations pertaining to its function (the permanent representation). This institution is embedded within the larger institutional structure of the EU and the member states. Second, with regard to the member state level, I focus on the national level, and primarily on the governmental ministries. These two constraints around the research problem are largely empirical in nature, narrowing the focus. They do not, however, provide me a proper definition of the nature of democracy nor do they define the best way to
describe administrative governance. Rather, such clarifications will be found in the selection of one or more theoretical choices.

The second research problem at the heart of this dissertation is the concept of delegation. As described earlier, delegation as an act is constantly present in our daily lives, and as such it also constitutes the backbone of political systems. As by Lupia and McCubbins aptly stated:

Democracy requires delegation. The people, through elections, delegate their authority to its representatives. Elected representatives, in turn, delegate some of their authority to the leadership of their assembly and to the bureaucracy. ... Each of these delegations involves a principal, the person or persons delegating, and an agent, the person or persons to whom authority has been delegated. ... The central dilemmas of delegation are that agents often do not have common interests with their principals and that agents may have information about the delegation that their principals lack. In studying democracy, we are interested in when these dilemmas do and do not cause delegation to fail. (Lupia and McCubbins 1998:79, emphasis in original)

If we wish to understand modern democracy it is necessary that we uncover, analyze and assess the tension resulting from these dilemmas. To this end and with a particular aim (as detailed in a following section), this study analyzes the ways in which delegation to the bureaucracy affects democracy. At this point, before continuing the discussion, it is important to define and explore those three concepts (delegation, bureaucracy and democracy) in a more precise way.

Democracy, delegation and bureaucracy

This dissertation takes, as a normative starting point, the view that democracy is a frail but essential element for the member state and for the European Union. It encapsulates the possibility for both individuals and collective groups to explore their wishes and preferences, to establish common rules and norms facilitating day-to-day activities, to respond to new and unforeseen developments; in short to create societies which are in concordance with our needs and hopes. This dissertation argues for a definition of democracy often referred to as representative democracy, its governing principle being that “...decisions are made by elected representatives and implemented by appointed officials to whom the representatives delegate some of the tasks of governing” (Manin et al. 1997:1). In this definition the concepts of representation and democracy are tightly knit. Indeed it is an established axiom within democratic theory that democracy invariably produces representative governments. As Manin, Przeworski and Stokes point out in their anthology on the subject, this truism is well-founded. The claim is repeated from Riker (1965 or even Pitkin 1967) to Schmitter and Karl (1991), albeit in different lingual costumes, but all with the same message expressed by Dahl (1971:1): “...a key characteristic of a democracy is the continued responsiveness of the government to the preferences of its citizens.”
Although our western societies are here depicted as representative democracies, other equally interesting conceptual terms could be used to label western democracies. Again Manin, Przeworski and Stokes point out that democracies could easily be fitted with a toe tag reading oligarchy in a distant Aristotelian morgue, while Schumpeter (1976) [1942] goes further and more precisely describes them as competitive oligarchies. The above-mentioned triumvirate chooses to put a similar slant to their description of what constitutes the particular characteristics of democracies: "...we are ruled by others, but we select them and we replace them with our votes. This is what is distinct about democracies: rulers are selected through elections" (Manin et al. 1997:5, emphasis added). But are they really? Are rulers always selected through elections? Allow me to retort: If we mean by rulers the men and women who are selected by election then there is no problem, other than being correct and simplistic. If we, on the other hand, perceive the concept of "rulers" as pluralistic, i.e. as divided among many different actors in society, the question above becomes even more intriguing and its answer not so unequivocal as Manin, Przeworski and Stokes would want us to believe. What if the appointed civil servants, who administer and implement the preferences of the elected representatives, are considered as rulers? This unveils a "new" dilemma regarding the workings (and problems of) of representative democracy. In fact, is it not possible to argue that it is not only bureaucrats who are unelected but cabinet ministers as well? In many democracies the ministers are no required to be elected in order to be eligible for a cabinet position. Indeed, some constitutions (such as in France, Switzerland, Sweden and the Netherlands) expressly forbid ministers holding a seat in parliament while being a member of the cabinet.

An interesting conundrum emerges from the fact that the elected representatives' preferences are said ultimately to shape the decisions but the implementation of the elected representatives' decisions is left to appointed civil servants. Do democracies have ways of ensuring the correct implementation of political representatives' preferences? How do contemporary representative democracies assure adequate representation all the way down to the civil servants? This is something which preoccupied the founding fathers in the United States as they went on to construct one of the western world's most resilient constitutions. The Jeffersonian view (cf. Kiewiet and McCubbins 1991) of democracy takes great care to accentuate the continuous accountability of democratically elected as well as non-elected officials. This is at the heart of the representative democracy. Although the focus usually is put on the former, i.e. the democratically elected leaders (or to use Manin, Przeworski and Stokes' rhetoric: the rulers), the Jeffersonian view also emphasizes opposition against delegation of legislative powers to non-elected officials.

In general terms, the Jeffersonian conception of democracy could be seen as a conception of representative democracy in which there are "...a series of delegation and accountability relationships between principals and agents. In a chain of delegation, those authorized to make political decisions (principals) conditionally designate others (agents) to act in their name and place" (Bergman et al. 2005:43). This
definition of representative democracy distinguishes two functions vital to a democratic society: (1) acts of delegation and (2) accountability. If delegation of powers from principals to agents is efficiently designed, then the chain of democracy is unbroken. If the representation of political preferences through the most fundamental mechanism of representative democracy, i.e. the election of a legislative body, is transferred through these chains of delegations back to the people, via accountability mechanisms, then democracy is working. What is so appealing about this view of democracy is that it does not confine itself to the rather synchronic nature of customary analyses of representative democracy. Many scholars have a penchant for one or both of the two classical mechanisms embodied in the representative democracy, the mandate model (cf. Schmitt and Thomassen 1999, Naurin 2003 or Pierce 1999; for an empirical test of the model see Royed 1996) and the accountability [ansvar-sutkrävande] model (cf. Behn 2001, Petersson et al. 2002 or Kumlin 2003). These models are based on the assumption that there are elections at regular intervals (depending on the particular country’s constitutional arrangements).

In contrast, the model or conception of democracy inspired by the Jeffersonian view, and theoretically articulated through the principal-agent (PA) theory employed in this dissertation, has the clear advantage of being potentially diachronic to its nature. Given that it envisions potential democratic problems as always present throughout the tenure of both elected politicians and non-elected officials, what is of particular note in this conceptualization of democracy is the permanent delegation between different principals and agents and the ongoing exertion of control (either ex ante or ex post, see below) of agents by principals (or third parties).

As is apparent from the discussion above, the central view of democracy utilized in this dissertation characterizes democracy as a chain of delegation that constitutes the arteries through which the political blood of a lawmaking system runs. This chain runs from the single voter to the bureaucrat to the politicians. To maintain this chain of delegation, each link of the chain has specific control instruments which the principals can apply in order to reduce the potential risk of irresponsible agents. The control measures, all of which are more or less associated with the concept of accountability, fall into four categories: contract design, screening and selection mechanisms, monitoring and reporting requirements, and institutional checks. These mechanisms are employed by the principal to ensure that the delegation is correctly constituted and to construct the delegation and accountability design (henceforth referred to simply as delegation design). This study will analyse the four categories of control mechanisms so as to gain insights into how the delegation between member states’ government offices (i.e. the principal) and their permanent representatives (i.e. the agent) in Brussels is designed. The EU’s main source of authority and democratic legitimacy stems from an undivided faith in the blessings of delegation. Indeed, underpinning the idea of a democratic EU is the notion that power, which in western (and definitively in European) democracies emanates from the national people, is transferred to liable representatives. This delegation of democratic powers by the member states is one of the most vital sources of democratic
legitimacy within the EU. Therefore, it is fitting that we focus our investigation on the systems and procedures through which national power is transferred to the EU.

Aim, empirical research questions, and theoretical ambitions

This discussion now brings us to the subject of this dissertation: the study of democracy, bureaucracy and delegation. It aims to describe and analyse the delegation and accountability design between the government offices of member states and their permanent representatives in Brussels. The analytical framework used in this study stems from principal-agent theory and explicitly links its empirical findings to previous research, especially the work of Kassim et al. (2000 and 2001) as detailed in chapter four. The empirical study will be an explorative and descriptive (Yin 2003) comparative case study of two EU member states, namely, France and Sweden. Particular attention will be given to the problem of institutional and organizational delegation design. In chapter two the theoretical and analytical premises of this investigation will be clarified and elaborated. In chapter three the criteria for the selection of the particular cases will be explained. But in this initial chapter I now present my research questions and theoretical orientations. In order to clarify the aims of this research project, I have formulated a number of descriptive and analytical questions that will be answered empirically throughout the dissertation. While not the only ones dealt with in this dissertation, these questions are central to the study. For a more coherent structure to the dissertation I have formulated the following three main sets of questions.

The first question set refers to the coordination and preparation of EU issues in member states' government offices. How have national governments organized their offices and policy preparation process at home? How do these institutional structures at the national level influence the delegation to respective permanent representatives in Brussels? This study's second array of questions pertains to the organisation and functioning of the permanent representations. How are they structured? How do the permanent representations' structures and the standard operating procedures used within these institutions affect the relationship between national capitals and the permanent representations in Brussels? Third, and foremost, this dissertation will address questions linked to the mechanisms of accountability established between the principals and the agents for this specific act of delegation. These accountability mechanisms help alleviate the hazards of delegation. Hence, if we are to gain a deeper understanding of the process of delegation to national bureaucrats at the European level, it is essential to describe and assess these mechanisms. To what extent are these mechanisms (i.e. contract design, screening and selection mechanism, monitoring and reporting requirements, and institutional checks) present? In what way do different delegation and accountability designs contribute to the efficient functioning of delegation between member states capitals and Brussels?
With regard to the theoretical orientations of this study, at this early point in the dissertation I want to clarify two points. First, even though I have not explicitly stated that the dissertation will test or attempt to falsify (using Popperian language) the theoretical literature upon which I base this study, some degree of theoretical testing is entailed. Every single scientific study which employs some form of theory implicitly scrutinizes this same theory. How well did the theory manage to contribute to the study? What new knowledge was extracted by using the theory? The theoretical assumptions as well as the analytical model used in this dissertation will be assessed and, to the extent that it is justified, constructive criticisms will be formulated and advanced. (In the next chapter I return to the model and theory discussion.) Second, every important research undertaking should compel the researcher to take a stance with regards to the study, its results and the surrounding society to which science finally must contribute. This translates into what I would call a second implicit aim (if one chooses to view the implicit and “soft” test of theory as the first) inherent in all scientific studies: the aim to extract out of the research’s inferences a contribution to society. Abiding by what I perceive is my deontological duty, I will formulate, in the light of my findings, practical measures and reforms which will aspire to improving both the theoretical framework used and the delegation and accountability designs examined.

Most important, and this cannot be emphasized enough, is that the focus of this dissertation is on the delegation design linking domestic and European institutions (i.e. permanent representations). Since the devil is in the details, it is very important to review and evaluate all of the organizational details at both the national and the European level in order to assess this specific delegation. This is something which will guide the choice of empirical data and the way I present my material. Only by meticulously reviewing and analysing the way that processes and institutions are set up can I hope to capture the essence of the prevailing delegation design and properly assess its importance in the method in which governments delegate power in matters of European policy. The reader should accordingly expect a very detailed investigation of institutional and organizational facts of both French and Swedish central governments and their annexes in Brussels. As previously stated I focus on two specific countries, France and Sweden. However, while it may be tempting to the reader, this study should not be seen as a classical comparative study, following traditional comparative method (cf. Ragin 1987). Rather it is a study of two cases with limited comparative ambitions (see chapter three). My cases, Sweden and France, are analytically assessed in a parallel rather than in an interwoven and comparative manner.

Before advancing further I would also like to note that this dissertation, as is typical of academic publications, is in parts heavy on theory and conceptual discussion. Even though I hope that the entire study would be of interest to both the academic community and practitioners (civil servants), I recognize that those mainly interested in the real-world practice of national coordination of EU affairs in Sweden and France and the delegation to national EU bureaucrats may find it more
practical to read chapters five through eight directly after reading this introductory chapter. Of course, it is my hope that those primarily interested in the empirical material may, after reading these chapters, also become intrigued by the theoretical aspects of the study.

**Limitations of the dissertation**

Each academic venture has a number of pitfalls; among them is overextending the empirical scope of the study. In an attempt to avoid falling into this pitfall I have restricted the scope of empirical data and variables that are included in the analysis in order to be able to address more precisely my research questions. Moreover, the choice of theoretical approach results in intrinsic limitations (cf. chapter two). One of the key areas of investigation in this study is an examination of the roles and the ways in which national bureaucrats within permanent representations work and act in Brussels. Consequently, when dealing with European decision-making this study will focus on the Council of Ministers and their internal procedures. I will concentrate on the aspects of national delegation to the European Union rather than on the inter-institutional proceedings at the EU level. This should not be seen as a normative standpoint or in any other way as an indication that I view other European institutions as having a lesser influence on policy-making within the EU. I am well aware that the different institutions such as the European Parliament and the Commission have clout and political power within the European policy cycle. To state it bluntly, this thesis will not take a position as to whether intergovernmentalism or neofunctionalism best describes the functions and proceedings of the European integration process. The debate between the two schools is important but I do not intend to contribute to its prolongation. Furthermore, as previously stated, this study will not attempt to give a final answer as to what constitutes democracy, nor will it add yet another definition of the concept known as *democratic deficit* (which is excellently discussed in e.g. Karlsson 2001). One ubiquitous predicament with analyses of social phenomena and institutions, which are *per se* part of the larger context, is that they can easily be accused of only describing one aspect of a multifaceted reality. Much like Puchala’s famous parable of the elephant and the blind men, a narrow view, even if accurate, can mislead:

> The story of the blind men and the elephant is well-known. Several blind men approached an elephant and each touched the animal in an effort to discover what the beast looked like. Each blind man, however, touched a different part of the animal, and each concluded that the elephant had the appearance of the part he touched...The total result was that no man arrived at a very accurate description of the elephant. (Puchala 1972:267)

One might be inclined to give some credit to the metaphor because it captures one of the problems of modern studies, i.e. they are very specialized and have difficulties in grasping or linking the effects and causal relationship studied to the bigger picture. On the other hand, the allegory is perhaps unfair. Is it at all reasonable to de-
mand that we as researchers (or to use Puchala’s rhetoric, blind men) should be able to describe the whole elephant? Perhaps the best (and indeed only) thing we can do is to be explicit about the choices we make as researchers and why we choose to study only the elephant’s trunk or the back legs. This dissertation, I trust will not turn out to be the isolated tale of one blind man, but the account of one researcher with reasonably clear eyesight and who has taken into account the observations of others.

I want at this point to stipulate that I have omitted different aspects and arguments from my analysis. One such element is the effects of negotiations and bargaining between actors at the European level. Thus, some might question the absence, in this study of permanent representations and bureaucrats, of an in-depth analysis of European negotiations within committees and Council working groups. Admittedly these negotiations do have effects on the content of new European legislation. Were I to be measuring efficient delegation through an assessment of how alike the results of the negotiations are compared to the preferences of the national principals, then these negotiations would certainly be included as a key variable. A similar objection could be raised about the lack of attention paid to national representatives sent to the Commission’s preparatory and implementation committees.

Yet another aspect I have excluded from my sphere of study deals with national bureaucrats that are delegated to representative functions in committees and working groups other than those under the Council of Ministers. In many cases the same civil servants actually represent her/his country not only in the expert committees which the Commission uses for preparatory legislative work but also in the Council's working groups (and in some cases national bureaucrats also participate in the committee established through Comitology to implement the new legislation, see e.g. Andersson and Bergman 2005). However, I have made the choice to limit my study to the national civil servants which are employed at the permanent representations and which represent their respective countries at Council meetings, whether in committees or working groups. For the rest, especially the inter-institutional power struggle and processes at the EU level, I refer to other existing literature (some of which will be mentioned in the next two chapters).

Another problematic variable of conducting research is the temporal aspect. This fact is confirmed by the endemic use of temporal limitations in social science studies. Studying processes and institutions over time is a gruelling task. This is so even in the cases where there is a substantial time gap between the collection of the empirical data and the completion (analysis) of the study allows the researcher to enjoy a “safe” research environment. By a safe research environment I refer to conditions which minimize the researcher’s risk of being caught wrong-footed by a sudden change in his/her variables (further discussion of this in chapter three, The last minute curse). In dealing with the temporal aspect I did manage for sheer practical reasons to impose a chronological limit: all interviews and most of the documents were collected during the period 2000-2004 (cf. chapter three for details) and hence largely reflect the empirical reality of that time. Nevertheless, some of the
empirical information is of a later date, being based on interviews and documents collected until June 2005.

Last but not least it should be pointed out that this dissertation concentrates on two cases of national delegation, France and Sweden. I have focused on the governmental and nation state level variables directly linked to these specific cases of delegation. I consciously omitted other potential peripheral sources of variables, such as the media (national and international), political parties and various degrees of party influence or other third parties such as private interests (lobbying firms, companies, et cetera). I am well aware that this could be perceived by many as a problem. Not least the fact that parties, essential entities in much political analysis, are absent is regrettable, yet one can only do so much in a single study.

Scientific relevance

Let us now return to the question of why is it important to study the link between national administrations and their permanent representations in Brussels. First of all, I argue that studies of how bureaucracy and democracy work are essential in order to understand how societies function (cf. Premfors 2003). Smith (1988:229) declares that “the study of bureaucracy is a study of political power”; Gallagher, Laver and Mair argue that the general relevance of studies of bureaucracy is always high in order to understand how power and influence is distributed in a state: “...this is why, party politics notwithstanding, an analysis of the political role of the bureaucracy is such an important part of our understanding of the policy process in any modern European country” (Gallagher et al. 1995:134). The investigation of delegation from national executives to their representations in Brussels also constitutes a critical study of delegation. This delegation goes beyond the English term of delegated legislation or the German concept of rechtsverordungen or what is called in American administrative law rule-making, i.e. the “exercise of law-making power delegated by the legislature to administrative agencies to create supplementary norms that fill in the details of the generally worded provisions of statutes” (Shapiro 2002b:14). Indeed permanent representation bureaucrats are delegated the power to shape the very statutes (and inherently the core norms) of EU legislation, and since EU law has supremacy over national law, it follows that law-making at the European level is well beyond ‘the creation of supplementary norms’ (see above). This process of delegation is vital to democracy since it deals directly with lawmaking (and ultimately with democracy) in the member states and the EU. Moreover law-making within the EU can to a great extent be characterized as a day-to-day process of European integration. In the scientific distinction between historic and everyday integration, I argue that we should follow Cram’s line of argument that:

The question is no longer do institutions and the day-to-day politics of the policy process matter but how do they matter and in what respects do they influence the policy process and ultimately the process of European integration? (Cram 1997:27)
To this we should also consider the undisputed fact that day-to-day processes are largely influenced, if not ultimately governed, by permanent representation bureaucrats. Tallberg points to the permanent representation as a potential source of challenge to the autonomy of the Swedish government’s EU policies (and hence to all member states’ governments’ EU policies): “The government’s control over its own EU policy could also be challenged by those who represent the member state in Brussels — the national permanent representation” (Tallberg 2001a:55). This introduces us to the second main argument for this study’s focus on national delegation, i.e. that member states are essential cornerstones to our understanding of modern democracy within the European Union. I maintain that Habermas efficiently summarized why during a symposium:

That nation states constitute a problem along the thorny path to a European Union is however less due to their insurmountable claims to sovereignty than to another fact: Democratic processes have hitherto only functioned within national borders. So far, the political public sphere is fragmented into national units. (Foley 1994:116, emphasis added)

I concur with Habermas in arguing that democratic processes are contingent on national institutions, national norms, national debates, and national implementing structures in order to function. The challenge for every individual attempt to assess democracy lays in understanding and describing how decisions and norms produced by national democracy are linked to other centres of legislation and decision-making, such as the European Union. Nugent (1999:475) also argues that the value of elaborating our understanding of the practical ways in which member states partake in the decision-making process of the EU (and ultimately determine the outcome of European integration) is incalculable: “This point is worth developing in a little detail because there are significant variations in the ways in which governments attempt to control, and do control, their input into the Council via their representatives.” Not only do governments have their own ways in which they coordinate their EU policies but Nugent also points to additional arguments as to why a deeper study of the way member states link their representations in Brussels with their capitals is important. Nugent (1999:477) argues that this is not only because we need information on the plurality of coordinating structures and processes but also because the control and coordination of EU policies have become increasingly complicated. This increasing difficulty in managing EU issues is caused not only by the escalating numbers of decisions taken by the EU but also by the sheer increase in the pace in which policy is shaped in Brussels. Simply put, or at least in an industrial idiom, more decisions are pouring out more rapidly out of the European Union’s legislative factory (although this trend might soon be reversed following the latest EU enlargement). According to Nugent, this also affects the scope of EU coordinating efforts at the domestic level, since an increasing number of ministries are involved. This Europeanization (an intricate concept which will be developed and probed further in chapter four) of member states’ domestic structures also under-
scores why it is important to look at the link between member states and their rep-
resentations. The delegation of powers from national executives to bureaucrats in
Brussels invariably is situated at the end of such a line of reasoning. Kassim and
Menon (2003:135) affirm, in their critical appraisal of earlier principal-agent EU
studies that “...the implications of delegation for legitimacy and democratic ac-
countability are /.../ promising avenues for future research on the EU based on the
principal-agent model. Such research could /.../ ensure that the scholarly achieve-
ments of those working with this model match its early promise...”. This study aims
at rising to Kassim and Menon’s challenge. Finally, I would argue that the field is
largely under-researched. This is a pathetically orthodox, almost pathological, ar-
gument to use because of its tediously recurring employment within academic cir-
cles – yet it is true.

Outline of the study
Below I introduce the study's outline in terms of its chapter organization. Chapter
two delineates the basic theoretical approach and some of the main concepts and
analytical terms used in this thesis. Here the basic theoretical assumptions behind
the principal-agent (PA) theory as well as the analytical PA model derived from these
postulations will be described and explained. The third chapter will delve into the
methods used to complete this study. Here both the tools or techniques applied in
order to retrieve the empirical data used in this study as well as the research process
itself will be described and critically assessed. Chapter four will concentrate on the
previous studies made in research fields neighbouring this specific project. In that
fourth chapter I will also set the scene for the following four chapters (i.e. chapters
five through eight), which constitute the empirical bulk of the thesis, by presenting
the empirical context of European decision-making within the Council. Chapter five
gives a description of the coordination mechanisms and institutions designed by the
Swedish government when delegating to its representatives in Brussels. Both
formal and informal processes and institutions will be discussed. The thesis’ sixth
chapter describes the workings and structures of the Swedish permanent represen-
tation and the way these reflect/affect the control mechanisms set up by Stockholm
to assure an effective delegation. Here the “Brussels perspective” is in focus and it is
primarily the agents’ actions and behaviour which is portrayed. Chapter seven and
eight contain the same discussions except that it is the French domestic level insti-
tutions and processes (i.e. ministries, coordination, et cetera) and the French per-
manent representation and their employees. Chapter nine will summarize all the
empirical data and inferences made in chapters five through eight and present con-
clusions and comparative comments on the way in which the two countries included
in the study, designed their delegation and accountability mechanisms. These
summaries and conclusions answer the research questions formulated previously
(see section Aim, empirical research questions and theoretical ambitions in this
chapter). Chapter ten takes heed of the answers left in chapter nine and, to the ex-
tent that it is feasible, presents recommendations for policy reform or institutional change in order to improve the delegation of power to national bureaucrats in Brussels. The dissertation’s last chapter also provides the reader with concluding remarks and inferences on the way in which democracy, delegation and bureaucracy function in two modern European democracies with implications for the EU at large.
Readers unacquainted with Lewis Carroll’s Alice in Wonderland should treat themselves to one evening with the animated film version so as to enjoy this parable. I stumbled upon this metaphor in Aberbach et al. (1981:5). According to Aberbach both Friedrich (1940) and Appleby (1949) made earlier use of this metaphor.

Gilljam and Hermansson make a distinction between the ideal type of representative democracy (i.e. electoral democracy) and representative democracy itself (which they see as more of a denomination for existing constitutions or real types), see Gilljam and Hermansson (2003:16).

I’m well aware that different democratic traditions exists (academics even quarrel over how to measure democracy, see e.g. Elkins 2000) and that no one is per se better or more accurate than the other, but I believe that it is important to be explicit about the assumptions I make regarding such a multifaceted concept as democracy which unfortunately has a tendency to be carelessly brandished by debaters and researchers.

Delegation is a complex concept. As a legal concept in local governments delegation is discussed in Richards (1956:33-40), it is also a key concept in the management literature; see Steinmetz (1976) or McConkey (1974). Delegation is even studied in such remote (from the standpoint of social sciences) subjects as medicine and dentistry; see Weisz (1972). Delegation studies are found within the field of civil-military relations; see Feaver (2003, 1998) or Sowers (2005); in the case of research policy itself, cf. Braun (1993) or van der Meulen (2003); in research on corruption, cf. Andersson (2002) and Groenendijk (1997). In political science delegation has been an increasingly popular concept to study, see e.g. Braun and Gilardi (2006).

In my view the most lucid and concise description of this chain of delegation is given by Moe (1984:765-766): “Democratic politics is easily viewed in principal-agent terms. Citizens are principal, politicians are their agents. Politicians are principals, bureaucrats are their agents. Bureaucratic superior are principals, bureaucratic subordinates are their agents. The whole of politics is therefore structured by a chain of principal-agent relationships, from citizen to politician to bureaucratic superior to bureaucratic subordinate and on down the hierarchy of government to the lowest-level bureaucrats who actually deliver services directly to citizens.”

This specific aphorism is the following: “Those who are fond of sausages and/or laws should not possess knowledge of their fabrication,” see Jones (1995:1).

In this dissertation I will use the following principles when making a reference or annotation. When I use quotation marks this indicate a direct and exact citation of the source. In some cases I will present the quoted material as above, i.e. with a smaller font and a certain indentation of the text. In other cases I will only use quotation marks within the regular text. When it comes to quotations based on interviews that I have conducted for this research project, I will always use smaller fonts and a slight indentation of the text but no quotation marks, and excerpts from interviews will always begin and end by three points (…) followed by the reference to the interview ID-number. More details on these principles can be found in chapter three.

One example of a study which had to identify decision-makers (or power holders [makthavare] to use a Swedish expression) is Wallin et al. (1999).

In this dissertation I use both the feminine and masculine pronouns (i.e. he/she or she/he) when the gender of the person(s) referred to is immaterial and/or unknown. Should my vigilance fail me, the reader should be aware that she/her is always exchangeable to he/his and vice-versa, except when referring to a specific person.

This tension has indeed many characteristics and can be described from a number of different perspectives, e.g. Woller (1998) talks of reconciling the democratic and bureaucratic ethos. Viklund (2001) puts his emphasis on the relationship between democracy and bureaucracy.

Here Manin, Przeworski and Stokes refer to Bobbio (1989), although they refrain from using the morbid and sarcastic rhetoric I employ here.
Both the United Kingdom and Ireland constitute two of the few notable exceptions. In the case of Ireland article 28:7 of the constitution stipulates that members of government as well as the prime minister and vice-prime minister must be members of the Dáil Éireann (parliament) or Seanad Éireann (senate). In the UK it is, in practice, required from ministers that they hold seats in either the House of Commons or the House of Lords, see Andeweg and Nijzink (1995:160). In other countries combining a post as minister and as MP is allowed, such as in Belgium, Denmark, Germany or Austria. In other countries the combination is prohibited, such as in Switzerland, France, the Netherlands, and Sweden (in Sweden until 1974, however, combining a cabinet appointment and a chair at the Riksdag was allowed). Indeed empirical evidence that supports the thesis of decision-makers (in this case ministers) being appointed instead of elected is found in the latest development in Swedish cabinet formation. The issue was subject to an intense debate in Sweden when Prime Minister Persson in his third cabinet appointed several ministers who totally lacked party experience and/or parliamentary experience; for an incisive analysis and good overview of Swedish political scientists view on the matter see Aylott (2005:182-183). One political scientist who could be expected to have a hard time accepting the recent trends in cabinet appointment is the current speaker of the Swedish parliament, Björn von Sydow, given his eight criteria-long definition of what constitutes the core of parliamentarism, cf. von Sydow (1997).

Even though the US Constitution boasts 27 amendments, most of them were ratified shortly after the signing of the constitution, for example the Bill of Rights (as the first ten amendments are commonly known) was ratified in 1791.

Although in my view a very interesting subject, the specific link in the delegation chain between executives and the bureaucracy remains one of the least developed (in contrast to links between the US Congress and civil servants). Though the literature in the subject of politicians and bureaucrats is abundant and quite broad (cf. Putnam 1976, Aberbach et al. 1981, and Campbell and Szabowski 1979), it does not centre on delegation. Early research was inclined towards institutional analysis at least as far as empirical studies were concerned; see e.g. Peters (1978) and Mainzer (1973) for overviews.

The term diachronic is mostly used in etymological studies, where a diachronic study would examine the development of language over a period of time (whereas synchronic studies would look at language at a particular point in time). But the term diachronic is used by other than etymologists, e.g. ecological anthropologists also produce diachronical studies which include historical or evolutionary dimensions (cf. Moran 2000). I use the concept diachronic in a similar way as etymologists.

The concept of delegation and accountability design, as featuring the four mechanisms of control (contract design, screening and selection mechanisms, monitoring and reporting requirements and institutional checks), is also used by Kiewiet and McCubbins (1991). They test the abdication hypothesis and focus on party leadership within Congress. Strøm et al. (2003) are interested in the delegation and accountability design of parliamentary democracies.

While my foremost interest resides in the relationship between politicians and bureaucrats, the study I present here is more focused on the relationship between bureaucrats (albeit between bureaucrats close to politicians and the political leadership of ministries and bureaucrats in Brussels – but still bureaucrats nonetheless). This is explained in more detail in chapter two (especially the section Which agents and which principals?) and chapter three.

In fact political liability, or more precisely accountability, was one of the main pillars of the Brunner verdict made by the German Constitutional Court in 1993 in reference to the ratification of the Maastricht Treaty. It declared that the treaty could be ratified because the German Parliament maintains the right to transfer (or, more accurately, withdraw) German competences to (from) the EU (cf. Hix 1999:116-117).

Deontology, according to Sartori (1987:18 footnote 8), "...means literally ‘discourse on what must be done’, on dutifulness." For a collection of essays in deontological moral theory, see Darwell (2002).
A worn-out term (first devised by Marquand (1979) according to Mény 2003) with all too many characterisations. The deficit refers, for example, to areas of EU activity which are not directly accountable to elected representatives (such as national parliaments or the EP), see Williams (1990) or to “...the lack of participatory rights granted to non-governmental actors...” (Wolf 1999:231). Another definition, based primarily on members of the European Parliament (MEPs) and their conception of the democratic deficit, is to blame the deficit on “...the fact that European elections are fought primarily on the basis of national political concerns, rather than on problems relevant to the European arena.” (Franklin 1996:197, Van der Eijk and Franklin 1996:7). Decker (2002) points to the absence of a common European identity and institutional deficiencies of the electoral and party system as causes of the democratic deficit. Toeller and Hofmann (2000) point to the lack of Council control over the Comitology, the committee system used in the European Union which oversees the acts implemented by the European Commission, (most obvious when the Council fails to counteract a disagreement between the Commission and a regulatory committee) as yet another contributing factor to the democratic deficit. Majone recapitulates the debate over the deficit and identifies three major sources: “First, the European executive (Council of Ministers and Commission) rather than the European parliament is responsible for legislation [a fact supported by Kirchner 1992:14], in flagrant violation of the principle of division of powers. Second, within the executive, the bureaucratic branch (the Commission) is unusually strong with respect to the political branch (the Council), the members of which are ultimately subject to the control of the national parliaments. Finally...the supremacy of European law over national law, the governments of the member states, meeting in the Council, can control their own parliament, rather than being controlled by them” (Majone 1996:272, my remark). Lequesne (2000:49-50) points to the “accountability gap” which he characterizes as the criticism levied by several EU opponents towards the “...Commission and its perceived lack of accountability, because the Commissioners are not elected by universal suffrage and because parliamentary scrutiny of their actions is still weak.” and concomitantly even its sobriquet has been questioned: “... the ‘democratic deficit’, perhaps better ‘legitimacy deficit’...” see Wallace (1996:8) or even the “legitimacy gap”, see Abromeit (1998:6). Yet another interesting portrayal of the democratic deficit (especially in our case) is found in Dinan: “Coreper’s unaccountability to the electorate and inaccessibility to the public are key contributors to the Community’s democratic deficit” (Dinan 1994:235). Good discussions of the concept of democratic deficit and democracy are also found in Dehousse (1995), Coultrap (1999), and Katz (2001). Lord (1998:11) lists different features (or specific problems) of the EU’s political system which have been identified as causing the democratic deficit. Newman (1997) dedicates a whole chapter to the discussion of different democracy deficits, see Newman (1997:173-200) where he makes a distinction between democracy deficit at the EU level and domestic democracy deficit. Finally it should be pointed out that the notion of democratic deficit is not (or was not) embraced by all, see e.g. Meunier-Aitsahalia and Ross (1993) for a rebuttal of the democratic deficit hypothesis. Majone (1998) in his turn argues that it is the different standards (parliamentary and non-majoritarian) that we apply on problems of legitimacy which creates different arguments about the democratic deficit. Some researchers (cf. Crum 2005) discuss to what extent a constitutional reform could reduce the deficit and others (Elgie 2002) even attach the concept to individual institutions.

For instance, even Simone de Beauvoir’s famous Le deuxième sexe has a short note on time, where she specifies to the reader her use of temporal words (such as “now” or “recently”), see Beauvoir (1973:6).

In fact according to Andersson (2000b), the relationship between politicians and bureaucrats is one of political science’s classic conundrums.

The pros and cons of delegated legislation are incisively and succinctly discussed in van Schendelen and Scully (2003:3).

In social science research, findings are to a great extent dependent on the different analytical and theoretical tools used when dissecting reality. These tools help us to obtain valuable data about different aspects of society but they also serve to steer the researcher and shape her/his results by precluding certain conclusions and emphasizing others. It is fitting, thus, to begin with a description of the theoretical and analytical tools used in this study. I will first briefly discuss the different premises under which some scholars have assessed theory and to what extent it is possible to identify criteria for theoretical excellence. After having discussed and elaborated the different central concepts mentioned in the first chapter, I will present the broad field of rational choice institutionalism, within which the specific principal-agent theory resides. Then I will identify the theoretical approach specifically chosen for this study and the operational model that will constitute the backbone of the analysis throughout this dissertation’s empirical chapters.

There are innumerable ways to define and further develop critical concepts such as democracy, bureaucracy, and delegation. Indeed, the sheer quantity of different theoretical approaches applicable to these concepts is staggering, presenting the researcher with the daunting task of making a selection. In my case, as mentioned in chapter one, my chosen theoretical approach is based on the rational-choice new-institutionalism approach better known as the principal-agent (PA) theory. The reader may understandably ask why this specific choice was made. I strongly believe that one must view each and every scientific problem as a multifaceted conundrum and that much of what we hold to be true is dependent on our own point of view, i.e. Puchala’s elephant tale. Using different theoretical perspectives would allow us to obtain a richer understanding of the research question. Nevertheless, there exists no absolute intrinsic value in theoretical pluralism; theoretical plurality need not be sought at the expense of precision and analytical insight. Choosing one approach and adhering to it allows the researcher to gain a certain depth in the analysis. This is one reason why the principal-agent theory plays a prominent and instrumental role in this study; its theoretical frame will be used as a mould that confers to the study its basic structure. However, this does not mean that the principal-agent theory totally eclipses other theoretical or analytical arguments (e.g. Putnam 1988 and his two-level games) during the course of the analysis. I also refer to and include other researchers and their conclusions in my analysis. Foremost amongst them is Kassim et al. (2000 and 2001) but also others such as Peters and Wright (2001). These will be described in more detail in chapter four. But still the main inferences
will be drawn according to the analysis made possible through the principal-agent theory presented in this chapter. It is here that I will also develop the argument for why PA theory is best suited for the task at hand, namely to assess and analyse the relationship between the member states’ executive organisations and their permanent representations in Brussels.

THEORY IN GENERAL

Let us begin with the big question: What is theory? Here we are faced with a classical conundrum which every self-respecting scientist must solve for her/himself. This conundrum encapsulates the self-evident truth that the defining theory depends a lot on our point of view. One way is to conceptualize a spectrum where two extremes on theory exist; one pole represents a narrow interpretation, the other a broad interpretation. One end, representing the classical view of how researchers should use theory, is expressed in King, Keohane and Verba’s seminal book on research design. The other end is represented by Brady and Collier’s view of theory. According to King, Keohane and Verba, theory should be “...a reasoned and precise speculation about the answer to a research question, including a statement about why the proposed answer is correct. Theories usually imply several more or less specific descriptive or causal hypotheses. A theory must be consistent with prior evidence about a research question...we need to be able to give a direct answer to the question: What evidence would convince us that we are wrong? If there is no answer to this question, then we do not have a theory.” (King et al. 1994:19). Another version of the same viewpoint is advanced by Esaiasson et al. (2003:37):

Simply phrased we think of theory as a probable explanation. A theory is then an assumption that factor X affects factor Y combined with a presupposition on why factor X affects factor Y. In other words a theory is an assumption on a causal relationship between X and Y accompanied with a presumption on what is or are the causal mechanisms which leads X to have an affect or produce Y. (Esaiasson et al. 2003:37)

So at one end of this spectrum we place emphasis on causality and on the stringency of relations between variables in order to attain a scientific inference. At the other end of the spectrum, we would find Brady and Collier’s definition of theory:

The conceptual and explanatory understandings that are an essential point of departure in conducting research, and that in turn are revised in light of research. Different analytic traditions have different norms about the appropriate structure and content of these understandings. (Brady and Collier 2004:309)

As implied by the last definition, there are countless versions and perceptions of theory. I have only singled out a few in order to introduce the forthcoming discussion highlighting ontological and epistemological standpoints on theory. I believe that it is important to make this discussion explicit since it clarifies for the reader
(and indeed to the researcher) the study’s analytical ambitions, in light of the adopted perspective on theory.

**Criteria of good theory**

Should theory be seen as a simple set of variables coupled with an explicit proposition for a certain pattern of causal relationships? Or should theories be general descriptions of empirical facts (thus giving priority to certain aspects of reality, such as institutions, actors, organisations, etcetera)? Can we even define what constitutes a “good theory”? For example, are Shively’s (2001) three criteria (simplicity, predictive accuracy, and importance – discussed below) of any use? Or should we find a better set of criteria? Characterizing theory’s role in every scientific endeavour is certainly important, but it can hardly be the main task at hand for each and every dissertation. Therefore, only a relatively small portion of this chapter will be dedicated to conveying my views on this matter.

I believe that every theoretical approach can be compared to a lens. Approaching a given research question using different theoretical lenses captures different interpretations of the empirical data, which consequently leads to substantial differences in the analysis. Theory should also be seen as the mandatory equipment in every scientific researcher’s toolbox. The complexity and nuances of reality, as well as the sheer amount of empirical data, are frequently, if not always, beyond our analysing capacity without some theory to help us “make sense of it”. I cannot produce valuable knowledge by compiling and analysing empirical data in an utterly chaotic fashion for an unlimited time. When and where should I stop acquiring data? Theories help me set boundaries and sort out certain aspects of reality which I am interested in and which I deem to be of value for understanding certain processes or institutions. To sum up, theory is needed to keep a scientific focus and to restrict the numbers of variables that are needed to measure and analyse before reaching any inferences. What, then, constitutes “good theory”? The query itself is unquestionably worthy of an entire dissertation. Deprived of such luxury, I will have to restrain myself to a more frugal answer. However, given the opportunity, I hope to be able to contribute something to the theoretical community of delegation theorists who have supplied me with useful analytical tools, insights and intellectual challenges. As indicated above Shively presents a rather crude but useful (at least as the basis for the following discussion) set of criteria for a good theory:

1. **Simplicity.** A theory should give us as simple a handle on the universe as possible. /…/ It would not be very useful to develop a theory which used thirty variables, in intricate combinations, to explain why people vote the way they do. Such a theory would be about as chaotic and as difficult to absorb as the reality it sought to simplify.

2. **Predictive accuracy.** A theory should make accurate predictions. It does not help to have a simple, broad theory which gives predictions that are not much better than one could get by guessing.
3. Importance. A theory should be important. What makes a theory important is different in engineering research than in theory-oriented research, so we shall consider them separately. (Shively 2001:15, emphasis in original)

Shively does not claim that these three conditions are exogenously given nor that all are essential for a “good” theory, but rather that they are in their fundamental nature mutually exclusive. Consequently, a theory that attains a very high level of predictive accuracy is very likely to suffer from a significant loss of simplicity. Another noteworthy depiction of general scientific theory is the following definition of theory by two logicians Woods and Walton:

(i) A theory is a systematic and orderly organization of what is already known of a given subject matter, whether it be physics, psychology, household economics or logic. What is already known may have been known only in a common-sense sort of way and without much recognition of underlying principles. A theory, however, not only preserves what is already known; it also articulates and exposes underlying principles.

(ii) A theory also discovers new knowledge. In particular, by the orderly and systematic exposure of underlying principles, a theory discovers new implications of those principles and new applications of them, which may not have been apparent at the common-sense level.

(iii) In order to achieve the necessary orderliness, a theory usually involves reference to somewhat abstract and idealized concepts. For example, ordinary theoretical physics talks about point masses and frictionless surfaces. A point mass is a quantity of matter just large enough to occupy a geometrical point, and a frictionless surface is one on which, except for the application of external forces, a body’s velocity would never alter. Strictly speaking, there are no point masses and there are no frictionless surfaces. These are idealized abstractions. (Shively 2001:16)

So far I have concentrated on other researchers’ definitions and delineations of theory, but what about my own view as to what constitutes a reasonable and interesting theory? To this question, I have two answers – one general, the other specific. First, I believe in general that the notion of theory should be quite broad so as to embrace a larger set of hypotheses, causal/non-causal relations or analytical patterns. Different analytical paradigms have divergent norms about the correct configuration and substance of analytical lenses (or theories). In order to be clear, and with reference to the spectrum described above, I confess to being closer to Brady and Collier’s definition of what constitutes a theory than the more stringent definition of Esaiasson et al. (2003). Theories should, above all, be regarded as essentially precise, abstract, and elucidatory perceptions that establish fundamental points of departure, or scaffolds, in research. The perceptions may, or may not, in turn be modified in light of research results. Second, I argue specifically that a good theoretical approach should adhere to three basic criteria: cumulativeness, testability and responsiveness. These features are not exclusive and as clear-cut as one could fear (or wish for, depending on one’s inclination towards or against theoretical dogmatism). I will below explain those three concepts of theoretical excellence, but the
reader should be aware that the discussion is by no means complete or final. It is merely an attempt to clearly state important principles in developing and assessing theories, though these three above-mentioned criteria are not exclusive standards.

By cumulativeness, I mean that the theory should be chosen with an intuitive feeling for the specific research question and bearing in mind previous experience, i.e. a theory should be responsive to prior evidence within the field of study. Consequently, if it has been proven during earlier studies that certain causality between two factors exists, a new theory should not assume that these same factors relate to each other in an opposite fashion (e.g. as in reverse causality). Consequently cumulativeness in this instance refers to the degree to which a theory acknowledges prior evidence within a specific discipline or field of study (compare to the above quote from King, Keohane and Verba). Or in the same spirit of Woods and Walton's definition, a theory must both include and go beyond existing evidence.

My second criterion says theory should be testable, and by this I refer the interested reader to the notion of falsifiability as presented by Popper (1968). This has several implications for a theory; I will highlight two of them. First, theories that stand a chance of being wrong should be preferred before other theories, which are stated or constructed in a fashion that precludes (or hinders) the possibility of falsification. This last point stresses the importance of conceptualising theories that are not beyond the sphere of empirical testing, but rather are concrete and can actually be subjected to testing (irrespective of what sort of testing). Second, a good theory, at least from a Popperian point of view, should be able to produce, as King, Keohane and Verba (1994) assert, observable implications and that these implications, or variables as one might call them, should be as concrete and simple as possible. Consequently, these two facets or implications of the testability criterion can be interpreted as advocating for a parsimonious predilection in regard to theoretical approaches. The simpler a theory's formulation is, the easier it is to falsify, and thus the better it is. Accordingly, Shively's first principle of simplicity should attract adherents to the Jeffreys-Wrinch simplicity postulate, a concept that is very similar to the well-known Occam's razor. Parsimony should not be a goal in itself and it should only be sought if it advantageously increases the insights possible gained from answering the research question. I believe that the rewards with such an approach are far greater than those acquired through the use of more complicated theoretical approaches. Furthermore we should keep in mind that what appears to be a parsimonious theory to one scholar might not seem so to another.

Finally, a useful theory should be exploitable, in the non-pejorative meaning of the word, or in other terms, a theory should be responsive. By responsive I mean that a theory should be able to be applicable to models and there should be practical ways and means of it being tested. While this in part included in the previous criterion, the criterion of exploitability or responsiveness stipulates that a theory should be able to respond to empirical testing and evolve beyond its current design. This is a central point as theories should not be synchronic tools, but must have the potential for dynamic evolution (which characterizes principal-agent models, cf. Water-
AGENTS IN BRUSSELS

man and Meier 1998:197). Old theories quickly become saturated with analytical sclerosis and faced with an ever-changing empirical reality they quickly lose investigative vitality. Theoretical dogmatism should therefore not be a characteristic of good science. Although I should point out to the critical reader, in a pre-emptive way, that this perhaps has more to do with the research process and individual researchers’ propensity for theoretical innovation than with the theory’s structure and design per se. Thus, one way to pursue and attain good levels of responsiveness would be to reassess a theory’s basic assumptions after its usage has discovered flawed axioms. As pointed out above, one caveat to keep in mind is that probably this is more linked to the ways in which researchers treat and handle theory than with theory itself.

To recapitulate, I contend that a good theoretical approach should be built on previous literature and that it should be operationalised so that a reasonable test of its implications can be made. Such an advantageous operationalisation of a theory is most likely when the theory in question explicitly designates important variables to be used in understanding society. Being explicit does not suffice, though I would argue that it goes a long way. To clearly and explicitly state one’s own theoretical premises is to guarantee a certain level of honesty in one’s own scientific work. The same should apply to the analytical models, which I derive out of theory; they should be as unambiguous and transparent as possible. Theory should not obfuscate but illuminate (and to some extent simplify) the complex social terrain one wishes to explore.

How does then my own theoretical approach relate to the above discussion on theoretical criterion? In my opinion principal-agent (PA) theory complies with the criterion advanced by Wood and Walton. Both the first and the last of Shively’s criterion are also applicable to principal-agent theory. Whereas when it comes to the predictive accuracy of PA theory, one must tread more carefully. While PA theory is a simple and robust theory, it has some difficulties in generating predictive policy outcomes. Instead, its predictions are restricted to the degree of democratic decision-making in policy making. What of my own criteria? To what extent is principal-agent theory cumulative, testable and responsive? I argue that the implications of principal agency theory are testable while its general assumptions regarding several concepts, such as rationality, individuals and institutions are not. It is reasonable and responsive, or at least to the extent that one may demand of such a parsimonious theory, and it has a potential of promoting cumulative research. For these reasons, I am confident in speaking of PA theory.

KEY CONCEPTS

As stated earlier, this section will discuss the major concepts that are of interest for this dissertation, namely democracy, bureaucracy and delegation, and will consider them in the light of the kaleidoscopic descriptions to be found in other political scientists’ work. The question arises: Why should I choose to delve deeper in these
three major concepts? As stated in chapter one, one of the two core issues of this dissertation is the tension between democracy as a form of government and bureaucracy as an institution of administrative governance. The link between governments’ executive administrative structures and their permanent representations in Brussels is but one example of this above-mentioned tension. Returning to the issue of important analytical ideas, concepts like democracy and bureaucracy become central ideas, which should, if not explicitly incorporated into the theoretical design of the study itself, at least be reviewed and described through a more careful discussion.

Democracy and principal-agent theory

Different political traditions have, in seemingly endless skirmishes, wrangled about the normative benefits of various constitutional constellations: federation, republic or parliamentary monarchy. Always a sensitive and complex notion, democracy has continuously been at the heart of political science. What constitutes a democracy? How should democracy be constructed, interpreted or even acquired? One of the common European political heritages is representative democracy. While it is true that this heritage displays a lot of variation, it has, nevertheless, become quite dominant almost hegemonic. The notion or idea of democracy as hegemonic is not new to political scientists. As early as 1945, Herbert Tingsten characterized democracy as a “supra-ideology”:

The belief in democracy is not a political ideology in the same meaning as conservatism, liberalism, and socialism. It is characterized by a view on the constitution’s form, on technical means to reach political decisions, not on the state’s decisions and their contents or the society’s structures. It [belief in democracy] can thus be regarded as a kind of over-ideology, in the meaning that it is common for different political ideologies. (Tingsten 1960:42, my remark)

Tingsten presupposes that democracy and its core values are inherently of technical nature. Is such an aloof identification of democracy in concordance with the inherent democratic values of representative democracy? Should not also the contents of laws and policies, instigated by and implemented through a democratic system, be the object of a democratic assessment? Can democracy really be boiled down to the very mechanisms and forms, which surrounds the decision-making processes of a society? The answers to the queries are not straightforward. Nevertheless, I feel obligated to mention these questions. One reason for this is that PA theory develops (or presupposes) a way of conceptualizing democracy that, from my position, is similar to the view presented by Tingsten, i.e. it is very systematic and formal. Still this should not hinder us from critically assessing democracy as a central concept.

Since most definitions of democracy have a connection to this study’s perspective, I think it is important to delineate my conception of democracy. Even though the concept of democracy embraces a large array of definitions, I would argue (this time without using any Cheshire cat metaphors) that it is conceivable to portray the
core attributes of representative democracy in a way which allows a scrutiny of democratic values or functions. Implicit within PA theory lies a definition of what constitutes the fabric of democratic structures and processes, especially in representative parliamentary democracies, though we should note that it is a general theory applicable to all parts of that which principal-agent theorists identify as salient in societal processes and structures. Principal-agent theory concentrates on delegation and preferably with successful/failed delegation (more on this below). It is in that aspect that most PA theorists can be said to treat central aspects of democracy and democratic systems. The supposition that is made is that parliamentary democracy entails a chain of delegation and accountability (Lupia 2003:36, Strom 2000:268). Central to all thought within PA theory is that delegation is the only means to achieve governable societies or as Lupia states:

While delegation may not be a perfect means for political principals to achieve their objectives, it is the only feasible means. Anyone who wants to govern or provide services to mass populations must find agents to carry out their plans. Therefore, understanding the relations between principals and agents is critical to answering many questions about parliamentary governance. (Lupia 2003:34)

This entails, as I stated earlier, a sometimes formalistic yet powerful analytical perspective on the way in which democracies work and on which processes are important in politics, namely delegation. If the core of the democratic idea, i.e. the transmission of the people’s will into understandable, predictable, and implemented laws and policies, is to become a reality in the highly complex societies we live in today then delegation is a necessity. Given this assumption about democratic rule I cannot ignore the ways in which delegation works and what factors contribute to its failure or success. This is true not only in regards to the classical chain of delegation which is the main feature of parliamentary democracies (voters to parliament to government to civil servants), but also to other aspects of society at large, such as trade unions, companies, and other societal actors in democratic life, which use delegation as an everyday tool for achieving their goals. Delegation is everywhere in social life and PA theory proposes an important basis for studying relationships of delegation.

**Bureaucracy and principal-agent theory**

In etymological terms the word bureaucracy can, according to Riggs (1997:11) be traced back to the eighteenth century when it was coined alongside other existing academic idioms (e.g. aristocracy and democracy) to describe different types of political systems. Bureaucracy according to this definition refers to a political system dominated by appointed officials. However, Riggs remarks that this use of the word is quickly becoming an anachronism. Furthermore, the word bureaucracy is often associated with very negative connotations. Etzioni-Halevy (1983) points to reciprocal reinforcing between secrecy and bureaucratic power as dangerous since secrecy is “the very antithesis of democracy”. Bureaucracy is also associated with
expressions and metaphors such as red tape (see e.g. Kaufman 1977, Craig 1955), grey dull corridors or dust-collecting officials behind paper-stacked desks in windowless offices. Brehm and Gates (1997:1-2) accurately point out that well-known scholarly works (cf. Downs 1967, Niskanen 1971 or Wilson 1989) on bureaucracy include, in their prelude, an apology or some qualification about the term bureaucracy.

As stated in the introductory chapter early research into the bureaucracy and administration was inclined towards institutional analysis (at least as far as empirical studies were concerned). While these studies managed to deliver realistic and nuanced views of the dealings between the bureaucracy and the politicians, this was not the case in the early days of the discipline. In the beginning, the views of political scientists were accurately represented by the following quote from Wilson:

Administration lies outside the proper sphere of politics. /…/ the field of administration is a field of business. It is removed from the hurry and strife of politics. /…/ it is part of the political life only as the methods of the counting-house are a part of the life of society; only as machinery is part of the manufactured product. (Wilson 1887:209)

To some degree the same opinion can be found in the writings of Weber when he discusses the relationship between bureaucrats and politicians. As Lupia (2003:34) remarks, Weber’s writings also include warnings against the dangers of unfettered bureaucrats controlling de jure political masters who are de facto political dilettantes, i.e. the politicians (Lupia’s reference to Weber is taken from Gerth and Mills 1946:232). Still an early perspective on bureaucracy, often referred to as the Weberian/Wilsonian notion, portrays a near absolute separation between politicians and civil servants where the ideal was that bureaucrats obey their political masters without flinching. This could be termed a businesslike bureaucracy. At the other end of this theoretical continuum is the administrative state bureaucracy that depicts a similar situation concerning the division between administrators and politicians (i.e. that they are separated), but with the difference being that the bureaucrats are dominant (see e.g. Wilson 1975). This latter formulation emerged from discontent with the Weberian/Wilsonian simplified view. The challenge came from political scientists and, by the 1960s, numerous dissident theories were flourishing. Nowadays a veritable panoply of theories and models concerning bureaucracy (and the interaction between it and other spheres of influence in politics) exists.

Whereas dichotomous classification of bureaucracy (discussed above) and its relationship to politics is of interest, other more interesting, categorizations and appraisals of the relationship between politicians and bureaucrats exist. While Weber and Wilson are seen as pioneers in theorizing about bureaucracy, many others have since contributed to a more nuanced and balanced understanding of bureaucracy. Aberbach et al. (1981) contributes to our understanding (see figure 2.1 below) of the evolution of research assumptions and inferences on politico-administrative rela-
tionships starting from Weber’s and Wilson’s notion of separation between administrators and politicians to modern days.

Figure 2.1: Politicians’ and bureaucrats’ roles and responsibilities

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<th>Image I</th>
<th>Image II</th>
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<td>Implementing policy</td>
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<td>Brokering interests</td>
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Source: Aberbach et al. (1981:239), for an explanation of the images, see Aberbach et al. (1981:4-23). This figure appears with a question mark superimposed on top of the arrow between the third and fourth image in the original version.

Note: B = Bureaucrats’ responsibility, P = Politicians’ responsibility, S = Shared responsibility.

The four images included in the study by Aberbach et al. cover four different relationships between elected and non-elected officials. Image I describes the classical Weberian dichotomized view on bureaucrats and politicians. Image II and III refer to subsequent categorizations of increasing influence for bureaucrats as political scientists explored and nuanced their understanding of the relationships between these two groups of decision-makers. Finally, Image IV can best be exemplified as the practice of ministerial cabinets (e.g. as in France) or politicized posts within the executive administration (most obvious, perhaps, in the case of the US administration), where bureaucrats are active members of the political staff (for a detailed article on Image IV, cf. Campbell 1988).

Later on the economists joined the study of administrative behaviour and processes. Despite their late entry into the field of administrative study they are far more influential than most other theorists, who apply their analytical tools to the subject. Most knowledgeable among them is Downs (1967) in his study on different types of bureaucrats, Niskanen (1971) in his research on budget maximizing bureaucrats, and Alchian and Demsetz’ (1972) in their study of the firms and ways to organize so as to minimize shirking (they argue that shirking cannot be eliminated altogether but simply minimized as much as possible). Utilizing their methodology and econometric tools in an effect to better understand bureaucracy, these scholars tried to shed light on what factors shape the behaviour of civil servants. In addition to those mentioned above, Brehm and Gates draw attention to the transaction costs theory school (cf. Williamson 1975, 1985) and the school known as principal-agent theory, to which I will devote the lion’s share of this chapter.

The relationship between politicians and bureaucrats (as well as the role of bureaucrats and politicians) has been the subject of many research efforts lately (cf. Ehn 1998, Derlien 2003, Wilson and Barker 2003). Huber (2000 and 1998) studies cabinet instability in the case of health care cost containments and how different institutional and political features affect the delegation to civil servants. A review of
comparative research uncovers other variants and alternatives to the conceptualisation of relationships between bureaucrats and politicians. One such conceptualisation is Peters’ (1997) “adversarial”, “village” and “functional village” models. Peters’ three models are flanked by the Weberian/Wilsonian and administrative state ideals in an analysis that tries to discern eventual disparities amongst various cultural and constitutional systems (Anglo-Saxon/Continental, presidential/parliamentary systems). In conclusion we see that there exists an abundance of interpretations regarding the nature of the bureaucracy (for a thorough and well-written overview, see Sundström 2003:29-49) and the relationship between bureaucracy and other parts of political life. All seem, however, to accept at least a minimal division between bureaucrats and other policy-makers. While early theorists described bureaucrats as being disavowed of political power, this dissertation assumes that bureaucrats are indeed policy-makers and holders of some influence in politics (cf. Lundquist 1998); though it remains to see to what extent and in what manner this clout takes shape.

**Delegation and principal-agent theory**

Delegation is realized when one person (or group of individuals) selects another person (or group) to act on their behalf. The former person (or group) is referred to as the principal and the latter as the agent. As pointed out by most PA theorists, delegation is all-encompassing, ranging from the lowest to the highest, i.e. from the early morning deliverer of newspapers or the accomplished medical practitioner and ultimately, some would say, to the higher deities for in the words of Bendor et al. (2001:235) “even God delegates.” Nevertheless, delegation is tricky business. Issues of delegation have been ruminated throughout history; one example, less biblical and more down to earth, is the problem of overuse of delegation. Such an early example is found in Locke’s Second Treatise of Civil Government, where he points out the restrictions applying to further delegation by the legislative body:

141. Fourthly, the legislative cannot transfer the power of making laws to any other hands; for it being but a delegated power from the people, they who have it cannot pass it over to others. /.../And when the people have said we will submit to rules, and be governed by laws made by such men, and in such forms, nobody else can say other men shall make laws for them; nor can the people be bound by any laws but such as are enacted by those whom they have chosen and authorised to make laws for them.

142. These are the bounds which the trust that is put in them by the society, and the law of God and nature, have set to the legislative power of every commonwealth, in all forms of government. ... /.../...the legislative neither must nor can transfer the power of making laws to anybody else, or else place it anywhere but where the people have. (Locke 1946:71-72, some text omitted)

This overt fear of delegation “running riot” is central to many constitutional theorists and political scientists. In his theoretical contribution on constitutional mat-
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ters, Locke pointed to the risks of unfettered and unchecked delegation of legislative powers to agents of the legislative body, such as the executive or administration. In modern literature one of the strongest contentions against what Locke considers as an unlawful and horrendous use of delegation is found in Schoenbrod (1993). In some form the problem raised above is related to Madison’s dilemma, as spelt out in Kiewiet and McCubbins (1991:26): “The essence of the problem is that resources or authority granted to an agent for the purposes of advancing the interest of the principal can be turned against the principal.” But it is not just in the relation between legislatures and executives where this problem exists; it is a potential risk that threatens every act of delegation. Indeed, in contemporary political systems this threat has been manifested.

Looking at the US and its ever-present constitutional debate, I argue that at an early stage the founding fathers were aware of the difficulties coupled with delegation to the administration (as shown by Madison’s dilemma). The Jeffersonians insisted on restricting federal officials’ discretion in the interpretation of statutes written by Congress. This firmly-established conviction of not allowing legislative powers to be delegated to unelected bureaucrats formulated itself into a doctrine: Delegata potestas non potest delegari (a delegated power cannot be further delegated). This principle lies at the very core of contract political theory, which holds that only the elected legislature or its direct consent is the source of “…legitimate basis for the exercise of the coercive power of government” (Kiewiet and McCubbins 1991:19, also cited in Stewart 1975:1672 and Fischer 1985:100). This contention had support of the Supreme Court which has long inveighed against the delegation of legislative power to the executive. Several judicial decisions upheld the non-delegation doctrine, stipulating that generalised and broad-ranging delegation to the executive is unconstitutional. However, in more recent times the anti-delegation tenet gradually wilted:

The courts also retreated to an anaemic attitude by refraining from contesting administrative decrees and statutes. Hence, they are alleged to only give lip service to the doctrine forbidding delegation of legislative powers” to the administrative and executive branches of government (Lowi 1979, Stewart 1975). These allegations are extremely serious since the courts, by ensuring an administrative due process, are one of the three most important ways in which bureaucracy can be controlled, as observed by West (1995). West argues that American bureaucracy is held in check by three institutional devices: judicial (Supreme Court and other courts), executive (White House), and legislative (Congress) branches. Though the increased propensity of the executive and legislative to delegate policy-making power to the administration only emphasises the judicial branch’s responsibility. Other studies concen-
Delegation to regulatory agencies in Western Europe (cf. Gilardi 2004) or to non-majoritarian agencies (Curtin 2005). Delegation to agencies and their counterparts is an indispensable part of representative democracy’s governing traditions just as is making sure that the administration remains responsive to its principals’ wishes.

These two examples – one more theoretical (Locke’s definition) and one more concrete (US constitution) – are illustrative of the advanced and complex character of delegation (and the shifting attitude of societal actors towards what is to be considered as dangerous delegation or efficient governance, depending on one’s viewpoint). They also demonstrate that an understanding of delegation is anything but straightforward. Acts of delegation entail an impressive amount of difficult and potentially polemical decisions. Who should be chosen as agents? What resources should be given to the agent to fulfil his/her tasks? Who, and how, should monitoring requirements be constructed? Which parties have the right to break up the delegation and demand a new contract? In other words: What is the nature and scope of the institutional (and to some extent procedural) delegation design for each and every delegation? It is important to acknowledge that the basic premises for delegation and principal-agent theory include constraining factors and assumptions, such as disharmonious principal/agent preferences or information asymmetry (see below for details). Another important distinction about delegation is that it can either fail or succeed. It should be noted that there are several ways to measure success and failure in delegation (as well as the intermediate stage between success and failure).

Previous research (Epstein and O’Halloran 1999, Volden 2002) on formal models of delegation has chiefly been concentrated on US politics or on assessments of different political systems (cf. Huber and Shiban 2002). Other political scientists have focused on issues of delegation within the context of the EU (though they highlight different aspects and institutions), Franchino (2000 and 2005) concentrate on the Commission, Comitology and the member states (in their legislative-executive roles as well as their administrations as principal implementers of EU policies), so does Tsebelis and Garrett (2001) in their spatial analysis of EU legislation, while others (e.g. Dimitrova and Steunenberg 2000) disregard the role played by the Commission and concentrate on EU legislation and the member states. Another distinction of different logics of delegation is made by Majone (2001b) who argues that a negative consequence of the recent proliferation of studies using agency theory is that these tend to overlook the fiduciary relations which exists between actors involved in EU integration. Even though Majone principally argues for fiduciary relations between actors such: member states, Commission, ECB (European Central Bank), his logic could also apply to national delegation.

Finally, it is necessary to make a distinction between formal and informal delegation. Decision-rights and delegation of authority within organisations can be defined both as formal and informal (cf. Baker et al. 1999). This analytical distinction is often not made explicit but I argue that it is intrinsic to almost every study within social sciences which aims at analyzing institutions; processes of power and deci-
sion-making and/or European integration (cf. Stacey and Rittberger 2003, Lewis 2003b). For an excellent example of how informal processes were included in an analysis, see Jacobsson’s (1984) dissertation on the myths and realities behind the relationship between Swedish ministries and agencies. Formal delegation is the delegation which is provided by official documents, laws, statutes and other formal agreements, whereas informal delegation is the routinized enactment of formal delegation in real life. To recap, informal delegation is tantamount, for example, to unwritten laws, habits and customary practices through which delegation takes place. I return to the distinction between formal and informal below.

**Accountability, efficiency and legitimacy**

Three concepts which play a vital role in my research endeavour are accountability, legitimacy and efficiency since they all capture essential values inherent in principal-agent theory and in the empirical subject at hand, namely, the tension between democracy and bureaucracy as it is spelt out between member states’ governments and their permanent representations in Brussels. Accountability as a concept is also highly differentiated. There are many empirical conceptions, as the existence of terms such as educational accountability (cf. Elmore et al. 1997) witness, and many theoretical variations (cf. Mulgan 2000); indeed, there are so many that it could be argued that it suffers from a perpetuated lack of conceptual clarity instigated by a persistent ill-defined use. In a seminal article, Koppell (2005) acknowledges this fact and goes about mending this shortcoming. Koppell argues that a main weakness of previous typologies of accountability, such as those presented by Radin and Romzeck (1996) or Romzeck and Ingraham (2000) is that they “...focus on control”, while other scientists (cf. Behn 2001) seem to overlook “...the nature of accountability” (Koppell 2005:95-96, emphasis in original). He furthermore argues that the serious drawback of having different definitions of accountability resides in problems of the multiple accountabilities disorder; or to use Koppell’s dramatic ellipsis: MAD. This disorder is encountered when organizations are assessed using multiple definitions of accountability, i.e. “...organizations trying to meet conflicting expectations [deduced out of separate notions of accountability] are likely to be dysfunctional...” (Koppell 2005:95, my remark). Koppell’s pentagonal definition of accountability (which renders five dimensions: transparency, liability, controllability, responsibility and responsiveness) is interesting because it explicitly pinpoints the variations of accountability. In this aspect, this study views accountability primarily as processes of controllability and to some extent of responsibility. Another important choice in the definition of accountability is coupled to the distinction of whether one sees accountability as an outcome or as a process. I choose to see accountability as the latter (cf. Lupia 2003) or as Birch (1964:131) states: “Accountability is not an end in itself so much as a means...”. Interpreted in another way accountability is facilitated by the due and efficient use of delegation designs or institutional control mechanisms. It is important here to ponder the concept of
efficiency and efficient mechanisms. What do I intend by these terms? Efficiency might be defined stringently by clear criterions of achievements, or even economically through the test of a cost-benefit analysis – the last factor especially important in assessing the delegation and accountability design. Over the following pages I will present, discuss and define analytical variables which are represented by actual institutions and processes in daily routines of the link between Brussels and their capitals. These instruments or mechanisms of control are all more or less costly. Principals have to pay monitoring costs if they want to monitor their agents (holding meetings, demanding and reviewing reports, contracting accounting firms, et cetera). Different delegation designs entail different costs, though I must explicitly say that these costs have not been incorporated into my definition of efficiency. For example, when I talk of efficient screening and selection mechanisms, I do not imply that these procedures are cost-benefit efficient, but rather they are efficient in providing/guarantying accountability and controllability of the agent, or to put it in theoretical terms (see section The concept of agency loss below), to efficiently decrease the risk of agency loss. Likewise, when I refer to the concept of efficient delegation I conceive efficiency to be in terms of democracy and accountability, i.e. a type of delegation which increases the chances of seeing outcomes shaped by agents to be as close to their principal’s preferences as possible. Last, but not least, the concept of legitimacy should be mentioned. While legitimacy is a thorny concept (cf. Arnnull 2002, de Búrca 1996), one can nevertheless quickly find that the main definition skirmishes are fought alongside the rift between formal and social legitimacy or between input and output legitimacy. Even though my focus remains on the output of the delegation and accountability design (and not on the costs of installing these mechanisms), my focus with regards to legitimacy and indeed democratic processes, such as lawmaking, remains on the input side. I do not deny that both output and input legitimacy are important in societies, and that all too often equilibrium between the two seems unattainable (Lenaerts and Verhoeven 2002). Still, to retain logical coherence in my choices, in this study I define legitimacy as input legitimacy.

Closing in on principal-agent theory

Every theory should be presented in an explicit way so that the ontological and epistemological assumptions underpinning the very base of the theory are made clear. I have chosen to apply a principal-agent theoretical perspective on the study of the links between executive organizations in the capital of certain EU member states and their respective representations in Brussels. I have earlier stated that this theoretical choice evidently constitutes the very backbone of my study, but it should not be perceived as a form of theoretical blinkers or a strait-jacket. Certainly the use of several analytical tools (and therefore of theory) is recommendable. As Shapiro (2002a:598) so eloquently remarked, the “...old adage that if the only tool you have is a hammer, everything around you starts to look like a nail” is too accurate to re-
fute." Still, I will not sacrifice a reasonable use of the PA theory, and an opportunity to analyse in a systematic fashion the delegation aspects between Brussels and member states capitals, merely for the sake of theoretical plurality.

Nevertheless, I want to make clear that my approach is heuristic (as opposed to predictive) and that any evidence pointing to clear and irrefutable inconsistencies between the theoretical assumptions and empirical facts will engender a critical appraisal of the assumptions and not the facts. Thus I apply principal-agent theory on a problematic issue, which I believe can be fruitfully analysed and explained through analytical models build upon PA theory, although I am ready to reappraise the same theory and, if need be, find theoretical explanatory force from other sources. I state this explicitly in order to accentuate that I am first and foremost an empirical researcher, even though I do not deny the need, benefit and strength of theory. Simply (metaphorically) put, when strong discordance between theory (map) and facts (actual terrain) is evident, I tend to trust the latter. Lastly, I mention that the following presentation has been set up according to a conscious design: going from the general and abstract to progressively concrete and narrow assumptions all the way to an operational and applicable model. The idea is to incorporate both Wood and Walton’s (see above) idealized concepts and my own ambition to construct testable models. This should also indicate that, as I further develop this chapter, the theoretical approach will be translated into more specific models. This should also allow the reader to understand the foundations for certain theoretical presuppositions made in the final models. Before proceeding I should give notice that no specific part of this chapter will be consecrated to a presentation of the theoretical acquis on European integration, other than that needed for the operational models that I will apply. To some extent, the European theoretical dimension will be described in chapter four. My model is general in so much that it can be applied to situations other than the one studied in this dissertation. Thus, as I move from general PA theory discussion to a more particular analytical model based on principal-agent theory, the European dimension increases in saliency. This specific dissertation intends to use empirical cases directly linked to the EU to discuss general concepts such as delegation and democracy. At this stage it is interesting to point out that the analytical perspective of the principal-agent theory can be used in different ways in order to attain insights into the way the EU relates to its member states and vice versa. Tallberg (1999) uses a variant of the PA analysis: the principal-supervisor-agent model (PSA). Here the member states are both principals and agents (or in Tallberg’s terminology multiple principals and multiple agents) in so far that the member states assign to the Commission and the European Court of Justice (ECJ) the task of supervision and enforcement regarding compliance with EC laws and regulations. Both these institutions act in a supervisory role in monitoring the implementation of these rules by member states. Thus, a situation is created where member states can be seen as both principals and agents.34 In general I agree with Tallberg, in that the relations between the EU and its member states involve a number of multiple PA links. However, for the particular purpose of this
study a more focused and useful perspective is to highlight member states as principals and EU-level institutions as agents (cf. Gottweis 1999:62).

Why then principal-agent theory?

Tallberg identifies three main strengths associated with the use of PA theory (Tallberg 1999:68-69). First, it provides us with a theoretical language that does not interfere with the claims of the two schools of integration within the EU: namely, intergovernmentalism and neo-functionalism. Second, principal-agent theory permits what Tallberg calls “open-ended empirical analysis”, which translates into possibilities to study supranational influence whose conclusions are less biased. Third, PA theory encourages us to formulate adequate measurements of supranational influence and the faculty of member states to control and monitor their agents. The logic behind the usefulness of PA theory supersedes research on supranational institutions. Still, to establish a rewarding and incisive PA analysis of the national-European link, I must choose a focus. Hence, I cannot use factors such as the ones applied in the analysis of the integrative role played by the European Court of Justice (cf. Alter 1998 and Stone Sweet and Caporaso 1998).

Another argument for using agency theory and principal-agent theory in order to grasp central aspects and effects of European integration on democracy is one of scientific originality. Practically all studies of European integration using a principal-agent approach have chosen to concentrate on supranational institutions (Tallberg 2002b, Thatcher and Stone Sweet 2002), such as the Commission (Pollack 1997 or Franchino 2002), the European Court of Justice (Garrett et al. 1998), the European Parliament (Scully 2001), or even the European Central Bank (Elgie 2002). The Council of Ministers is largely left outside delegation research. With the exception of studies concentrating on the role that the Council plays in the implementation of EU legislation (Franchino 2001 and 2004), no one has taken an interest in delegation within the framework of decision-making. Furthermore, these and other studies assume that the roles of agents and principals are divided amongst categories belonging to two different sides established through the polemical standoff between neo-functionalism and intergovernmentalism: namely, supranational agents and national principals. My intention is to apply PA analysis to an act of delegation of national nature. Even though this is a link that runs through national democracies, this delegation has a clear impact on both the European level and the member states themselves since the outcome of the delegation actually becomes EU legislation. Why this aspect of national and European democracy with a clear theoretical affiliation to agency theory has remained under-researched is a riddle to me. It is also a motive for doing such a study.

One can characterise this national link as primarily bureaucratic and technocratic (on technocracy in the EU, see Radaelli 1999) in its features, thereby begging for a more developed knowledge of organizational or bureaucratic theories for the successful achievement of this endeavour. I acknowledge that organizational and insti-
tutional theories are important in this case. Still I would like to see it as a phenomenon that is better addressed within the field of delegation theory. To sum up the argument, the theory manages to fruitfully feature analytical components, which are interesting for this study (and consequently useful for the research questions). Empirically the theory captures vital aspects of the relation between bureaucrats in Brussels and political principals in capitals. Additionally, assuming a reasonable operationalisation, the theory is responsive and cumulative which allows, given the opportunity through empirical evidence, to advance some new models of delegation or/and to critically appraise certain parts of current PA theory. Finally, I point to two additional aspects of principal-agent theory which were pivotal in my decision about which theoretical approach to use in my dissertation. First, principal-agent theory (in the fashion that I have outlined it) succeeds, in a unique and unequivocal way, to embody in its theoretical language the only undisputed core of democracy that “political power is based on the will of the people” (Neuwahl and Wheatley 2002:223). This notion is enshrined in almost all EU member states and certainly in our two cases: France where the French republic’s principle is (according to article 2 in the constitution) “a government of the people, by the people and for the people” and Sweden, where the first paragraph of the Instrument of Government [regeringsförmen] states that “all public power in Sweden emanates from the people.” Second, principal-agent theory’s concepts and assumptions also manage implicitly to include the important dimension of power, since it structures are inherently hierarchical. This allows for an analysis of, among other issues, who has power, how power is distributed (or more precisely delegated) and what constitutes power. This is crucial because as political scientists we should never shirk from our main responsibility, which is to analyse and critically assess power in society.

Rational-choice institutionalism

But what does the actor-centred PA theory tell us about the importance of institutions? New institutionalism, like every phenomenon coupled to the epithet “new”, claims to bring a revitalizing theoretical strand and to address new insights. In the wake of the behavioural and rational choice revolutions, as Peters (1999:11) labels them, the school of institutionalism was targeted with heavy pressure. Concepts common to both behavioural and rational choice theories (such as methodological individualism, and anti-normative bias) came to have an effect on institutionalistic thought and practice, leading to variants of the old institutionalism, hereafter referred to as new institutionalism. Rational choice (RC) institutionalism combines the individualistic cornerstone found in RC and the acceptance of institutions as important entities in explaining politics and the behaviour of political individuals. This translates into a theoretical school which puts an emphasis on how institutions can help rational, utility-maximising actors to actually reach optimal results (cf. Ostrom 1990, Tsebelis 1990).
Generally RC institutionalists have boasted an impressive coverage of political institutions (most are, however, drawn from the Anglo-Saxon tradition especially the American sphere of politics). Their principal focus has been on the Congress or the legislative branch, but even cabinets have been covered by RC theoretical studies. With regards to the bureaucracy, some of the most known studies with a RC institutionalism approach are Wood and Waterman’s opus (1994) on the dynamics of bureaucracy, and Johnson and Libecap’s study (1994) on federal employees as an interest group and their influence. More recent studies include, for example, Brehm and Gates’ study (1997) of bureaucrats’ preferences and how they can be democratically controlled. Although different strands and variants of the school of RC institutionalism do exist, most of them adhere (more or less) to a core of theoretical postulates. These assumptions are centred on the two most basic concepts in social science: institutions and actors. While all of Peters’ five variants of RC institutionalism present different pictures of what constitutes an institution and how actors relate to institutions (or between themselves), some common traits are identifiable.

First, all his variants recognize that the rational individuals are the pivotal units of analysis when studying political processes. Furthermore, these individuals follow the utility-driven axiom inscribed into rational choice theory. Institutions are defined as sets of rules or incentives. Peters' variants also recognize that institutions in some way or another impinge on the rational and uninhibited behaviour of individuals normally assumed under rational choice. Hence, institutional patterns or structures (such as parliament, electoral system or – central to this study – bureaucracy) define and shape the behaviour of individuals (cf. Krehbiel 1992, Taagapera and Shugart 1989, Bendor and Moe 1985). However, the opposite is also true; individuals shape the conduct of institutions. Peters maintains that the latter causal relationship is underdeveloped in theoretical writings and remains to be elucidated. Some have even labelled as an element of paradox within RC institutionalism the fact that individual actors design and create structures (institutions), which then in turn constrains those same individuals, (Grafstein 1992). However, the criticism lodged against RC institutionalism, for its inability to develop ways of understanding how individuals shape institutions, should perhaps be interpreted in more leniently than Peters argues. This is especially obvious when one considers the number of authors within the school of RC institutionalism who have explored the field of conscious design of institutions. Finally, shared assumptions are not only what binds RC institutionalists together; they also have similar problems and fields of research. The two most obvious and basic are the problem of solving aggregation of political wills which is typical in problems of collective decision-making (cf. Arrow 1951) and the problem of controlling bureaucracies (through institutional design, see e.g. Horn 1995). The last is particularly important to keep in mind as I move into the theoretical design of this study since institutional design and controlling of bureaucracies has been a branch where principal-agent theory and models have played in important role. Not solely in a theoretical and cognitive way but also in a more practical manner, PA theory has managed to help in the structuring of
contemporary public administration structure, a case in point being New Zeeland (Boston 1991).

What then are the drawbacks with this approach or, clad in a more metaphoric language, what are the chinks in the RC institutionalism’s armour? First, it can be stated that many of the studies using the above-described school suffer from a lack of empirical closeness. By lacking empirical closeness I mean that the high level of abstraction which is required of a theory, relying so heavily upon models to advance the analysis, may lead to the thick description and understanding of institutions, norms and rules being lost. Another troubling critique voiced against RC institutionalism is that the school has incorporated the basic assumption of rational actors. It has been proposed that the assumption of rationality makes it harder to falsify any results:

It is very difficult to find any situation in which individuals could be said not to be acting rationally in the context of some possible set of incentives or another. Despite the apparent formalization, the predictions of rational choice analysis are rarely so specific that they are subject to unequivocal tests. (Peters 1999:61)

These considerations demand the serious attention of a researcher using any of the theoretical approaches within the framework of this school, and this is particularly true in my case because my own standard of theoretical excellence includes the concept of testability as an important criterion. While there are no easy answers, being aware of these complications should help to find a way of avoiding some of the obvious pitfalls as I finalise my analytical model.

PRINCIPAL-AGENT THEORY

The first theorists using the PA approach are found in what is generally referred to as the “new institutional” economics. To be more specific we could locate them in agency theory, one of three identifiable branches within new institutional economics; the two others being transaction cost theory, cf. Coase (1960) or North (1990) and property rights theory, cf. De Alessi (1980). Within this agency theory branch the focus was placed on the relationship between managers and employees or even between shareholders and executives and how the former could monitor the latter’s activities, for the purpose of eliminating the problem of shirking. Identifying a broader applicability, rational choice theorists within the new institutionalism tradition began, during the 1980s, to use PA analysis in several studies, notably in cases of relation between legislature and bureaucracy. This was the case with the “run-away-bureaucracy thesis” (see e.g. McCubbins and Schwartz 1984 or Mitnick 1980) which stated that Congress had largely lost control over the regulatory agencies of the executive branch. However, a response to this came without delay and the “run-away-bureaucracy” theory saw its antithesis “congressional-dominance school” (see e.g. Weingast and Moran 1983 or Weingast 1984) challenge the previous findings.
Later principal-agent theory evolved and was utilized in different studies, or as Tallberg points out:

The debate and the less extreme and more nuanced P-A analysis, which was produced in its [the debate between the runaway-bureaucracy and congressional-dominance schools] aftermath, recognized the problems inherent in political delegation, identified means of political control, and helped specify the conditions under which political agents can escape the supervision of political principals. (Tallberg 1999:55, my remark)

This second wave of PA analysis, as it is often termed, tried to demonstrate and apply PA theory in reference to phenomena where delegation and control is vital (see e.g. McCubbins and Sullivan 1987, Moe 1987 and 1990). Recently it has been possible to identify a growing propensity within the field of European studies to use and/or test PA theoretical models (cf. Ballmann et al. 2002, Bergman 2000, Garrett and Weingast 1991, Blom-Hansen 2005, Pollack 2003b, 1999, and 1997, Rasmussen 2005, Stone Sweet and Caporaso 1998, Stetter 2000, Tallberg 1999 or Hooghe 1999). But principal-agent theory is not exclusively used to capture analytical insights of the European Union. Below I present the basic cornerstones of principal-agent reasoning and the essential assumptions which shape the core of the theoretical understanding of society. Key analytical concepts used throughout the dissertation are defined and explained.

Accountability and the chain of delegation

Representative democracy requires delegation. In the light of this fundamental assumption a more accurate depiction of what constitutes the principal functions of a representative democracy can be acquired. As power is delegated from principals to agents a chain is established – a chain of delegation. This chain satisfies the demands of democratic rule by allowing a controlled transmission of powers. Thus, power is matched by proportionate answerability, or, in other words, agents are accountable to their principals throughout the whole chain of delegation (voters to legislative to executive to bureaucracy).

When voters delegate power to their representatives, most commonly members of parliament (national, regional or local), electoral rules (Mitchell 2000) and party discipline (Longley 2003, 1998) are important tools through which principals (voters/parties) can hold their agents (individual MPs) accountable. But other mechanisms and processes can be studied from a PA perspective; for example Dasgupta and Williams (2002) test the mechanism of opinion polls in a principal-agent model of elections. Parliaments in turn delegate governing powers to the government. It is possible to have an internal executive delegation where the cabinet delegates power to individual ministers (cf. Andeweg 2000). The government in turn appoints civil servants and thereby delegates the responsibility for implementing its policies to bureaucrats. With the apparition of the EU a new form of delegation was added to the link of delegation between the national executive and its civil servants,
i.e. between the government and its representative at the permanent representation. The country’s representatives are accountable to their employer (Hayes-Renshaw and Wallace 1997:83), or in theoretical terms agents are accountable to their principals.

Lupia (2000 and 2003) describes a very simplistic and intuitive model of delegation and principal-agent reasoning. Even though his model itself is presented in a rather parsimonious fashion, I will just present the highlights of the basic functions of general PA theory. First, the basic assumptions are that it is assumed that all actors in this model are rational and that they base their decisions about single issues on Euclidian preferences and single peaked preferences (given a one-dimensional policy continuum). The definition of single peaked preferences is as follows:

The preferences of group members [or individuals] are said to be single peaked if the alternatives under consideration can be represented as points on a line, and each of the utility functions representing preferences over these alternatives has a maximum at some point on the line and slopes away from this maximum on either side. (Shepsle and Bonchek 1997:84, my remark)

For simplicity, I will here discuss the basic principle while using only one principal and one agent. This simplistic discussion could be improved by including multiple (or collective) agents and principals; however, as explained below, I will not embark on such a rewarding but devastatingly time-consuming project. The preferences of the agent and principal are exogenous in most, if not all, models of PA theory. Preferences are often expected to follow classical definitions of microeconomic model literature (see e.g. Axelsson et al. 1988:20-27, Kreps 1990:19-20, and Morrow 1994:18), i.e. that they are transitive and invariant. Furthermore they are stable: a set of preferences must be stable in order to verify (or falsify) rationality. The preferences of the agent and the principal can coincide or differ (to various degrees) but are not causally related. Miller (2005:205) argues that asymmetry of agent/principal preferences is a basic tenet of PA theory’s six core assumptions. Some models assume both principal and agent have complete information (cf. Shiplan 2004, Nokken and Sala 2000, Snyder and Weingast 2000), while others assume that one or both suffer from incomplete information, with bureaucrats most often given the informational advantage (cf. Banks and Weingast 1992). This is important because, as Lupia (2000:22-25) shows, the differences with regard to agency loss (see below for an explanation of this notion) are significant.

Furthermore, different models, as previously stated, use different ways to structure the temporal process under which delegation is played out. In Lupia’s case, and in Romer and Rosenthal’s model (see Romer and Rosenthal 1978), the assumption is that the agent proposes a take-it-or-leave-it policy and the principal rejects or accepts it. In other models, it is the other way around. The principal suggests a policy to the agent and the agent either implements it or avoids (e.g. trying to change the policy at the implementation stage, refusing to implement the policy, et cetera.).
Differences in the temporal order in which the delegation game is played are equally important because they may influence the findings as well as the analytical value of the model. One interesting example is the *ratchet principle.* This concept is distilled from a model that assumes at least two time-periods. In this situation the principal lacks complete information and resorts to using information revealed by the agents’ actions at an earlier time as a means to adjust delegation at a future time. This could, theoretically, lead to agents under-achieving in order to avoid greater informational rent and possible increased demands from principals. For instance, workers might under-report their productivity so as to avoid more stringent work demands by the principal (cf. Freixas et al. 1985). However, Chaudhuri (1998) shows that agents “play the game in a naïve fashion and reveal their types even when such revelation is not optimal and the principal often does not exploit such type revelation” (Chaudhuri 1998:291) implying that the ratchet effect is sometimes overestimated. There is a large literature on principal-agent theory and models which deal with temporal issues (cf. Malcolmson and Spinnewyn 1988). The same is true about the various options, which are available to actors within the delegation process, in different PA models. Consider what would happen if the principal in a delegation model was able not only to accept or reject the agent’s offer but to alter it. This would increase the realism of the model tenfold. Other models close to principal-agent analysis include concepts such as real and formal authority within organizations.

As noted above, both principals and agents can enjoy partial or complete information and the PA theorists have commonly assumed within the literature that there are two types of information which agents and principals use: contextual information and specific information. The first imparts information on the persons themselves (i.e. principals, agents and/or third parties) and their context, while the second describes information about the action of each other (agents and principals) (Lupia 2003:41). Other common assumptions are that agents enjoy informational superiority over the principals, or that the situation of delegation is set within a situation of asymmetrical information (in favour of agents) and that the principals cannot observe the actions of agents until they actually experience the outcome of the delegation. If this is the case (i.e. agents know more than principals), two serious problems may arise: namely *moral hazard,* also known as *hidden action,* and *adverse selection,* also known as *hidden information* (see e.g. Arrow 1985). Both are grounds for agency loss and as such are potential hindrances to adequate and efficient delegation.

*Moral hazards* are defined as difficulties arising out of the fact that the agent might behave in ways inimical to the principal and unknown to him/her. In other words, moral hazards or hidden actions display the principal’s lack of specific information about the agent’s actions (Holmström 1979 looks at imperfect information, contracts, and moral hazard). On the other hand, adverse selection problems are caused by a lack of contextual information. Lupia defines adverse selection as problems arising “...when an agent has *attributes* that a principal cannot observe”
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Problems of adverse selection are usually appropriately dealt with by ex ante control mechanisms while agency loss induced by moral hazards is best avoided through ex post mechanisms. I will return to this shortly. Before explaining different types of ex post and ex ante control mechanisms, I need to elaborate on a central notion in PA theory, namely agency loss.

The concept of agency loss

In certain situations delegation occurs when accountability and delegated power are not in parity. For example, the influence delegated to a civil servant may in some cases not be equal to the degree of accountability laid upon her/him. In theoretical terms this increases the chances of agency loss. So then what is agency loss? Lupia (2000:19) defines agency loss as the difference between the consequences of delegating to the chosen agent and the consequences of delegating to a perfect agent. By perfect agent he refers to the hypothetical agent who would have done exactly what the principal wanted her/him to do given full information and unlimited resources. Agency loss can, however, be quantified in different ways. It should also be noted that Lupia’s (2000) definition of agency loss is an agency loss metric. This means that agency loss is measured and can be quantified according to for example, distances on a [0, 1] policy outcome continuum. Consequently, in this case, levels of agency loss can be compared based on different outcomes resulting from introducing certain factors or institutional design that have the possibility of enhancing the model and thus affecting agency loss. Consider for example the effect of competing agents. Although not detailed here, a complete information and unlimited resource (Romer and Rosenthal 1978) model of delegation would gain a great deal from the introduction of competing agents in a model previously dominated by only one agent (see section Multiple agents and principals below). Introducing competition between agents can, under certain circumstances, reduce the risk for agency loss in this specific case.

This mode of defining (or more accurately measuring) agency loss can be compared to the success/failure delegation metric used in the study by Lupia and McCubbins (1998) on knowledge and democracy. Even if, at first consideration, the difference between these two ways might seem trifling, the choice of one over the other greatly affects the analysis and appraisal of the relationship between agent and principal. One important factor to consider is how the definitions of successful and failed delegation are constructed. Lupia and McCubbins deem delegation a success if the actions of agents increase the welfare of the principals (failure is accordingly defined as loss of principals’ welfare). This definition seems intuitively correct (and I maintain that it is, indeed, true) it may prove difficult to isolate the effects of agents action on the principals’ welfare. Additionally it might be argued that a prin-
Another way to present and discuss agency loss is to frame it in a conceptual model describing the relationship between the agent and his/her principal. First I assume that there exists only one agent and one principal, and that both hold Euclidean preferences towards individual decisions which can be pinpointed to a single point on a given decision continuum (let's say from 0 to 1). Agency loss ($\Delta$loss) can thus be defined as the difference between the agent's action and the principal's preference, for each decision made by the agent. However, this model only demonstrates the basic construction of the delegation between principals and agents and the risk of agency loss for one individual event or action. Ascertainning total levels of $\Delta$loss requires that the difference between $A$ and $P$ can be showed for many occurrences, which can be computed into a single variable designing the $\Delta$loss.

Thus, intuitively the degree of the total level of agency loss between one specific permanent representation and its capital will amount to the sum of each bureaucrat's actions compared to the principal's preference. This definition of the concept of agency loss, the difference between what the principal wants and what the agent does, is very explicit but lacks functionality. This lack is primarily induced by the fact that it requires exact positions (on the [0,1] decision continuum) of both agents and principals for each policy issue. Nevertheless, for the moment I shall refrain from complicating this simple model. In short, the concept of agency loss can be said to capture the effect of bad or inadequate delegation. This occurs when agents shirk their responsibilities or perform them in a fashion contradictory to the principal's wishes. I have above hinted at both a conceptual and an arithmetical expression of this notion. Agency loss is a highly complicated concept, and it can be nuanced or divided into two types of agency loss, slippage and shirking.

Earlier I addressed agency loss as shirking, but there exists a subtle yet noteworthy fine distinction between the two concepts. Slippage occurs when constraints or incentives provided by the principals induce the agent to behave in ways systematically different from those preferred by the principals. Shirking, on the other hand, occurs when agents pursue their own preferences rather than, and perhaps even to the detriment of, the preferences of the principals. This shirking, or "bureaucratic drift", emerges as the primary source of agency loss and the central problem of principal-agency analysis (Pollack 2003b:26; a similar discussion is presented in McCubbins and Page 1987:410-11).

To recap, one could say that agency loss emerges when the principal has done a poor job delegating responsibilities and power to an agent. Indeed, this may even include extreme cases where the principal puts the agent in a situation where the later must act in ways deleterious to the principal (i.e. in extreme case of slippage). Agency shirking transpires when agents wilfully seek to benefit themselves against the principals' preferences. This definition carries with it certain problematic implications: defining shirking as an act requiring intent and personal gain for the agent.
could be viewed as too stringent. What if the agent was compelled to shirk? Such an outcome could be caused by the bureaucrat’s dilemma, first described by Huber and Lupia (2001). In their article Huber and Lupia (2001:19) argue that cabinet instability can induce this bureaucrat’s dilemma, which they define as “...the fear that his [the agent] efforts to serve the incumbent [principal] will be unrewarded, or even punished, should the incumbent lose her job.” This results in the agent not implementing or taking actions, even in cases when actions would lie both in the principal’s and the agent’s interest.

In order to nuance the discussion on agency loss further, I point the reader’s attention to an alternative definition of what might be deemed as a concept of shirking: Calvert et al. (1989) and the concept of agency discretion states that “...agency discretion occurs when the agency succeeds in choosing a policy in line with agency goals, when these goals differ from what the executive and legislature expected at the appointment stage.” (Calvert et al. 1989:605, emphasis in original). This specification of agency discretion is extremely interesting, not least because it hints at a temporal consciousness typically encountered within principal-agent theory. Additionally however the quote can also reveal an interesting perspective since it indirectly implies that the principals may shift expectations (preferences). I shall return to issues of preferences and preference formation later on in the chapter.

I have presented different definitions of agency loss, and though the nuancing of this vital concept is important it also can be perceived as slightly obfuscating. Consequently, I will explicitly describe my use of the concept of agency loss. I want to stress two factors. First, my perception of agency loss is similar to Lupia’s (2000:19, 2003:35-36). Agency loss is the difference between the actual actions of the chosen agents and the actions which the principals would have taken given unlimited resources and information. The last words are of distinctive value because they imply that, even though there might be some agency loss, it could still be argued that delegation is efficient given the fact that neither principals nor agents can be expected to benefit from unlimited resources and full information. Second, and this is extremely important, I will not study agency loss *per se*, but rather the propensity for agency loss and the way in which institutional design of delegation and accountability mechanisms can affect the possibility for agency loss. I make this choice in order to pursue a general study of institutions and to avoid falling into the fallacies of policy specific research. Before I turn to the more exact definition of the delegation and accountability design used in this study, and its components, I will focus on two additional aspects which hitherto have only been superficially discussed.

*Which agents and which principals?*

This dissertation focuses on the relationship between the principals and their agents. But defining who these agents and principals are is not a task as straightforward as might be anticipated. It should be made clear by now that in my study the
principals are executive officials, close to the elected politicians, and their subordinates at the central level of government (i.e., within the ministries); the agents are officials sent out and stationed at the permanent representation in Brussels. This definition of principals and agents is far from a final, definitive answer as to what constitute the principals and the agents in the case of executive representative links between member states and European institutions. I acknowledge that there is panoply of other persons and individuals not comprised in the scope of the definition of principal and agent used in this dissertation. One example is the numerous civil servants from national authorities and state agencies sent to various Council committees and working parties. In most cases when the officials are sent out as government’s representative, they are not permanently stationed in Brussels. This is even truer for representatives sent out to Comitology committees. In rare cases, however, representatives from nation states are not appointed by the government but designated by authority of the committee itself or by national agencies. Though these reservations (chief among them being that the principals studied in this study are not elected or appointed ministers but national top level bureaucrats) are serious, they do not seriously diminish the value of this study. However, they should be noted.

Multiple agents and principals

In the discussion above I have discussed analytical schemes and theoretical approaches to studying the two cases of national delegations chosen in this dissertational project. These analytical models are based on assumptions of one agent and one principal at the micro level (the ministries’ executive bureaucrat being the principal, and permanent representation bureaucrat being the agent) and one agent and one principal at the aggregated level (the member states government being the principal, and the permanent representation being the agent). This is in line with most models based on PA theory that assume one principal and one agent (in some cases a third party is also present, cf. Lupia and McCubbins 2000). Nevertheless, we should recognize that reality is more complicated than that and the conceptualization of multiple agents and/or principals (sometimes termed “hydra factors”, cf. Adams 1996:16) should, if not incorporated into the model, then at least be mentioned and taken into account, if for no other reason than to hint at a higher level of theoretical complexity. Holmström (1982) studies multiple agents while contemplating the situation of a team, whose actions depends on the unobservable performances of all team members. The resemblance between this theoretical description and both the Committee of Permanent Representatives (COREPER) and Council working groups is striking. Holmström concludes that it is hard (though not impossible) to devise an incentive scheme that will induce team members into optimal behaviour. Baiman (1982) shows that when multiple-agent situations arise, aggravating factors such as coalition formation (colluding against the principal, cf. Tirole 1986) or hierarchical levels may complicate the relationship between agents
and principals. Another effect which multiple agents may have, under certain circumstances, is that of reduced agency loss risk (Lupia 2003:46) if competition between agents can be induced. Indeed, this is an argument found in Kiewiet and McCubbins (1991:34) who contend that multiple agents with conflicting incentives are valuable sources of biased information.

Multiple principals may increase the complexity of hidden information problems when multiple principals compete for agents (cf. Spence 1974), but they may also provide a way of lessening information asymmetry (cf. Waterman and Meier 1998), depending on which principal-agent theorists one listens to. Similarly, multiple principals may lead to difficulties in punishing shirking by an agent (cf. McCubbins and Page 1987). Whatever perspective is applied on the subject of multiple agents and principals, the outcome is the same: a higher degree of realism is attained at the cost of lessen analytical potential, as models and theoretical assumptions/relations get more complicated. An interesting factor is added to the discussion by Kiewiet and McCubbins (1991:26-7) who discuss the concept of collective agents and principals. Though this situation does not arise very often (or, at least, it is not often considered), nonetheless, it is interesting. Consider the problems collective principals might have in announcing a single preference or the difficulties tied to appointing a new individual to a collective agent (such as a board or a committee). Given this, is it still plausible to use an analytical model and reasoning which largely follows an approach that assumes one principal and one agent? Even though it seems appropriate to question the notion of bureaucracy as a unitary actor, and other scholars (cf. Downs 1967) have long since done that, I believe that the cases at hand in this study and their participants (member states governments and their permanent representations) are as close to the concept of unitary actors as possible. Still I recognize the merit of the criticism Kassim and Menon (2003) have raised about previous principal-agent studies ignoring issues of multiple principals, and I agree that efforts could be made to increase the frequency of both multiple principals and agents in research designs of future studies. It should be noted that much of the inspiration for this thesis’ theoretical model is drawn from Kiewiet and McCubbins (1991) and Lupia (2003).

DELEGATION AND ACCOUNTABILITY DESIGN

Earlier, in describing the main variants within RC institutionalism, I discussed the conscious design of institutions. The concept of institutional design is one of the main tools with which PA theory seeks to study the control of bureaucracies. Through different mechanisms and institutional designs, the principals protect themselves from excessive agency losses. Some of these tools can be used ex ante (i.e. before a task has been delegated to the agent) or ex post (i.e. after the act of delegation is performed) to overcome difficulties arising from moral hazards and adverse selection problems. Kiewiet and McCubbins (1991:27-34) have identified the following four classes under which different institutional designs and control
mechanisms can be sorted: 1) contract design, 2) screening and selection mechanisms, 3) monitoring and reporting requirements and 4) institutional checks.

**Contract design (ex ante)**

The design of the basic contract between agent and principal is crucial to the development and state of the delegation. In the absence of perfect and complete contracts (Milgrom and Roberts 1992:127-132), it follows that the contract between the agent and the principal must be of a nature so as to accommodate two independent demands, which together are labelled as the participation constraint (cf. Aghion and Tirole 1997). The contract must stipulate remuneration levels higher or equal to the agent's opportunity costs and at the same time be lower than the actual profit which the principal derives from the agent's actions. Once the participation constraint is satisfied, the very content and details of the contract remain to be identified. One way for the principal to proceed is to offer the potential agent a menu of contracts, thereby allowing the principal to retain some information about her/his presumptive agents.

The content of the contract is also important. The principal is traditionally faced with the option of formulating a contract based either on risk-sharing or incentives (Shavell 1979). Risk-sharing gives the agent rewards independently of the perceptible results of the agent's action, while an incentive-contract secures a relationship between outcomes consequential to the agent's actions and the remuneration handed to the agent. Spence and Zeckhauser (1971) show that, under certain circumstances proper incentives can indeed diminish morale hazard risks. It seems as if incentive based contracts are normally to be preferred; however, both methods have positive and negative effects. While risk-sharing might induce shirking (or at least a low work morale behaviour) amongst agents since positive and visible outcomes will not affect the hardworking bureaucrats' recompenses (why do more when the effects of what you do will not alter your payment?), it will shelter the principals from the possibility of perverse effects. Several well-known side-effects of incentive-based contracts exist. Here are two illustrative examples:

Consider the contract offered to Ken O'Brien, a football quarterback, in the mid-1980s. Early in his career, he had a tendency to throw interceptions. As a result, he received a contract that penalized him every time he threw the ball to a member of the opposition. However, while it was the case that he subsequently threw fewer interceptions, this was largely because he refused to throw the ball, even in cases where he should have done so. As Joe Namath (a legendary American football quarterback during the 1960s and 1970s) put it, "I see him hold onto the ball more than he should...I don't like incentive contracts that pertain to numbers" (quoted in Brown 1990). Or the practice used at AT&T, where computer programmers were rewarded on the number of lines of code that they produced in their programs. (Prendergast 1999:21, my remark).

Another even more serious case of misguided incentive-shaping contract is that of the infamous “DRG creep”. Early in the 1980s hospitals in the US received pay-
ments for Medicare patients based on the “diagnosis related group” (DRG) to which the patient belonged. It was found that after this fee system was introduced the medical diagnoses of elderly Americans covered by Medicare were upgraded to more “expensive diseases”, hence improving the profit-capabilities of the hospital (Kiewiet and McCubbins 1991:28, for a complete analysis of DRG policy, see Dranove 1987). Other studies point to similar problems in other empirical settings (e.g. Courty and Marschke 1997) where there is multi-tasking (cf. Holmström and Milgrom 1991). Multi-tasking, as a concept, encapsulates the assumption that agents carry out several tasks and that they can choose which of these multiple tasks to put their effort into. This presents great difficulties in constructing a comprehensive incentive scheme.

In short, contract design gives the option to the principal of structuring ex ante (i.e. before delegation has actually occurred) the incentives and eventually controlling the behaviour of agents through sanctions applied in cases of agent misconduct. And while incentive based contracts may appear as the most efficient contract designs they are prone to risks of perverse effects from sloppily designed incentives. Even though contracts are largely ex ante tools, they can also hold actual ex post mechanisms. For example, contracts usually stipulate a date or other temporal reference within which certain tasks must be accomplished. Completion of a task within the timeframe means the agent honours the contract and gets paid by the principal; failure means that the principal sanctions the agent (by not paying her/him or which ever sanction the contract design stipulates). A further point regarding contracts also is that they may or may not be observable to third parties (cf. Katz 1991, Köckesen and Ok 2004), though in my case study I will not go into this more complex modelling.

**Screening and selection mechanisms (ex ante)**

Another mechanism available to the principal, before any actual delegation to the agent occurs, is the ability to screen and select potential agents. Screening practices occur in situations where different agents compete for the position as sole agent to the principal. While this institutional design does not create a foolproof way of protecting the principal from agency loss, in some instances it can have a strong preventive effect. It should be noted that setting up competition for potential agents only works if the informational asymmetry is weak, i.e. the principal can determine whether the agent can perform the task and where the principal can easily and in a costless manner punish ex post the agent for failing to accomplish a task. Likewise this information role has an impact on the potential agents. If these agents know whether they (and their “fellow” potential agents) are able or willing to accomplish the task, then competition will most likely eliminate or reduce the adverse selection problem (Lupia 2003:46). However, in some cases competition will not reduce agency loss. Such a case might apply when certain skills are required for the agent to
perform and another set of skills or attributes (cf. Niklasson 2005) are useful in order to get the position as agent.

The importance of hiring the right person is indeed reflected in the screening and selection mechanisms, which are applied by principals to reduce costs (which are often sunk costs, i.e. a non-retrievable investment) of hiring agents. Spence (1974) has devoted much time in investigating selection problems, in particular the concept of *signalling* as a way to solve or lessen adverse selection problems. He primarily concentrates on the use of education as a powerful form of signalling. Thus, if an agent can show that she/he has undergone professional training such as, say, medical school or flight school, she/he can be in a position to be hired as a physician or an airline pilot. Granted there is always the possibility that an agent can fake this signal, such as forging degrees and diplomas, but in that case it would be a discussion topic for the field of criminology rather for delegation theory. Signalling need not come from the agent; it can also be made by third parties. One example is the way in which interest groups deliver information on advisory committee members (and their policy preferences) to federal agencies (and/or Congress), thus, increasing the efficiency of the selection processes (cf. Balla and Wright 2001).

Lastly, it must be pointed out that even after a successful screening and selection process, serious problems might arise. For example, while the *ex ante* part of delegation may have produced a harmonious relationship with an almost perfect agent (skilled and attuned to the principal’s wishes); the principal can still find herself/himself in an awkward position, namely the hold-up problem. Described by both Williamson (1989) and Salanić (1998), the hold-up problem refers to a moral hazard problem and goes something like this: Suppose the principal delegates some highly specialized tasks to an agent. The agent fulfils the required tasks in a commendable way and acquires something like this: Suppose the principal delegates some highly specialized tasks to an agent. The agent fulfils the required tasks in a commendable way and acquires at the same time special expertise in handling those tasks. This specific proficiency is not available to other agents or would-be agents. The “expert-agent” may then use this special expertise to pressure the principal into renegotiating the original contract design. Since the agent’s skill or expertise counts as a valuable (to the principal) asset, the principal will most likely be caught in a dilemma: Should the principal yield to the new demands of the agent and thereby keep the agent’s expertise or reject the new demands even though it means losing the agent? Even though this potentiality presents a moral hazard, screening and selection mechanisms are used mainly to counter adverse selection problems and are not directly designed to deal with this problem through *ex ante* control mechanisms (i.e. before the agent even acquires her/his asset specificity).

**Monitoring and reporting requirements (ex post)**

While the above-mentioned mechanisms are relevant for the control of the agents before they gain positions as such, the monitoring and reporting requirements are instruments that help the principal to prevent or lessen any moral hazard-induced agency loss. Lupia distinguishes three ways in which the principal can overcome
information asymmetry in order to protect himself/herself from disproportionate agency loss; “[1] direct monitoring, [2] attending to the what the agent says about his activities, or [3] attending to third party testimony about agent actions” (Lupia 2003:49, my remarks).

Direct monitoring has the advantage of supplying the principal with direct information, but it is highly costly and therefore remains very rarely practiced. Consider what would happen if an ordinary citizen would try to follow the process of one single bill of law from conception to delivery (in his/her capacity of a principal) – visiting lobbying firms and organizations, hours spent reading official reports and subcommittee transcripts; follow-up visits to agencies and ministries to insure implementations. Or try to imagine MPs testing public services at hospitals, arranging fire drills, or studying how long it takes for a bureaucrat to process an application for a patent. Surely, there must exist better ways to control agents without overwhelming costs in time and money. Lupia’s second manner in which agents can be monitored (i.e. attending to what the agent says about his activities) is through the organization of police patrols, whether these take the shape of hearings, open or closed, such as congressional hearings or reports and audits. In this case it is the principals themselves who arrange for the agents to be assessed and critically examined. Of varying nature, these police patrols resemblance modern audits or investigation. As pointed out in Kiewiet and McCubbins, these forms of monitoring (as with regular audits) “...should be applied stochastically so as to preserve the element of surprise” (Kiewiet and McCubbins 1991:32, cf. Kanodia 1985). These forms of control have shortcomings, as pointed out above, but they are a useful complement to the reporting requirements that a principal can put on his/her agents. The third category of reporting and monitoring requirements (i.e. attending to third party testimony about agent actions) is to arrange for others to describe the agent’s action and behaviour to the principal. The latter is referred to as fire alarms or fire alarm oversight (McCubbins and Schwartz 1984; on oversight of regulatory agencies see Hopenhayn and Lohmann 1996) since the process can be metaphorically described as pulling a fire alarm to alert the appropriate authorities, i.e. fire fighters, (principals) to a fire (agency loss). These kinds of control mechanisms are also prone to several weaknesses: The most obvious being the risk of being misled by erroneous information or deceptive information providers. Another weakness is the costs coupled to direct control.

Reporting back to the principal is a classic way of monitoring agents. Today evaluation and reporting requirements is big business, both in public and private sectors. Agents at all level report back what they have achieved during the fiscal year, companies produce accounting and annual reports, agencies make appropriation demands based on earlier productivity reports...et cetera. But here again principals encounter problems. Foremost is the fact that reporting does not get rid of the incentive incompatibility problem. This means that the agent has an incentive to shade his/her activities and to make them look better in the report than they are in
real life. This is also one of the main reasons for having police patrols and fire alarms.

_Institutional checks (ex post)_

Institutional checks refer to the use of constitutional or otherwise institutionalised counterbalances to offset the effects of a shirking agent through some form of competition with another agent. This is especially important when agents hold a great deal of power. However, the intrinsic nature of delegation also implies that the principal must hand over enough power to allow the agent to complete his/her task. On the other hand, concentration of power is bad when power holders (agents) are corrupted or fail to heed the wishes of their principals. Problems of unchecked influence, tightly associated to Madison’s dilemma (Kiewiet and McCubbins 1991:26), are best solved through institutional checks. Technically institutional checks are defined thusly: “Operationally, institutional checks require that when authority has been delegated to an agent, there is at least one other agent with the authority to veto or block the actions of that agent” (Kiewiet and McCubbins 1991:34, Ferejohn 1999:132, Huber and Shipan 2000:28). This mechanism was intuitively understood by the framers of the US constitution and led to the establishment of an advanced system of checks and balances. As Madison (and Montesquieu) once observed, the nucleus of institutional checks is that one agent’s ambitions should be checked by another’s, thereby writing a deliberate inefficiency into the US constitution. Kiewiet and McCubbins (1991:34) indicate that institutional checks are to be regarded much as social choice theorists define veto subgroups. Subject to this comparison, a number of inferences can be made; such as when the preferences within (between) veto subgroups become homogenous (diverse), change of the status quo becomes harder (Cox and McKelvey 1984). Finally, as Kiewiet and McCubbins (1991) point out, institutional checks need not only be directed towards the actual outcome of a policy but they can also be used in acquisition of information, which later may be used to make a decision. An application of this conceptualisation of institutional checks would be found in the jurors’ role in US legal proceedings and in the adversarial nature of most judicial proceedings.

**ANALYTICAL MODELLING**

I have come to the phase in my theoretical presentation where the above-mentioned more or less abstract concepts and ideas must be translated into tangible and measurable variables in order to provide us with a more or less testable model. I will develop, within this section, an analytical model of PA relationship. The model is qualitative in its nature and will serve to analyse and describe the relationship between the civil servants at the permanent representation (EU-level) and their respective principals at the executive central administration in the capital (national level). Although I only describe one model, this should not give the reader the impression
that PA theoretical models are restricted to straightforward one principal and one agent modelling. There exist a number of different models.

Assessing delegation design

Based on the writings of Kiewiet and McCubbins, and following the previously mentioned description of control mechanisms used by principals to design the institutional incentives of a specific delegation, I employ a model (similar to previous operationalisation of Kiewiet and McCubbins’ four control mechanisms, see e.g. Depauw 2003) where specific variables, for both the principals and the agents, are described and analysed. I will first give a short description as to what is included in these variables, in other words, how I define these variables, and then I will discuss and exemplify each of the variables. These discussions are not to be perceived as being all-inclusive, but should be viewed simply as mapping out the terrain. Thereafter I will comment on how these variables relate to the general concepts of delegation, accountability and democracy mentioned earlier in this and the previous chapters.

My analytical variables are the four control mechanisms described by Kiewiet and McCubbins (1991): contract design, screening and selection mechanisms, monitoring and reporting requirements, and institutional checks. My background variables are two variables which are central to both the empirical and theoretical dimensions of this thesis: The first variable describes domestic coordination, and pertains to gaining an accrued knowledge of the empirical picture. The second variable refers to preferences or preference formation, and targets the theoretical assumptions made in this study.

Variable 1: Contract design

As discussed earlier contract design lays down the terms, limits, goals and sanctions (available to the principal in cases of negligent or derelict behaviour from the agent) of the relationship between the principal and the agent. For example, in our case this encompasses the contract terms of the national bureaucrats’ employment at the permanent representation (PR) – such as the nature of the contract (incentive or risk-sharing based contracts), the level of salaries and other remunerations compared to other similar employment within respective member state, the longevity of the contracts, i.e. how long do PR civil servants stay in Brussels (turnover rate). Are these formalized into guidelines and, if so, are these in turn followed or ignored?

Variable 2: Screening and selection

These ex ante mechanisms refer to the procedures used by a principal when he/she chooses an agent. In my case I will examine the ways the principals have structured selection processes of national bureaucrats, for example, through candidate screening (i.e. whether candidates vetted in competition or appointed by superiors without due processes), agent selection, use of signalling or other information in screen-
ing and selection processes, and initiation of contact (i.e. whether the agent contacted the principal or vice-versa).

**Variable 3: Monitoring and reporting**
The ex post mechanisms installed by the principal will be measured according to, among other, the following criteria: frequency and nature of reporting, frequency of and nature (fire alarms or police patrols) of monitoring, and changes in administrative processes. It should be mention that some fire alarms (third-party monitoring and reporting mechanisms) are not included in this study; these include, for example, the scrutiny offered by the press. The data measured through this variable include main systems and institutions which have been set up by the principals.

**Variable 4: Institutional checks**
As described above, institutional checks represent one of the most potent systems for curbing agency loss. Abstractly described as the attribution to an agent of the authority to possibility veto or blocking the actions of another agent, actual cases of institutional check in this study will fall within a slightly broader definition. The reasons for using a broader definition are twofold. First, I contend that it is not just agents who can act as institutional checks.

Second, a more stringent definition would overly constrain the identification of functions of institutional checks. By employing an expanded definition in our case means that ministers at the Council level and national parliament and their EU committees can also be seen as constituting institutional checks. Additionally, in my study I look for evidence of strict institutional checks.

**Variable 5: Domestic coordination**
This “background” variable seeks to capture both the ways and degrees through which administrative procedures are used to coordinate and shape national positions on EU legislation, diminish the level of information asymmetry between principals in capitols and agents in Brussels, and handle lawmaking within the context of the European Union compared to “domestic” legislation. Is domestic coordination functionally and/or level differentiated?

**Variable 6: Preferences**
This variable denotes the information relevant to an understanding of the shape and shaping of the principals’ preferences. The elements which are of particular interest in this study include the ways and extent to which preferences change, how preferences and policies are shaped, and how and where priorities established. While preferences retain the definition traditionally given within principal-agent literature, priorities is a novel analytical category. The latter depicts the ways in which different preferences are ranked (and thus contributes to insights on policy formulation).

These variables will be further described (see next chapter) by reviewing various sources that are pertinent to our comprehending them. Thus, the examples in the characterizations given above are only thumb-nail sketches, but they give an indica-
tion of the way I operationalise the variables. Depending on the nature of these institutional mechanisms, I will determine whether the variable is present and the manner and extent its existence or lack thereof and its particular features influence the delegation between principal and agent. Thus, by assessing the degree and nature of asymmetrical information and the different institutional mechanisms set up by respective principals I will measure and describe the propensity for agency loss but I want to make clear that through this model we will not be able to ascertain the exact level of agency loss.

It is the environment and incentives together that shape the behaviour of individuals, whose actions (and thus underlying preferences) shape the level of any eventual agency loss. The exact level of agency loss can only be specified when the preference of the principal and the agent’s action on a particular policy (and the policy outcome) is known. This dissertation investigates a broader picture rather than individual policy-fields or policy decisions, consequently, my findings will discuss the general propensity (or lack thereof) for agency loss within the scope of each member state’s national delegation and accountability design. To sum up, the four analytical variables enumerated here will give me a good picture of the general institutional delegation and accountability design (see section Aim, empirical research questions, and theoretical ambitions in chapter one).

My model can thus be described as follows: agency loss propensity is defined as a function of how the agent’s (hidden) preference ($A^P$) is affected by the delegation and accountability design the principal has set in order to increase the probability that the agent’s action ($A^A$) matches the principal’s preferred outcome ($P^P$). This function can be depicted as a two step model. First, ex ante mechanisms (contract design and screening and selection mechanisms) define the selected agent’s preference ($A^P$) by revealing and excluding agents with preferences more or less contradictory to the principal’s preference ($P^P$). Second, ex post mechanisms (monitoring and reporting requirement and institutional checks) restrain and diminish any eventual remaining divergence in preferences between the principal and the agent prior to the agent’s actions. In other words, agency loss propensity and the efficiency of delegation and accountability design are assumed to be directly related. Thus, the scope of possible agent actions can be described as a function of the four analytical variables identified above. The kind of control mechanisms required to attain satisfactory levels of delegation is hard to pinpoint in empirical terms. In fact, it is perhaps almost impossible since the definition of perfect delegation is an idealized concept. However, finding an analytical path between the ideal descriptions above and empirical realities of delegation is possible. I believe that an assessment can be made after having analysed the cases at hand. The reader should keep in mind that the four mechanisms described above will be in the foreground of the analysis, given that I have defined them as being the central components of the delegation design. Furthermore, the two additional background variables, domestic coordination and preference formation, are key to the review and analysis of both the empirical dimension and theoretical assumptions of this study. They address such questions as: How are preferences established? How does domestic coordination function? Have
these processes any effects on the delegation and accountability design or the dele-
gation? The evaluation of the nature and degree of domestic coordination and the
assessment of preference formation will also contribute to a general review of the
delegation and an understanding of the institutional structures of governmental
work.

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<th>Table 2.2: Summary of analytical and background variables</th>
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<td>Contract design</td>
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<td>Screening and selection mechanisms</td>
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<td>Domestic coordination</td>
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Note: TBD = to be determined.

How do I intend to use these six variables? As explained above I will focus on these
variables throughout the study and will present, in the final chapters, an analysis of
their strengths. Each of the variables will be assessed (for each country, see table
2.2) according to a five level scale ranging from very weak (--) to very strong (+++)
depending on the efficiency in their design. The efficiency is based on the analytical
variables’ ability to structure an effective delegation and to diminish agency loss
propensity and the extent to which the background variables match my theoretical
assumptions. My assessment of the variables will be based on the yardstick of an
ideal type of delegation and accountability design. It will be made both within the
context of each national system and across the cases included in this study. This is a
major rationale for the limited comparative ambitions (cf. chapter one) harboured
by this study. Returning to the concepts of formal and informal delegation men-
tioned in section Delegation and principal-agent theory of this chapter, I want to
make clear that, in examining the variables enumerated in my model, I will review
both formal and informal processes and structures. A central aspect of this study is
that both formal and informal dimensions of the delegation and accountability
designs are described, examined and assessed.

A critical reader might interpret this general institutional approach as a less am-
bitious study of delegation between member states’ government offices and their
permanent representations. However, I argue that my broader and more holistic
approach is more fruitful than a simple policy specific study. What would the bene-
fit be of analyzing and assessing a single directive or even five or six specific regula-
tions within any limited number of policy fields? It is correct that such a study
would surpass my own in accuracy of description of the presence (or lack) of actual
agency loss in specific questions. But insights in general functioning of delegation and accountability designs, and their institutional structures, over time and across different policy fields, would be lost in such a study. On the other hand, I am aware that this choice opens up my flank to criticism. Naturally, a broad and systemic level analysis runs the risk of erasing the individuals from the analysis and the study. Furthermore, it could question whether or not this general model increases the risks of being “...largely incapable of generating the type of predictions of policy outcomes that would be required if these models are to be more than interesting representations of complex realities that they are meant to describe” (Peters 1999:61). As admitted earlier in this dissertation, Peters’ criticism is strong and its accuracy could be seen as the PA theory’s Achilles heel. So sometimes it is better to take heed of one’s critics rather than simply pretending to do so. This is why this dissertation harbours no ambition to deliver policy outcome predictions. Finally, I would like to discuss the importance of delegation design and ways in which this design can evolve. This is a central element in my attempts to grasp the concept of delegation design and the way in which principals construct and improve both ex ante and ex post control mechanisms used to attain an efficient delegation. Among others, Alchian (1950) is interesting because of his view on the stability of institutional arrangements (such as the control mechanisms). Alchian argues that because of costly information and uncertainty as to the effects of action, the design of institutional structures, of which ever type they might be, will always be inherently imperfect. Some political scientists have interpreted Alchian’s statements into an argument for natural trial-and-error procedures in order to reach better institutions, as among them are Kiewiet and McCubbins (1991:35) who state that: “...because of uncertainty and costly information, institutional arrangements (such as agency control measures) can be designed only imperfectly. They evolve through a process of trial and error...” While this interpretation is not wrong, it is also only half the story. Alchian clearly states that two “conscious adaptive behaviours” exist, the one being imitation and the other being trial and error (Alchian 1950:219). However, Kiewiet and McCubbins misconstrue Alchian in their interpretation that institutional arrangements evolve mainly through trial-and-error. Indeed, meeting the criteria for successfully employing trial-and-error adaptive behaviour is so difficult that Alchian concludes that its use is not viable since it demands a static environment where comparative evaluation of actions is possible:

...the possibility of an individual’s converging to the optimum activity via a trial-and-error process disappears. Trial and error becomes survival or death. It cannot serve as a basis of the individual’s method of convergence to a “maximum” or optimum position. (Alchian 1950:219, emphasis in original)

It is important to note that Alchian emphasizes that this is true for the individual. On a more aggregated level one would expect to find traces of both imitation and “Darwinian” (as in trial-and-error) characteristics in the evolution of delegation and accountability, or as Alchian concludes:
...uncertainty provides an excellent reason for imitation of observed success. Like-
wise, it accounts for observed uniformity among the survivors, derived from an evo-
lutionary, adopting, competitive system employing a criterion of survival, which
can operate independently of individual motivations. (Alchian 1950:219)

Armed with this knowledge of the evolution of institutional arrangements, I am
better equipped to take on issues of reform and evolution concerning the way that
member states structure their EU policy-making processes and domestic EU-
coordinating institutions. Alchian’s theoretical contribution to this study is concep-
tual in that it equates institutional structures, such as my concept of delegation
design, with the idea of inherent imperfection and that we can expect some form of
evolution or incremental changes. It also offers a general explanation to the proc-
esses through which many organizations and institutions alter shape and change
over time. The hypothesis distilled out of Alchian is that good institutional design is
imitated and copied, consequently giving life to better institutions. Similarly Davis
and North (1971) argue that innovations which reduce transactions costs survive
and thrive. Again, empirical evidence will decide the extent these theoretical notions
and processes will be corroborated in my final analysis of the delegation between
member states’ governments and their permanent representations.
I'm greatly indebted to Nicholas Aylott for providing me with examples of these two extremes. This postulate states that: “Simple theories have higher prior probabilities” cf. Jeffreys (1961:47). For a general discussion on the concept of rationality I recommend the reader to look at Tsebelis (1990), for a more “mathematical” definition of rational choice, and Lupia et al. (2000), for a more “holistic” (including contributions from political psychology) approach to the concept of rationality. Still I recognise it is not a facile task. Sannerstedt reduces these "attributes" to three, parliaments, political parties and negotiations, see Sannerstedt (1996:17); Carlsnaes (1981:83-88) uses three categories to specify democratic political processes: participation, representation and rationality while Dahl (1956-73) uses his well-known concept of polyarchies, systems “…in which powers over officials is widely…shared”, see also Dahl (1956 and 1971) for more extensive description. In my opinion, pointing out Lasswell and Kaplan (1950:209-210) as employing a “modern” use of the word in the above-discussed manner only proves this point. To mention a few: Landau (1962) emphasized the view of administrators as policy makers, Holden (1966) asked whether civil servant acted in conflict with the common interest and Kaufman (1969) if administrators were simply antagonistic to changes. As indicated above, Wilson’s businesslike view on administration was pursued and developed by many; foremost of them is Goodnow (1900), although some question marks still hang in midair as to the real influence of Wilson’s work: According to West (1995:5 footnote 7), Van Riper (1984) successfully argues that many administrative theorists were unaware of Wilson’s article. Other administration theorists worthy of mentioning are the members of the “scientific management school”, e.g. Taylor (1911) and Gulick (1937) or even Fayol (1920), which concentrated on the firm as the foremost unit of analysis (although Gulick was also highly interested in public administration and not only private firms). Later on came the works of Barnard (1938) who was sceptical of the scientific management school’s findings, Simon (1946 and 1947) who argued against the scientific management school and more specifically against Gulick. Long’s (1949) and Kaufman’s (1960) breaking works, who strengthened the challenge towards the established view that power could not be inserted into the analysis of the administration. A challenge issued, among others by Waldo (1948; interested readers are referred to Appleby (1949) and Piven and Cloward (1971) for an empirical test of Waldo’s hypotheses with New Deal cases) and by Dahl (1947), who argued that administration should not (and cannot) be separated from politics and vice-versa. Brehm and Gates (1997:9) identify Kaufman’s Forest Ranger (1960) study as the starting shot of research on bureaucratic discretion. Brehm and Gates also mention several classical studies such as Hecko (1977), Lipsky (1980), Feldman (1989), and Wilson (1989), whose common denominator is that they identify the bureaucrat as an actor with political power. The cynical reader is naturally already familiar with this, having experienced in real life being stuck at breakfast without morning paper or being frustrated when public transportation comes to a grinding halt, is well-versed with the effects of failed delegation. Even in the case of God, delegation wasn’t problem-free and he was sometimes needed to find new agents as the ones he had originally intended had difficulties coping, see Bendor et al. (2001:235) for the history of Moses and Aaron. ”A delegated power cannot be further delegated”, I am indebted to Leif Feltenius (PhD.) from Upppsala for confirming my own intuitive translation. Glennon (1992:195-198). The doctrine was derived and upheld through, among others, the following U.S. Supreme Court decisions: Shankland v. Washington, 30 U.S. (5 Pet.) (1831), Field v. Clark, 143 U.S. (1892) and lastly both Panama Refining Co. v. Ryan, 293 U.S. 388 (1935) and Schecter Poultry Corp. v. United States, 295 U.S. (1935), although these last injunctions from the Supreme Court could be considered as the judiciary’s “last stand” for the cause of the non-delegation doctrine. These last three cases are briefly but accurately explained in Macmahon (1961:81-85). For incisive discussions of the non-delegation doctrine, see e.g. Bruff and Shane (1988:64-88) or Davis (1958).
Epstein and O’Halloran also point out that the non-delegation doctrine also had a “...lesser-known cousin, the non-subdelegation doctrine, which stated that power delegated to one executive branch actor could not be subdelegated to another actor not explicitly empowered by Congress to receive such authority. Like the nondelegation doctrine, this mandate also fell into disfavour and was eventually overruled...” (Epstein and O’Halloran 1999:18 footnote 5).

Kiewiet and McCubbins also refer to Davis (1958) and, for a more cynical observation of congressional members’ behaviour, Fiorina (1977).

Of course it can be debated whether Congress’ delegation to newly established agencies contained actual legislative power. However, to exclude totally the possibility that agencies could govern in an almost legislative fashion through executive and regulative policy tools (which are available to most agencies) seems a little bit too naïve.

This "lip service" and de facto abandoning of the non-delegation principle became obvious when the Supreme Court ruled in the Sunshine Anthracite Coal Co. v. Adkins 310 U.S. 318 (1940) case: "Delegation by Congress has long been recognized as necessary in order that the exertion of legislative power does not become a futility. /.../ But the effectiveness of both the legislative and administrative processes would become endangered if Congress were under the constitutional compulsion of filling in the details beyond the liberal prescription here. Then the burdens of minutiae would be apt to clog the administration of the law and deprive the agency of that flexibility and dispatch which are its salient virtues".

"Accountability itself is no longer an unambiguous concept, if it ever was...” Smith (1988:33).

Not to be confused with the other term which uses the same abbreviation, i.e. mutual assured destruction, a cold war doctrine based on the concept of deterrence (in theoretical terms MAD could be seen as a Nash equilibrium where two players try to avoid the worst outcome: nuclear holocaust).

Koppell (2005:36-9) uses the following questions as “key determination” for each and every one of his five dimensions: (1) transparency: did the organization reveal the facts of its performance? (2) liability: did the organization face consequences for its performance? (3) controllability: did the organization do what the principal desire? (4) responsibility: did the organization follow the rules? and (5) responsiveness: did the organization fulfil the substantive expectation (demand/need)?


It should also be noted that Shapiro’s intended use of the old hammer-nail maxim was primarily aimed at giving a metaphorical description of the drawbacks of method-driven research, and not theoretical “monotheism” in its extreme form. In my opinion the metaphor can adequately be used in both situations.

Although the emphasis is clearly on member states as agents, since implementation, or EU enforcement, to put it in Tallberg’s (1999) terminology, is his dissertation’s foreground.

This “primary virtue” of new institutionalism in rational choice theory, is seconded by Pollack (1997:101); on the other hand Kassim and Menon (2003:134) strongly disagree with Tallberg.

As is the whole EU decision-making process, see e.g., Eising and Kohler-Koch (1999:269), or the entire Community, see e.g. Lindberg and Scheingold (1970:79).

For general overviews of new institutionalism and European integration theory see e.g. Rosamond (2000:113-122) or Pollack (2004).

A very good and quite pedagogical work covering many issues and concepts within rational choice institutionalism is Shepsle and Bonchek (1997).

Legislatures have been covered by, amongst other Tsebelis and Money (1997), and Shepild and Weingast (1995), the executive by Laver and Schofield (1990) and Laver and Shepild (1995). Other institutions covered by RC institutionalists are the judicial system, see Robinson (1991).

Peters defines the following five categories (and major contributors): (1) institutions as rules (Ostrom/Downs), (2) decision rules (Arrow), (3) individuals within organizations (Niskanen/Downs), (4) principal-agent models (McCubbins/Weingast) and (5) game-theoretic versions of institutions (Scharpf/Axelrod), see Peters (1999:46-49).
Though some exceptions exist, for example according to Peters (1999:57) one of the few variants of RC institutionalism that has managed to concentrate on individual’s capacity to "...mould institutions effectively to produce desired outcomes..." is the theoretical literature on PA models.

Transitivity means that if an individual prefers x over y, and y over z, then she must also prefer x over z (see e.g. Kiewiet and McCubbins 1991:162). Invariance means that because an individual cannot prefer a over b at the same time as she also prefers b over a, and that her preferences are invariant in so much that, as accurately formulated by Tversky and Kahneman (1987:69), “different representation of the same social choice problem should yield the same preference”.

These are: (1) agent impact, i.e. that the agent’s action has a veritable and real impact on the principal’s welfare; (2) information asymmetry, which translates into the fact that principal cannot observe the action of the agent but the outcome of the agent’s action; (3) asymmetry in preferences, as explained above; (4) initiative lies with a unified principal, i.e. that the principal, armed with a set of coherent preferences makes a rational contract offer; (5) backward induction, based on common knowledge, means that both the agent and the principal share the same knowledge about the institutional variables of the “game” (in other words of the delegation) and as they also share common knowledge about the agent’s rationality the principal can anticipate, through backward induction, the best outcome available (given his/her agent’s specific function), and (6) ultimatum bargaining, also explained above, see Miller (2005:205-206).

The term “ratchet principle” goes back to Berliner (1957), and is in fact a variant of what March and Simon (1958) defines as “goal adaptive behavior”.

In fact one could point to Aghion and Tirole (1997) and their article on formal and real authority to exemplify degrees of influence which can vary. Aghion and Tirole show that principal are more likely to delegate formal authority to agent(s) in cases (1) where the outcome are relatively unimportant for the former, (2) where the outcome is vital to the agent(s), (3) when the principal trusts her/his agent(s), and (4) when something new appears (i.e. when the principal has no prior experience). Aghion and Tirole (1997:27) also identify factors which increase the scope of the agent(s) “...real authority: large span of control, urgency, reputation for moderate interventionism, performance measurement, and multiple principals...”.

More intuitive descriptions of the two terms are found in Rasmusen (1989:133). Rasmusen also includes a much more detailed account for different games under the scope of “asymmetrical information”. I have only taken up two alternatives (moral hazards with hidden actions and adverse selection) whereas Rasmusen points to three additional: moral hazard with hidden information, signalling and screening.

This last (admittedly somewhat unrealistic) assumption is also made in the Romer and Rosenthal model; see Romer and Rosenthal (1978). Another theoretical designation for agency loss is agency slack, (Nielson and Tierney 2003:1250; Moravecik 1993:484, 488), though maybe one should differentiate slack (lack of effort) from agency loss (detrimental behaviour). Another denotation is Shepsle and Bonchek’s agency slippage, see Shepsle and Bonchek (1997:370-371), although this concept is somewhat different from agency loss; to be more exact, it is one aspect of agency loss as is explained further down. An alternative but very similar concept is agency discretion, see Calvert et al. (1989).

Where \( \text{loss}_{\text{ind}} \) is the agency loss for one individual and isolated action, \( A \in [0,1] \) is the agent’s action and \( P \in [0,1] \) is the principal’s preferences. It follows that \( \text{loss} \) equal zero (0) when \( A = P \) and that perfect delegation is thus established.

Thus total levels of agency loss could be spelled out in the following formal way: \( \text{loss}_{\text{tot}} = [x_1 + x_2 + ... + x_n] \). Where each \( x_1, x_2, ... x_n \) up to \( x_n \) represents observable difference between the outcome of a single action as a result of the agent’s action (\( A \)) matched by a single principal preference (\( P \)) for a multitude of defined pairs of matched \( A \) and \( P \) within one and the same type of delegation, or \( \text{loss}_{\text{ind}} \). Readers who are intimidated by equations and other arithmetical exercises will be comforted that this dissertation holds a minimum of mathematical terms compared to other principal-agent models, cf. Aghion and Tirole (1997), Salanié (1998), and Ferejohn (1999).
For incisive studies of Comitology; see Bergström (2003), Joerges and Vos (1999), Wessels (1998) or Pedler and Schaefer (1996).

As is the case, for example, of the Committee on the Statistical Programmes of the European Communities, established by Council decision, see Council of Ministers (1986) where the representative for each member state is invariably appointed by each member states’ statistical institutes.

Another such example is found in the literature covering renegotiation between principals and agents. Most of the studies assumed one single principal as well as one agent (cf. Matthews 1995 or Fudenberg and Tirole 1990) but some studies of principal-agent renegotiations include multiple agents (cf. Osano 1998 or Ishiguro and Itoh 2001).

One example of this is “participative standard-setting” and refers to situations when principal and agent bargain over performance standards and remuneration levels, see Baiman and Evans (1983).

See e.g. Laffont and Tirole (1993), which have made tireless efforts in the field of contract design.

These risks are especially great when principals base their recompense schemes to agents on objective performance evaluations (cf. Milgrom and Roberts 1992), instead subjective performance evaluations (such as aggregated measures of performance, see the excellent baseball example given by Prendergast 1999:22) can be used to offset any eventual problems; though subjective performance criterions might also cause problems, cf. Landy and Farr (1983).


Montesquieu is a strong advocate of the system of checks and balances and his main concept was that power should be checked by power, cf. Montesquieu (1952)[1748].


Critical readers could interpret this as blurring the concepts of (1) police patrol and (2) institutional check. It does no such thing: the difference is that in the case of police patrol (1) the principal seeks to gain information on the agent’s behaviour in view of conceivably sanctioning a shirking agent, while in the case of checking and (2) the principal or agent in charge of acting as an institutional check directly annuls the delegation and reverts the decision to status quo.

One way to look at a possible model incorporating Kiewiet and McCubbins (1991) four mechanisms into a study of actual agency loss could be the following: Agency loss is defined as the difference between the agent’s action and the principal’s preference. The agent’s action, $A$, is a function of the agent’s preference, $A^P$, and how this (hidden) preference is affected by the control mechanisms the principal has set in order to steer the agent’s action, $A^P$, towards the principal’s preferred outcome, $P$. For all actions and outcomes during an unlimited period of time (i.e. a unlimited number of delegations), the function could be (crudely) arithmetically depicted as follow: $A = f(A^P (cd, ssm, mrr, ic))$. Where $(cd)$ is the nature of the contract design, $(ssm)$ is the degree of screening and selection mechanisms, $(mrr)$ is the level of monitoring and reporting requirements, and $(ic)$ is the numbers and efficiency of institutional checks. If the four control variables are adequately conceived the agent’s action will not deviate from the principal’s preference by much. Ideally of course, the setting up of these mechanisms would allow for a perfect delegation as defined above by Lupia (2000:19). Simply put a flawless design of the four variables would result in the agent’s action, $A^P$, being in perfect harmony with the principal’s preferences ($P$) regardless of the agent’s own preferences ($A^P$).
METHODOLOGY

Methodology is very much about the practices used in endeavouring to gain knowledge. How do we gain information about the variables that we have identified as important for our analysis? In what direction do we proceed to acquire the appropriate empirical data? In this section I will first describe briefly the procedures I have used to attain the material that constitutes the basis of this dissertation. This description will be preceded by an account of my ambitions in this respect. I will then pay particular attention to certain methodological concepts of importance to this work. Finally I will discuss and develop the operationalisation of the theoretical assumptions made in the previous chapter.

The term methodology has both broad and narrow definitions, ranging from the sum of the various steps of the scientist’s research design to the way in which the researcher presents the analysis of her/his data. Common definitions of quantitative methodology associate it with “large-n” studies while qualitative methodology is used in “small-n” enquiries. Other definitions tie quantitative research to numerical measurements of specific aspects of phenomenon, and by inference define qualitative research as a negative definition of quantitative research design, i.e. qualitative research is based on a number of approaches, and none of these relies on numerical measurements. Although some argue that this “quantitative versus qualitative” skirmish waged by proponents of different analytical methods can serve us in describing reality (Almond 1990), others would like to see the quantitative-qualitative gaps bridged (King et al. 1994). But, tempting though it may be, I shall not delve any longer in these polemical waters than necessary in giving an overview of the methodological debate and its inferences for this study.

Quantitative and qualitative approaches

Methods are, as stated above, often divided into two sub-disciplines, qualitative and quantitative methodology. This artificial and long-lived dichotomy, still haunting every social scientist, may in fact be simply a matter of perception. Rather than the researcher having to “choose sides” in this debate, some advocate, among them Tarrow (1995), that for good research design a combination of quantitative and qualitative tools is a necessity. Though I am inclined to agree with Tarrow (in fact, in my study I employ a variety of analytical tools), I think that the search for a perfect balance between qualitative and quantitative instruments should not preclude studies to test either methodological approach to the fullest of its own potential.
Even though Tarrow’s argumentation seems reasonable, differences in methodological approaches should not be downplayed. The ways by which we form our perception of the world have great impact on our points of view and the way we grasp reality. I recall an incident illustrative of the impact different methodological perspectives has on one’s perception of reality. In the 1990s there was an series of deadly shootings at US public schools (notably, in 1998 at Thurston High School in Oregon and Westside Middle School in Arkansas and in 1999 at Columbine High School in Colorado). Reports of these acts of brutal violence and murders, often through the use of firearms, flooded the media, especially in the United States but also in other countries, including Sweden. The topic was common fodder for media columnists, both prints and broadcast, for example, in Sweden some saw this as a Swedish problem, arguing that violence had increased in Swedish schools. The question that arose from columnists and much of the general public was: What shall we do to stop this tidal wave of violence from swiping away our next generations? While there was no agreement on the answer, everybody agreed on one fact: violence within US schools was escalating. Ironically, this agreed upon “fact” was erroneous. The US departments of justice and of education attempted, in vain, to show that violence (from misdemeanours to homicides) in schools was not increasing crimes but actually was going down. Even though analyses of statistics left this in no doubt (DeVoe et al. 2004), not many cared to listen to this in the heat of the debate. Perhaps this tells us more about the impact the media in modern society than whether our perception of reality would have been altered by the use of the quantitative approach (official statistic, frequency of reported crimes in schools in local daily news compared across states, et cetera) as opposed to the qualitative approach (single cases, TV-documentaries, interviews with school personnel, et cetera). Yet cannot help but believe that a person looking at this problem from a broad point of view and looking at aggregate statistics would have seen a quite different image than another person watching the dramatised events of TV documentaries of single cases.

This does not imply that only quantitative measures can give us a complete and truthful picture of reality. Other examples point to similar conceptual problems when trusting quantitative sources and analysis too much (thus indicating that overzealous faith in either quantitative or qualitative methods or/and sources is risky). Rather the school violence anecdote points to the fact that different methodological choices have different consequences on our perception of reality. Given this, since our methodological choices govern our understanding of the world, they should be made public and open to scrutiny and criticism. Therein lays the imperative for researchers to develop and contextualize their research designs; accordingly, I will set out for the reader the way I used the qualitative methodology in effort to produce relevant inferences.

At the inception of each study researchers are filled with expectations and high ambitions for the utility of his/her distinctive research tools and methods. Perhaps it is the use of a new program or of a new regression equation or perhaps it is the curiosity to test new qualitative methods, such as group interviews. I too held simi-
METHODOLOGY

lar expectations and ambitions for my research. As I began my research I was convinced that this study should draw upon the full benefit of a pluralistic and versatile methodological approach. Consequently, I have chosen to employ different sources as well as different methods to retrieve the relevant data. Furthermore, convinced that quantitative and qualitative methodological tools ideally should be used in every scientific study of this magnitude since they complement and in some ways enhance each other, I use a combination of qualitative and quantitative methods in order to gain a multifaceted analysis of my research subject.

The data

Methodology, at least in some aspects, can be envisioned as the art of chasing and capture data. But capturing the data is one thing, deciding which data to hunt is a different matter. For this research project, three different types of data sources were initially chosen. First, written documents of various kinds were compiled, read and reviewed. Second, interviews were conducted with some key officials. Third, a questionnaire was drafted and sent to all counsellors at the French and Swedish permanent representations. These data sources will be presented and examined below in much more details. Suffice for now to say that they all served both common and specific purposes. They served a common purpose in that they all aimed at understanding and analysing 1) the institutional relationship between governments of member states and their permanent representations and 2) the implicit act of delegation this relationship constitutes. But the sources also served specific purposes as they all, to some extent, were complementary to each other.

First, this dissertation relies heavily on many kinds of written sources. Academic articles, books, anthologies, letters, emails, protocols, handbooks, newspaper articles, documents (both official and unofficial) constitute some examples of the written sources that this study utilizes in order to gain knowledge of processes and institutional structures in which I have an interest. Major sources have been academic books and articles, especially studies on both theoretical and empirical, which have provided me with a sense of the research frontline and the achievements and failures of previous research. These sources also provided me with the formal and official perspective on the subject of my research. They give a description of the prescribed and, to some extent, ideal picture the relationship structure between domestic senior bureaucrats in government offices and their bureaucrat agents in Brussels.

My second data source was interviews. Conscious that written sources would primarily give me a formal picture, I included in my research design several interviews which would grant me access to the more informal parts of this study's focus. However, aware that interviews can sometimes be a fuzzy source of data (there is really no way of telling how much information one can retrieve through interviews), I anticipated that the interviews would principally function as complementary
sources. I will discuss below in more detail the roles and the ways in which the inter-
views were conducted.

Questionnaires were the basis for my third source. Seeking a more holistic and broader view, I constructed and submitted a questionnaire to the Brussels national civil servants (i.e. the agents). This questionnaire will also be discussed in more detail below. Suffice it for now to say that the questionnaire contained questions similar to those that had been asked in the interviews, thus, providing a possible way of checking the validity of the answers given in the interviews. The questionnaire also reflected both my methodological ambitions to combine qualitative and quantitative methods as well as my aspiration to use a triangulating approach to my research object. Additionally, it aimed at increasing the comparability of the two cases, France and Sweden.

**On triangulation and qualitative approach**

In some sense the ambition to include different types of empirical sources is based on a belief in triangular method or triangulation as a research strategy. It has been the ambition of this dissertational project to be able to conduct to at least a “thin version” of triangulation (for an example of an impressive study using triangulation, see Basu et al. 1999). As I show below, what the triangulation research method actually consists of is not as clear-cut as we perhaps would like to think. One way to conceptualize triangulation is to see it as the combination of both qualitative and quantitative methods as is in the definition by Tarrow:

> The research strategy that best embodies the strategy of combining quantitative and qualitative methods [is] the triangulation of different methods on the same problem. Triangulation is particularly appropriate in cases in which quantitative data are partial and qualitative investigation is obstructed by political conditions (Tarrow 2004:178, my remark, emphasis added)

However, there is a degree of confusion as to whether the term **triangulation** refers to the triangulation of methods or the triangulation of sources. Indeed, in examining the use of the term by other authors and scientists, a certain level of ambiguity is, at least to me, obvious. It is perhaps best articulated by the famous American troika of research design, King, Keohane and Verba:

> The issue of triangulation that Tarrow so effectively raises is not the use of different logic or methods, as he argues, but the triangulation of diverse data sources trained on the same problem. Triangulation involves data collected at different places, sources, times, levels of analysis, or perspectives, data that may be quantitative, or might involve intensive interviews of thick historical description. /…/ Triangulation, then, refers to the practise of increasing the amount of information brought to bear on a theory or hypothesis (King et al. 2004:192, emphasis in original)

These are not the only definitions of triangulation which exist. In fact, these are merely two out of many. Blomgren also makes reference to the process of triangulation. According to him, triangulation can have several purposes:
[One of] the purpose of using triangulation is not only to improve the validity of the conclusions, there is also a descriptive purpose. That is, to give a better understanding of phenomenon that we have limited knowledge about, by analyzing a phenomenon with the help of various sources. (Blomgren 2003:69, my remark)

This is a view to which I fully subscribe; it manages to capture the real interest of triangulation, namely, the strengthening of an analysis by multiplying the number of sources. Even though the definitions cited above emphasize the multiplicity of sources, I must admit that the plurality of data sources and methods in my own study have been reduced compared to my initial ambitions. This is especially true in relation to the quantitative methods. At first I intended to use both quantitative (statistical) and qualitative (case study) methods (cf. Bäck 2003:27-28) to illustrate different aspects of the delegation to permanent representations. However, this was not feasible as there was no available quantitative data which could be of use given my choice of variables. Instead I had to concentrate on qualitative sources.

There exists a multitude of different ways in which to compile, analyse, process and present qualitative data (in fact this observation is not only restricted to qualitative data). Whether one should use one variant or another is always a difficult choice. However, when faced with wide-ranging and perhaps hard-to-interpret data or even, and this is more likely, problematic situations where it is difficult to extract information (i.e. through interviews), we must carefully choose not only adequate but also sensitive methodological tools. Simplicity often is the best way to begin, if not finalise, the articulation or development of a research design. To this end, though some researchers may disagree with my choice, I have adopted a rather simple and straightforward analytical approach. My approach is to adopt a typical qualitative approach to my scientific problem, namely to act as if my analytical categories were not properly defined, thus obliging me, through this study, to delineate them. One main goal in this study is, consequently, to verify the existence, and subsequently to define, these various (theoretically proposed) analytical categories, or as McCracken elaborates:

The quantitative goal is to isolate and define categories as precisely as possible before the study is undertaken, and then to determine, again with great precision, the relationship between them. The qualitative goal, on the other hand, is often to isolate and define categories during the process of research. The qualitative investigator expects the nature and definition of analytical categories to change in the course of a project. /.../ The quantitative researcher uses a lens that brings a narrow strip of the field of vision into very precise focus. The qualitative researcher uses a lens that permits a much less precise vision of a much broader strip. (McCracken 1988:16, emphasis added)

Even though McCracken makes several reasonable points, I remain somewhat standoffish with regards to the remark emphasised in this citation. I believe that well prepared researchers (with appropriate knowledge of their field) would not be in a situation where the analytical categories are unknown to them. Would it be impossible to conduct qualitative research with no redefinition or reassessment of
one’s analytical categories? Granted a certain degree of uncertainty concerning the precise definition and meaning of each and every category might always be present, yet to state that the researcher must expect the nature and definition of analytical categories to change is too deterministic for my taste. However, all researchers should be prepared to reconsider their premises and the definitions of their variables. What is important is that information obtained from interviews or other qualitative sources must be substantiated and confirmed over and over in the material before it is admissible as a strong indicator of some variable (or put in other words: before it can alter the definition of any analytical category). This may seem as a paradox as one of the main points with qualitative studies is that you do not have to have a high n-ratio, something which McCracken also acknowledges:

For many research projects, eight respondents will be perfectly sufficient. The quantitatively trained social scientist reels at the thought of so small a ‘sample’, but it is important to remember that this group is not chosen to represent some part of the larger world. It offers, instead, an opportunity to glimpse the complicated character, organization, and logic of culture. (McCracken 1988:17)

What the qualitative study provides the quantitative does not provide — neither approach can substitute for the other since they observe different aspects of reality. One of the most common qualitative techniques is interviewing. To various degrees, the craft of interviewing requires interpretation. For example, suppose in my study I want to find out if the primary mission of Sweden’s permanent representation is seen as one of acting as Brussels’ representative towards Sweden (seeking to inform and influence Stockholm in its effort to hammer out Swedish positions to EU legislation) or to represent Sweden’s government towards EU institutions (conveying to Brussels the Swedish government’s positions and working to convince other member states of the validity of Sweden arguments). Interviews can not stand alone; they need some form of interpretation or codification. In this process the interview schedule (the types of questions to be asked) may have to be adjusted. For example, in the question above, what if one interviewee mentions both those roles as the PR’s main mission? I would need to reassess the whole interview and may perhaps be forced to hold new interviews with the same interviewee to clarify some questions or matters which were answered in a ambiguous manner.

**Research design and case selection**

I now turn my attention towards the more precise discussion of this study’s research design. Even though some features, if not most, of the study’s research design were presented in the introductory chapter, some degree of further detail and clarification is required. In their seminal text King et al. (1994) summarize their definition of research design by naming four components: research question, data, theory and use of data. Though I have already discussed, more or less in detail, the first three components (see previous chapters), I will recapitulate the discussion here in order to focus on this thesis’ scientific design. This is important, if for no other reason
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than to give readers a concise and better basis for their expectations of what the study will deliver in terms of inferences and knowledge. Before advancing, I would, however, like to point out that King et al.'s definition of the concept of research design is, by far, not the only one applicable: Yin (2003) points to other definitions, such as that of Nachmias and Nachmias's (1992:77-78) who characterize a research design as a plan that "...guides the investigator in the process of collecting, analyzing, and interpreting observations. It is a logical model of proof that allows the researcher to draw inferences...". An additional way (Philliber et al. 1980) is to think of research design as a sort of "blueprint" with four major plans: (1) what questions to study, (2) what data are relevant, (3) what data to collect and (4) how to analyze the results. Yin's own definition is that "a research design is a logical plan for getting from here to there, where here may be defined as the initial set of questions to be answered, and there is some set of conclusions (answers) about these questions." (Yin 2003:20, emphasis in original).

My research problem, as clarified in chapter one, revolves around two sides of what I contend is the same coin, namely (1) the tension between democracy and bureaucracy and (2) delegation and its perils (to paraphrase Lupia 2003). My interest in these two broad research questions led me to study the relationship between member states' governments and their bureaucratic representatives in Brussels. Not only has the topic been overlooked in the literature, and needs to be systematically researched, but it needs to be systematically researched from a firm theoretical point of view, something earlier research lacks (cf. Kassim et al. 2000 and 2001, see next chapter). Previous research on this specific field has only been of a pure empirical nature. The research question behind my study entails both, through the use and implicit testing of principal-agent theory, discovering and assessing unquestioned assumptions as well as providing us with a test of whether the theoretical and analytical model used can help us understand these problems. Both the theory and the data have been extensively covered in this (see above) and previous chapters. Suffice to state that my theory delivers what is "...a reasoned and precise speculation about the answer to a research question..." (King et al. 1994:19). Furthermore, given the model I use, the possibility of making a number of observable implications increases. Regarding the quality of the data and their use, most of this chapter is devoted to dealing with the conditions which King et al. (1994:23-28) set out: (1) record and report the process by which the data are generated, (2) collect data on as many of the theory's observable implications as possible, (3) maximize the validity of measurements, e.g. by not interpreting quotes from interviewees too widely and (4) try to insure that all data and analyses should, insofar as possible, be replicable (though it goes without saying that some of the data might be hard to duplicate).

Before going into details of methodological tools and techniques used in this dissertation, I will briefly settle the issue of case selection. This study is above all an explorative and descriptive case study (Yin 2003, on descriptive inferences see Gerring 2001; 2004:347), which seeks to understand how bureaucracy and democracy relate to each other in the context of national EU policy-making. I have chosen to
design this study as a case study because “...case studies are essential for description, and are, therefore, fundamental to social science. It is pointless to seek to explain what we have not described with a reasonable degree of precision” (King et al. 1994:44). Since many facets of this social phenomenon are largely under researched I opted for a deep-level case study. Still, given that I wanted to gain additional explaining power and increase the chances of formulating general conclusions applicable to all EU member states, I chose to make a case study of two EU member states (instead of one). When selecting cases, in order to augment the numbers of high level quality observations available for interpretation and analysis, I chose countries which would be accessible and which could be exploited to the fullest extent. In short, the over-riding factor in the selection of cases was that the cases in question presented interesting empirical data giving rise to the analysis of the delegation between member states governments and their representatives in Brussels. In choosing cases I also tried to select countries from which conclusions could apply to as many other EU member states possible. Singling out France and Sweden meant that I would have a large, “founding father” member state with a centralised and highly hierarchy administrative culture (France) and a small, newly accepted member state with a centralised administration having a culture of relatively autonomy. When pondering the issue of case selection it is always important to ask yourself the golden question: What is my case a case of (cf. Ragin and Becker 1992)? In this study some might argue that both cases I have chosen are actually cases of delegation between national executives and their national bureaucrats at the European level as well as cases of the broader population of cases of delegation between executive and civil servants. While this is not entirely incorrect, I remind the reader that this dissertation should be understood as a study of delegation between national executives and national bureaucrats at the EU level.

**Interviewing in theory**

There exists many ways in which refinement of qualitative tools in general and interview tools in specific can be achieved. Below I shall discuss some of these and elaborate them with regard to the specific interview situation encountered in this study. First of all, I should comment briefly on the different methods of qualitative interviewing. According to Stroh, four more or less clear-cut categories exist (although these can be combined such that a certain interview might fit more than one category). These are:

1. **Focus group interviews** in which a number of people are interviewed simultaneously. Group interviews are very interesting because they provide an opportunity to work with a group of people’s ideas and can lead to interesting discussion between participants. However, one-to-one interviews are easier to arrange, requiring only the researcher and one participant to find a mutually convenient time, as opposed to the difficulties associated with trying to organize a group meeting.
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2. One-to-one interviews which give the researcher the opportunity to explore an individual’s opinion in depth. /…/

3. Oral history interviews in which elderly people are interviewed to get the view of someone who lived through a historic event.

4. Interviewing elites in which gatekeepers or special people are interviewed, such as members of parliament, or key council officer. (Stroh 2000:199, emphasis in original)

In our case, the interviews carried out in this study could be characterized as a one-to-one unstructured elite interview. Even though each specific type of interview has its particular dilemmas and pitfalls, some general lessons about the situation which characterizes elite interviews (and indeed interviews in large) do exist. McCracken discusses four areas of controversy within qualitative research which apply to such research in general and more specifically to the research employing deep interviews as a main source of empirical data: (1) The ways in which the qualitative research community has fashioned, or sometimes refused to fashion, a relationship to the several social sciences and alternative methods of social scientific study. (2) The controversy between the researcher and his/her own culture. This deep embeddedness in one’s own culture is as much a blessing as it is a curse. As well as allowing the research to hold an incomparable understanding of practices and customs, it also binds the scientist to her/his prejudices. (3) The relationship between the researcher and the data. The main dilemma is the ability of the researcher to amass rich and copious yet manageable data. (4) The relationship between researcher and interviewee. This relationship is especially sensitive given that opposite and prominent principles often collide when constructing such a liaison. The need of attaining a high level of quality in the researcher’s inquiry may come in conflict with the rights of the interviewee.

Another serious weakness with interviews is reflexivity, i.e. the interviewee gives what she/he believes that the interviewer wants to hear (Yin 2003:86). This problem is not easy to offset. I cannot conceive of any effective countermeasure other than keeping a critical and alert mind both during the interviews and in the analysis of the interviews. This problem is closely linked to what Torstendahl (1966) called the tendency problem [tendensproblemet], which points to the risk of interviewees portraying themselves and their actions from a positive perspective (or at the other extreme interviewees might want to describe themselves as having more difficulties or harder tasks to work with). Attention should be drawn to this dilemma because it can be expected to be more prevalent with interviewees whose careers can be affected by what they say (e.g. key officials). However, I believe that these problems can, to a certain degree, be alleviated through the use of triangulation of different interviewees and the use of formal documents and other sources as well as guaranteeing anonymity (see below).

Thus, I am now prepared to formulate some analytical guidelines or questions with regard to the theory of how interviews should be conducted: Are there any
signs or other evidence that the interviewer did not manage to handle his own culture? Did the interviewer break the conversation during the interview or otherwise failed to address the interviewee in a manner conclusive to the unstructured elite interview? How well was the interviewer versed in the technical details and the data environment and did the lack (or presence) of prior knowledge disturb (or improve) the interview? These are but a few of the queries which should exist in the researcher’s mind when performing interviews. In this light, Douglas’s (1985) “creative interviewing” is not a bad source of examples and anecdotes which can contribute to every researcher’s internal struggles in order to become a better interviewer. I return to the subject of mastering the craft of interviewing shortly.

**Interviewing in practice**

In theory, interviewing may appear complex, but in real life it often verges on the chaotic. This can work both as an asset and a disadvantage for the interviewing researcher. In some instances the interview might be shorter than required to gain the information needed, or the interviewing person and the interviewee might not manage to attain such a level of communication that it made the interview as rewarding as expected. In other cases it is precisely the other way around. The interview becomes an intense dialogue over issues at the core of the study, and the information transferred during the interview can be used both intensively and extensively.

The main empirical data of this thesis consists of 85 semi-structured (or focused) interviews (Rubin and Rubin 1995:5, Merton et al. 1980) conducted with different high-ranking persons civil servants and policymakers within both the French and the Swedish central administrations (see below for more details on the distribution of interviews). These 85 interviews were conducted with a total of 80 individuals. This discrepancy between the number of interviewees and the number of interviews conducted resulted from being four “double interviews” (i.e. the interview took place with two interviewees at the same time), and nine individuals were interviewed twice (sometimes in different roles and/or posts and sometimes in the same role). Most of the interviews were conducted by me, the exception being nine interviews carried out by four bachelor’s and master’s degrees students while working on their own theses. Of the nine interviews conducted by these students, one was a double interview and five were interviews with persons previously interviewed by me (these five are included in the category of individuals which were interviewed two or more times). These supplementary interviews (i.e. those compiled by master and bachelor students), as I would like to label them, have not been included in the ordinary analysis in the same way as my own interviews. Nevertheless, they contributed to my understanding of my research problems and were used as complementary sources. All nine interviews were conducted with separate interview templates (i.e. none of the graduate students followed my interview templates). Though not identical to mine, there were some similarities, especially with two studies by the
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73 master’s students who conducted seven out of the nine supplementary interviews since they had a clear principal-agent theoretical approach (Norrågard and Sjöberg 2005, Larsson 2005).

It is normal that the character and nature of interviews changes from one interviewee to the other. In some cases this is truer than others, and these changes have implications for the interpretation and the input of the different interviews. I will explain some of these below. Most of my interviews had the same structure though obviously the content (i.e. what questions were central to the interview and the discussion itself) differed. The first 5-10 minutes of the interview was used to ask easier, less sensitive questions as one of the main tasks of this initial stage was to gain the trust and confidence of my interviewees. Most interviews lasted between 30 to 90 minutes, with the average time around 60 minutes (one hour is the most that key officials in central government positions could usually allocate).

What then were my expectations for the data that I would retrieve through these interviews? This is not a trivial question since the researcher often harbours great hopes for the data harvested by interviews. These ambitions can sometimes be deceiving and result in disappointment (cf. Ambjörnsson 2004:41). For myself at the beginning the research project I was less optimistic about the role of the interviews, thinking that the interviews would serve merely as an additional and complementary source. Gradually it became obvious to me that the weight of the interviews as a source of privileged information was much greater, or put metaphorically, the interviews would become the soil which would nourish what I hope will be “blossoming” analyses. This insight perhaps explains why the numbers of interview grew. Originally I had planned for approximately 40 to 50 interviews, 20 to 25 for each case. As the study advanced the number of interviews increased to 85, a fact which reflects not only the importance accorded to interviews but also the ambition to cover as many policy fields as possible in order to obtain a broad view and insight into the general institutional mechanisms of the relationship between member states’ governments and their permanent representations. This created some difficulties: as the numbers of interviews collected grew, so did the complexity and nuances of the picture and analysis of the relationship between member states’ capitals and their permanent representations. Nevertheless, attaining a nuanced and complex picture is sometimes more valuable than simply trying to boil down analyses to simple and straightforward inferences.

Anonymity

One of the significant issues that arise in interview research is whether the identities of interviewees should be kept anonymous. For some research projects the answer to that question is self-evident. For example, in some studies the nature of the interview is such that identification of the individual is obvious (such might be the case if I were interviewing the head of a particular state). In other studies the interviewees might be in positions which forbid public identification, or the information they
divulge is too sensitive to be linked to an individual. This is especially true in cases of research involving vulnerable persons in society, e.g., child abuse, though this also poses ethical problems (see e.g., Crow 2000). As I began my research I was uncertain about the issue of anonymity, but I soon became convinced that the study would benefit from offering a certain degree of anonymity to my interviewees and discussed this openly and freely with each of my interviewees. At the beginning of each interview I expressly asked the interviewees if they wished to be anonymous or whether I could state their names in connection to specific statements and comments. All except four chose to “go on the record” and not remain anonymous. Many interviewees stated that if their names were attached to the statements they would want the opportunity to review their statements before publication. I acceded to that request, though all agreed to waive the reviewing requirements if their names were not specifically attached to the individual quotations or statements (though they agreed to be identified in the text in order to show that they had been interviewed). Thus I entered into a verbal contract between myself and my interviewees to the effect that they would not have to be confronted with their specific statements unless I first had obtained their explicit agreement. Even though some researchers (cf. Silverman 1989) have argued that the concept of informed consent is a myth, I follow Kent’s argument “...that it should not stop a researcher from taking all possible steps to achieve the best possible outcome [in achieving informed consent]...” (2000:81, my remark). Even though the concept of informed consent is chiefly used in medical and clinical research, the principle of trying to reach an understanding and an agreement on the way in which people participate in (or contribute to) research is important, especially because it is, in my opinion, one of the many details which separate scientific from mere dilettante studies.

Anonymity in scientific research has both strengths and weaknesses. Providing a certain degree of anonymity to interviewees creates an interview climate which is more creative and more revealing. Those interviewed can feel secure and talk more openly and wholeheartedly about sensitive matters and procedures. They can deliver criticisms against their own organisation or others without risking any retaliation from employer or third parties. But on the other side, studies that do not offer anonymity and that identify actors, directly and openly tying them to specific statements, increases their value as these studies allow readers to verify the veracity of the statements. Thus, the study gains a level of integrity and pre-emptively refutes criticisms of its sources. Furthermore, identifying interviewees also allows the reader to evaluate better the researcher’s criterion in selecting respondents (i.e., did the researcher interview the appropriate people), thereby fulfilling the demands of “centrality” [centraliteit] argued by Torstendahl (1966), i.e., that sources should be central or relevant to the subject at hand in order to be interviewed. To recap, both granting anonymity and stating one’s sources have inherent values which are valuable for a researcher and the scientific studies he/she produces.

I have opted for a middle way. I have included a list of all the interviewees in alphabetical order. This is done to make known to the reader the individuals who
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contributed information and analytical comments which made this dissertation possible. However, I have chosen to keep their quotations and statements anonymous. With regards to interviews in this dissertation, references are coded by a number which is linked to one specific interview, but not to a specific name. The only way of identifying the statements with a particular individual is the code key, linking the specific number to the specific interviewee, which will not be made public. The only persons who have been granted access to the code key are the persons responsible (such as external examiners appointed by the faculty) for the scientific review of this academic product and they are bound by an oath of professional confidentiality. I have also minimized the risk of being able to track individuals through statements by reviewing the citations throughout the dissertation and I have marginally altered some quotes (but without any distortion of the meaning) in order to protect the anonymity of the interviewees. My rationale for so doing was that should I use a quotation or statement which in some way reveals the identity of an interviewee, then the integrity of the code key would be jeopardized. I want to point out that the changes were only cosmetic. Otherwise the quotes found in this study are almost word by word citations of what was said with the exception of language alterations made because spoken language differs quite heavily from written language and, therefore, some quotations have been slightly edited in order to facilitate the comprehension and readability of the text.

Practical details

Out of the 85 interviews used in this study, 47 were conducted with Swedish civil servants both in Stockholm and in Brussels and 36 were conducted with French bureaucrats either in Paris or Brussels. Additionally, one interview was made with a Finnish counsellor at Finland’s permanent representation and another interview was made with a Latvian PR counsellor (although the latter was informal). Of the 80 interviewees 31 were women, which generally reflect the gender distribution in those positions.

Most interviews were scheduled in advance through email or telephone contact, either with the interviewee or through the intermediary of an assistant or secretary. The first interview for this project was made February 28th, 2001 and the last interview was conducted April 29th, 2005. Of the 85 interviews comprised in this study, 66 were made during the years 2003 and 2004. Most of these interviews were undertaken during my stay at the Institut d’Études Politiques de Paris (IEP, a French research institute in Paris) between July 2003 and January 2004. The average time for each interview was approximately an hour. All the interviews were recorded with the help of a digital MD-device. The benefits stemming from the use of a recording device while interviewing are hard to ignore. The concentration demanded of the interviewer during an interview leaves virtually no or very little time to scribble down accurate notes. The interviews (in their original, i.e. digital form) were then transferred to a computer and later transcribed by myself and research assistants.
The transcriptions were subsequently printed and these were the actual documents which I reviewed and analyzed. In some cases I choose to listen to some parts of the interviews to detect any underlying tone (such as sarcasm or ironic statements) that could have been overlooked while transcribing the interviews.

All the interviewees included in this research project have been listed by name and occupation in the list of references. It should be noted that the occupation listed there is, for most interviewees, that which interviewees occupied at the time of the interview, even though in many cases currently they occupy different positions. In some rare cases, the interviewees at the time of the interview were not actually in that position (these cases are marked in the thesis by an asterisk). Furthermore, some of my interviewees were of interest not only for their experience in their current occupations but also in previous occupations. For example, it was not uncommon for interviewees at the permanent representations to (unsurprisingly) have a background as domestic ministerial councillor or as a counsellor within a central agency.

Interviewing – an art or simply a method?

On looking back on my personal research saga, I realize that almost inadvertently I had managed to take the first crucial step (of many on this journey) towards attaining a successful interview, namely “accessing the setting” stage (Fontana and Frey 1998:57), i.e. the interviewer increases her/his chance to for success by controlling his/her appearance and demeanour such that it is similar to the interviewee’s. Without going to extremes, I more or less conformed to this. Babbie (1986:224-225) and Esaiasson et al. (2003:294) argue, for example, that the interviewer should dress in a similar fashion to the interviewee.

In retrospect, the issue that I found most difficult to confront was my relation to my own cultural prejudices. Here multiple and somewhat intangible effects make themselves apparent. First, it is obvious that there exists a sort of discrepancy between my more academic culture and the practical administrative culture in which the interviewees felt at home. This could be seen as a form of clash between the theorist (the interviewer) and the practitioner (the interviewee). The problem is whether or not I succeeded in making the interviewee understand my theoretical underpinning for asking the questions that I asked. This is important because the very nature of the PA theory and its analytical categories (agency loss, accountability, information asymmetry, et cetera) is such that it can cause animosity and suspicion amongst the interviewees. Implying that the civil servants at the PRs are shirking is not exactly the thing someone wants to hear as an employee of the permanent representation. Second, because I presented myself as a Ph.D. student many of my interviewees were in some way affected by my academic status. Some interviewees were relieved they were talking to an academic and not to a journalist. Other common comments were centred on the evolution of my thesis and what the results would be. Some expressed concern about how I would interpret the relationships between
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member states’ governments and the permanent representations. This angst over my findings might (however I must state that this is highly speculative) have some effects on the answers my interviewees gave. I have tried to control for this by triangulation in the main text and by carefully weighing these concerns when drafting my final conclusions.

Because of the specific nature of the interviews that I had planned, I was also forced to convert my more theoretical inspired interview template into more normal and usable questions. The interview template found in appendix should not be viewed as the exact interview template that I used during my dissertation; it is merely the first and only draft of the template made when starting to do the interviews. In constructing my interview template, I tried to follow the example of Kvale (1997:121-3) in constructing an interview template where both themes and the possibility of dynamical conversation could fit (see appendix). Furthermore, the interview template only shows more or less formal ideas or themes of questions, it does not show the actual questions I asked my interviewees. From these very formal and theoretical themes I formulated actual questions for my interviews. For example, the question appearing in the template which asked “Do you send any reports about the execution of the delegated task to your principal?” (see question set 3c in appendix) to bureaucrats at the PR would be informally phrased in the actual interviews, thusly: “...then you write reports of what has happened in the [name of committee] back to the ministry...” (interview 23). Another example would theoretical interview template formulate questions such as: “How was your appointment made? What was the nature of the contract design between the principal and the agent?” (question set 1c in appendix), these same questions in my interviewees might be reformulated thusly: “...this position, did you seek it out or were you asked to take it?” (interview 70). Similarly the template question asks “What was the agent’s role according to the interviewee?” (see question set 4a in appendix), and in the actual interview it is phrased: “...do you go to all the interministerial meetings at Matignon .../...do you make [policy] recommendations?” (interview 64, my remark). Though the interview template found in appendix may appear very structured, my interviews were not. During the interview I would keep a mental check list of the analytical themes discussed, perhaps later in the interviews returning to the ones not touched on. But the flow of the conversation and the interviewees’ desire and interest in sharing information was extremely instrumental in the actual interview situation.

In what concerns the more methodological parts of this study, the conclusions could be summed up in one sentence: mastering qualitative methods in general and interviewing in specific takes time and practice. No shortcuts are available here. Some things, however, seems to stand out as essential for a good interview: While having an agreeable appearance (comparable to that of the interviewee) is important, that which is critical is demonstrating a serious and professional demeanour. Whether you are interviewing members of the local Hell’s Angels’ club about violence as a mean of solving debt problems or the Swedish royal family about social class, it does not matter as long as you are frank and knowledgeable about the sub-
Agents in Brussels

Subject at hand. A thorough knowledge of the questions discussed during the interview and good preparations are mandatory requirements. Other elements that facilitates the interview process are straightforward, such as not having (at least from the interviewer’s part) rigid time constraints as well as using a recording devices to alleviate the stress upon the interviewer during the interview (Esaiasson et al. 2003:294). But these practical preparations must also be met with mental preparations of the kind which we discussed above (in section Interviewing in theory of this chapter).

Quotes and footnote system

In this dissertation I will use the following principles when making a reference or annotation: Quotation marks or an indented passage indicate a direct and exact citation of the source. In cases where the quote is longer (in the range of 35 words), I will present it in the following way (i.e. with a smaller font and a certain indentation of the text):

Traditionally, the Basques are enigmatic. Their origin is shrouded in mystery. Numerous hypotheses about this have been suggested, one more fascinating than another… (Eriksson 1997:169)

For shorter quotes, I only use quotation marks within the regular text, as follows: “…their [the Basques] language is apparently not related to any other language in the world…” (Eriksson 1997:169, my remark). In sum, I use both ways of presenting citations from literature and documents but the vital principle for the reader to remember is that when I use quotation marks, then the quote is direct and unabridged (I also use quotation marks even though the quote is translated from another language, see below for issues of language). Should I feel compelled to make an additional note these will always be marked within square brackets and the note [my remark(s)] will be found in the direct vicinity of the reference. If the original quote uses italics, I will add emphasis in original and if I want to emphasis certain parts of the quote through italics I will add emphasis added, in direct connection to the reference. When it comes to citations from interviews (and from the questionnaire) that I have completed within the framework of this research project, I will always use smaller fonts and a slight indentation of the text but no citation marks, and excerpts from interviews will always begin and end by three points (...) followed by the reference to the right interview, in the following manner:

…the intent with the letter, which was a Swedish initiative, was to try to explain to Prodi and the Commission.../...how some of the biggest net contributing countries feel... (interview 50)

The same scheme concerning remarks and emphasis (see above) used in direct citations will be used in when citing passages from interviews. Furthermore, in some cases, applying both to direct citations and interview excerpts, I will consciously omit some parts of the text (principally in order to make the text readable). In those cases, the omitted text will be signalled by using the following marks: “...compared
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to /.../France and Spain, people living in the Basque Country have a high incidence of Rh negative and O blood groups and a low incidence of type B..." (Eriksson 1997:169) or variants thereof (such as ".../..." or even ".../.../..."). On occasion when citing interviews I also have added one or more references to another interview, for example, after one interview the reference may read as follows (interview 10, similar quote in e.g. interview 41). This implies that the cited passage of interview 10 is very similar or is analogous, in analytical terms, to an extract in interview 41. This is one way in which triangulation is put into practice in this study.

Last but not least, there remains the issue of language. This dissertation is written in my second language (or more accurately my third language), though English has during the years spent researching and writing slowly but steadily acquired a hegemonic status in my linguistic proficiencies. My native languages are Swedish and French, an important advantage since I use Swedish and French sources. All except two of my interviews were done in Swedish or French, the exceptions being an interview with a counsellor at the Latvian EU Mission and Hilkka Nenonen, a counsellor at the Finnish permanent representation which both were in English. Needless to state, all the sources (both written and oral) that are in a language other than English have been translated by me. Furthermore, this dissertation contains a lot of acronyms and other obscure concepts – all are listed at the very beginning of this dissertation. In the course of reading this dissertation, the reader is likely to encounter a number of names and titles of units and positions that are unique to the particular countries being discussed. In such cases I have noted the Swedish or French original terms or names in brackets next to my English translation. When translating, I follow the principle that the most preferable translation is that originating from the country' (or, as the case may be, the translation advocated by the public authority, person and/or ministry in question).

The questionnaire

As discussed previously, the questionnaire did not begin to fully take shape until after a few interviews. Its purpose was to establish a basis for a more direct comparison of the permanent representations and how national civil servants stationed in Brussels perceived their work environment. The questions which were included in the questionnaire (see appendix) served as a guideline for questions that were to be asked interviewees (see appendix for the preliminary interview template) with the emphasis placed on questions about the way sending of their agents in Brussels were sent instructions by their capitals (member states).

In order to increase the response rate I used several techniques. First, I wrote the questionnaire in two versions, one written in Swedish and then translated in French (both are included in appendix), using the knowledge I had attain by making the first few interviews. Second, I contacted the central authorities in Stockholm and Paris and some additional officials such as the heads of chancery” as well as each country’s respective ambassador and head of the PR in order to obtain "their bless-
In practise this meant, to some extent, that the questionnaire was perceived as being distributed with the approval of the ambassador (in both the French and the Swedish cases, the ambassadors sent internal emails to the staff informing them of my mission and encouraging them to take part in this project). Third, I used a web-based questionnaire in order to facilitate and speed up the process of completing the short survey. After having spoken with both the ambassadors and the officials which were assigned as my contact person, I set up the questionnaire on the internet in February 2004 and sent an electronic invitation to visit the website to all the counsellors which at that time had responsibility of a working group (54 counsellors at the Swedish PR and 75 at the French PR). After two months, I sent final email reminders to the counsellors and at the end of May 2004, having judged that there had been ample time for the respondents to fill in the survey, I took the survey offline.

The low response rate (see below) of the French permanent representation bureaucrats is deplorable but in some way understandable. I was told by a contact person associated with the French permanent representation that the civil servants were not comfortable with this procedure. Some of them actually stated that they felt that the questions included in the questionnaire are of such a nature that they were more suited to an internal audit to which the “exterior” (i.e. researchers or journalists) would not have access. Furthermore, it eventually turned out that the French PR had restrictions on access to the internet; hence, for them my internet-based questionnaire was almost worthless. Instead, I had to reiterate the procedure but this time through regular individual emails. This may explain in part the low response rate from the French PR officials. All in all, I received 13 replies through email and two by regular mail from the French PR; of these only eight supplied me with a completed questionnaire. The other five were responses that varied from “I’m only been here for one month. Thus I can not answer your questions” to a more direct “I have other priorities”.

From the Swedish PR, I received a total of 24 answers; of which three were completely blank. The three blank responses all asked me to write them off as non-replies because they had spent too little time at the permanent representation to be able to answer the questionnaire. The other 21 answers varied in the length and details of their answers but they managed to give a candid picture of the Swedish PR and the workload and standard operating procedures of Swedish PR officials. In fact the broad span of different policy spheres from which the responses came from gives extra weight to the results of the questionnaire, especially since the original response rate (i.e. 24 out of 54 identified senior officials in the Swedish case, and a mere 13 out of 75 in the French) was so low. Responses of Swedish PR officials cover ten of the fourteen different policy sections identified at the Swedish permanent representation (see chapter six). While the questionnaire will not be used in its intended form – that is as an instrument of quantitative comparison between the French and the Swedish permanent representation – I will, nevertheless, try to extract useful findings from it. Occasionally I use illustrative (anonymous) quotes
from both French and Swedish respondents to substantiate claims for which I have other sources as well as basic statistics, though mainly from the Swedish PR, the French response rate being too low to allow any interesting or even remotely valid inferences out of basic statistics. Since I have promised full anonymity to the respondents I will refer to any eventual quote from the questionnaire by making a reference to “questionnaire swe 01-24” in the case of Swedish respondents and to “questionnaire fra 01-13” in the case of French respondents. Although it may seem as somewhat over-pessimistic to label the questionnaire as a failure, it was, nevertheless, not the achievement that I had in mind. But as a researcher I have had to deal with such disappointments since during the process of this dissertation, I have encountered similar failures or situations where I could not retrieve the data that I wanted. One such moment was in my attempt to obtain data to analyse the more formal aspects of the contract design between the principal in Stockholm and their agents in Brussels. Information about the exact salaries and employment periods for individual officials can be retrieved through an inspection of the personnel files at the PR in Brussels and I had been promised by a former head of chancery at the Swedish PR that I could gain access to these archives and to the data. This data would have uncovered information coupled to contract design concerning employment length (i.e. how long personnel are employed at the representation), levels of agent’s compensation (i.e. the level of salary and other remunerations attached to the officials’ assignment at the PR), and other circumstances regarding the design of the delegation contract to individual agents at the permanent representation (such as e.g. the establishment of compensation schemes or/and optional contract design which include probationary periods or similar). Unfortunately, this information and data was not forthcoming. Similar blocks occurred when I tried to summon documents and archive material from the French PR. Even though most of the empirical data collection could not be completed, certain facts and conclusions were drawn from the interviews and formal documents I managed to obtain. Furthermore, the lacks of exact information about the levels of remuneration to agents based in Brussels is not catastrophical, since I managed to retrieve other relevant information on contract design.

The last minute curse

Finally, there is what I like to refer as the “last minute curse”. It is reality which catches you (the researcher) at the last minute, and the ensuing “encounter” is rarely enjoyable. This often means that sudden events dramatically alter previously collected empirical data – or, at worst, the very premises – on which the study and analysis is based upon. There are relatively innocuous and foreseeable variants of this “curse”, one of these is, in my case, the EU’s enlargement from 15 to 25 members (see e.g. Bengtsson 2004). Another is the de jure disappearance of the three pillars within EU policy-making. Both these last minute changes have the similarity
that they are not dangerously detrimental to this study, irrespective of the fact that I had prior knowledge of the former but not the latter.

Since my analysis of the link between member states capitals and their permanent representations also includes the coordination of EU issues at the national level, any changes and reforms regarding this aspect modifies my investigation. Late in 2004 the Swedish prime minister announced in his “governmental declaration” [regeringsförklaring] that the coordination for EU issues would be moved from the Ministry of Foreign Affairs to the Prime Minister’s Office. This was announced in September 2004 and work began to make sure that this administrative reform could be implemented soon. This reform had previously been declared and described by the Landahl report. However the new unit for EU coordination under the Prime Minister’s Office, formally known as “EU coordination secretariat” [Kansliet för samordning av EU-frågor] was not actually created (i.e. posts were assigned, locales and actual work routines were changed) before late spring 2005 (around April/May). My dilemma centred on to what extent this change should be incorporated into the analysis. I have decided not to take this reform into account with regards to the vital aspects of my analysis. Integrating this reorganization into my work would be too costly and time consuming for the dissertation’s present purposes. Such a commitment would also require additional interviews and revision of several chapters. I will shortly describe and comment on the proposed and implemented reform (in chapter five) but I can only speculate as to the effects and causes of such a reform. Thus, already at the outset of the dissertation, I can note that future research and assessment of the coordination of EU affairs in Stockholm should seek to explain and describe this new domestic institutional configuration.

Last minute changes have not only occurred in Sweden. The same is true for the “recently” institutionalized interministerial meeting of the French government. In June 30th 2005 the French Prime Minister Dominique de Villepin announced in a televised press conference that the politics of his government will be set on attaining better European policy. He further argued that to pursue these goals the government’s interministerial effort must increase. Villepin thus created an interministerial European committee [Comité Interministériel sur l’Europe]. Monthly meetings will comprise members (ministers) of the government which are responsible for actual issues on the committee’s agenda. While my preliminary assessment is that this committee is primarily a way for the government to spread knowledge to the French public about new EU legislation (largely to avoid future versions of the Bolkestein directive, which many say was a key cause for the French no vote in the 2005 referendum on a new European constitution), it is possible that other potentially coordinating functions are also fulfilled. Nevertheless, creating a ministerial committee with high media coverage and debriefing press conferences is a good way to assure that most French people will know what is going on within the EU. The numbers of members of government present at these meetings varies from time to time, but it hovers around 10-12 ministers. Whether this new institution in French politics is mainly intended for public relations matters or whether it will actually
fulfil an important coordinating role in French national EU policy-making is open for debate, though I’m inclined to support the first interpretation. As stated above this recent reform in French EU policy-making will not alter or have any substantial effect on my analysis. Nor will the last of these last minute curses; in October, 18th 2005 the French prime minister altered (a reform earlier proposed by the Lanxade report, cf. Lanxade 2003:47) the acronym of the SGCI [Secrétariat général du comité interministériel] to SGAE [Secrétariat général des affaires européennes], though no other more substantial (such as organizational) changes were made.
Although e.g. Tilly 1993 shows that a qualitative analysis may be conducted on a large-n database.

This definition is found amongst other in King et al. (1994:3-4).

Tarrow (1995) also points to, among others, Putnam (1993), McAdam (1988) as examples of dual methodological studies. Other forms of combination of qualitative-quantitative methods are put forward (e.g. triangulating qualitative and quantitative approaches in different studies, cf. Bunce 1981 or Kriesi et al. 1995).

One is found in Brady and Collier (2004:267-271), where Brady makes a similar point by pointing towards differences between data-set observations and casual process observations in the case of the 2000 U.S. presidential election and the analysis made by Lott (2000). I’m grateful to Patrick Johansson for pointing my attention towards this interesting case.

For the sake of honesty it should be said that at the very beginning of the PhD program I wanted to make a comparative study of all 15 EU member states concentrated on the COREPER (and thus not the PRs). Blau’s (1955) study shows that research design can shift during the research process; indeed Blau had intended first to compare a public and a private organization but ended up comparing two governmental agencies, thus allowing him to harvest valuable insights into differences between formal and informal situations (cf. the discussion on formal/informal delegation in sections Delegation and principal-agent theory and Assessing delegation design in chapter two).

I argue that science should if possible seek to gain knowledge on general conditions and mechanisms. Of course generalizing from case studies (i.e. this study) is difficult, some case studies do it (cf. Schorr 1997) others do not (cf. Crane 1998).

It would thus seem as if this study is somewhat concentrated on the Swedish case as I have a larger number of interviews for this case. This is only partly true. As explained before the total of 85 interviews enumerated includes the “additional” nine (9) interviews made by undergraduate students at the Department of Political Science for their bachelor and master thesis. All of these nine (9) additional interviews concerned Swedish officials and they were foremost taken in into the analysis in a complementary way (though some extracts are present in the main text). Taking this into account, the study’s empirical basis seems more balanced.

Contrary to my intuitive preconceptions (based on the fact that Sweden boast a larger number of women in key decision-making positions in the government compared to other EU countries, cf. United Nations 2000:174-175), a larger proportion of the French interviewees were women. I interviewed 15 female French interviewees (out of a total of 36 French individuals) and only 14 Swedish female interviewees (out of 41).

I am very grateful to both Linda Karlberg and Matthieu Sarrat who provided me with invaluable help with the transcription of some of the interviews.

I will use the term chancery to refer to what in some literature is referred to as government offices [Regeringskansliet], or in other words as the central government (prime minister, ministers, their
With all due respect to the involved person and no ill intentions, I think the following example illustrates the concept of the "last minute curse" in a poignant way. In 1989, Lars Johansson, a PhD student in political science at a Swedish university, presented his licentiate thesis. The thesis was written in Swedish and was entitled *Legitimacy in the German Democratic Republic* (see Johansson 1989). The main subject of the thesis was political legitimacy in cold-war East Germany. One last main conclusion that Johansson (1989:135) makes in his licentiate thesis is that: "Several conditions indicate that GDR citizens’ opportunities for influence in the political process varies between national, regional and local levels. ... the evaluation tools used in this study to assess legitimacy can yield different results depending on which level of the political system is scrutinized. This will also be the subject of a coming more extensive dissertation on the GDR". Only seven months after the licentiate thesis had been successfully defended the Berlin wall came tumbling down and history took a steep turn, leaving the world and, at least, one political science PhD student stunned.

The so called Landahl report was written by Jan Landahl (then Senior Director at the Swedish National Audit Office [Riksrevisionsverket]); the report had been commissioned by the government, who wanted to assess the efficiency and internal organization and standard operating procedures of the government, as well as EU coordination.

As to this date (March 2006), the committee had met seven times.
In this chapter I review the existing literature in the research field and present some basic facts on permanent representations. After an introductory overview of previous research on such concepts as Europeanization and national coordination, I present a view of permanent representations (PRs) in general, as well as specific EU member states’ permanent representations. This section will be followed by a general description and brief analysis of the general institutional background within which the permanent representations exist, i.e. the Council’s working groups and its central committee, COREPER (the Committee of Permanent Representations). After an examination of these institutions and their main actors, I describe their major functions and tasks as well as rules of procedure. My purpose in so doing is to “set the scene” and provide a comparative outlook before the next chapters take us straight into the main empirical bulk of my thesis, i.e. the delegation between member states’ governments and their permanent representations. As noted in earlier chapters, I will give some priority to the work by Kassim et al. (2000, 2001) as this work provides an important reference point for my study of France and Sweden.

RESEARCH FIELD OVERVIEW

During the course of the EU’s history a distinctive feature has been the substantial (and continuously atypical) coordination demands placed on central national governments (as if the conventional challenges of coordination for the executive were not enough, cf. Heywood 2002 or Wright and Hayward 2000). We see the beginnings of these demands with the stipulations of the 1951 Treaty of Paris and the subsequent 1957 Treaty of Rome (Nugent 1999:36-47) that the six founding countries’ production and consumption of basic industrial materials (such as coal, iron ore, steel, and coke) were to be put under a common market within the framework of a free trade area. Since the production of these raw materials was strongly related to each country’s military and defence capacity and to economic industrial growth in general, this agreement constituted an unparalleled demand for coordination in policy areas close to what might be described as the heart of national sovereignty. It was this specialized economic “pooling group” and later the more heterogeneous trade unions, influenced by the policy areas, which were in a sense the seeds of European integration. Initially EU coordination occurred at the communitarian level by the member states’ foreign ministers, and this practice continued long into
...there was a time, which extended to the days when the common market started to apply, early 1980s or at the beginning of the 1980s, when all EU activity – for the continental European powers, the six, which later became nine, ten and twelve – was very much a question of foreign policy. The foreign ministers sat down two whole days each month, from morning to evening, and covered every single aspect, from fishing quotas to corn prices, and negotiated everything. Many still believe that this was some sort of “balmy days”, where the GAC truly had its most glorious time... (interview 30)

It was only after the full implementation of the common single market that coordination at the communitarian level shifted focus from strictly foreign policy, with the associated foreign ministers and diplomats, to more domestic policy, with other ministers and specialists/experts. This gradual fragmentation and domestication of the workload at the Council level had implications for both the workings of sublevel institutions, such as committees and working groups at the European level and the coordination system at the national level, altering the roles of member states in the administration of the European Union (Sauron 2000c). At the communitarian echelon the growing numbers and scope of Council preparatory committees and working groups (Lewis 2000) is a clear symptom of this development. At the national level this change has foremost portrayed itself through the weakening of the Foreign Office as a central actor in the coordination process and through the increasingly vertical coordination paths created by each ministry. Though there is much more to the coordination processes than is presented in the existing literature, I shall at this stage describe the findings and analysis of earlier research (with a special focus on the work of Kassim, Menon, Peters and Wright).

Evidently, problems pertaining to harmonization and coordination of national EU policies are issues handled at the EU community level by civil servants within PRs, but that is not the only level that deals with these problems. Every national administration tries to resolve possible complications and technical hitches at the policy formulation stage. For example, national administrations are faced with questions such as how new policies should be adapted to existing ones, or whether existing policies should be altered (or even removed) to accommodate new policies. Rather mundane technical hitches can become major issues when EU policies are discussed, especially given the sheer number of policy actors involved in EU policy-making processes. Besides the obvious complicating factors (such as the structural ambivalence of EU decision-making processes and the complexity and fluidity of its procedures), there are other factors that potentially are more intimidating. One of these is the lack of stable coalitions. The multitude of interest organizations, policy networks, political parties, and territorial and sectional lobbyists involved in EU
policy-making results in a highly unstable policy environment. Though in certain ways this may be considered as much an opportunity as an impediment, one clear drawback is the creation of some opacity in coalition building which significantly raises information barriers (Weber and Wiesmeth 1991) and disrupts the coordination efforts of national agents.

In his seminal chapter on coordination Wright identifies four phases of domestic coordination (Peters and Wright 2001:162-165). First, the heads of government (together with the foreign and/or finance ministers) handle major constitutional EU issues, thus marking the path for future European integration. Second, formal links between domestic capitals and Brussels are established through foreign ministries (or in some rare cases finance ministries). Third, almost all ministries of member states adjust their organization to the requirements of EU policy-making procedures. For writings on national administration's adaptation to the EU, see among others: Page and Wouters (1995), Hanf and Soetendorp (1998), Lequesne (1993), Bulmer and Burch (1998) or Wessels and Rometsch (1996). The fourth of Wright's phases is of particular importance: "...institutional experimentation and innovation characterises the sphere of EU co-ordination..." (Peters and Wright 2001:163). Although some institutional response took place at an early stage, for example, some member states created ministries of European Affairs (Burban 1971); the continued evolution of mechanisms for national coordination has resulted in a variety of different solutions. Whether or not any given form of coordination is more effective than the other is hard to say, thus, it is unclear if the French, British or Danish centralised systems are superior to the more fragmented Dutch or German way of coordinating EU issues. Similarly, the question arises whether a centralised system is inherently more effective than a decentralised one.

Kassim offers a partial support for several of Wright's findings. Reviewing ten case studies of member states and their specific coordination mechanisms at the domestic level, Kassim develops his findings along two lines: the similarities and the differences between the cases. Six similarities are emphasised: (1) heads of government dispose of a staff of highly trained specialists to support them in their increasing coordinative roles, (2) foreign ministries continue to play a central role, though their monopoly in EU issues is seriously corroded by other actors, (3) inter-ministerial coordination of EU policy is conducted according to mechanisms specially designed for this purpose, (4) individual ministers instigated institutional adjustments to cope with the new demands for coordination, (5) national parliaments are typically involved in a formal way in the coordination process but seldom show any signs of genuine clout, and (6) most countries have a minister especially assigned to EU affairs, but he/she hardly ever benefits from a pivotal position in the coordination process (Kassim 2000b:237-241).

The causal reasons for these similarities are, according to Kassim, based on two major "principles" or converging forces. First, all member states face the same pressure from the institutional structure of the EU. These institutional circumstances shape the input of national coordination systems and, therefore, have an important
influence on the way in which member states construct their own domestic arrangements for dealing with EU issues. Second, member states experience mimicry or learning (cf. Rose 1991, Dolowitz and Marsh 1996), which means that member states learn from each others’ experiences. This explanatory factor is similar to the one described, but not endorsed, by Harmsen (see below). Kassim presents three additional converging forces, though, as I shall point out, these fail to explain the patterns of similarities amongst member states. His first additional factor is strong coercion from the EU. Although the EU system may indirectly require accommodation from member states, for example, because of directive implementation (whether through enforcement or management, cf. Versluis 2003, Tallberg 2002a), the EU stays clear of internal administrative procedures. The second is socialization of national civil servants, which after a certain time acquire the “values of Brussels”. While the concept of national officials’ socialization is well established (Lewis 1998b, Trondal 2000, Trondal and Veggeland 2003), Kassim criticizes theorists such as Haas (1958) for failing to explain how the diffusion of ideas can alter structures. Third, the final explanation for converging coordination mechanisms at the national level is the “assumption of optimisation” (Harmsen 1999:84), this hypothesis claim that EU member states would converge on a single (optimal) coordination model to deal with the analogous trials derived from their membership.

If factors relating to similarities can be dealt with relatively swiftly, those regarding differences are more cumbersome to present. Abiding by reasonable time and space limitations, I abstain from explaining in detail the findings of Kassim et al. (2000) on the differences, instead I will go directly to the causes of national differences in coordination systems identified by Kassim and as well as others (cf. Harmsen 1999, Peters and Wright 2001). Here five main variables help to explain the vivacity of national variation in national coordination systems: (1) Policy style (cf. Richardson et al. 1982). This refers to the question whether policy style in each country was impositional, consensual, active or reactive, and whether consultation with interest groups or other actors in society before decision was wide or narrow (or even non-existent, as in France, see e.g. Schmidt 1996 or Parsons 2000); (2) Policy ambitions. Is the individual country acting like a motor, a brake or a spectator in issues regarding European integration? (3) Conception of coordination. Is the coordination meant as a source of information, as an opportunity to monitor and review development in the European integration, as a mean of talking to the rest of Europe with “one single voice” or simply to “...avoid political disasters” (Kassim 2000b:251)? (4) Nature of the political opportunity structure. This deals with the nature of the party system, role of parliament, structure of the executive. The last one is especially important in our case as we ask: What differences can we expect in the coordination process depending on whether the principle of ministerial autonomy is welded at the core of the constitutional guidelines of the government or not? (5) Domestic administrative opportunity structure. Is there any special administrative culture? Are there sharp vertical or horizontal divisions? Where can one draw a
Yet another attempt at sharing light on the coordination of EU affairs within member states and their adaptation to the European is made by researchers Wessels, Maurer and Mittag (2003). Their anthology on EU member states uses an analytical (typological) grid based on the adaptive strength of member states within their own sphere (national arena) and within the European sphere (Brussels arena) to try to pinpoint which of the countries are (1) multi-level players, i.e. strong in both arenas, (2) European performers, in other words countries with a strong adaptive capabilities in the Brussels arena but with weak national arenas, (3) national performers, who have strong national arenas and weak Brussels arena and last (4) weak adapters, i.e. countries who are weak in every aspect (Mittag and Wessels 2003:414). Reviewing their findings it becomes unfortunately clear that their conclusions are unfocused. Indeed, Wessels et al’s first typology of strong and weak adapters is supplemented by other grid typologies, such as models of policy coordination (defined as outcomes of high/low levels of functional decentralisation and horizontal coordination, see Mittag and Wessels 2003:426) as well as different models of adaptation strategies (defined as outcomes of pluralistic/hierarchical characterizations of the national system and the EU system, Mittag and Wessels 2003:442). Furthermore, the analysis shows varying signs of ambiguity in the choice of analytical categories. For example, Wessels et al. (2003) assess individual institutions, such as the German Länder, the French parliament and the Spanish comunidades, in terms of weak adapters or strong national performers. Thus, while the states were previously at the foreground of the analysis and, in fact, constitute the only explicit chosen empirical category, in the concluding analysis they are substituted by individual national or sub-national institutions.

National coordination of EU policy at the European level

What has earlier research on the coordination and representation of national interest in Brussels yielded this far? Not as much as one could hope and want to. The classic in the field of research on the coordination of national interest at the European level, i.e. the permanent representations and COREPER, is Fiona Hayes-Renshaw’s (1990) dissertation. In her dissertation she investigates the role of the EU’s most influential committee in the decision-making process. Although her main conclusion, i.e. that with increased complexity COREPER will continue to increase in importance, is debatable (in fact, it is to some extent falsified by recent research like Lewis 2000), her account of the functioning of the preparatory and coordinating bodies at the European level is well-worth reading. Hayes-Renshaw delivers an incisive analysis of the way in which the most influential committee within the decision-making sphere of the EU works.

Another classical study of the coordination and policy making efforts of nation states at the European level is the work done by Kassim and his colleagues on the
The second volume of this impressive research project presents and analyses the permanent representations of 11 member states. Using four organisational aspects of the permanent representations (size, composition, personnel policy, and internal coordination), Kassim and his fellow research editors present the following conclusions with regards to the coordination of EU issues at the European level. First, they discuss the similarities, and foremost among them is the importance of the ministry of foreign affairs in both the appointment of senior officials and also the regular staff of the permanent representations. Even though the star of the foreign ministry is waning (notably in Italy, see della Cananea 2001) a more accurate statement is that the clout of other line ministries is rising. This reflects the continuous expansion of the EU’s competencies (e.g. the CFSP, cf. Strömvik 2005, Forster and Wallace 2000 or Holland 2004). It is also interesting to note that Kassim et al. (2001) conclude that the permanent representations’ two top jobs (as permanent representative and deputy permanent representative) functions as a stepping stone towards higher positions. According to Kassim et al. (2001:324-326) the similarities they uncover can be explained by three mechanisms: (1) coercion, is the most straightforward factor explaining similarities between PRs, since member states must have a permanent representation if they are to partake in the EU’s legislative process, (2) mimicry, while there is plenty of evidence of mimicry in the arrangements of certain member states’ permanent representations (cf. Magone 2001 and Mazey 2001) no apparent “...evidence of a general process of ‘optimization’...” (Kassim et al. 2001:326) can be found, and (3) socialization, might be “in evidence” but Kassim argues that it is hard to see that socialization has produced any real institutional or structural changes in the way permanent representations are organized. Numerous differences exist between member states’ permanent representations and the way they coordinate and partake in the expression of national EU policy. These differences can be explained according to Kassim et al. (2001:326-329) by five factors (four of which are particularly pertinent to this study). Taking their inspiration from the “continuing divergence hypothesis”, which argues that national idiosyncrasies and domestic structures explain the disparities of national institutions at the European level, Kassim et al. highlight the following four factors: (1) national European policy, refers to the “general orientation of governments towards Europe...” (Kassim et al. 2001:327), (2) political opportunity structure, includes such concepts as the party system, the nature of the executive, the relationship between the executive and the legislative branches, (3) administrative opportunity structure, includes factors such as administrative culture and standard operating norms as well as how these affect the internal workings and functions of the permanent representations and (4) policy style, which delves deeper into the disposition of permanent representations towards interest groups. Here Kassim et al. (2001:329) point out that both France and Sweden appear as anomalies, in so much that the French PR now increasingly cultivates its contacts with private interests (cf. Schmidt 1996) while the Swedish PR distances itself from
private interests (because of extensive domestic coordination between private interests and the state, cf. Mazey 2001).

Yet another focus of research of national coordination at the European level has been the Council presidency. Because of time and space constraints, I will not describe in detail the various research studies, but I do want to point out that this branch of research in some ways coincides with the field to which this study adheres. The denominator for both research fields is the intricate ways in which individual member state’s preferences are melded and articulated into European decisions. But many studies focusing on the Council presidency have centred on terms like agenda-shaping, administrative managing and brokering (Bassompierre 1988, Elgström 2002, Sherrington 2000, Svensson 2000, Tallberg 2003 and 2004), while others have concentrated their effort on the Council secretariat (cf. Beach 2004) or on reforms of the Council (cf. Wallace and Hayes-Renshaw 2003). There exists many different sobriquets for the Council of Ministers, ranging from the “three headed Cerberus” (Bátorai 2003:20) to the “robust legislative machine” (Sherrington 2002:34). The general secretariat has also been described as a prime example of the “unseen hand” or the “hushed voice” (Christiansen 2003:81). Later I will briefly describe the principal internal working levels of the Council of Ministers, though I will not attempt to depict the entire apparatus which constitutes this enormous institution, neither will I discuss in detail the general secretariat of the Council with its eight directorate-general nor the general secretariat’s impressive Legal Service that oversees the daily meetings and manages administrative and legal routines. Instead I turn my attention towards another strand of research that should be introduced in every study pertaining to institutional structures and processes and the European Union.

Europeanization or domesticization

The term of Europeanization (cf. Featherstone and Radaelli 2003, Green-Cowles et al. 2000) has been used in such a number of ways to describe various processes and phenomena that it earns its epithet as a “fashionable but contested concept” (Olsen 2002) or as “fuzzy” (Jachtenfuchs and Kohler-Koch 2004:109). Still, whatever specific definition and variables I choose to rely upon, the basic fundamentals of the concept are not hard to grasp. All definitions of Europeanization have in common that an impulse or decision coming from the European level has an impact on the member state’s own polity, policies and politics, or as Héritier (2001:3) puts it: “...the process of influence deriving from European decisions and impacting member states’ policies and political and administrative structures.” In our case, it becomes interesting to speculate whether the causes of specific national delegation designs are a product of a process of Europeanization or not. It is at least one of the potential explanans (or explanatory factors) which I must be prepared to take into account at the end of the analysis. Though many researchers view Europeanization as an important factor in elucidating policy (and even institutional) changes within
member states induced by EU membership, others argue that this factor is overestimated (cf. Levi-Faur 2004, Verdier and Breen 2001).

The literature on Europeanization is broad and covers different aspects, ranging from the Europeanization of national foreign policy (cf. Tonra 2001, Economides 2005, Wong 2005), defence industry policy (Britz 2004), to administrative law (Ladeur 2002), to regional policies (Benz and Eberlein 1999), to the Europeanization of political parties (such as Mair 2000 and Bomberg 2002) and even to the media and political communication (cf. Semetko et al. 2000). The literature on Europeanization and France (cf. Irondelle 2003, Ladrech 1994, Jobert 2003, Montpetit 2000, Albert-Roulhac 1998, Cole and Drake 2000, and Roederer-Rynning 2002) as well as relations between Sweden and the EU (cf. Mörth and Jacobsson 1998, Jacobsson 2000, Miles 2000) or Nordic countries and EU (cf. Einhorn 2002, Lægreid et al. 2004, Goldsmith and Larsen 2004) is extensive. The difficulty of finding a common theme or some kind of general logic behind the ways in which Europeanization operates is hard, since few studies, if any, use the same research design – much less the same definition of Europeanization. Another weakness is that much of the Europeanization literature is restricted to specific policy studies (e.g. transport policy, see Héritier et al. 2001) and consequently provides policy specific inferences. Some studies attempt to generalize their policy specific findings to broader themes, for example, Knill (2001) who studies the Europeanization of national administrations through European environmental policy. Even though much of the Europeanization literature is impressive in its empirical achievements, it sometimes lacks analytical ambitions. Another, perhaps more interesting, way to look at Europeanization is to turn it around and ask whether or not it is possible to have a domesticization of the European level (or indeed to use both concepts, cf. Bugdahn 2005). Consequently, the focus is shifted from how a unitary actor (EU) and its decisions affect multiple actors (member states) to how member states influence and shape this unitary actor and its decisions; a perspective I argue is much more rewarding. This is exactly what Beyers and Trondal (2004) point to when they introduce their research on national bureaucrats within the EU:

In general, the Europeanization literature has been skewed towards perceiving member states as recipients of EU policies, institutions and norms... // ...we address the following question: How do domestic institutional structures shape the role perceptions of domestic 'Eurocrats'? More precisely, we analyse those domestic institutions that foster the adoption of supranational role perceptions among officials attending the Council Working Parties (CWPs). Many EU policies are set at the bureaucratic stage in the Council of Ministers. It is thus important to identify the roles these bureaucrats play. (Beyers and Trondal 2004:919-20)

Beyers and Trondal discuss different extents to which differences in domestic institutional constellations shape the representational roles of member states' officials attending Council meetings. In my case this translates into how the delegation between executive organisations (and their members, i.e. the leadership of ministries) in capitals and their permanent representations (and their members, i.e. na-
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tional bureaucrats based in Brussels) can be said to promote either an imperative or a liberal model of representation. The imperative mode of representation denotes a characterization of intergovernmental role perception, the bureaucrat acts according to her/his instructions from his superiors. The liberal model implies that the bureaucrat sees him-/herself as a more autonomous and independent expert. Taking heed of this representational ambiguity model, Beyers and Trondal argue that supranational role perception can be explicate by the presence (or absence) of eight conditions regarding domestic structures, veto points and policy coordination. The results based on two cases, Belgium and Sweden, are that Swedish bureaucrats are much less supranationally oriented compared to their Belgian colleagues, and that this is due to the different domestic institutional constellations. Regardless of the results, the research design used by Beyers and Trondal is appealing because it uses a design of domestic institutional structures as a variable that explains actor (in my terms, agent) behaviour at the European level. Though in this discussion here I have chiefly focussed on Beyers and Trondal’s (2004) study, the literature on role conception of national representatives within the EU is large (cf. Beyers 2005, Egeberg 1999 and 2004, Egeberg et al. 2003, Larsson 2003, Trondal 2001 and 2002 and Trondal and Veggeland 2003). This literature and its research results are interesting, though the research design used in these studies include to a larger extent than this study, the perceived roles and experiences of bureaucrats. I’m more interested in the way institutions (delegation and accountability mechanisms) affect bureaucrats’ behaviour. Anyway the dimension advanced by this research tradition is something I will bear in mind when finalising this dissertation’s results.

The research studies to which I have just drawn attention are some of the more interesting and recent studies dealing with this dissertation’s research field. But I have yet to present other fields of research and empirical data from research which has clear links to my dissertation’s empirical field, namely, the permanent representations and their institutional context, i.e. the Council’s internal both institutional and procedural structures. In the next section I introduce the reader to one of the main institutions studied in this dissertation and the comprehensive research attained hitherto. Furthermore, the next section should help the reader to understand the institutional setting within which national representatives operate. But, as we will see, the existing research is outdated and displays a certain paucity of material. Unfortunately, the research community has not studied permanent delegations and representations to the extent the same research community displayed in other areas. Hence, this dissertation hopes to make a needy and worthwhile contribution to the field.

PERMANENT REPRESENTATIONS AND DELEGATIONS

Although permanent representations are prominent in the context of EU decision-making processes, these entities also exist in other contexts, such as the UN and similar international organizations (NATO, OECD, UNESCO, et cetera). However
the research on the role and functioning of permanent representations (or national
delegations as they are sometimes labelled) at international organizations has not,
as far as I was able to ascertain, been overwhelming. In fact, it is rather restricted to a
few old comparative studies, assuredly of high empirical value, but of minor analyti-
cal significance (cf. Virally et al. 1971 and Baehr 1970). This is peculiar considering
the increasing clout of international organizations in modern times. Whether this
obvious lack of research is caused by theoretical impediments or the blunt negli-
gence of these entities is not clear. Below, I will give a brief and historical descrip-
tion of some general observations that can be made on permanent representations
in general and, as well, undertake to review and discuss particular EU member
states’ permanent representations.

Permanent representations are foremost a product of the creation of international
organizations. As the nation states’ needs created by the multilateral diplomatic
activities within these institutions grew, i.e. the need to increase updated knowledge
of what was in the decision-making pipeline within the organisation and the need to
coordinate their standpoints with other member states, so did the member states’
need of efficient permanent representations. Although one should, as Virally does,
keep in mind that certain differences between permanent representations exists. In
Virally’s first of a three-volume study on permanent representations in international
organizations he identifies two categories of permanent representations, (1) perma-
nent representations which are actively taking part in the day-to-day routine work of
the organization and thus constitutes a “…cog within the organization…” (Virally et
al. 1971:833) and (2) permanent representations which are not formally a part of the
organization. Interestingly, some of the oldest international organizations did not
provide for the establishment of permanent representations in their charter. Organizations such as NATO, the European Council, and the fore-runner of the
OECD, the OEEC, did not include any formal paragraph on permanent representa-
tions in their basic treaties, although it subsequently became quickly obvious that
the foundation and participation of permanent representations for member states
were crucial to the smooth running of the organization. In the case of the OEEC,
permanent representations were first accounted for in 1948. NATO created in 1950
the Council of Deputies and two years later permanent representations were set up
to assure the running of the NATO Council at the ambassadorial level. Organiza-
tions which were subsequently established took heed of the insights gained by the
creation of these above-mentioned international organizations by providing in their
“constitutional charter” for the existence of PRs and by describing the role of per-
manent representatives. One example is EFTA, created through the Stockholm
Convention of 1960, which stated that a council would be set up, but that council
meetings need not only take place at ministerial level. Thus, permanent representa-
tives were appointed from the very beginning (Virally et al. 1971:834-35).

Even organizations which did not provide for permanent institutions, such as in-
tergovernmental councils and their like, did attract permanent representations. One
example being UNESCO, which saw a dramatic growth of permanent representa-
tions, even though its executive board, which meets between the general conferences, is constituted of selected individuals who are not necessarily permanent representatives. From 1947 to 1969 the number of PRs at the UNESCO rose from a mere seven to an impressive 104 (not counting the additional six chargés de liaison) out of a UN membership of 125 member states. Furthermore, non-member states may even set up permanent representations or the like at international organizations, as was the case when the United States was de facto represented, in the world war interlude, at the League of Nations through its consulate in Geneva. Today many non-member states maintain a permanent representation or delegation at the European Union in Brussels.

One could also point to several administrative and legal aspects of permanent representations which increase their specificity as organizational entities. First, PRs that are a working part of the organization, especially when the said organization includes a council where member states are represented, tend to be administratively independent from regular diplomatic embassies in the organization’s "host country" (i.e. Belgium in the case of the EU and NATO, and France in the case of the OECD). Though in organizations where permanent representations or delegations do not constitute a major "cog" in the decision-making processes, this administrative independence has somewhat withered away and has been replaced by a system of administrative efficiency where ambassadors or/and permanent representatives have to exhibit polymathic qualities. In the early 1970s the Swedish permanent representative at the OECD was also the permanent delegate at UNESCO and the head of the Swedish delegation to the then-EEC in Brussels was also the permanent representative at the European Council (Virally et al. 1971:838). In 2002, Sweden’s ambassador to France, Frank Belfrage, was also head of the representation at UNESCO.¹¹

We could summarize Virally’s conclusions in two statements. One, permanent representations affiliated to an organization where binding intergovernmental decisions are made, and where the PRs are themselves a part of that organization, are characterized by a more independent administrative status. Two, while PRs which are not directly involved in supranational decision-making and/or do not constitute a cog in the organizations are less independent in administrative terms, i.e. their representatives are often working “double shifts” either at a regular embassy or as representatives at another international organization. Even though these conclusions drawn by Virally et al. should not be overstressed since evidence to the contrary might exist, they appear as fairly self-evident. For example, in 2002 the military personnel accredited at the Swedish mission to NATO in Brussels were, to various degrees, all connected to the EU. The partner military representative, Lieutenant-General Mertil Melin, was also military representative at the EU’s military committee and was in fact employed and had his main assignments at the permanent representation to the EU. Melin’s deputy NATO partner military representative, Brigadier-General Peter Grunditz, was also accredited to the EU. Both Colonel Gunnar Karlson and Lieutenant-Colonel Bengt Wiktorsson, employed then at the
Swedish mission to NATO as assistant partner military representatives, were also accredited to the EU. At the same time, the Swedish ambassador to Belgium in 2002, Anders Oljelund, was also head of the Swedish Mission to NATO.

Furthermore, the legal status of the permanent representations and delegations was, at first, considered to be a matter of discussion, or at least a matter of concern, for the host countries. The last observation reflects the fact that personnel stationed at the international organization’s host country’s PR do not enjoy diplomatic immunity and privileges. Moreover, in a similar vein, the procedures for diplomatic credentials for permanent representatives and employees of the PRs are not as formal as when regular ambassadors and plenipotentiary ministers are appointed to bilateral embassies. In case of embassy appointments, host countries actually have the right to refuse the credentials from ambassadors; international organizations lack this legal possibility and permanent representatives are unilaterally appointed by each member states. There were some initial controversies over whether or not employees at PRs should enjoy the same diplomatic rights as “ordinary” diplomats. But the matter was put to rest at an early stage when the UN Commission on International Law ordained the assimilation of civil servants employed at permanent representations and delegations into the traditional diplomatic corps, thus giving permanent representatives the same legal status as other diplomatic envoys. Lastly, it could be observed on a more comparative note that, in 2002, France had 17 permanent representations and four permanent delegations at different international organizations (Tavernier 2002:55), while Sweden had only seven permanent representations and delegations.

Permanent representations in Brussels – A brief comparative outlook

Not until 1967 with the signing of the “Merger Treaty” was the status of the member states’ permanent representations in Brussels codified. As was pointed out above, the PRs were not, at first, included in the original organization’s legal structure, much like the cases of permanent representations in NATO and in the OEEC. The scope of the permanent representations has expanded at the same rate as the European community’s competences and responsibilities have multiplied and intensified. The present permanent representations are quite impressive, especially compared to both EU member states’ bilateral diplomatic missions and their permanent representations at other international organizations. In 1998 the average number of senior administrators employed at each EU member state permanent representation was approximately 43; in 2002 this figure had increased to 60.

All permanent representations have increased their numbers of senior administrators. This increase is essentially due to the expansions and the implementation of cooperation of the responsibilities and competences of the Union, predominantly in the field of security and defence issues. However, another late trend is reflected in the growing numbers of Foreign Ministry senior civil servants at the representations. The share of career diplomats among senior officials has thus increased from
approximately 35% in 1998 to 40% in 2002. This would indicate that the long-
term domesticization of EU policies (with regards to PR personnel) has been re-
versed or temporarily halted with the increased level of activity in the EU’s foreign
defence policy. At least it appears as if diplomats are becoming more numerous in
the permanent representations, not the contrary. In certain cases the representa-
tion of diplomats is regulated by domestic incentives, as was the case when Italy’s
parliament decreed (cf. della Cananea 2001:138) that the highest numbers of dip-
lomats from the Ministry of Foreign Affairs to each embassy be set at 25.

**Table 4.1: Senior administrators and employees

<table>
<thead>
<tr>
<th>Country</th>
<th>Senior adm. (from MFA) - 1998</th>
<th>Senior adm. (from MFA) - 2000</th>
<th>Senior adm. (from MFA) - 2002</th>
<th>Employees (total) - 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>50 (13)</td>
<td>46 (15)</td>
<td>54 (17)</td>
<td>116</td>
</tr>
<tr>
<td>Belgium</td>
<td>30 (11)</td>
<td>40 (--)</td>
<td>43 (25)</td>
<td>120</td>
</tr>
<tr>
<td>Denmark</td>
<td>40 (15)</td>
<td>41 (--)</td>
<td>73 (16)</td>
<td>141</td>
</tr>
<tr>
<td>Finland</td>
<td>41 (18)</td>
<td>51 (--)</td>
<td>57 (22)</td>
<td>97</td>
</tr>
<tr>
<td>France</td>
<td>42 (12)</td>
<td>41 (10)</td>
<td>81 (21)</td>
<td>---</td>
</tr>
<tr>
<td>Germany</td>
<td>40 (15)</td>
<td>47 (--)</td>
<td>60 (25)</td>
<td>150</td>
</tr>
<tr>
<td>Greece</td>
<td>60 (15)</td>
<td>60 (--)</td>
<td>--- (--)</td>
<td>---</td>
</tr>
<tr>
<td>Ireland</td>
<td>45 (10)</td>
<td>35 (12)</td>
<td>--- (--)</td>
<td>---</td>
</tr>
<tr>
<td>Italy</td>
<td>40 (20)</td>
<td>51 (--)</td>
<td>55 (22)</td>
<td>110</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>10 (7)</td>
<td>13 (--)</td>
<td>19 (11)</td>
<td>32</td>
</tr>
<tr>
<td>Netherlands</td>
<td>45 (15)</td>
<td>48 (18)</td>
<td>58 (25)</td>
<td>120</td>
</tr>
<tr>
<td>Portugal</td>
<td>41 (16)</td>
<td>56 (--)</td>
<td>54 (--)</td>
<td>100</td>
</tr>
<tr>
<td>Spain</td>
<td>52 (14)</td>
<td>58 (--)</td>
<td>86 (--)</td>
<td>---</td>
</tr>
<tr>
<td>Sweden</td>
<td>52 (24)</td>
<td>54 (26)</td>
<td>69 (27)</td>
<td>110</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>49 (20)</td>
<td>54 (--)</td>
<td>71 (30)</td>
<td>113</td>
</tr>
</tbody>
</table>


Note: It should be noted that some of the countries’ numbers may be temporarily skewed by EU presidencies. The following member states were responsible for holding the bi-annual EU presidency, in 1998 it was United Kingdom (jan-jun) and Austria (jul-dec), in 2000 the two member states were Portugal (jan-jun) and France (jul-dec), and finally in 2002 Spain (jan-jun) and Denmark (jul-dec) presided the EU.
Next I turn to the different intra-Council institutions in which the permanent representations are embedded. This will provide the reader with both insights into and comprehension of the workings of the permanent representations, but this will also shed some light on what must be considered as one of the less illuminated areas of EU researchers’ maps. Below I will give a more detailed account for the two major levels within which the personnel of the permanent representations are active, namely the Committee of Permanent Representatives (COREPER) and the Council’s working groups.

**COREPER – LEVEL OF POLITICO-ADMINISTRATIVE COORDINATION**

Almost all of the routine work of the Council of Ministers, and much of the preparatory work on non-routine issues, is coordinated through the Committee of Permanent Representatives (COREPER). Each member state appoints a permanent representation to the European Union, composed of several high-level diplomats and civil servants who are called upon to represent their countries in numerous working groups and committees. The permanent representation’s most senior administrator has the title of permanent representative and the second most senior is entitled deputy permanent representative. Both represent their country at COREPER, which has the main task to act as a first and last filter for proposals from the Commission.

Each national representative confers with national governments and their many ministries and their opposite numbers in COREPER. Many proposals will be non-controversial and agreement on these can be reached within COREPER itself (or even within a working group). Once unanimous agreement is reached by the permanent representatives, the proposal is placed on what is known as the “A” agenda for the next meeting of the Council of Ministers. Those that do not get unanimous backing are entered onto the B agenda (for a detailed analysis of the nature of A and B agenda issues see Van Schendelen 1996) for the next relevant meeting of the Council of Ministers (i.e. issues dealing with financial issues are referred to the ECOFIN Council, environment issues are sent to the Environment Council and so forth). These B agenda items, thus, become object for discussions and negotiations in the Council or are sent to a working group for further discussion and negotiation.

The description so far of COREPER is a dispassionate and almost technical description. It should be observed that these are very rare. Since long the COREPER has been the object of polemic debate:

One of the places where European decisions are increasingly being agreed (or blocked), is in the least controllable, least authorized and - I may be forgotten for saying this - also least qualified European institution, namely the so-called Committee of Permanent Representatives. (Dahrendorf 1971:75)

Even if Dahrendorf’s criticism is harsh (and maybe unfair), it raises questions about COREPER’s legitimacy and whether it has undergone enough changes, under these last three decades, which would motivate a revaluation of his statement." The dis-
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The distinction between the COREPER’s two faces represented by Dahrendorf respectively Sasse (see footnote above) is also carried by other sources:

Jacques Delors...thought it was the only European body that really counted. /.../
COREPER has huge clout. Permanently in Brussels, ambassadors know each other well, and can feel out deals faster and more effectively than can most ministers. /.../
Critics point to the 90% of council decisions informally agreed on by COREPER without ministers even sniffing them; to the fixing in advance even of dossiers that do go to ministers; to ambassadors (or their deputies) who sit in the council when ministers are absent. (The Economist 1997:38)

Even though the same article points out that:

Bureaucrats everywhere have power. COREPER’s members follow briefs laid down at home. They have little influence over farm, monetary and trade matters because those are discussed in committees of national civil servants who do not report to COREPER. Even the 90% figure is misleading: most decisions are agreed on below the COREPER level, in working groups, with little or no discussion among ambassadors, let alone ministers. (The Economist 1997:38)

As always, reality is never as uncomplicated and evident as we wish it to be. This ambiguous sketch of COREPER by The Economist strengthens my belief that something is fundamentally amiss in the research, and the general appreciation among fellow researchers, towards senior committees within the EU in general, and the Council in particular. The real issue here is not whether or not COREPER is, from a normative perspective, effective or not, as disputed by Dahrendorf and Sasse, but rather what kind of institution it is.

Short historic background

COREPER was not directly provided for in the Treaties of Rome in 1957, due to disagreements between member states over the role of the new committee’s functions and scope of its decision-making powers. However, article 151 (EEC) and 121 (EURATOM) made the foundation of COREPER possible; still the ministers would have to approve the establishment of such a preparatory committee, and as such the final decision was theirs alone. The first assembly of the Council of Foreign Ministers in January 1958 saw the decision to establish a joint committee and by the next day, such a meeting was convened; this was later to become COREPER. Its functions were elucidated in Article 16 of the Council’s internal rules of procedure:

A committee composed of representatives of the Member States shall be set up in accordance with Article 151, paragraph 2 (Article 121, paragraph 2) of the treaty.

This committee shall prepare the work of the Council and shall carry out the tasks assigned to it by the Council.

It may set up working groups and instruct them to carry out such preparatory work or studies as it shall define.
Unless the Council decides otherwise, the Commission shall be invited to be represented at meetings of the Committee and of the working groups.

The Committee shall be presided over by the delegate of that Member State whose representative is the President of the Council. The same shall apply to the working groups, unless the Council shall decide otherwise. (Hayes-Renshaw and Wallace 1997:74 or Dinan 1994:250)

Right off the bat, the committee’s standing was ambiguous and we find different interpretations about its role and its status (at least officially). For example, four out of six representatives, since only Belgium and Luxembourg appointed their permanent representatives as members of this committee (Houben 1964:142), were not specifically appointed as representatives to this committee but rather as *Chefs de la Représentation Permanente* (heads of the permanent representation). This might be seen as peculiar since the Treaty of Rome does not provide for a formal link between the head of member states’ representation and membership in the committee established through Article 16 of the Council’s internal rules of procedure. It was only later with the establishment of COREPER that the question of whether permanent representatives should have access to this committee was answered explicitly. Not until 1 July 1967, with the late implementation of the Merger Treaty of 1965, was the existence of permanent representatives, to the relief of France (Bitsch 1999:160), codified and sanctioned in an official text. A single COREPER was created, replacing COCOR, *Commission de coordination du Conseil des ministres*, which had effectively (Hayes-Renshaw et al. 1989:120) handled issues belonging to the Special Council of Ministers of the ECSC (European Coal and Steel Community) through the drafting of article 4 in the aforementioned treaty (Hayes-Renshaw and Wallace 1997:30).

Since 1962, even before its official codification, COREPER has been divided into two different levels: COREPER II accommodates the ambassadors, or permanent representatives; COREPER I their deputies. This peculiar numbering, by some described as yet another proof of the “Alice in Wonderland” logic (Guerrera and Dombey 2002) of Brussels, can be traced back to the days before the division of COREPER: the more technical issues were treated in the Part I of the draft Council agenda, by deputies to the permanent representatives, while the more contested dossiers usually were placed in Part II and therefore dealt with by the ambassadors (Hayes-Renshaw 1990:127). These ambassadors, or permanent representatives as they are sometimes labelled, are often, if not always, high-ranking senior officials usually from respective member states’ Ministry of Foreign Affairs. Common attributes for these ambassadors are a long experience from multilateral negotiation environment, advanced knowledge of EU procedures (preferably through first hand contact with Council work; it is not exceptional for ambassadors to have served a term as deputy permanent representative) and a solid reputation in their national capital. The post of head of the permanent representation at Brussels usually being among the most prestigious in each of the national diplomatic services, cf. Dinan
The deputy representatives are however often drawn from other ministries, such as Finance or equivalent (Department of Trade and Industry or DTI in case of the United Kingdom). Even though lower in formal rank compared to his/her superior, the deputy enjoys comparable weight, often having the rank of minister plenipotentiary and she/he is also well-versed in the ways of both COREPER and the EU policy-making process as a whole.

This division of work has largely been profitable, since it assuages the massive workload put on COREPER members’ shoulders. Ambassadors must, in addition to preparing Council meetings, administrate their permanent representations and are steadily expected to perform other duties relevant to their diplomatic status (Houben 1964:143). As if not overburdened, the creation of the European Council in 1974 added yet another chore for COREPER: to prepare the regular meetings of the heads of states of the member states. This rendered the work specialization even more imperative to the smooth running of COREPER’s and the permanent representatives’ operations. In response to these multiplying responsibilities the Antici Group, named after its first chairman Paolo Antici, was formed in late 1975 with the main task of helping the ambassadors with European Council planning. Since then it has expanded its responsibilities and is in charge of all discussions pertaining to procedural aspects of COREPER II, i.e. schedules, agreeing on minutes of meetings, et cetera. The Antici Group meeting are composed of deputy permanent representatives (usually the third most senior official at the permanent representation) as well as officials from the Council’s and the Commission’s general secretariat and it holds its meeting each Tuesday, the day before the actual COREPER II meetings. There exists a similar group which provides support for COREPER I, called the Mertens Group (named after Mertens the Belgian delegate who was the first to assemble a group of assistants of the deputy permanent representatives in order to assist COREPER I in its work).

As presented in the introduction to this chapter, the intensity and frequency of committee meetings can in fact be used to gain an intuitive insight into the development of COREPER and other working groups’ workload. This also tells us, to a certain extent, something about the way in which European integration develops, at least from the perspective of the EU’s institutions. Diagram 4.1 shows the evolution of the numbers of COREPER meetings compared to the numbers Council meetings at the ministerial level. Even though conclusions from this diagram could be described as sketchy at best, certain general and crude tendencies are discernable. The first, and perhaps most interesting, trend is found in the evolution of the number of Council meetings. The increase in meetings at ministerial level takes place directly after 1982 and stabilizes at a significantly higher level during the next almost-two decades before apparently dropping after 2000 to lower levels of meeting intensity. The Council met for the period 1958-1982, on average, 69 times per year while the 1983-1999 average was 119 meetings per year. For the years 2000-2004 the average of Council meetings fell back to only 85 per year.
Diagram 4.1: Number of annual Council and COREPER meetings (1958-2004)

The second trend relates to COREPER, which has remained roughly on the same level of institutional activity, though one can observe a slight but steady increase from 1990 and onward. For the period 1958-1982 the average number of meetings per year in COREPER was 121 against 115 for the period 1983-1999. However, for the period 1991-2004 annual meetings’ average rose to 126 and the period 1997-2004 saw an increase in the committee’s meeting intensity to 129 meetings per year. For the period 2000-2004, COREPER actually increased its meeting frequency to 138 meetings per year. A third and final (though very tentative) conclusion is that COREPER tends to increase its activity somewhat in connection to, or slightly subsequent to, the signing of important treaties (1986: the SEA treaty, 1992: the Maastricht treaty, 1997: Amsterdam treaty and 2001: Nice treaty). However, the only solid inference is that the Council actually met more often during the 1980s and 1990s compared to the early days of the Community. This increase in meeting intensity could be related to increased political activity at the EU level: treaty negotiations, expanding policy competences for the EU and the fact that the European Union expanded during the 1980s. Another interesting fact is the similarities between Golub (1999) and his review of the numbers of adopted directives (which increased significantly during the period 1984-1993, see Golub 1999:741) and the increase in Council meetings frequency shown in diagram 4.1 above. In conclusion, it can be said that the Council experienced a significant increase in its activities during the late 1980s and the whole of 1990s followed by a subsequent
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decrease, and that COREPER has steadily increased its meeting frequency, since 1990. In short, after a period of great activity the political level at the EU has reduced its meeting intensity while the bureaucratic level has progressively increased its workload.

Functions

Characterized as a "Council of Ministers in permanent session" (Busch and Puchala 1976:240), COREPER has vital functions within the EU in general and in the Council in specific. Although the larger picture has already been given regarding COREPER’s main task, namely to prepare Council meeting, we should look at its other duties as well as examine in more detail its main task. First, COREPER’s constituents have a heavy responsibility to inform their national capitals of impending EU-legislation proposals. The permanent representative was, at an early stage (and still could be), portrayed as "le serviteur, l’œil et l’oreille de son Gouvernement." Second, the permanent representatives have the task of defining their country’s position in COREPER in a presentable manner, that is, to put forward his/her country’s standpoint as delicately and effectively (efficiently, in negotiating terms) as possible. Thirdly, the permanent representation has also the unviable task of representing its country and managing its dealings with all the others EU institutions as well as defending the national position in COREPER (through negotiations) and translating national instructions into bargaining positions in working groups and ad hoc committees. This last assignment is one of the most difficult: COREPER members are sometimes forced to “manufacture” a national position in negotiations when instructions from national capitals are vague or and influenced by inter-ministerial disputes (or in worst cases simply lacking). This has, however, not been taken into account in earlier assessments of the EU policy-making processes in general and the Council in particular. On this basis some argue that COREPER’s influence has, therefore, been overlooked or at least undervalued, as Lewis does when commenting at least two reasons to pay further attention to COREPER:

First is the combination of COREPER’s de facto decision-making role and their causal influence and voice in the articulation of national preferences. And second is the collective, communitarian dimension of this authority, expressed through the routinization and diffuse exchange of viewpoints and a collective rationality which transcends individuals, instrumental rationality. (Lewis 1998a:499)

A few last words should be mentioned about the division of work between the COREPER’s two divisions. COREPER I handles internal market issues and other more technical sectors (e.g. trade and research), while COREPER II concentrates on the more politicized issues and prepares all the meetings for the European council (see above), general affairs (GAC), development, ECOFIN, budget councils and councils pertaining to third pillar issues (juridical and internal affairs). This gives much more political weight to the undertakings of the senior ambassadors, espe-
cially the budget council which is, for obvious reasons, very influential. Still COREPER I has gained some influence, especially since the deputy ambassadors are assigned the preparations of council constellations which are oriented towards issues falling under the jurisdiction of the co-decision procedure (Article 251 in the Treaty establishing the European Union). As a consequence, COREPER I often negotiates with the European Parliament and in some extreme cases (where a consensus cannot be reached after initial consultations) with the conciliation committee. Its clout has increased significantly, especially since the signing of the treaty of Amsterdam and subsequent treaties, which increased the scope of legislative proposals subject to the co-decision procedure between the EP and the Council of Ministers.

WORKING GROUPS – TECHNICAL LEVEL COORDINATION

While COREPER handles only a “few” (at least compared to the working groups) issues which are, for the most part, politically sensitive, the working groups of the Council handles almost all issues referred to the Council. According to Wessels (1991), working groups account for about 90% of all Council decisions leaving COREPER and the actual Councils with only 10% of Commission proposals to decide for themselves. Even though other appraisals (Hayes-Renshaw and Wallace 1995, Van Schendelen 1996) minimize the pure “statistical clout” of working groups, it still remains beyond any doubt that the Council’s working groups are much more influential than the apparently condensed official statutes regulating their existence attest. In fact, the only direct legal basis for the creation of working groups is found in article 19.3 of the Council’s Rules of Procedure:

Committees or working groups may be set up by, or with the approval of, COREPER with a view to carrying out certain preparatory work or studies defined in advance.

The General-Secretariat shall update and publish the list of preparatory bodies. Only the committees and working groups on this list may meet as Council preparatory bodies. (Official Journal 2004:32)

Other articles detailing the work procedures of working groups include articles 19.4, 19.5, and 21:

Article 19.4 COREPER shall be chaired, depending on the items on the agenda, by the Permanent Representative or the Deputy Permanent Representative of the Member State which holds the Presidency of the Council. Unless the Council decides otherwise, the various committees provided for in the Treaties shall also be chaired by a delegate of that Member State. The same shall apply to the committees and working groups referred to in paragraph 3, unless COREPER decides otherwise.

Article 19.5 For the preparation of meetings of Council configurations meeting once every six months, where held during the first half of this period, the meetings of committees other than COREPER and those of working groups held during the
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preceding six months may be chaired by a delegate of the Member State whose turn it is to chair the said Council meetings.

Article 21 Notwithstanding the other provisions of these Rules of Procedure, the Presidency shall organise the meetings of the various committees and working groups so that their reports are available before the COREPER meetings at which they are to be examined.

Unless considerations of urgency require otherwise, the Presidency shall postpone to a subsequent COREPER meeting any legislative items within the meaning of article 7 on which the committee or working party has not completed its discussions at least five working days prior to COREPER’s meeting. (Official Journal 2004:32-34)

Thus, working groups as well as other committees (with the exception of COREPER) are under the conditions stated in article 19.4 above, exempt of the general provision that the member state acting as Council Presidency also should, at all times, head the meeting of the committees and working groups within the Council. This flexibility at the working group level improves the efficiency of the different countries’ presidencies by allowing certain working groups, which are scheduled by an upcoming presidency, to meet earlier and prepare any eventual legislative work which might be important. However, it should also be duly noted that the provision stated in article 19.4 had, at least until February 2001, never been applied (Rådsguide 2001a:14). An article with similar meaning is also found in article 20.2 of the Council’s Rules of Procedure:

Without prejudice to the provisions of Article 19(4) to (6) and to its powers and its overall political responsibility, the Presidency shall be assisted by the representative of the Member State next holding the Presidency. At the Presidency’s request and acting on its instructions, the latter shall replace it as and when required, shall relieve it, where necessary, of certain tasks and shall ensure the continuity of the Council’s proceedings. (Official Journal 2004:34)

Furthermore, while on the topic of the Presidency, the bi-annual rotating chairmanship at all levels of the Council’s institutions (Council, COREPER, and working groups) also implies certain changes restricted to the lower levels of committees and working groups. One is that, depending upon the nature of the working group; the presidency must appoint a national deputy or substitute in order to represent the presiding country’s opinion within the said working party. This is done in order to minimize the risk of conflicts or misunderstanding between the role of the presidency and the role of the national representative (Rådsguide 2001a:14).

Short historical background

According to Beyers (1994:382, first cited in Beyers and Dierickx 1998:290), the number of working groups during the Belgian Council Presidency in 1993 was estimated at approximately 170. The number of working groups has been constantly rising and during 2000 the total number of working groups instituted through
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COREPER climbed above 250 (Rådsguide 2000:44). Since the European Council meeting in Helsinki 1999 the aim has been, however, to reduce the number of working groups. The EU enlargement in 1st of May 2004 resulted in a revision to the number of working groups was currently there are around 160 working groups (Norell and Söderberg 2004:9). The importance of these groups of “worker ants” (without straining one’s imagination, the Justus Lipsius Building, which houses the EU Council, could easily be called a large anthill) is generally erroneously overlooked. But, from time to time, they receive their well-earned respect and gratitude, as was the case when Swedish Prime Minister Göran Persson saluted the Swedish working group chairmen’s contribution to the Swedish Presidency in a speech made in September, 11th 2001 at the seminar entitled “Evaluation of the Swedish Presidency” [Utvärdering av det svenska ordförandeskapet]:

Let me say this as I see so many working group chairmen sitting here in this room – it was after all there, in the working group, where the daily routine effort was achieved, it is the work in these groups which must hold high quality and which held high quality. It is the whole chain which counts. It does not matter how well the top summits develop, and it is on no importance how successful we are in the final formulation of Council conclusions, if every proposal is not supported by a piece of solid workmanship in every working group. (Forum Europa 2002:2)

These words, while frankly verging on pomposity, do reveal a seldom-voiced but equally omnipresent truth that the work effort put into the working groups is, in many aspects, in the long run much more important than the work effort in COREPER and Council meetings. It is the daily toil within the working groups, reaching consensus on an impressive amount of issues and legislation drafts that matters. In fact, the importance of working groups is perhaps best illustrated by referring to the intensity with which these groups actually do meet. The following argument is of some validity: The more often groups meet the more work they get done (although the relation might be somewhat uncertain and not linear), and the more work they get done the more important they are within the Council’s organization. The cadence at which the frequency of working groups’ meetings has increased over time is indeed impressive as shown in diagram 4.2 below. Comparing diagram 4.1 with diagram 4.2 also strengthens the conclusion that the increased workload created by the expanding competences and responsibilities of the European Union, through the new treaties of the 1980s and 1990s, has primarily been, so to speak, “dumped on the working groups’ lap”. This seems especially true with regards to the Treaty of Amsterdam, whose signing was followed by a formidable explosion of meetings of the working groups. This could be perceived by many to be in concordance with the intuitive finding that increased workload in the form of extended competences on new policy areas and intensified integration within existing ones should have a bearing on the preparatory groups of the Council. In analyzing this trend, I observe a continual rise in working groups’ meetings up to 2002, after which the trend is reversed (see below).
Thus, it is possible to conclude that the workload of the working groups has constantly (dramatically with the signing of the Maastricht Treaty) increased since 1958, although stagnation can be discerned for the period of 1972-1993. Even though this is just speculation, the reasons behind this latest (falling) trend in working group meetings frequency could be the efforts, in light of the EU enlargement, to streamline working group activities. But I leave both the causal explanation and the trend itself open for future studies.

Functions and composition

The basic function of the working groups is to serve COREPER in the same way as COREPER serves the Council of Ministers. Their tasks are to elaborate deals and solutions to each Commission proposal so that the proposal can gain the affirmative vote of the Council. In most cases, this includes only reviewing and agreeing on the Commission’s proposal; in some cases minor alterations can be made in full cooperation with the Commission. In those cases the issue is sent as an I-point issue to COREPER and subsequently gets included on the next Council’s A-item list (or the Council’s A-agenda), which formally approves the decision reached in the working group. In some cases, negotiations between countries are too complicated, resembling a Gordian knot. In those cases the issue is sent by the working group to COREPER as an II-point issue on the COREPER’s agenda. Then COREPER has to decide (1) whether it should reach an agreement on the proposals themselves or whether they should be returned for further discussion in the working group (or in
some cases to create a new working group to deal with the matter) or (2) whether
they should include the issue as a B-point to the next relevant Council’s agenda to
let the ministers work it out.

The number of working groups is hard to pinpoint exactly. Many working groups
are of an extreme ad hoc nature and they are established and cancelled quickly de-
pending on their tasks, even if the bulk of working groups are more or less perma-
nent. According to the Council of Ministers (cf. Council 2001) there were 177 work-
ing groups, not counting the senior committees established by treaties, such as the
PSC or the Article 36 committee, or by intergovernmental decisions, such as the
SCA. The number and scope of the working groups differ between policy fields. For
example, agriculture policy has no less than 37 permanent groups, while the field of
environment has only four and budget has only three (Council 2001:5-11). The
degree of specificity of each individual working group also varies in a staggering
manner. For example, within the field of agricultural policy one working group has
the responsibility for the Aegean Islands, another working group’s responsibility is
for olive oil, whereas yet another agriculture working group has no less than 21
responsibilities.

Working groups are usually composed of one representative, sometimes two,
from each member state as well as, at least one representative from the European
Commission (often it is the division head and a few experts who have worked closely
on the proposal), and several representatives from the general secretariat of
the Council. Of the two last mentioned, the former serves as the Commission’s
observers and liaison officers, and the latter serves the working group with whatever
is needed, primarily technical and/or legal advice and expertise. The general secre-
tariat representatives ensure that the working group’s deliberations and conclusions
are not in violation of existing rules or regulations. This is particularly the case of
lawyers and administrators from the general secretariat’s judicial department (the
Legal Service). The personnel of the Legal Service attend most working group meet-
ings and all COREPER, Council and European Council meetings and they have the
obligation, according to article 22 (Official Journal 2004:34) in the Council’s Rules
of Procedure, to monitor and guarantee the drafting quality of legislative acts. The
guidelines for drafting quality are specified in the interinstitutional agreement of 22
that the proposal or legal act is correctly and thoroughly presented and that member
states’ queries about the formulation or solution brought forward by the Commis-
sion can be answered. Obviously the Commission officials also work as liaison
officers and maintain constant contact with the Commission in the event that al-
terations are proposed by the member states. Often among the Commission offi-
cials, the head of the unit responsible for the actual drafted proposal is present.

Since most issues are solved at the level of working group, it seems fair that this
level should earn our fullest attention in the analysis of ways in which national pref-
ferences are “conveyed” to Brussels. In the discussion above I have described work-
ing groups’ functions and working procedures. However, working groups under the
level of COREPER also have features which lessen their importance in our study. One way in which the working groups present a problem is that it is possible, and quite common, for member states’ representatives in different working groups to be national civil servants not working within the permanent representation but either in ministries at the central government level or, as is often the case in Sweden, in national agencies. This is because working groups are foremost established to accomplish a technical appraisal of the Commission’s proposals, which is required before the Council can adopt it as a directive or regulation. Thus, working groups are sometimes composed of “flown-in” national officials with expertise in specific policy areas. With regards to the workload on PR-based officials, we should note that some officials have the responsibility for one or more groups (though seldom are more than two groups given to any individual). Another difficulty resides in the fact that many working groups primarily deal with technical matters and, as such, their dealings are rather uncontroversial and politically inconsequential. This fact somewhat lessens the expected interest in these “institutional entities” since our study concentrates on the act of delegation to bureaucrats stationed at permanent representations. This act of delegation relates in short to the transmission and argumentation of the principal’s political preferences to the agent. If some issues lack the potential for being the object of intense political preferences from the principal’s viewpoint, these issues (and eventually the institutions within which these same issues are discussed) become less interesting. However, this does not imply that working groups should be ignored, quite the contrary. What should be inferred from these specific properties of working groups is that lessons drawn from examining working groups and agents’ behaviour within working groups will not play a dominant role in the analysis.

I have thus arrived at a stage where it is possible to summarize the institutional relationship between the European and national institutions. Below I present a figure of schematized aspects of national and European delegation that are discussed in this chapter. It should be noted that I restrain my description to the empirical demarcations made in the introductory chapters, i.e. to the core executive of member states at the national level and to the Council of Ministers at the European level. This figure clearly defines the dissertation’s analytical parameters and sets the relationship studied in this book into an important context. The figure manages to both simplify and at the same time nuance the surrounding context. On the national level, the member states’ governments delegate decision-making power (in the guise of negotiation leaders) to their permanent representations, which in their turn feedback information and EU proposals to their capital. On the European level, the Council of Ministers delegates the responsibility to find solutions and prepare EU legislation to COREPER, which in its turn delegates responsibility for legislation within individual policy spheres to working groups and committees. There are four principle links between the national and the European level. First, the member states’ governments, embodied by their ministers, travel to Brussels and participate in Council meetings.
Second, permanent representatives and deputy permanent representatives attend regular weekly sessions within COREPER. Third, national officials stationed at the permanent representations partake in recurring meetings within more or less permanent working groups, committees and other Council parties. Fourth, national officials are occasionally sent from ministries and national agencies to Council working groups and/or committees.

**LAWMAKING WITHIN THE COUNCIL**

I have above discussed and presented the two main levels of lawmaking preparatory bodies within the Council. Describing these in a more institutional fashion as I have done above only gives a partial understanding and insight into the internal workings of the Council. A fuller picture is attained if one also illustrates what the processes are like. Something much needed in order to understand the processes within an institution dubbed with terms as widely disparate as *chameleon* (Wallace 2002) and *upper house* (Lewis 2005b). As I briefly described above, the path of a law proposal from the Commission through the Council is often tortuous. A proposal when it arrives is first considered by COREPER, which decides whether it can adopt it directly or whether it should send it to a working group for discussion and revision.
Negotiations within preparatory bodies

During intense meetings, at either COREPER or working group level, national representatives have to put forward their governments’ views and positions. To a great extent, these negotiations are straightforward; most items on the preparatory bodies’ table can be solved directly. Some dossiers and specific items can, however, cause problems. When negotiations fail and a representative cannot approve a proposal, the national civil servants can use one or more of the following types of reservations. If a representative cannot agree to the content of the proposal or parts thereof, she/he puts forward a reserve of substance. If the representative is almost sure that the proposition or law can be adopted but that he/she wants a little more time in order to examine the proposal further, then the representative demands a scrutiny reserve. If the opinion of the representative’s national parliament is required, then the objection would be called a parliamentary scrutiny reserve. If there are still some doubts about the text itself after that the working group/committee has had its meeting, both a waiting reserve and/or a lingual reserve can be invoked by representatives. Sometimes representatives feel that time is short and that a consensus is close, but at the same time they may lack the proper authority to actually support the proposal. In these cases the representatives have, according to Norell and Söderberg (2004:30-31), the option of agreeing to the proposal in one of two ways: (1) they can make an agreement applied on a personal basis, this means that the representative has no instruction and that she/he has to consult his/her capital in order to get a formal approval or (2) a proposal can be approved by a representative through ad referendum approval, which implies that the position has to be confirmed by the government. The difference between the first and the second ways of agreeing without formal approval are unclear (in my view, the difference is so minor as to completely elude me) but in either case we see that representative can make more or less binding statements and agreements without instruction. According to Norell and Söderberg (2004:31), in purely formal terms every type of reservation or modified agreement signals a delay in decision-making. In a way, reserves allow agents to suspend the law-making procedure within the Council. Although the reader might get the impression that these reserves are employed according to national (or European) official rules at specific moments, this is not the case. These reserves are mostly used at the agents’ discretion (except when instructions sent to Brussels contain an explicit command). This indicates the influence of the negotiating bureaucrat, since she/he can actually bind her/his member state to an agreement without having the formal mandate of doing so. This should not be exaggerated and interpreted as a “license to shirk”, but it nevertheless implies that, within the framework of negotiations, the agents hold a potentially essential power.

Differences between COREPER and working groups

This dissertation concentrates on the general institutional aspects of delegation between member state capitals and their permanent representations. These general
institutional provisions are not, however, similar in all cases. While earlier I stated that I seek to breach the shackles of an overly policy-specific analysis, I cannot ignore some basic differences between the two levels of decision-making within the Council, namely the working group and COREPER level. It is important to highlight these differences before I continue.

...from the working groups where one adamantly argues for one's own country's position, COREPER ambassadors have to have much more freedom of action from their government so that one can find solutions... (interview 40, a similar though slightly more nuanced standpoint is expressed in interview 92)

This description nicely captures the differences in the nature of the delegation between national capitals and Brussels with regards to the different levels within the Council. It is important to address this difference because it opens up a discussion, which is often blurred during the analysis of the EU’s most central decision-making institution, about the differences in decision-making levels within the Council of Ministers. Not only are there differences between working groups and COREPER (and other preparatory bodies above working party levels, such as the SCA or the Article 133 committee), but differences exist at other levels. Since the recent EU enlargement, there has been a move to improve the demands for continued efficiency in preparing and administering decisions within the EU and, consequently, procedural rules and standard operating procedures of decision-making within the Council have been targeted. Adopting a “less is more” attitude towards the preparation and the actual conduct of working group and committee meetings, the Antici Group discussed a set of rules summarised into a Code of Conduct that it presented to COREPER. This code calls, among other points for increased time management, both between and during meetings. It effectively suggests remedies to several problems it identifies in the delegation between COREPER and its working groups, such as the fact that working groups have referred files and proposals to COREPER when the preparatory work had not been completed, and COREPER, conversely, has not supplied enough information or “sufficient clear remit” to the working group in order for it to be able to do its job.

Finally, this suggestion for a code of conduct has accentuated the role of both the Antici and Mertens representatives present at each permanent representation. These two officials function as “executive level secretaries” for their COREPER II (Antici) and COREPER I (Mertens) ambassadors, in so much that they prepare the meetings of COREPER, but they are also potentially very influential persons themselves, taking much responsibility in managing COREPER ambassadors’ heavily encumbered schedule and meeting agendas. According to the code of conduct, delegations should use the Antici and Mertens Groups to a greater extent than before, as is made clear by the following extract of the code of conduct’s different articles:

\[ Article 4 \ldots \text{COREPER should avoid going over ground already covered in the Antici and the Mertens Groups; this applies in particular to the “I” items,} \ldots \text{Wherever} \]
possible, delegations shall raise Any Other Business items in the Antici/Mertens Groups rather that at COREPER.

Article 5 The Presidency will convey to the Antici and Mertens Groups as soon as possible before COREPER all necessary information. The Presidency will consider convening the Antici and Mertens Groups more frequently, when required by the circumstances.

Article 7 The Presidency shall refrain from placing on COREPER’s agenda items for information only. The information should instead be transmitted to delegations via their Antici and Mertens, whenever possible in written form, and should not be repeated in COREPER. (Council of Ministers 2003:4-5)

Perhaps the most important reform with the code of conduct is the demand for greater propensity to adopt I-items at the level of COREPER, which in turn COREPER is supposed to transfer to the next Council meeting’s A-list for final approval. This would indeed quicken the legislative procedure and increase the pressure under which the different levels of the Council work.

In the next chapter we begin our survey and analysis of the delegation between member states’ governments and their permanent representations in the two cases chosen for this study; Sweden and France. In this chapter I have pointed to several interesting findings made by earlier research, with the hope that these will not obfuscate the PA analysis made in subsequent chapters but rather complement this analysis. It is both these findings and the institutional context at the European level within which the permanent representations work that should be kept in mind when perusing the next chapters.
Coke is a solid carbonaceous residue derived from low-ash, low-sulphur bituminous coal. The main advantage of coke as a fuel is that it produces little or no smoke upon combustion. There are other forms of coke, e.g. the solid residue remaining from refinement of petroleum is also a form of coke. Petroleum coke has many uses besides being a fuel, such as the manufacture of dry cells, electrodes, see e.g. Fernando (2001) or Oelreich (2004).

I use the term communitarian in a synonymous manner to the concept of European or as "from the EU", such as in e.g. Donà (2004). Customarily the term communitarian (issued from communitarianism, a theoretical school of thought) is used in a more theoretical style by lawyers, see e.g. Closa (2005) and behaviourists cf. Goldgeier (2005).

Axelrod concludes that evolution of cooperation—promoting rules is likely with few actors, see Axelrod (1984).

In fact Dimitrakopoulos (2001b) shows that national parliaments have reacted in a slow, path-dependent manner when instigating institutional reforms, which have marginally increased the parliament’s ability to hold governments accountable.

Obviously, these policy ambitions can serve as mere mirrors to other aspects. How much of the organization of coordination mechanisms in Greece, Spain or Portugal is affected by the EU’s beneficial redistributive policies?

Of course by identifying a particular classic, one takes the risk of alienating the rest of the research field community by not acknowledging their seminal articles or books, and if honesty should prevail, one must acknowledge that many other volumes and articles of substantive value exists, e.g. Hayes-Renshaw et al. (1989), de Zwaan (1995), Mentler (1996) or even Delhaye (1971), the last being one of the, if not the, first comprehensive studies on COREPER.

For an early volume on the subject, see O’Nuallain and Hoscheit (1985), for a case study of the French presidency see Sauron (2000b).

For a systematic account of different definitions of Europeanization, see Radaelli (2000).

On the Europeanization of the French nation state identity, see Marcussen et al. (1999).

These are (1) vertically specialised structures of domestic civil services, (2) horizontally specialised domestic civil services, (3) federal polities, (4) a large number of domestic veto points, (5) competing domestic veto points, (6) a large number of domestic actors involved in policy coordination, (7) a weak coordinating power of the domestic Ministry of Foreign Affairs, and (8) distrust in the domestic polity accompanied by high trust in the EU polity, see Beyers and Trondal (2004:922).

Perhaps restricting theoretical perspectives in IR research has clouded the issue of permanent representations and the role they play in international (and domestic) politics, although I must willingly concede to the fact that my knowledge in this field is all too circumscribed to allow a fair appraisal.

The same observation is true for the then EEC and COREPER, see subsection Permanent Representations in Brussels – A brief comparative outlook below.

According to information from the Swedish Ministry for Foreign Affairs on its website, see http://www.utrikes.regeringen.se/adresser/frankrike.htm (Updated: February 25th 2002, information was retrieved April 4th 2002).

And in the same fashion, both Captain Bengt Johansson, who worked with ESDP issues at the Swedish PR to the EU, and Captain Christian Madsen, who was assigned to CFSP issues at the PR, were both also accredited to NATO. See http://www.swedenembassy.be/natosv/index.htm (Updated: March 4th 2002, controlled April 5th 2002).

In 2002 the Swedish permanent representation to the UN in New York had a staff of 31 in total including 21 senior administrators, Finland’s UN permanent mission had 27 (including 14 administrators), France’s UN mission had a staff of 60 with approximately 22 diplomats and Denmark boasted a 24-man strong delegation (including 13 senior administrators) to the New York-based HQ of the UN. This can in turn be compared to the numbers of senior administrators stationed in each
member states’ PR at the EU (see table 4.1). The information above was gathered by the author using the respective UN member states’ permanent representation’s internet site on April, 15th 2002.

117 Some figures in this table may be not as accurate as one would wish, but it seems to be an unfortunate symptom of every comparison that it should suffer from measurement difficulties with the very variables which are to be compared. For example in Kassim et al. (2001) the staffing of permanent representations for all fifteen member states are compared in two tables, one diachronic and one synchronic, but they show remarkable little concordance (if any at all) for the year 2000 which is included in both tables, see Kassim and Peters (2000:300; 312).

16 Although, in the case of Belgium, it seems as if the answers are mixed since I received two competing answers to my 2002 query that I sent to respective countries’ foreign ministries. One stated that the PR employed (in 2002) 68 senior administrators (of which approximately 20 were from the Foreign Ministry) and the other stated that 43 senior administrators were employed (with 25 of them originating from the Foreign Ministry). The former also attested that a total of 116 worked at the PR, while the latter assured me that it was 120. See emails correspondence with Dickschen (2002) and Reyntjens (2002).

17 The 2002 figures on France may be somewhat unreliable as I only received a telephone guide to the French permanent representation and had to draw my results from this document which was accompanied by hastily scribbled notes from an information officer.

18 The 2002 figures on Spain could be slightly unreliable as I only received a telephone guide to the Spanish permanent representation, which (almost) only contained names of counsellors.

19 I am aware that COREPER is not the sole senior committee which has a permanent and prominent role within the Council of Ministers. No less than six committees in total are established by the Treaties: (1) COREPER (part I and II), (2) Economic and Financial Committee, (3) Employment Committee, this advisory committee, established under Article 130 of the Treaty, formulates opinions at the request of either the Council or the Commission and contributes to the preparation of Council proceedings, (4) Article 133 Committee, this committee may meet both at the level of deputies and full members (alike COREPER), but this committee may also assemble in different “expert configurations” such as, e.g. textiles, services or even motor vehicles, and (5) Political and Security Committee, (6) Article 36 Committee. Actually the Special Committee on Agriculture (SCA) is not treaty-based but was established by an intergovernmental decision. For full details of the above-mentioned, see Council of Ministers (2001). For a general study of the COREPER, cf. Lewis (2002).

20 Still, ‘A’ points may be accompanied by substantial reserves made by single or several member states that must be lifted before they can be endorsed by ministers in the Council.

21 For example, in mid Euro-sclerosis period, Sasse (1977:101) wrote in reference to the COREPER: “Wide areas of the “acquis communautaire” owe their very existence to the political commitment, the extra-ordinarily high technical and specialist efficiency, and the sense of responsibility and cooperation of most of the committee’s members…the day to day life of the Community would be unthinkable without the presence of this committee.”. The following anecdote given to me by an interviewee exemplifies, in my opinion, on the special relationships between COREPER ambassadors, which in turn constitutes the basis of the committee’s efficiency mentioned by Sasse: “…during a visit in Paris, the then six permanent representatives were received by General de Gaulle. The Dutch permanent representative, Ben Bot, said to President de Gaulle: “You know, we [the COREPER ambassadors] know each other so well that we are capable of defending the positions of one and each others”, to which General de Gaulle responded: “Not the views of France I hope!...” and the Dutch permanent representative said: “Yes, my general. I could even defend the positions of France.”...” (interview 25, my remark).

22 Edwards (1996:136) states the following: “…Permanent Representatives also bear responsibility (whether as COREPER II, the Deputies, or I, the Ambassadors) for…” when in fact it is the opposite (i.e. COREPER I consists of deputies and COREPER II ambassadors). The same error is also found in Andersen and Eliassen (1993:28-29).
The present rules of procedure of the Council attend to COREPER foremost in Article 19; see Official Journal (2004).

Nor does the Treaty of Rome acknowledge, or sanction, the formation of permanent representations of member state governments at the Community. Indeed this goes to show that the concept of informal institutions or dealings within the context of European integration is as old as the Community itself. It is also represented in the fact that the committee system in the EU is the main source of both the EU’s efficiency in negotiations and its democratic legitimacy problems, cf. Rhinard (2002).

Its correct and somewhat prolix appellation being: “Treaty Establishing a Single Council and a Single Commission of the European Communities”.

COREPER’s predecessor between February 1953 and January 1958.

For instance, in the Netherlands the post is the most coveted by Dutch diplomats. It is even, according to Soetendorp and Andeweg, more popular than the post as ambassador to Washington, see Soetendorp and Andeweg (2001:212).

The German Deputy Permanent Representative is invariably drawn from the Economics Ministry.

In 2002 there was only one female deputy representative (Judith Gebetsroithner from Austria, who was at that time also doyenne (oldest member) of COREPER I), the PSC ambassadors counted one woman in their rank (Sylvie Bermann from France) and none amongst COREPER II ambassadors, according to information retrieved through IDEA. However the trend of gender equality among top level representatives is clear – in 2005 two permanent representatives (Ireland and Luxembourg), one PSC ambassador (France), and eight deputy permanent representatives (from Austria, Belgium, Finland, Latvia, Poland, Slovenia, Sweden, and the United Kingdom) were women, according to European Union (2005:152-156). It is also noteworthy that out of all the Antici, Mertens and Nikolaïdis counsellors (these are, after all, the three most important counsellors at the PR after COREPER II and I ambassadors) that could be identified (through both IDEA and European Union 2005:157-209) five out of 19 (26%) Antici counsellors, 11 out of 19 (58%) Mertens counsellors, and seven out of 13 (54%) Nikolaïdis counsellors were women.

Both the creation of European Council (and earlier COREPER) accentuated the significance of intergovernmental authority in the decision-making process, thus detracting from the Commission’s role as policy initiator, see George (1991:12).

The group is sometimes referred to as a type of “COREPER III”, cf. Bulmer and Wessels (1987:160 footnote 22); according to the same source members of the Antici Group acts as agents de liaison, thus establishing the only link between heads of states and government and the national delegation of experts and advisers at European Council meetings, see Bulmer and Wessels (1987:56-57).

In the same way as the Antici Group, with the exception that the Mertens Group is not involved in European Council matters at all.

There seems to be some form of discrepancy between the figures found in the Kassim (originating from the general secretariat of the Council) and the data given to me by the directorate-general (DG) F at the general secretariat of the Council. In the former case, Kassim (and the secretariat) refers to the figures as “Numbers of days spent in meetings”, while my request to DG F for the years 1997-2001 (and a subsequent request for numbers for the years 2000-2004) was answered by the latter as impossible to match since they could only give me the "Numbers of meetings" held at the Council. My intuition is that there is a simple, though somewhat treacherous, misunderstanding and the figures always imply “Numbers of meetings” and not “Numbers of days spent in meetings”. It should be noted that at first discrepancies between the numbers provided through email correspondence Barnett (2002) and Roza (2006a) existed but after having pointed that out I received confirmation from Roza (2006b) that the statistics provided in Roza (2006a) were correct.

Greece joined in 1981 and the Community grew considerably in 1987, with the membership of Portugal and Spain, but our data shows that the increase in meeting intensity did not occur until 1983 and afterwards, which leaves us with a somewhat disharmonious picture to the causes of this increase, at least where the numbers of member states is concerned. If meeting intensity rises after
the latest (largest) enlargement, the causal relationship between enlargement and more Council meetings might be strengthened.

The COREPER is among others responsible for the preparation of any Council debates that might be subject of public retransmission.

Translates as “the servant, the eye and ear of its government” first cited in Houben (1964:142). Another version of this citation was expressed by former Belgian COREPER II ambassador Jan Van der Meulen who said that the permanent representative was “…the eye, ear and mouth of his government…” (interview 25).

“Lewis’ statement is corroborated by others, such as Peterson (2004:119): “The Union is a unique polity, with no government or opposition, and powerful policy-makers who are non-elected, such as European Commissioners or members of COREPER”.

Though some interviewees have strong objections to the system of presidencies: “…you should make the Council working group chairmen permanent to get more continuity. You get an impossible and back-and-forth situation if you have to make political points every six months…” (interview 54).

The SEA (Single European Act) Treaty, the Treaty of Maastricht, the Treaty of Amsterdam, and the Treaty of Nice (the latest treaty and its effect on working group activity is not covered by our data).

Kassim misprints the number of days spent in Working Groups meetings for the year 1993 to 1105.5 when Kassim’s own source (Review of the Council’s Work in 1996) states that it amounts to 2105.5 for the year 1993.

The Codex Alimentarius Working Party has the following responsibilities: (a) general principles, (b) food additives and contaminants, (c) food hygiene, (d) food labelling, (e) methods of analysis and sampling, (f) pesticide residues (g) residues of veterinary drugs in foods, (h) food import and export certification and inspection systems, (i) nutrition and foods for special dietary uses, (j) cocoa products and chocolate, (k) sugars, (l) processed fruits and vegetables, (m) fats and oils, (n) fish and fishery products, (o) fresh fruits and vegetables, (p) milk and milk Products, (q) natural mineral waters, (r) task force on biotechnology, (s) task force on fruit juices, (t) task force on animal feeding, and (u) coordinating committee for Europe, see Council of Ministers (2001:9).

In the case of Sweden: for example, for meetings within the field of agriculture, the Swedish Ministry of Agriculture always sends someone from the ministry (not one official working with agricultural issues at the Swedish PR represents Sweden in working groups...) who is accompanied by an expert from the Swedish Board of Agriculture [Jordbruksverket], see Hellqvist (2002).

Some countries actually lack the possibility (or in some cases the interest) of sending the required representatives. This is particularly the case for Luxembourg, which sometimes lacks representatives in working groups, cf. Beyers and Dierickx (1998:296).

Even “controversial” issues: Van den Bos (1991) investigates 74 conflict-ridden legislative proposals, of which almost a third were solved at the working group level.

However the use of these reservations varies extremely between countries, e.g. the Swedish parliament had not placed a single parliamentary scrutiny reservation in the first years of membership, cf. Larsson (1997:333-4).
EU member states generally try to muster large and capable coordination systems to be able to meet all policymaking requirements emerging at the EU-level. As one of the new member states in 1995, Sweden, along with Austria and Finland, had the difficult task of rearranging its central administrative functions to accommodate the new challenges and standard operating procedures of EU legislative work. In this chapter, I will present the main institutional structures and processes dealing with the Swedish government’s coordination of EU affairs. The empirical presentation will pay attention to the mechanisms installed by the principals in order to establish an efficient delegation. At the end of the chapter, some preliminary conclusions will be presented and developed in chapter nine and ten.

As mentioned in earlier chapters the differences between the member states concerning their domestic coordination systems are important. This is natural, considering differences between member states exist in other institutional and political aspects. One example is the role of individual ministries in the coordination process. In the United Kingdom and Italy, individual ministries have the main responsibility for EU policy and have taken on greater power. The opposite is found in Greece where line ministries act more as “conveyor belts rather than think tanks” (Spanou 2001). Other differences between national coordination schemes are for example the level of clout the main coordinating institution exercises, the degree of centralisation and the capacity to impose decisions (thereby eliminating diverging views from ministries). Three member states stand out as heralds of “…an all-encompassing and explicit co-ordination ambition, and a highly centralized co-ordination system” (Kassim 2000b:244), namely France, the United Kingdom and Denmark. Other countries differ sharply regarding the frequency and control of instructions sent from the capital to Brussels, as pointed out by a Swedish official:

…I know that, for example, in Holland they [permanent representation officials] have a lot of clout, they work on their own, but of course if things get messy, if they estimate that there is a sensitive issue, then they request a formal instruction. …/...France...is the opposite. It is highly centralised. Because the SGCI writes all the instructions on all levels themselves, even at the working group level. The ministries aren’t allowed to write them... (interview 75, my remark)

However, even among these three countries (France, UK and Denmark), several differences exist. For instance, there are large discrepancies between France and Denmark regarding the role and influence of the national parliament as well as the access of interest groups: Interest groups are included in the drafting and prelimi-
nary stages of the Danish coordination while ". . . private interests are traditionally regarded as policy outsiders..." (Kassim 2000b:246) in France as well as, albeit to a lesser extent, in UK. Covering the whole spectrum of differences and similarities among the EU affairs coordination systems of the member states would be interesting but hardly an efficient way to familiarise ourselves with the case at hand, namely Sweden.

Thus, we will proceed now to the subject matter of my study. I will first give a short, general introduction of some institutional characteristics of Sweden’s central government and its organisation. Then I will follow with specific information about institutions involved in one way or another in the process of coordinating Sweden’s EU policy at the domestic level. (Readers familiar with the Swedish system can skim this section.)

Although Swedish society can be depicted as relatively decentralized (e.g. the Swedish constitution provides the local governments with significant autonomy), it also bears some traits that could make decentralists disillusioned, such as its national administration. In that respect Sweden unquestionably earns its description as a unitary state. Its centralization is shored up by a heavily concentrated top-bottom organisation, centralized policymaking and policy implementation in national matters as well as having a large concentration of different governmental agencies and ministries as well as top-level bureaucrats located in the capital (see e.g. Ehn 1998:75-76).

The Executive

In Sweden the executive powers are not constitutionally separated in any formal sense. Though the head of state is still officially the Swedish monarch, she/he has lost all real powers (since the 1974 constitutional reform, the head of state is precluded from government meetings, see e.g. Arter 2004:110) and retains purely symbolic functions. The sole source of executive power in Sweden is the government. The government in Sweden is headed by the prime minister, who is appointed through a negative investiture vote (Bergman 2004:206) in the Swedish parliament [Riksdagen]. After the prime minister has been selected, she/he chooses and presents the government (ministers as well as state secretaries and a couple of hundred political assistants, although the latter two are not formally presented to the larger public) in a press conference or similar venue. Afterwards the prime minister gives a speech to the parliament in which the government’s political priorities and goals [regeringsförklaring] are defined.

The general post-war trend in Sweden has been toward larger governments. We see this in the steadily increasing number of political appointees. If one includes the state secretaries in the government (which perhaps is not strictly accurate, since according to formal procedures, Swedish state secretaries do not enjoy the right of vote in governmental decisions), it is clear that Swedish governments have grown considerably during the last decades, especially since the 1970s. As well, we can see
that the number of ministers has risen slowly since the 1950s and 1960s (see table 5.1 in appendix).

GOVERNMENT OFFICES AND OTHER INSTITUTIONS

Ministries are arranged along functional lines as is traditionally done in most western democracies. For example, the ministries of defence, finance and environment maintain a firm grip on their sectors and are responsible for drafting legislation and administration, and with working closely with state agencies, local governments and interest groups on issues related to their policy field. This functional organization is reflected within the body of central agencies and each agency has its own home ministry to which it is, to some extent, connected. Although some argue that this form of organization has always been strictly followed, Pierre (1995a:143) points to two exceptions: the Prime Minister’s Office [Statsrådsberedningen], to which I shall return to shortly, and to (what at the time was) the Ministry of Home Affairs [Civildepartementet]. After the 1998 elections (cf. Persson 2003:144-182 for an excellent analysis) the third non-functional ministry arrangement was created under the guise of the reorganized Ministry of Industry, Employment and Communication [Näringsdepartementet] but it remains to be seen if it will shift the long-term managerial pattern at the level of ministries away from functional organization. In 2003 the chancery was comprised of 10 ministries (including the Prime Minister’s Office) and the Office for Administrative Affairs [Förvaltningsavdelningen].

One often noted, and much debated, trait of Swedish central public administration is the separation between the formulation and the implementation of public policies. This institutional separation is set by the Constitution in article 11:7 of the Instrument of Government and reads as follow:

Neither a public authority nor the Riksdag nor the decision-making body of a local authority may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis a private subject or a local authority, or concerning the application of law. (Holmberg and Stjernquist 2000:85)

Additional evidence might be gleaned to some extent through the prohibition against direct ministerial encroachment [ministerstyre] in the rather strongly worded article 7:3 of the Instrument of Government:

Government business shall be settled by the Government at Government meetings. Government business relating to the implementation of statutes or special Government decisions within the armed forces may however be approved by the head of the ministry responsible for such matters, under the supervision of the prime minister and to the extent laid down in law. (Holmberg and Stjernquist 2000:75)

The interpretation that both articles 7:3 and 11:7 prohibit ministerial encroachment is also supported by other researchers (cf. Ragnemalm 1986:9-10, Berggren 2001). Because of such prohibitions, ministers cannot, with few exceptions, on their own
take decisions regarding government business. Policy planning and articulation is worked out in the ministries \([\text{departement}]\), while the implementation lies within the agencies \([\text{ämbetsverk or myndigheter}]\). In 1999 approximately 4,200 worked within the different ministries, while almost 210,000 were employed in state agencies. This demonstrates that the separation of administration and policymaking is not only theoretical but also in a sense practical, since the majority of expertise and competence can be found in the complex network of relatively autonomous agencies and not within the more politically controlled ministries. Hence, it is possible to talk about Sweden as a dualistic central administration system (cf. Ruin 1991).

This dualistic characteristic of Swedish administration has puzzled many political scientists. Wockelberg’s (2003) sharp analysis of the parliamentary debate among major Swedish political parties on the role of the administration in Swedish democracy concludes by rhetorically asking whether ministerial encroachment should not be introduced. Petersson and Söderlind (1993:73) describe the unusual dilemma of constitutionally sanctioned autonomy for the public administration in its relation to policymakers as “the subject of permanent discussions and many attempts have been made to gain better insights [into it]”. The Constitution declares that the agencies are autonomous with regards to their exercise of public authority versus the citizens and with respect to the implementation of law (under article 11:7 cited above), yet they operate under the government. Article 1:6 of the Instrument of Government states, “The government rules the country. It is accountable to the parliament.” One can only speculate on the difficulties of ruling a country without infringing upon the rights of agencies to rule independently in administrative matters. Though perhaps a more correct interpretation is to see the central agencies as independent from individual ministers (officially at least) but not from the government (similar reasoning is advanced in Petrén and Ragnemalm 1980:276).

The effect of the Swedish model of administrative governance (cf. Ziller 2001), with ostensibly independent agencies, on the coordination of EU issues is not conclusive. Some of my interviewees indicate that those involved in Swedish EU matters do not see it as a cause of difficulties:

...one of those investigations [which looked at the Swedish administrative model] was done by the then director-general for legal affairs \([\text{rättschef}]\) at the Prime Minister’s Office Bengt-Åke Nilsson. He was responsible for one of those reports and he put his finger on the deciding point: When you are amongst the appointees in a Council working group in Brussels,..... then you are representing Sweden and consequently it is of no importance, as pointed out by Bengt-Åke Nilsson, if you originate from ministry X or ministry Y or agency A or agency B or C. You are a Swedish delegate..... (interview 30, my remarks)

...no, it was never discussed [asked whether the EU during membership negotiations challenged the unique administrative system in Sweden and wondered whether it would cause any problem]. ..... I’m pretty sure that I would have heard something if it was mentioned... (interview 28, my remark)
Yet others obviously thought that the Swedish administrative model was more problematic:

...I usually say the following when asked this question. And I want to make clear that this is my personal view. Sometimes proponents of Swedish administrative culture claim that Sweden has reached its success thanks to the Swedish administrative model. I usually say, privately, that we have achieved our successes despite our Swedish administrative model. /.../ one of our biggest problems is really in technical issues, that we do not have the expertise within the ministry but out in the agencies and that the procedures to get this expertise “in function” are time consuming... (interview 75)

...Sweden is way behind e.g. Great-Britain where they handle operational issues in complex organizational structures in a much better way than we can and this is in turn linked to the fact that Sweden operate under the Axel Oxenstierna system which imply that we have a small xxx [name of ministry] but we have a huge research division within xxx [agency linked to the previous ministry] which is bigger than xxx [name of ministry]... (interview 54)

...It is a dilemma. I shall willingly admit that I thought that it wouldn’t just become a dilemma but also a problem but it didn’t. /.../ I believe that there are reasons to look at our current model with small ministries and large agencies, but not only from an EU point of view but also from other points of view. Although the EU perspective has accentuated the fact that the government lacks the formal right to issue instructions.../.../... it is more a problem of principle than a practical problem...
(interview 10)

With regards to the overall Swedish administrative structures, the interview extracts (and the general aggregated view of my interviewees and of present research on the issue) indicate that the alleged difficulties inherent with the Swedish administrative model are not the causes of aggravating circumstances for the principals and, hence, do not entail larger risks for shirking among agents. The almost unanimous conclusions drawn by numerous governmental reports and parliamentary inquiries (cf. Beckman and Johansson 1999:117 or Statskontoret 2000) is that the Swedish administrative model should not be reformed due to Sweden’s EU membership. However, many researchers (e.g. Wockelberg 2003:85, Beckman and Johansson 1999:116) are more critical and argue that, in light of the Swedish system, the increased informal relationships between the central government and agencies resulting from EU membership are not without complications. Given the debate, at this stage it is too early (and too far from the goals of this study) to delve any longer on this conundrum.

Ministry of Foreign Affairs

Foreign ministries in every member state enjoy a central role in the coordination of national EU policy and Sweden is not an exception to this observation. Even so, the Swedish Ministry of Foreign Affairs is not as involved in domestic coordination efforts as deeply as one might presume, given its dominating position in processes
affecting Swedish foreign policy and/or Swedish positions in international organizations. However, the Foreign Ministry was heavily involved in the negotiations and preparations prior to and directly after the formal admission of Sweden as an EU member state. The Swedish Foreign Ministry is especially interesting to this study because it is involved in EU affairs in many ways. It is the Foreign Ministry that is responsible for sending and checking all instructions to COREPER (through the UD-EU unit to which I shall return), and it also houses other units, which are responsible for handling issues within the framework of the Common Foreign and Security Policy (CFSP), such as the European Correspondent (EUKORR) and the UD-EP unit. Below I only comment on the Foreign Ministry in terms of its institutions and routines with reference to COREPER instructions, while the units involved in CFSP are dealt with later in this chapter.

The Ministry of Foreign Affairs houses two crucial, from the perspective of this study, institutions: (1) the UD-EU unit within the Swedish Ministry of Foreign Affairs and (2) the Swedish permanent representation at the EU. I shall here concentrate on the former and, to the extent it is possible, ignore the latter (chapter six deals extensively with the Swedish permanent representation). The UD-EU unit is a rather small ministry section, which only belongs de jure to the Foreign Ministry but de facto is closely connected to the Prime Minister’s Office, though it is commonly mistaken for the Swedish Ministry of Foreign Affairs’ own EU unit (even by Foreign Ministry civil servants):

...I have to say this first, because it is a source of misunderstanding. The Ministry of Foreign Affairs’ EU-unit is, in practice, the elongated arm of the Prime Minister’s Office. It is the Prime Minister’s Office that has the principal responsibility...and a lot of other Ministry of Foreign Affairs units misunderstand this and think that the UD-EU unit is going to do the job for them. The Ministry of Foreign Affairs is the only ministry which hasn’t a coordination unit for EU issues; all other ministries have one... (interview 75)

The UD-EU unit is divided into strict policy-specific areas, which coincide with (1) the division of ministries within the Swedish chancery and (2) the organisation of the permanent representation. The former division applies when coordination intermediaries at the UD-EU unit are in contact with other ministries, and the latter while they are in contact with the PR at Brussels and/or civil servants from individual ministries attending their working group meetings. However, in some cases, officials at the UD-EU unit can have multiple roles. For example, one administrator at the UD-EU unit may primarily work as a coordination intermediary on all EU issues in which the Ministry of Defence has any interest, while at same time that administrator may also be a COREPER II coordination liaison officer, which means that he/she handles all matters pertaining to the sending of instructions to the Swedish ambassador assigned to COREPER II.
Table 5.2: Heads of European units within the Swedish Foreign Ministry (1995-2005)

<table>
<thead>
<tr>
<th>Period</th>
<th>Name (title)</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 1995 – Feb 1999</td>
<td>Maj-Britt Thårlin-Grufberg (Departementsråd)</td>
<td>UD-EUS</td>
</tr>
<tr>
<td>Feb 1999 – Sep 2002</td>
<td>Mårten Grunditz (Departementsråd)</td>
<td>UD-EU</td>
</tr>
<tr>
<td>Sep 2002 – Apr 2005</td>
<td>Magnus Robachª (Departementsråd)</td>
<td>UD-EU</td>
</tr>
<tr>
<td>Apr 2005 –</td>
<td>Häkan Emsgårdª (Departementsråd)</td>
<td>UD-EU</td>
</tr>
</tbody>
</table>

Source: Email correspondence with Voldberg (2005).

Note: At first, two units with responsibilities on EU affairs existed within the Foreign Ministry, both the EU secretariat (EU-sekretariat) with its awkward acronym UD-EU-SEKR (which changed in 1997 to UD-EUS) and the Unit for European Integration UD-EI (Enheten för europeisk integration). In 1999 these two units were merged into the UD-EU unit.

ª Indicates that this person later also became permanent representative in Brussels.

ª Magnus Robach was appointed as head of the newly established SB-EU unit which has taken over the responsibilities of the UD-EU unit.

Since Sweden’s accession to the EU, the units responsible for coordinating and vetting Swedish positions and instructions has had five different directors. None of them has had experience as senior staff to the permanent representation prior to their appointments, although one of them, Sven-Olof Petersson, is currently serving in Brussels as Sweden’s permanent representative and COREPER II ambassador. However, it should be stated that some of these civil servants had, in one way or the other, previous knowledge and experience of EU-related work. For example, Sven-Olof Petersson assisted then State Secretary Gunnar Lund in the negotiations of the Treaty of Amsterdam between 1995 and 1996.

The UD-EU unit’s tasks are indeed numerous. Among its tasks is the responsibility to assist the Prime Minister’s Office with contacts and common drafting committees throughout the chancery. The UD-EU unit’s coordinating responsibilities, furthermore, mean that it has to steadily update its overall view of legal propositions within EU institutions, as well as the relevant status of drafting committees in both the chancery and central agencies. Its most essential duty is, however, to provide instructions to Swedish representatives in EU negotiations, foremost the permanent representatives sitting on COREPER in Brussels. Similar to the arrangements between the SGCI in France and the French permanent representation in Brussels (see chapters seven and eight); only the UD-EU unit is allowed to send final instructions to the permanent representatives before negotiations in COREPER (UD PM 1999:55). The UD-EU unit also is responsible for leading the weekly Tuesday consultative meeting whose main goal is to clear COREPER instructions as well as instructions to Sweden’s embassies in EU member states (Sundström 1999:7). These Tuesday consultative meetings assemble EU intermediaries from all the ministries and usually includes, through videoconferencing, representatives from the PR in Brussels (Statskontoret 2000:30).
The Prime Minister’s Office is a surprisingly young institution in Swedish politics. It came about in the mid-1960s for several reasons. Before that the prime minister had been, oddly enough, one of the most poorly staffed ministers for a long time. One reason for the change was to create a small politically-sensitive body, one that could function as a sounding board for the highest political leadership – a body which would not have to deal with the everyday ministry toil, which easily can break down political ingenuity and inspiration. The historical tradition of a small Prime Minister’s Office (also described in other researchers’ interviews with ex-prime ministers and senior counsellors, cf. Persson 2003) is perhaps best illustrated by the fact that Prime Minister Per Albin Hansson wrote his own speeches on a Remington typewriter and his successor Tage Erlander, prime minister from 1946 to 1969, initially only had one secretary, one speechwriter and one office caretaker on his staff.

The tip of the coordination pyramid of the Swedish government’s EU policy is situated in the Prime Minister’s Office, although much of the preliminary management of EU issues takes place in ministries and other bodies within the Swedish chancery. The Prime Minister’s Office has explicit responsibility for the government’s long-term EU-policy. Consequently, the government has appointed a special state secretary as head of the EU-policy coordination office within the Prime Minister’s Office. It is also of some interest to point out the specificity of the Prime Minister’s Office compared to other ministries within the chancery. This special status is somewhat comparable to other more cabinet structured institutions, which support heads of states (and in certain political systems, such as France’s, even ministers) around Europe. In the case of Sweden, the decision to move the central responsibility for the coordination of EU issues came after the appointment of Göran Persson as prime minister and the installation of his first government in March 1996 (cf. Persson 2003:188). The new prime minister also eliminated the post of European (trade) minister (earlier holders of this position were Ulf Dinkelspiel and Mats Hellström, cf. Persson 2003:189-90) and discussions took place as to where the central coordination of EU issues should be located. As pointed out earlier, traditionally EU coordination was the domain of the Ministry of Foreign Affairs. However, the specific competence commanded by the Foreign Ministry, i.e. its experience in conducting negotiations and dealing with international organizations, was becoming obsolete as each branch of the chancery gained additional practice in EU negotiations. This was observed by the foreign minister at the time, Lena Hjelm-Wallen, who was actually one of the strongest advocates for the relocation of the horizontal coordination of EU issues outside of the Ministry of Foreign Affairs.

The Prime Minister’s Office has always been a very small organization and as several of my interviewees point out (e.g. interviews 41 and 10) this was, according to different sources, former Prime Minister Carlsson’s reason for refusing to set up EU coordinating offices within the Prime Minister’s Office (see Persson 2003:199,
Despite the size problem, it soon became clear that even the small staffing resources could be put to good use. In the end, the EU coordination tasks that eventually were allotted to the Prime Minister’s Office were successfully accomplished. This is evidenced by the rather successful management of the Swedish presidency between January and June 2001 (Hedström 2001a, Tallberg 2001b). Although it should be pointed out that a special task force was created within the Prime Minister’s Office in order to deal with the Swedish EU presidency. Nevertheless, some concerns still remain as to whether the solution chosen could potentially have negative effects in the long run on the government’s ability to coordinate EU issues in an effective manner, and if a reconsideration of the mechanisms in place would be necessary, as mentioned by a chancery official:

...of course the [Swedish] Presidency underlined the need for central coordination. We are now in a position, I believe, where it is quite appropriate for a deeper analysis of how we should, in the future, coordinate EU issues within the chancery. There are some countries, foremost amongst them Finland, which have taken the whole step towards locating all coordination, every horizontal queries, on the Prime Minister’s Office. In Sweden we have taken, what one might call, a half step. The political coordination takes place at the Prime Minister’s Office, while the bureaucratic apparatus is left at the Ministry of Foreign Affairs. This is not a major problem... [but] it is quite natural to “look back”, to assess the first years and then to decide... (interview 10, my remarks)

This indicates a readiness to reform the coordination of EU affairs. I will return to this at the end of the chapter. Until this now, I have only discussed key institutional structures; at this point I turn to processes.

One important institution for broad and political salient coordination is the EU-drafting meeting [EU-beredningen]. Almost every other Monday, the state secretaries of all ministries meet to discuss and share information pertaining to upcoming summits and Council meetings (Sundström 1999:7). One of the state secretaries within the Prime Minister’s Office takes the role of chairperson, often, if not always, this is the state secretary for European Union affairs. The agendas for these meetings are prepared at the Prime Minister’s Office (UD PM 1999:43). The meeting is divided into two parts. In the first part, upcoming Council meetings are discussed, i.e. each concerned state secretary presents his/her cases and positions on them. Any eventual misapprehensions are resolved at this level. In the second part, the horizontal queries at hand are discussed, such as summit meetings or any other query of a more horizontal nature (interview 10). These proceedings are only partially closed; civil servants below the state secretary level do attend this meeting, but only if they are required (which according to some, e.g. interview 36, never or very seldom happens). If the EU-drafting meeting handles internal coordination within the chancery, the next coordination meeting is specifically designed to coordinate the Brussels and Stockholm perspective.

Following the pattern set by the English (and to some extent Finnish) coordination systems, the Swedish COREPER ambassadors travel back to Stockholm on
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Fridays for an informal lunch, meeting together with state secretaries and other core executive officials within the chancery. These informal Friday gatherings have been in place since 1998 (e.g. interview 30 and 50). They bring together, among others, the Prime Minister’s state secretary for European Union affairs, the state secretary for Foreign Affairs [kabinettsekreteraren], head of the political department of the Ministry of Foreign Affairs [utrikesråd], the head of the UD-EU unit, one or two state secretaries of the Finance Ministry, EU coordination intermediaries from the Finance and Agriculture ministries, some additional staff from the Prime Minister’s Office and the permanent representative from Brussels. Included also are high-ranking civil servants within the Prime Minister’s Office and senior staff of the permanent representation at Brussels (Statskontoret 2000:29-30).

...principally, no decisions are taken [at the meeting], it is not a formal meeting but a forum for a continuous consultation between the Prime Minister’s Office... (interview 36, my remarks, similar quote found in interview 59 and 10)

...when the bigger and important issues are discussed, then the so-called Friday group has a significant influence, it gathers all the major players on state secretary and senior official levels.../.../...there the permanent representative and the deputy permanent representative actually have an excellent opportunity to exert some influence... (interview 76)

Once a month the Friday meeting is preceded by a more informal breakfast between the Swedish EU ambassador and the prime minister, the foreign minister, as well as the state secretary of EU affairs (see next chapter for details). Interestingly enough, the Friday meetings were not instituted solely at the behest of Stockholm, but rather, according to an interviewee (interview 30), were motivated by mutual necessity for better information sharing between the top level of the political leadership in Stockholm and the senior bureaucrats in Brussels. As characterised by one interviewee, the motivation for establishing this weekly meeting did not come from any one particular camp; rather it was a common need, perceived by both Stockholm and Brussels, to be in the loop, so to speak, and to have the opportunity of speaking about issues too sensitive to be written down or sent through normal correspondence, e.g. electronic mails.

Individual ministries

As already mentioned, every ministry has its own EU-coordination office. The office includes at least one EU liaison official (Sundström 1999:4) who has the responsibility to assist the UD-EU division in assessing, controlling and making available jointly drafted instructions before EU negotiations start. Personnel working at each individual ministry’s EU coordination office attend the joint meetings for EU liaison officials organized by the UD-EU unit (UD PM 1999:47). Ministry intermediaries are responsible for fulfilling the following tasks: (i) to continuously monitor work with EU issues and proposals within the ministry’s own responsibilities and supervise that drafted Swedish positions are established as early as possible in the
decision-making process and at that point to hold a close contact with the UD-EU unit; (2) to canalise information, documents and viewpoints between the individual ministry and the rest of the chancery; (3) to act as contact person for the office of the parliament’s advisory committee on EU affairs and monitor that written material stipulated by Circular 2 [UD PM 1999:25-42] is drafted and imparted to the parliament; (4) to uphold good contact with other EU intermediaries at other ministries; (5) to participate in EU coordination meetings on Tuesdays and EU intermediary meetings organized by the UD-EU unit (UD PM 1999:47, my remark).

According to the same source, the position as an EU intermediary at the ministry level also involves routine work such as “…spreading the circular concerning EU coordination within the chancery, monitoring the EU’s agenda, promoting the use of the template forms, guaranteeing that joint drafting has taken place, forwarding the final instruction to the responsible official, informing the Swedish embassies in EU member states of the ministry’s current instructions” (UD PM 1999:47). Besides both these formal and informal demands on individual ministry EU-coordination officials, the requirements of joint drafting procedures for EU proposals places an added workload on these “spider-in-the-web” ministry officials. To help them in drawing up and preparing EU proposals the ministries have drafting and reference groups, to which I shall return shortly. Below I have listed and examined more closely different ministries to illustrate the different ways into which one can structure ministry coordination of EU issues as well as the diverse institutional surroundings into which each ministry is embedded when dealing with EU affairs. It is particularly interesting to contrast the picture from the Foreign Ministry of its coordination of formal instructions for EU issues against the actual picture one gets by talking to civil servants within the different ministries.

Ministry of Sustainable Development

Sweden boasts a long history as a forerunner in environmental policies at both the international and national levels. Since the Single European Act Treaty, which came into force in 1987, environment has been a prioritized policy field in the EU and, thus, it seems only natural that the Ministry of Sustainable Development is “EU heavy”. This was reinforced during the first half of 2001 as Sweden announced that it would make the environment one of its three top priorities (the other two being employment and enlargement) for its first presidency. The Ministry of Sustainable Development has set up the coordination tasks for EU issues within the ministry’s international unit, which handles other international issues and negotiations. The EU coordination has a very frequent contact with its attachés and other representatives at the PR in Brussels. Although the ministry’s EU section is in contact with the UD-EU unit in regards to instructions to COREPER (i.e. when the Swedish COREPER I ambassador needs instruction and briefing on a particular issue before the COREPER I consultations), most of the contact is either between the representatives sent from the ministry to Brussels or with the responsible civil servants in
units back home (i.e. the ministry’s own units and the bureaucrats responsible for dealing with the topics related to the proposals being discussed in the working group). We should note that much of the preparation and coordination within the ministry is understood to take place directly between the units (and their bureaucrats) and the representative stationed in Brussels. The same is true concerning the work on the drafting procedures of EU proposals. When drafting Swedish positions for use in the working group on environment or in COREPER I, the individual unit at the ministry has the most intensive contact with any eventual drafting and reference groups and state agencies such as the Swedish Environmental Protection Agency [Naturvårdsverket], the Swedish Chemicals Inspectorate [Kemikalieinspektionen], or the Swedish Nuclear Power Inspectorate [Statens Kärnkraftsinspektion].

The responsibility for keeping the ministry’s leadership informed of new and upcoming proposals also resides with each unit. Within the ministry, each unit also has the opportunity to raise issues and questions related to actual EU proposals with the political leadership of the ministry. To that aim each week the ministry’s units schedule times to discuss difficult topics and proposals with the state secretaries (every Thursday) and the minister (every Monday or Tuesday). In a similar fashion, the Ministry of Sustainable Development handles the contact with the PR in Brussels, but it is very much up to the individual bureaucrat handling an issue or proposal to contact and work together with his/her environment attaché at the permanent representation. There are, for example, no recurring videoconferences at which every unit at the ministry has the opportunity to raise questions and make modifications resulting from any eventual differences between the perspectives of Brussels and Stockholm.

Ministry of Agriculture

The Ministry of Agriculture is understandably also one of the major players in Swedish EU policy. However, the important role played by this specific ministry is due less to Sweden’s differentiated policy-specific priority on agriculture (which is nonexistent) and more to the central role of CAP (Common Agricultural Policy, cf. Grant 1997) which represents approximately half of the EU’s expenditures.

Much like the Ministry of Sustainable Development, the Ministry of Agriculture has chosen to set up its EU coordination office within the framework of its own international office. The International Unit [EUI-enheten] is responsible for the coordination of all of the ministry’s dealings with the EU as well as other international organisations, such as the WTO, FAO or OECD. It is also responsible for making long term and long-range (strategic) analyses as well as making arrangements for employees involved in international work, from the ministry leadership’s travel arrangements (e.g. when the Minister of Agriculture attends recurring Agriculture Councils) to the employment of agriculture attachés [lantbruksråden or lantbruksattachéerna]. The EUI unit has also a central role in coordinating the different ministry units’ drafting of instructions to their representatives in the Coun-
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cil’s working groups and to SCA (Special Committee on Agriculture) meetings, which could sketchily be referred to as the COREPER of the CAP (see previous chapter). The fact that the Ministry of Agriculture has its own senior committee gives rise to intensive handling and coordination of EU issues. In addition to the above, the ministry also has to prepare issues and proposals discussed within COREPER I (such as animal protection, food issues). This has resulted in videoconferences twice a week (Tuesday and Thursday) where bureaucrats at the ministry, together with civil servants from agencies, such as the Swedish Board of Agriculture [Jordbruksverket], the National Board of Fisheries [Fiskeriverket], or the National Food Administration [Livsmedelverket], review the agenda for upcoming meetings together with the ministry’s bureaucrats at the permanent representation. These two meetings are scheduled to fit the policy process schedule of Brussels. On Tuesday, COREPER I issues are discussed, and on Thursdays the videoconference centres on the next week’s SCA meeting; COREPER usually meets on Wednesdays and SCA meets on Mondays and Tuesdays (interview 45). These official-level meetings are used to discuss which questions should be lifted to the political meeting on Thursday afternoon (interview 94).

The main internal coordination of EU issues takes place at the ministerial EU-drafting meeting, which at the Ministry of Agriculture takes place on Thursday afternoon. This meeting can, however, be postponed or eliminated if there are no relevant issues at hand. When convened, this drafting meeting assembles the political leadership of the ministry, i.e. the minister, the state secretaries and the minister’s closest political advisors [politiskt sakkunniga], the head of the EUI unit as well as the spokesperson in the SCA and the civil servants who are responsible for the issue/proposal.

Ministry of Finance

The Ministry of Finance is also a central actor in the handling of EU issues, especially as the Swedish government’s explicit budget restrictive policy has given the ministry, and especially its budget section, a prominent position in the domestic drafting and handling of almost every EU proposal. In fact some interviewees characterize the Ministry of Finance as a sort of veto player or at least as a central actor who has a tendency to meddle into other ministries’ affairs (e.g. interview 37).

In a manner analogous to the Ministry of Foreign Affairs, the Ministry of Finance holds a dual role: (1) to handle its own EU affairs and (2) to participate in the handling of any other EU proposals, which have a significant budgetary impact in other ministries. In the case of the first role, the ministry is charged with conducting its own EU affairs, such as organizing and participating in the ministry’s committee meetings, such as the important Budget Committee (which has the arduous task of preparing and negotiating the EU’s budget). In addition to its own committees, there are other committees and working groups that demand the explicit participation of bureaucrats from the Ministry of Finance (ranging from an anti-fraud work-
ing group to AGRIFIN, a working group involved in financial aspects of agricultural issues), but the Budget Committee is nevertheless the most important, since the budget eventually allows (or prohibits) every major political initiative. The ministry’s second major role is dealing with EU proposals that have economic impacts on the budget. This represents a very heavy workload, since the number of proposals with some budgetary consequences is very large. While the main workload regarding the handling of EU proposals is lodged in the EU-division, which is one of seven line division (and one staff division) within the Ministry of Finance’s budget department [Finansdepartementets Budgetavdelning, abbreviated Fi/BA hereinafter], some work also takes place within the smaller international department [Finansdepartementets Internationella avdelning abbreviated Fi/IA hereinafter]. The latter is foremost responsible for Sweden’s participation in international economic and financial cooperation, but it also deals with EU matters concerning financial support to countries outside the EU. Part of its mandate is to look after economic policy cooperation in the EU, for example, with the Economic and Monetary Union (EMU), and to coordinate preparations at the ministry leading up to Economic and Financial Affairs (ECOFIN) Council meetings (meetings of EU finance ministers), which are prepared within the Economic and Financial Committee and the Economic Policy Committee.

Ministry of Foreign Affairs

Earlier I discussed at some length the different aspects of the Foreign Ministry’s involvement in EU affairs and more specifically the role the ministry plays in coordinating instructions to COREPER. At that point, I intentionally omitted the parts that relate to the handling of CFSP (Common Foreign And Security Policy) issues as they are presented here.

Within the framework of the CFSP, two units appear as especially important: the UD-EP (European Security Policy) unit and the EUKORR (European Correspondent) unit. The UD-EP unit is the larger of the two and is responsible for the main work on the drafting and preparations of CFSP instructions regarding ESDP (European Security Defence Policy) issues to the different committees. However, this unit is not the only unit involved in CFSP analysis and drafting of instructions for the Swedish representative to the PSC (Political and Security Committee). According to chancery sources (see e.g. interview 12), UD-EP has a lot of contact with other units within the chancery, especially the Swedish Ministry of Foreign Affairs’ division for Central and Eastern Europe (UD-EC) and the Western Balkan section, the Foreign Ministry’s unit on global security (UD-GS) and the Ministry of Defence and its division for International and Security Affairs (SI-unit). Being one of the main ministry units in charge of drafting instructions and standpoints within the field of the CFSP, the UD-EP unit holds an important and central role in the coor-
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dination of these issues and a semi-exclusive role (together with the ministry of defence) in ESDP issues. The unit has a highly developed and intense contact with the civil servants based in Brussels. Although no formal or institutionalised form of contact (e.g. through weekly videoconference or other scheduled meetings, cf. with the section on the Agriculture ministry above) exists, the persons working within the UD-EP section do have a lot of informal contact with their counterparts at the Swedish permanent representation. The more formal interaction is handled by a small but equally important unit, namely the European Correspondents (EUKORR). This small unit has the formal coordination responsibility for CFSP issues. It has relatively few employees (in fact, only four bureaucrats when fully staffed) and is a unit which is tightly connected to the director-general for political affairs [Utrikesrådet för politiska frågor], one of the six senior (non-political) officials. The EUKORR handles a variety of issues that are comprised within the wide framework of the CFSP and therefore has a broad network of contact with many of the Ministry of Foreign Affairs’ units. The unit’s main task is to relay, control and review instructions to the PSC and RELEX. The European Correspondents also have the task to assign different PSC and RELEX agenda items to the various units. Even though the agenda of the PSC is widely distributed to all units within the Foreign Ministry and to some selected units within the ministries of Defence or Justice, it is the EUKORR that has the last word when handing out CFSP briefs and dossiers for coordination and decision.

The EUKORR has the formal right to review and modify the instructions that it receives from the units, which are responsible for drafting these instructions. This is done in close cooperation with the director-general for political affairs. From a formal basis EUKORR is the sole actor to have the authority to convey instructions to the permanent representation concerning issues dealt with by the PSC and working groups under the PSC’s jurisdiction. Having only three senior bureaucrats, the unit obviously bears a heavy workload. The first-ranking bureaucrat and head of the unit supervises the work and has the responsibility for preparing the General Affairs and External Relations Council (GAERC) meetings; the second-ranking bureaucrat and assistant head of the unit handles all PSC issues as well as some other issues; and the third-ranking bureaucrat handles issues within RELEX as well as some horizontal CFSP issues to which the EUKORR unit writes its own instructions, i.e. without the help of other ministry units (though this is rare since EUKORR has very few specific policy responsibilities [sakansvariga], cf. interview 54). However, since the workload within the second pillar is gaining in intensity, work within the Council also means that some (in fact a lot) of the working groups attend to several CFSP issues (most working groups are regionally divided so that each is responsible for a certain geographical area). However, the instructions to these working groups, which are subordinate (but not directly linked”) to the PSC, are sent directly from the units to the representatives in Brussels. This has led some to characterize them as simply functioning as an “advanced mailbox”: 

...I’m not sure that they [EUKORR] would say the same, but they function to 95% as a mailbox.... (interview 95, a very similar, if not to the very phrasing, attitude is expressed in interview 12)

A critical PR civil servant argues that the EUKORR cannot handle issues which have to be settled rapidly:

...in questions where you have the normal amount of time to draft a position they [EUKORR] are play a good role, in quick situations they are totally over-run./.../...and you have to go around them.../.../...there was this one incident where/.../...we waited and no instruction came, it got late.../.../...eventually we received an instruction through mail which supposedly had been jointly drafted by xxx [name of ministry] and xxx [name of ministry] but where clearly the Prime Minister’s Office was not onboard, then the shit hit the fan...(interview 54, my remarks)

The EUKORR has some crucial responsibilities to fulfil, especially in its role as a coordinating body with the possibility of using its holistic and broad view on Swedish foreign policy within the framework of the CFSP to ensure that Swedish CFSP policy is consistent. One example is that Sweden has for a long time argued for the downgrading of the political dialogue with third world countries in an attempt to rationalize EU’s political dialogue, i.e. that EU’s meetings with third world countries should be recurring but based on a need to meet basis. This is understandably hard for individual units to understand:

....the units tend to see this isolated from their horizon, of course. For example, if you work within the Middle-East unit, then you are very solicitous of the EU’s dialogue with Middle-East countries because you think that this contact is extremely important.... [the EUKORR’s] task is then, given that we welcome a rationalization and downsizing of the number of recurring meetings in general, that we shouldn’t have any exceptions for particular fields.... (interview 43, my remark)

The EUKORR unit therefore plays an important role by (1) coordinating the work effort, (2) rendering it more effective on CFSP issues in the appropriate ministry units and (3) ensuring that coherence and consistence characterize the government’s CFSP policy. While the unit struggles to fulfil this goal, there are sometimes difficulties:

...we have a dialogue with the EUKORR on how to construct a more efficient political priority filter in Stockholm.../.../...when it comes to drafting instructions and to their contents, it depends a lot on which unit had the responsibility to draft the instruction.... (interview 35)

Evidently, the optimal functioning of the filtering of instructions is not yet attained. While it might be believed that this additional police patrol attests to Sweden’s ambition in CFSP matters, it is not the whole truth. Rather we see that the European Correspondents are part of a European network organized by EU institutions. All over the EU, correspondents communicate through the COREU system (an encrypted telex network) with the Commission and the Council’s general secretariat
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on CFSP issues. While the EUKORR might function as a sort of domestic police patrol, it was not intended to act as one.

Drafting and reference groups

Following normal drafting procedures regarding propositions put forward by the government to the parliament, the domestic drafting of Swedish positions to EU proposals is also influenced by interest organizations and others (e.g. central agencies or other actors claiming some form of expertise) that may influence the government. In the case of the coordination of EU issues, this happens through the many drafting and reference groups [berednings- och referensgrupper] set up by the government to that effect. These groups can also take on the drafting initially described through article 7:2 of the Instrument of Government: “In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private individuals shall be afforded an opportunity to express an opinion where necessary” (Holmberg and Stjernquist 2000:75). Reference groups specifically created for this purpose have allowed ministries to consult and share information with interest organizations having vital interests in the specific policy field – from labour organizations and employers’ associations to local and regional governments’ associations. The drafting groups are mainly composed of central agency personnel and ministry officials with expert knowledge in defined policy areas. These groups are supposed to enhance the efficiency of the joint drafting procedures of EU issues. In 1997 there were approximately 100 drafting and reference groups, although the number tends to fluctuate over time (Halvarson et al. 1999:125) and not all of these 100 drafting and reference groups were involved in EU issues.

The circular on EU coordination specifies that just because a position has been discussed and drafted within the framework of a drafting group does not mean that it automatically fulfils the requirements prescribed by the joint drafting procedure in dealing with EU issues. The UD-EU unit, the Prime Minister’s Office and the Ministry of Finance’s budget division must receive prior notification and summons to every drafting group meeting as well as eventual memoranda from the proceedings (UD PM 1999:48).

Each ministry is free to decide how it will consult and inform interest organizations and to choose the practices for its drafting groups. However, some restrictions apply. First, the groups’ proceedings are regulated by the Official Secrets Act’s [sekretesslagen] section on relations with foreign powers. This means that the members of drafting and reference groups are sworn to secrecy in relation to what is said in those groups (Halvarson et al. 1999:125). Second, the ministries must report to the UD-EU unit information about EU drafting and reference groups they have set up within their field, including the name of the chairperson and the contact person of the respective group. The UD-EU unit must establish a register over these groups, which must be updated once each year as well as communicated to all the ministries.
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Although some advisors and bureaucrats mention the use of drafting and reference groups when discussing the drafting of standpoints and positions for negotiations, they are in no way dominant and their use seems to be restricted. Overall, it seems that much of the work done within normal drafting and reference groups is not applicable when dealing with EU proposals. One factor could be that the EU directives and legislative propositions are based on a broad and European view and set out to accomplish goals and effects on the European level, thereby, leaving little for national interest organisations to discuss. Another, more positive, explanation is that the interest organisations and central agencies already have had a chance to influence the bill through their contacts with the Commission and the responsible director-general. Either way, drafting and reference groups do not play a ubiquitous role in the domestic coordination and handling of EU issues. Whether this failure to use third parties, in order to remedy the information asymmetry between domestic principals and European agents, constitutes or not a critical detriment to the democratic value of EU legislation remains to be confirmed by additional research.

Parliament’s advisory committee on EU affairs

EU membership puts strains on the relationship between the legislative and the executive powers of member states. This is mainly because it is the government, and not the parliament, which represents the country in the Council, the central legislative body of the EU. Not making an exception to the rule, Sweden’s parliament armed itself with a police patrol in order to monitor the government: the EU affairs Committee. The authority of the Swedish parliament’s Advisory Committee on EU affairs (henceforth referred to simply as the EU Committee) is mandated by chapter 10 of the Riksdag Act [Riksdagsordningen], more precisely chapter 10:5 as stated below:

The Government shall inform the EU Advisory Committee of matters before the Council of the European Union. The Government shall also confer with the Advisory Committee regarding the conduct of negotiations in the Council prior to decisions which the Government deems significant, and on other matters which the advisory Committee determines.

If at least five members of the EU Advisory Committee request consultations with the Government under paragraph one, the Advisory Committee shall make arrangements accordingly, unless it finds that associated delay would result in serious detriment. (Holmberg and Stjernquist 2000:132)

The EU Committee contained, for the 2001/2002 Riksdag session, 17 permanent appointees and 31 substitutes. The large number of substitutes results from the rather unique status of the EU committee. This committee, unlike the standing committees of the Riksdag, has to review proposals ranging over the whole spectrum of policies, from competition laws to agriculture commodity prices, from regulations on tobacco advertising to social security directives and economic support
from EU regional funds. The need for a broad knowledge among the committee’s members is vital; all of the appointees and substitutes sit in one or more of the standing committees of the Riksdag. The EU Committee regularly meets once a week (often on Fridays), though the frequency of meetings varies from year to year. Even if this institution has covered some ground during its first years and mustered significant experience in handling EU issues and monitoring the Swedish government’s behaviour in Council sessions, it is sometimes still portrayed (especially in the press) like a playground for ideological fights instead of a significant veto-point (Immergut 1992) to the government’s positions in Council meetings. Perpetual skirmishes are fought over such items as whether or not the government did indeed supply enough information to the EU Committee or whether the government followed the committee’s mandate for a stand towards a specific proposal to be decided at the Council.

The institutional structure inherent in the solution chosen by the Swedish parliament concerning its ability to monitor government behaviour hampers an early mandate from the parliament, since the EU Committee only enters into the policy-making process at a late stage, i.e. when the proposals go up to the Council (Hege-land 1999:104, Jungar and Ahlbäck Öberg 2002:71-72). Advocates of the current system point out that many EU proposals (especially those contested) appear several times on the agenda of the Council before finally being decided. This indicates that the EU Committee has numerous opportunities, compared to the policy process, to exert a parallel influence (provided that the EU Committee uses its power of oversight and that there is a discrepancy between the preferences of the parliament and the government). This line of reasoning requires, however, that the proposal really is contested and makes its way onto the Council’s agenda, which is rarely the case. Since the government and the EU Committee usually meet late in the decision-making process, some issues may already be decided - although formally the EU Committee still has the right to insist on changes in the government’s position, it could sometimes be too late. This is a point that the EU Committee’s own chairperson makes to overly eager critics of the government within the committee:

...sometimes, for example on the topic of energy, there is a domestic political debate within the EU committee, and then the chairperson usually points out that: “This is something that you’ll have to discuss in the plenum or in the standing committees”. The risk is namely that some appointees to this committee who also sit in one of the standing committees don’t interest themselves with the issues until they show up in the EU committee. These members, which haven’t discuss the issue earlier, thus begin to get all excited and worked up in the EU committee, but then the chairperson usually reminds them that “This is an issue which belongs in a standing committee”... (interview 29)

Hence, both time and the inability to make an early identification of problematic EU legislation are sources of trouble for the EU committee. This is especially true in EU issues for urgent issues that need quick decisions, as is the case for numerous matters under the domain of the CFSP. In other situations such as when Sweden hosted
the EU presidency in the first half of 2001, time becomes a critical ingredient. The government has endeavoured to alleviate this through the creation of a special “core EU committee” (referred to as lilla EU-nämnden in Swedish, see e.g. Ruin 2002:58) as mentioned by a chancery official:

…we have from our side, and most prominently in horizontal issues, declared that we are willing to have an earlier consultation with the EU Committee, sometimes we have chosen to do so informally in a constellation called the core EU committee, i.e. one representative from each party. This is used to orientate on issues not ready for decision yet and we used this mechanism very often during the presidency when the government wanted to stress that we must continue to consult on Swedish positions, but we cannot consult the EU Committee on presidency position. If we did that we would have to consult all the fifteen member states’ parliaments… (interview 10)

The government lessened temporal problems through institutional innovation. By creating this core EU committee an institutional link between the executive and the legislative was created, thereby accommodating both the principal’s (in this case, the parliament’s) needs for inexpensive monitoring capability and the agent’s (in this case, the government’s) need to maintain an efficient executive and a certain flexibility of control requirements. It is noteworthy that the core EU committee was actually established following a proposal voiced by the opposition parties to the prime minister in anticipation of the Swedish presidency (Ruin 2002:58). Notwithstanding this institutional innovation and the fact that Swedish ministers regularly meet the parliament’s advisory committee on EU affairs, the Finnish system is considered by many Swedish bureaucrats as more ambitious:

…for example the Finns have, ever since they became members,...gathered most of their government each Friday to deliberations on EU issues…/…they have first a reunion with the government and senior officials which brief the ministers, then they move to the so-called Grand Committee [Suuri valiokunta] in the afternoon… (interview 76, my remark)

Despite Finland having chosen a more elaborate (and according to my view more adequate) formula to galvanize discussion on EU issues among ministers as a collective as well as between the national executive and legislative, the Swedish EU Committee continues to play an important role in controlling the government’s EU policy. When the parliament does not give the government a mandate of negotiations, then the PR bureaucrats in Brussels often postpone the issue or proposal. This is common and a “no” from a national parliament is often respected amongst national negotiators in Brussels, at least for a while. However, should a country become isolated, pressure is put to bear and normally the committee yields, as a Swedish PR bureaucrat describes:

…the EU Committee almost always think that it is more important to get a specific directive through than to respect Sweden’s specific viewpoint on exactly this issue, so you often get increased negotiation margins in order to find a solution, it is quite normal… (interview 40)
Though in the eyes of the parliament this might seem complicated in terms of agency loss, the alternative is no better since it often includes an even worse position. In relative terms, the parliament may therefore be better off by “giving away a hand in order so save the arm”. This accentuates the fact that national parliaments actually have limited ability to stop package-deals from being voted through the Council once they have been agreed upon, or as Abromeit (1998:4-5) states: “Council decisions are usually more or less precarious compromises based on complicated package-deals. .../...national parliaments are put under some pressure not to wilfully destroy those precious achievements of negotiative art...” (cf. Benz 2005 for a similar position).

NATIONAL EU COORDINATION

In this section I will first give a broad (and somewhat idealistic) description of the coordination process in Stockholm; thereafter, I will concentrate my analysis on the components of this process. The permanent representation receives and registers all proposals for new laws and statements (e.g. Green and White Papers) that emanate from the Commission. This register is later used by the UD-EU unit to send a list of all proposals and statements issued by the Commission every month. However, this function is more important for the successful achievement of registration compliance than for the coordination process. As well as registering COM-series documents (papers issued from the Commission), the PR also sends every proposal and statement to the UD-EU unit and to the chancery of the parliament [Riksdagens kammarkansli]. The UD-EU unit then sends all the proposals to the individual ministries and the Prime Minister’s Office, or more specifically the EU coordination intermediary at each ministry. Then each ministry proceeds to an assessment of the proposals and an identification of those within the ministry’s sphere of interest. If called for, the proposal is summarized in what is termed an explanatory memorandum [faktapromemoria] and sent to one of the standing committees of the Swedish parliament. Meanwhile the responsible EU coordination intermediary assigns the proposal to an official within the ministry, who processes the proposal, with other ministry officials if the need for joint drafting [gemensam beredning] is present and/or with the help of one or more drafting and reference groups set up for this purpose. The results of this drafting, whether it is joint or individual, is summarised in a draft for instructions: a position memorandum [ståndpunktspromemoria] that is forwarded to the negotiating official, whether it be at the working group or the COREPER (or any other committee for that matter) level. COREPER-related position memoranda are first discussed and presented at the EU consultation session [EU-samrådet] each Tuesday afternoon (Sundström 1999:7) and must be sent to the PR by the UD-EU unit. This session comprises all ministries, which are represented through one of their EU-coordination intermediaries and, often via video-conferencing, representatives for the permanent representation at Brussels (UD PM 1999:46, Statskontoret 2000:30-36).
Although a much unembellished and somewhat optimistic description of the basic functioning of the coordination process in Stockholm, this picture does give an idea of what constitutes the “normal” proceeding regarding EU issues. This, seemingly idealistic, portrait can, however, be treacherous. Several complications and pitfalls remain to be explained before the full picture of the Swedish coordination of EU issues at the domestic level can appear. One such complication in the understanding of coordination at the domestic level is that there is a differentiation depending on what level in Brussels is dealing with the specific EU proposal. Only the Foreign Ministry has the right to give instructions (through the UD-EU unit) to COREPER, while instructions pertaining to issues and proposal in working groups are handled through the individual ministries’ channels for EU issues. This is not the only element that intrudes on the very simple picture depicted above. There also exist substantial differences with regards to which field the proposal or issue belongs, as explained below.

JHA (Justice and Home Affairs) issues are to be coordinated in the same way as with first pillar issues, i.e. through the intermediary of the UD-EU unit. The drafting should take place within concerned ministries following normal coordinative procedures, which calls for joint drafting when required. Following procedures established in circular 2 (see appendix), explanatory memoranda on issues regarding police and criminal law cooperation must be completed and transferred to the parliament. Routines applying to explanatory memoranda should also be applied to position memoranda in this case. Furthermore, any position memoranda on a proposal regarding police and/or criminal law cooperation must be jointly drafted with (besides the concerned ministry) the UD-EU unit, the Prime Minister’s Office, the Ministry of Justice, the MAP [Enheten för Migration och asylpolitik] unit within the Ministry of Foreign Affairs as well as with the Finance Ministry, and both the Fi/BA and the tax and toll unit (UD PM 1999:52). It is, however, unclear to which extent this rather ambitious common drafting group is in fact assembled for each proposal concerning police or criminal law cooperation. Procedures regarding CFSP issues or second pillar issues are somewhat different. The coordination for CFSP issues is not coordinated by the UD-EU unit (although the unit is deeply involved in CFSP questions) but ultimately by the director-general for political affairs at the Foreign Ministry (through the work of the European Correspondents and other units, foremost the UD-EP unit). He/she has the responsibility for assuring that a jointly drafted Swedish position is produced within reasonable time limits. Furthermore, most of the proposals and issues within this field are prepared by other political committees rather than usual working groups, and even though COREPER has always a role to play in preparing GAC meetings it is somewhat sidetracked in these matters (cf. Lewis 2000). The permanent representation does not send any “Monday notes” on CFSP items (interview 24); instead the PSC section at the representation is responsible for sending a commented agenda to the EUKORR unit, which then is responsible for allotting different topics to the various ministry units. Though it should be noted that this agenda also includes, sometimes detailed, rec-
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Recommendations as to which instructions the Brussels based bureaucrats would want to have (interview 34). The commented agenda is sent to other units (not only to the European Correspondents), but it is the EUKORR unit that formally assigns different issues to the respective unit. After having reviewed the case and drafted an instruction, in cooperation with the case official at the permanent representation (and together with any additional ministry units if there is a need for common drafting), the unit then sends its final instructions to the EUKORR unit which, after a final check, sends it through to the permanent representation and its PSC section. The procedure described here is the normal way of handling instruction and position shaping for CFSP affairs. This leads us to the question: How are the instructions generally shaped and common positions coordinated in other policy spheres?

Joint Drafting and sending instructions

EU propositions and other EU related matters are always coordinated through the responsible ministries although all coordinating joint drafting sessions must permanently include the UD-EU unit, the Prime Minister’s Office and Fi/BA. The later is included because of general financial reasons:

…generally, and this the line ministries tend to forget, some proposals might have a rather important impact on the budget and the Finance Ministry has also points of view on the use of the EU budget, so that the long term budget is not jeopardised… (interview 75)

The formal procedures entail the following steps. Each of the proposals from the commission is forwarded to the UD-EU unit through the permanent representation in Brussels and subsequently sent to all ministries. The concerned ministries then proceed to the actual coordination and drafting of a common Swedish position on proposals for which they have primary responsibility. This should (in theory and according to the Ministry of Foreign Affairs’ own memorandum, cf. UD PM 1999) always be done in a joint drafting session together with the UD-EU unit, the Prime Minister’s Office and the Fi/BA, irrespective of how many ministries are needed to prepare a position memorandum and irrespective of policy fields. But, given the rather heavy workload often placed on the few officials sitting at the under-staffed ministries (in comparison to other countries), the joint drafting rule is not habitually followed, as a chancery bureaucrat points out:

…the principle of joint drafting procedure is generally valid under all circumstances, but I doubt that it is followed in practice. Maybe there is no need to be so formal especially on lower levels… (interview 75)

This is a fairly nuanced statement compared to other much more direct answers on the informal and real way common drafting is performed:

…no [when asked whether common drafting includes all three, UD-EU, Prime Minister’s Office, and Fi/BA], I would say that we coordinate our drafting foremost with the Ministry of Finance, then the Foreign Ministry and to some extent with
the Ministry of Industry, Employment and Communications.../.../...but the Prime
Minister’s Office is usually only involved when there are major problems between
ministries in views and positions... (interview 45, my remark)

A similar view is expressed by a chancery desk officer:

...to get the Prime Minister’s Office involved is not part of the normal drafting pro-
cedure, when a question of a certain dignity arises then the Prime Minister’s Office
itself gets interested... (interview 12)

Indeed, it would seem that the procedure for common drafting is actually much
more based on a need-to-know basis and takes place in a less sophisticated way than
is implied by the Foreign Ministry’s memorandum giving formal directions on how
EU issues should be jointly drafted (UD PM 1999). Rather, informal networks are
quickly established in order to discuss and solve certain types of issues. For exam-
ple, many bureaucrats within the UD-EP unit consider that the basic demands of
common drafting are satisfied if and when they check their instructions with the
Ministry of Defence. Position memoranda are always drafted jointly together with
the Prime Minister’s Office and UD-EU unit. If the EU proposal carries potential
budgetary consequences, then the Fi/BA is to be included (UD PM 1999:52).

This fact is linked to a more general observation on the ways in which ministries
within the chancery cooperate and coordinate their actions. Joint drafting and inter-
nal consultation [delning] is an old tradition within the Swedish central administra-
tion. However, the workload and circumstances under which the different ministries
are active has changed during the years. Increased difficulties pertaining to the in-
ternal consultation of propositions (whether they are EU issues or not) have lately
become more common. The procedure used today for internal consultation within
the chancery is characterized by a procedure, which could be referred to as “silent
procedure” [tyst procedur or tyst delning]. Silent procedure means that if a con-
sulted ministry or department within a ministry has not responded or reacted to a
proposal within a specific deadline, it is assumed the ministry or department has
nothing to say on this specific issue (this definition is confirmed in interviews, cf.
interview 79). The general rule states that at least five whole workdays must be left
for the receiving ministry to handle the matter and, at various times, some minis-
tries have used this procedure. The problem, as is pointed out in Landahl’s
(2003:51) report (see subsection Last minute curse in chapter three for a quick
resume on the Landahl report), is that this is not explicitly stated. The result is that
even though internal consultation preceding any eventual joint drafting regarding
EU issues is required to take place, it often in practice takes the in the form of silent
procedure, especially by the Prime Minister’s Office. The tendency is for the Prime
Minister’s Office directly to involve itself in drafting only if there are clear signs of
inter-ministry disputes, irresolvable at the lower level (i.e. desk officer, unit director
or state secretary level). Another problem (not explicitly mentioned in the Landahl
report) connected with this procedure is the lack of resources. For instance, five
workdays might seem a long period were it not for the staggering amount of infor-
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information which flows onto ministerial civil servants’ desks (or email folders) and thus result in non-compliance. In other words, there is a risk that the silent procedure might result in a misleading situation where silence from ministerial units might actually not indicate agreement. This would be catastrophic in our case, the worst-case scenario being an “approved” national instruction sent to the PR, but one whose “approval” was really the result of a misinterpreted silent procedure.

Regarding new proposals from the Commission, the memorandum on coordination of EU issues and drafting of common positions on EU issues within the chancery states that a position should be jointly drafted within five weeks after the proposal has arrived from the Commission (Statskontoret 2000:33). The coordination of COREPER instructions follows the exact same procedures as any proposal except that the coordinating and drafting work within the chancery for every issue ends with the above-mentioned Tuesday session, where the final touch is put on the instructions. The position memorandum, or instructions, for EU proposals still at the working group level are handled through the individual ministries. Each ministry is responsible for and has to supply instructions for Swedish positions to the Swedish representative in his/her specific working group in time. Consequently, the relation between Brussels and Stockholm on issues still at the working group level is very much handled through ministry contacts, as the following statement from a PR bureaucrat makes clear:

...in the working group where the negotiating and drafting of proposals begins I act on instructions and after my report back home, I discuss with my counterpart within the ministry and we try to decide what to do at the next working group meeting. You are therefore constantly in a dialogue with your counterpart back home at the ministry ... (interview 26)

Thus, it appears that the coordination of EU issues is somewhat differentiated and depends on which level within the internal Council system of decision-making is considering the proposal. Although initial joint drafting is required for all EU proposals, regardless of their status vis-à-vis the EU decision-making process, this principle of joint drafting may in reality not be operational in all circumstances, especially at lower levels, such as working groups, and where proposals are politically of little interest, e.g. technical renewal of directive frames or guidelines and the like. We should also take into account other observations regarding the sending of instructions and positions to Brussels. Even though I have earlier pointed to some substantial differences between procedures for working group instructions and COREPER instructions, one similarity appears when reviewing my empirical material: namely, the speed and the sometimes “last minute” character of these procedures:

...time is often short so if there is something that needs to be changed, then it is often through the use of mobile phones. It is possible to reach the Antici official inside the meeting room. Because they have mobile phones with vibrating alarms, so they just step aside, and don’t even have to leave the room. So purely theoretical it
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would be possible for an official to speak with xxx [name of the then COREPER II Ambassador] directly and I know for a fact that the foreign minister talked with xxx [name of the then COREPER II Ambassador] on certain specific issues close to the meetings. Then we, in formal terms, send an additional instruction, a consolidated version, which replaces the earlier instruction. This is quite common... (interview 75, my remarks, a similar quote is given in interview 91, 24)

Similarly, a civil servant from the permanent representation confirms that, in the interest of expediency, mobile phones are commonly used even to send instructions. This specific bureaucrat adds that she/he fails to receive instructions approximately once a month:

...due to omission in the chancery. In some cases I even sometimes received my instructions through the phone on my way to the meeting... (questionnaire swe 14)

Actually, the pace that characterises certain parts of the policy and domestic coordination process is rather peculiar, especially given the common portrayal that EU proposals and the EU decision-making system are closer to the metaphorical tortoise than to the rabbit. It would appear that decision-making processes in Brussels are tortuously slow in one aspect but speedy in another. One possible interpretation is that coordination of EU issues in certain instances or within certain specific policy spheres is not as ingrained as other coordination. This may explain the difference between the speeds of decision-making processes at the macro-level compared to micro-level. In CFSP issues the formal act of delegation states that the European Correspondents unit has the responsibility and authority to send instructions. Even so, sometimes, though rarely, instructions are sent directly from the responsible unit at a given ministry to the bureaucrat at the permanent representation involved in the negotiations:

...in very rare cases,... but this happens very, very seldom, in this case it is a question which appears at the last minute, for example that the chairperson [of the EU committee] announces that yet another item will be discussed under this meeting, then our representation would have to take contact directly with the ministry unit... (interview 43, my remark)

It is clear that the role and existence of the European Correspondents and their closeness to a politically sensitive senior official such as the director-general for political affairs indicates the establishment of a police patrol via ensuring that all instructions to the PSC and RELEX actually pass by the EUKORR. This assures that the instructions are checked and reviewed in the light of a broader political perspective and that the director-general for political affairs has the possibility of reviewing any negotiation directions that do not fit the government’s overall CFSP policy. The question is: To what extent does this system actually fulfil the requirements of a police patrol? Or, phrased differently: Does this mechanism really minimise the risk of rogue positions being presented in working groups and committees in Brussels? Formal instructions have to pass the reviewing eye of the EUKORR unit, but most of contact and discussions pertaining to the writing of instructions between officials
at the permanent representation and bureaucrats in ministry units, such as UD-EP, are not included in the traffic available to EUKORR. As pointed out by a chancery official:

...the responsible officials down at the representation were the ones which had permanent contact [with the officials at the ministry units]... /.../...there is a rule, an unofficial rule that during the process of drafting the instruction,...I only interrupted and influenced as a last resource, except when the process was evolving in a manner which I didn’t expect. In those cases I phoned the Political Director [director-general of political affairs] or the UD-EP Director [Head of the UD-EP unit]. But a lot of these dealings went on and still go on between officials and aren’t visible within the framework of the official instructions... (interview 95, my remarks)

To balance this picture one could always point to the fact that the results of these unofficial contacts have to be at some point drafted into formal instructions before they could be used in negotiations. An aggravating factor, however, is that not every working group under the PSC has its instructions checked by the EUKORR, e.g. in the case of the politico-military group (see above), the instructions go directly from the UD-EP unit to the Swedish PR (interview 54). Finally, and importantly, the exact nature of the EUKORR as a mechanism of delegation and accountability is hard to pinpoint given that this function was actually not instigated by the Swedish government but is an institutional impulse from the EU. The network of European Correspondents was established by the EU to allow for a smoother preparation of PSC meetings. Consequently, it was not originally set up as a national police patrol although it might be deemed to function as one now.

Institutional rivalry and conflict managing

Some internal reports surveying Swedish chancery personnel have found that a certain territorial thinking exists, or at least persists, within the organisation. Even if this territorial thinking is hard to prove, it is also a well-known and accepted fact that ministries commonly resort to fighting among themselves, a symptom of “Whitehall pluralism”.

...it [the inter-ministry rivalry] is always there. It has to be there, it is a part of the drafting process, xxx [name of ministry unit] and I have for most of the time precise mandates and they are contradictory with for example the views the xxx [name of ministry unit] is suppose to argue. So I see it as completely natural... (interview 10, my remark)

While this type of conflict is more frequent in more continental administrative systems where the vertical integration in all ministries is much stronger, it is important to be alert to the repercussions of internal strife, as explained by a civil servant from the permanent representation:

...what is worst is when one has instructions but we can’t agree on positions in certain specific questions, due to internal differences or incomplete analyses. Then one
In the executive organisations of other member states individual ministers or ministries often make governmental decisions; in Sweden, governmental decisions are taken collectively. This together with the consensus building mechanisms inherent in the joint drafting procedure (see above) allows for minimal, but not entirely non-existent, territorial tussles. Though some ministries and units are more prone to disputes than others, e.g. the Ministry of Defence and of Justice often quarrel over civilian aspects of conflict management (such as the rescue services, cf. interview 33). The principle of coordinating and attaining a common position within the chancery in case of interministerial dissent is seen in the following:

...first one speaks from one official to another official. If an agreement within the forum of joint drafting cannot be reached, the issue is lifted to the level of the heads of divisions [enhetschefsnivån]. If an agreement still cannot be reached the issue is lifted to the political level, and that is where the state secretaries discuss the matter. Finally it is up to the ministers themselves and if the ministers cannot agree then it is the Prime Minister’s Office. It is then, in practice, State Secretary Lars Danielsson who gets to be the final arbitrator, but that is extremely, extremely rare... (interview 75, my remark)

The Prime Minister’s Office, as this interviewee tell us, always tries to let the lower echelons within the chancery reach an agreement before moving the issue up to a higher level. Thus, the interventionist behaviour of the Prime Minister’s Office in its coordinative efforts is kept at a minimum, as a chancery official remark:

...[personnel at the Prime Minister’s Office] always try to “push down” the issues rather than to step in to early. The normal procedure is...to supervise and steer at the early stages of the preparations and coordination of EU proposals... [through] for example the informal consultation... (interview 10)

Within the CFSP field, the main ministries involved in cooperation and coordination when it comes to drafting instructions are the Foreign Ministry, the Ministry of Defence and, to some extent, the Ministry of Justice. In some instances, there are differences in views and perspectives between them:

...it is not that unusual that they have different opinions between the ministries and it is not that unusual that officials do not resolve their differences, so that the issue simply has to be lifted up to the state secretary or the minister... (interview 43)

This view is substantiated by other chancery civil servants, who point to differences especially between the Ministry of Justice and the Foreign Ministry, most specifically in issues pertaining to the civilian part of the crisis management aspects of the CFSP, and then mostly for issues within CIVCOM (the Committee For Civilian Aspects Of Crisis Management). Coordination hitches are also encountered in the relation between the Ministry of Defence and Ministry of Justice:
It seems clear that inter-ministerial conflicts and disputes do occur often under the process of common drafting and when trying to find consensus on a joint position. These interministerial skirmishes are seldom noticed by the Prime Minister’s Office and cannot be qualified as serious breaches of interministerial cohesiveness as they rarely reach the level of arbitration that they get the attention of the prime minister’s state secretary for European Union affairs. Another form of institutional rivalry, and perhaps a more “dangerous” one, is the one between the Riksdag and the government. Several reasons for friction between the legislative and executive institutions exist. One of them is the occasional disagreements over the degree and depth of consultation by the EU committee. Another rather delicate issue is the one of explanatory memoranda. Each proposal that arrives from Brussels, through the PR and the UD-EU unit, must carefully be revised and analysed and a position memorandum worked out (before converting this position memorandum into an instruction). However, only proposals that are deemed *important* from a Swedish point of view or otherwise politically *significant* must be translated or summarised into an explanatory memorandum. These memoranda must in turn be handed over to the standing committees of the Riksdag. Since the standing committees have limited time and manpower resources for covering all aspects of their area, and taking into account that the EU proposals are both numerous and complicated, the explanatory memoranda are essential for members of parliament to be able to acquaint themselves with relevant EU-law proposals, and thereby carry out a qualitative review of EU proposals.

The difficulty is that there are no consistent criteria or definition guidelines for what constitutes an important proposal (cf. Hegeland 1999:100). The absence of an explicit definition of which EU proposals are important leaves the system vulnerable and prone to severe inefficiency. Over the years different ministries have had seemingly very different principles for choosing which EU proposals are to be presented as explanatory memoranda, as is shown by the report of the standing committee on the Constitution, which dealt with different ministries and ministry departments (see *Konstitutionens betänkande* 1999 and its section 2.3). Even though certain guidelines are available in both section two and three of the Foreign Ministry’s manual for coordination of EU issues (UD PM 1999), these said guidelines do not provide a clear definition (see appendix). Last but not least, the paucity of contacts between standing committees and the EU Committee is appalling. While the standing committees have the right (perhaps responsibility is a more suitable word) to send their assessment of important EU legislation to the EU Committee, this rarely occurs. After five years of membership (1995-2000) standing committees had sent their written opinions on important EU proposals reviewed by explanatory memo-
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The levels of coordination ambitions within different pillars

As Kassim and Peters (2001) note, one may speculate whether the success or failure of coordination mechanisms might reside in what they identify as policy ambitions. These are in turn closely linked to the conception of coordination, since it can, without too many academic acrobatic manoeuvres, be shown that the policy ambitions of a state on specific issues directly affects the ways in which one sees the coordination of these issues. In the case of Sweden, a somewhat fuzzy image with some marginal differences appears. Looking at the different pillars under which the European Union has deliberately organized and separated its decision-making procedures, a certain shift in salience can be detected, both at the more political level but also at the bureaucratic level. Excerpts from the circular written by the Ministry of Foreign Affairs regarding EU coordination reveal explicit phrasings:

[concerning the first pillar]...cooperation within the European Community has supranational features. Requirements on early position taking and an efficient coordination and consultation process within the chancery are therefore very high in this field. /.../...

[concerning the second pillar]...in principal all decisions are taken by unanimity. ...//...

[concerning the third pillar]... Requirements on an efficient consultation process within the chancery are even here high. (UD PM 1999:50-52, my remarks and emphasis added)

This differentiation in the way EU issues are handled, depending on whether they belong to the first pillar (being more supranational) or the second and third pillars (slightly more intergovernmental), underscores some of the ambiguities of assessment. These differences in ambitions appear adequate to the different requirements (i.e. unanimity/majority voting) which the diversified European policy-making process exhibits. The above-mentioned differences in policy ambitions are also reflected in the administrative procedures used in coordinating issues that are assigned to the different pillars. Issues within the second (common foreign and security policy) and third pillar (justice and home affairs) are dealt with in the same fashion. One complicating factor affecting both second and third pillar issues is that it is not uncommon for some cases to be subsumed under international law treaties. Special provisions exist when internationally binding treaties are signed, and in all cases the authority to finalise such agreements are delegated to the government. In such occurrences, the Riksdag must approve the agreement. Consequently, all second and third pillars proposals are assessed on whether the proposal does or does not require a parliamentary approval (UD PM 1999:57-58).

The level of ambition in any given policy field is strongly correlated to the resources and capacity that the member state both is able to give, and chooses to give, to the designated policy area. This is an undeniable fact means that smaller member states are perhaps put under a greater strain than larger states. Nevertheless, successful
policy coordination also resides heavily on the information available to the decision-maker. As such, it is vital that the political leadership is aware of the consequences attached to a certain position, as a PR bureaucrat observes:

...there is a political prize to pay if you argue for an issue if you are one against fourteen, thus it is important that we communicate, in cases when one has a large majority against one’s position, the costs entailed by a continued resistance and argumentation. It is important that the political leadership is aware of those [costs]...
(interview 43, my remark)

This awareness is a crucial, but often underestimated, feature in determining a successful level of coordination ambition. It highlights one of the core problems in all aspects of delegation where there is a substantial risk that the designated agent has a clear informational ascendancy over the principal. The effective transfer of information from the agent to the principal is one of the most efficient ways to diminish the risks of agency loss. It is interesting to note that there does not seem to be any conclusive pillar-differentiated level of coordination ambition. Although some official texts indicate a slight difference, interviews with ministerial officials do not reflect any clear picture. While I had anticipated a higher level of policy coordination ambition on second pillar EU proposals (given the actual Swedish security and defence doctrine) this did not seem to be the case. Another interesting conclusion regarding the handling of CFSP issues is that Swedish neutrality does not seem to have any negative impact on the way in which Sweden is perceived by other member states, nor does Sweden according to interviewees (cf. interview 44) suffer from Sweden neutrality policy.

Reporting and monitoring requirements and Institutional checks

The ex post reporting requirements placed on the agents (civil servants in Brussels) by the principals (ministers and executive bureaucrats in Stockholm) can largely be categorised into two categories: (1) the reporting requirements which the agents themselves carry out and (2) the monitoring requirements which demand the collaboration of the principals (police patrols) or another third party (fire alarms).

The agents have largely only one monitoring requirement, and it is the writing of a report after the Brussels meeting. Reports have to be completed after every meeting in which Sweden has been represented as a member state (UD PM 1999:56) and is supposed to be delivered to the concerned ministry or ministries as well as the responsible intermediary officer at the UD-EU unit. A full report is to be made within 24 hours of the meeting, unless there are extenuating circumstances, in which case a short version of the report must be handed in within this 24-hour time-frame. When the report is filed at the responsible ministry, it is up to the ministry to take whatever actions are warranted by the report. Each ministry is expected, within its field of expertise, to keep itself well-informed on the proceedings of Council working groups, executive committees and expert committees within the Commission. The ministries must also maintain good contacts with Swedish indi-
individuals involved in these committees and in the drafting and discussion of the proposals (UD PM 1999:57). One of the major shortcomings to this procedure is that the principals are dependent on the agents’ reports. If accounts of shirking or other unacceptable behaviour are not included in the report (which is written by the agents), the chances of the principal knowing about it are slight. There is also the risk of agents employing a variant of the ratchet principle in order to avoid more demanding schedules in the future, i.e. agents might under-produce information. When it comes to controlling agents, it seems as if the agents themselves are perhaps better suited for monitoring each other than the principals, especially on questions of knowing whom a civil servant really represents, as the following example shows:

...you represent the Swedish government, and quite a lot of Swedish experts have had a hard time understanding this, especially in the beginning of our membership. It happened, right between our days as candidate country and member state, it was still under our EES days, that a Swedish delegate in a committee... preferred to take the position of his agency and I had, as representative for the Swedish government, to take it back at the next meeting... (interview 75)

Despite these problems, the intense communication between the PR in Brussels and Stockholm manages to take care of any eventual discrepancies between political preferences hammered out in Stockholm and negotiated positions in Brussels. Of course, most of these are cleared at the lower echelons, but some reach the very highest strata of the coordination system. In this respect it is interesting to note that sometimes it is the agents which call upon the principals to change their preferences unless they want to be faced with a fait accompli and “left out in the cold” in Brussels negotiations. In some cases, Brussels-based agents intervene and sound the alarm that either the instructions are worthless or that it is too late and that Sweden is about to lose a negotiation. How often this occurs is unclear (understandably so because of the sensitivity of the issue):

...it happens a couple or three times each year... (interview 75)

...yes, it happens, but less now than before. Once again I think that these [informal] Friday meetings canalises this type of signals so that they arrive early. You could very well say that... COREPER II and I ambassadors, work in a similar fashion to alarm clocks and they yell out when they think that our positions are untenable or otherwise seriously flawed. It happens once a while, I don’t know exactly, say around once every two weeks... (interview 10, my remark)

So even though it would seem as if sometimes mistakes are made and faulty instructions are sent to Brussels, this doesn’t happen as frequently as would require for it to become a problematic issue, at least on a formal level. As shown repeatedly in our description of institutions and processes in domestic coordination of EU issues, informal channels seem as (if not more) important than formal. One interpretation is to view PR officials as not much different from Lipsky’s street-level bureaucrats,
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applying their own set of norms and informal rules in their day-to-day routines, even in their reporting back to their principals.

Principals have one main monitoring mechanism to guard them from shirking amongst their bureaucrats: a *permanent police patrol*, namely the Council of Ministers. There ministers can see, at least theoretically, for themselves if any clear discrepancy between the government’s political preferences and their agents’ actions exists. Although in practice one might question the extent to which the ministers actually can detect such discrepancies without the direct aid of their agents at the PR. Another *ex ante* monitoring mechanism is the Tuesday consultative meeting where instructions to COREPER are cleared and altered to accommodate last minute changes. These control mechanisms are all (especially the council) of restricted value, since they presuppose agent participation (or assistance) in order to be effective. In fact, since Spring 2003, these meetings have been supplemented by an obligatory meeting in the Prime Minister’s Office concerning COREPER instructions (interview 51). These *Prime Minister’s Office meetings* were institutionalised in order to assure that the political leadership was constantly involved in EU matters (to avoid last minutes surprises), thus responding to many reports which had identified poor involvement as a main factor in EU coordination problems. For example, as early as 1997, a report written by central state secretaries and unit directors within the chancery (Prime Minister’s Office 1997) argued that the government’s EU-coordination lacked, among other things, sufficient political steering. Although interesting, the Friday lunch meetings were earlier described as a pre-emptive *ex ante* tool of coordination, half-way between an institutional check and police patrol, do not greatly serve that function. The main effect of the bimonthly meetings at the state secretary level is to assure that the broad political preferences are spread throughout the chancery and that any eventual major conflicts or misunderstanding are solved or circumnavigated – in other words, that the general goals for the Swedish EU policy in different policy fields are congruent.

The control mechanisms described above are of a more general character. It is understood that each policy field has its own police patrols. For example, within the framework of EU policies belonging to the second pillar, the institutionalization of the EUKORR as an additional control mechanism may possibly diminish the risk of agency failure. However, an assessment of this design and accountability mechanism should take into account the previously mentioned weaknesses of EUKORR’s efficiency.

*Asymmetrical information and preference formation*

In the theoretical chapters at the beginning of this dissertation, I discussed two major building blocks towards understanding the ways in which the relationship between principals and agents is shaped and I noted that they rest on the degree and knowledge of the information available to both actors and their preferences. Having made a difference between the political leadership within the different ministries in
the Swedish chancery and the bureaucrats employed at the same ministries, I am able to pinpoint to what extent they actually are involved in the coordination of EU issues at the domestic level and to what extent they hold clear preferences on issues discussed in Brussels. In the Swedish context, the political leadership of the ministries has been identified as the ministers, the state secretaries and the ministers’ closest political advisors and experts. Earlier observations point towards a bleak unwillingness to discuss EU issues at the highest strata of the government. Even though the Swedish government has institutionalised a system with a strong coordination of EU issues at the political level, these routines (such as the state secretaries’ Monday meetings) are still mainly restricted to the dealings of the state secretaries. This does not mean that the government’s preferences are shaped in isolation from the ministers and the mainstream of the political “currents” which run through the political centre of the Swedish government. But, it still seems as if much more of the work in defining the goals for and solutions to problems within the EU is left to the political, and sometimes politico-administrative, levels below ministers. This point is perhaps best expressed by a senior Swedish bureaucrat:

…I think that, especially since you are doing a study within political science, it is conspicuous, ever since we became members, how little time the government devotes to EU related issues...there seems to be a paucity of discussions in the government’s general drafting [allmän beredning] or in other ways in the government’s inner circle. I can say that without further ado... (interview 76, my remark)

As this quote indicate, it would seem that the highest echelon of the government, and indeed the government as a whole, spends little time and energy on discussing EU affairs or the impact of EU legislation on the domestic political reality. This is symptomatic with regards to the lack of political preferences or/and processes of political preference formation. It also substantiates earlier research (Jacobsson 2001:45-46) that points to lower levels (i.e. ministerial units and sections) as being the heart of the Swedish chancery, where much of the real decision-making is completed. Furthermore, it highlights a simple but yet distressing fact: ministers spend little time on EU issues and they tend to delegate reasonability for EU issues to state secretaries (especially organizational issues, see e.g. Persson 2003:220) or lower-ranking civil servants. This critique of the low salience of discussions on EU affairs is persistent and it remains even after some years have passed (when one could have anticipated a normalization of EU affairs in the government’s routine dealings):

...there is some discussion [within the government], but I would very much like to see more of this, especially recurring meetings where we could have a broader discussion on European matters.../.../now and then embryonic intentions [regarding those EU affairs] have surfaced within the Prime Minister’s Office and the circle closest to Prime Minister Göran Persson, but they have all been suppressed... (interview 42, my remarks)

This lack of discussion and of institutionalized (or recurring in the terms of the interviewer above) meetings where such a discussion of EU matters would take
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place is serious. While the government does handle EU issues in their regular drafting, it does not have a system of EU deliberation as ambitious as, for example, the Finnish system where the government as a whole meets on EU issues every Friday. It is somewhat troubling that the government does not make a greater effort to establish regular, recurring meetings where all ministers participate in discussions on both general and specific EU topics. That the Swedish government as a collective seems parsimonious in its discussion of EU issues makes a strong case for arguing that the formation of political preferences may actually take place lower in the echelons of the executive structure than first anticipated. This can be further illustrated by the following extracts from Stockholm-based officials:

...if different line ministries have different opinions then you have to solve it as soon as possible and if the questions is of higher magnitude then you have to take it to the political level, which means that the state secretaries call the state secretary for the Ministry of Finance and asks: "What are we going to do about this?", and then it gets decided...it is quite common. /.../...they have a continuous contact; they meet twice a week on the state secretary lunch and the state secretary meeting... (interview 37, my emphasis added)

...so generally you could say that it is more often the state secretary and less the minister...though if one requires political positions then maybe you take it to the state secretary this week and later you take it up to the minister the next week... (interview 92, similar opinion expressed in interview 94)

...very, very seldom [when asked how often unit directors and/or the political leadership of the ministry are involved in writing instructions] /.../...at most one out of 20 instructions [is cleared by the political leadership], we tend to handle this between desk officers... (interview 33)

What is noteworthy is that the state secretary is identified as the political level, but the ministers are barely mentioned (even in the rest of the interview). Their only allusion is in connection with the Council of Ministers; otherwise ministers do not appear in this or any other conversations I had with my interviewees. Moreover, individual ministers take part in EU issues in a predominantly reactive manner, i.e. the bureaucrats are the ones who handle issues and often argue whether this or that issue constitutes a political problem which has to be presented for a decision before the minister:

...it is on the civil servant level, no doubt about it [when asked about on which level a position is formed].../.../...the way in which we act means that most [of the positions] are hammered out at the civil servant level... (interview 91, my remarks, similar opinion voiced in interview 92)

This could be linked to the rather extreme informational asymmetry situation that characterizes the relationship between agents and principals, in this case between the representatives at the PR in Brussels and their counterpart in the line ministries:

...we live with them [PR bureaucrats in Brussels] in an almost physical way,... they lead us to the questions which need instructions...so we are very much into their
The degree of informational asymmetry can vary depending on a number of factors, but it is striking to see the extent to which, occasionally, the position of the agents versus their principal was so strong:

...our position was quite strong, we [the interviewee and his closest colleague at the RP] could in principle phone the minister whenever we felt that there was some snag on any [policy sphere mentioned] issue and we felt the need to straighten it out. We had amazingly easy contact to the state secretaries, which maybe not everyone has, mostly thanks to our seniority... (interview 93, my remarks)

The two extracts quoted above are also substantiated in other interviews and together they present a picture where it seems clear that the agents do have a strong impact on the ways in which the principals form their opinions. In the day-to-day business, the main sources of preference formation in EU issues are the career bureaucrats in Brussels and their counterparts within the ministries and, perhaps, the state secretaries. Does this constitute a problem? To some extent it does, because it hampers the free flow of information up to the principals and accordingly diminishes their abilities to make accurate decisions as well as shackling the principals' ability to formulate clear and durable preferences. Making the process of preference formation as efficient as possible includes giving the actor as much information as possible, since a preference formulated without all the necessary information almost automatically means that the preference is substandard and can be subject to revision (which in itself perhaps is not bad, but definitively energy consuming).

So how bad is the information asymmetry characterizing the relationship between Stockholm and Brussels? It could be argued, given that the principal still maintains the formative moment in the shaping of political preferences, that information asymmetry does not constitute a problem, that it is part of a normal policymaking environment, et cetera. To some degree this is accurate. The political leadership of individual line ministries might point out that the ministries have created their own procedures that convey the more politically sensitive issues to the minister. Such measures to facilitate EU coordination have been placed within the framework of already existing ministry structures, e.g. the Swedish Ministry of Sustainable Development has placed its unit responsible for the coordination of EU policies within the international unit, which handles issues linked to other international organisations. Although some ministries exhibit an institutional ingenuity as to the structuring of their internal handling of EU issues, such as the Ministry of Agriculture and Finance, most have not bothered to make explicit changes to accommodate the EU membership. What is highly problematic about the current procedures through which the information reaches the apex of the ministerial hierarchy is that all are heavily reliant on the bureaucrats themselves:
In turn, these bureaucrats are dependent on the information handed to them by civil servants from the PR. Still, it is clear that most of the preferences formulated at the domestic level on different EU issues originate from the lower levels of units and sections within ministries. Some issues, which are deemed political, are sent up through the hierarchy, but the decision to elevate an issue is often left to the bureaucrat (or his/her bureaucratic superior), inciting a reactive behaviour from ministers. What if the officials and their superiors within the ministry were to make a judgement about what is politically sensitive, and it differed from that of the political leadership of the ministry? The definition of what constitutes a political preference is not easily established as the example below shows:

...for example lets say we want to build up a capacity on civilian crisis management. It is not interesting whether we offer a 100 rescue service men or 50 lawyers. That is not what a political preference is, even though a bureaucrat can spend hours on that important subject... (interview 41)

Even though this bureaucrat seems extremely confident of what a political preference is, I remain more doubtful. Is the difference between 100 rescue service personnel and 50 lawyers really so negligible to the outcome in civilian crisis management? This controversy over what constitutes a political preference clearly articulates the difficulty in drawing the line between technical issues and political standpoints. All the same, it is clear that the procedure to establish what indeed is political and what is technical is often left to the bureaucrats. They are the ones who make proposals and submit them for political validation of a minister or a state secretary, and often the validation comes in very late:

...it is there, in the dialogue between bureaucrats and ministers that much of politics is shaped.../.../...but of course, it is our [bureaucrat’s] job to present proposals, so there are no comprehensive proposals from [the minister], but a wish or a political orientation so to speak and consequently a political preference in my opinion... (interview 41, my remarks)

...in the best of worlds, the position and prioritization would be settled very early.../.../...but it does not work that way, often bureaucrats work with the proposal a very long time and then the minister comes in when the issue reaches the CORE-PER and it may be the first time that the minister is seriously faced with the question... (interview 11, emphasis added)

The dialogue referred to above depends to a large extent on the willingness of bureaucrats to bring issues to their ministers but also to a large extent to the willingness of Swedish politicians and politically-appointed civil servants to articulate their own preferences by spending time and energy on EU issues – something which has
been either too politically costly to do (the EU being something of a hot potato for principals because of the Swedish public’s strong negative attitude towards membership) or simply redundant because the political priorities have already been made by bureaucratic agents. Both my interviews and previous research (e.g. Jacobsson 2001 and Sundström 1999) confirm the lack of interest (or ability) of politicians as one of the major weaknesses of the present Swedish system.

**Late reform of the coordination of EU issues in Stockholm**

On the 14th of September 2004, the Swedish prime minister announced from the Swedish parliament’s rostrum that “responsibility for the coordination of EU issues is moved from the Ministry of Foreign Affairs to the Prime Minister’s Office” (Regeringen 2004a). This sudden development in the internal and domestic handling of EU affairs exemplifies in a dramatic way the suddenness of the institutional change and the conditions under which researchers live (previously mentioned in chapter three). However, early signals from different interviewees and resource persons indicated that a change was not imminent. On 28 January 2003 the Prime Minister’s Office issued a press release commenting on the Landahl report (Landahl 2003), and in which State Secretary Lars Danielsson pointed out that:

> Important issues which are discussed in the report are the role of the state secretaries within the ministries and the organization and leadership of EU affairs. ... Transferring the civil servants responsible for horizontal EU affairs from the Foreign Ministry to the Prime Minister’s Office is however not considered at this time. (Regeringen 2003a)

Less than two years after this statement, in a reversal of that position, Prime Minister Persson announced that the responsibility for the coordination of EU issues would be transferred from the Foreign Ministry to the Prime Minister’s Office. It would appear as if something dramatic had happened during those twenty months or perhaps at the time State Secretary Danielsson was unaware of the prime minister’s intention to relocate the UD-EU unit. (The relocated unit’s English official designation is "EU coordination secretariat" [Kansliet för samordning av EU-frågor]; the short Swedish appellation often used is SB EU-kansliet, hereinafter abbreviated SB-EU). But, both interpretations appear somewhat flawed since there is evidence that the question of horizontal coordination of EU issues had been for some time studied and debated within the Prime Minister’s Office (cf. Persson 2003). At an early stage (long before Landahl made his report) the matter was even studied in an internal study (Prime Minister’s Office 1997) directed by state secretary Lars Danielsson. Among the contributors and participants were civil servants from different ministries and some from the Swedish permanent representation in Brussels. If we compare the recommendations made by the Landahl report to the ones presented in the Danielsson report, we find both similarities and differences. First, both reports emphasise the need for reform and for greater political control of EU issues. In the Danielsson report, two options were presented: (i) increased
responsibility for the Prime Minister’s Office (i.e. moving the UD-EU unit into the Prime Minister’s Office) or (2) incremental reforms to adjust the roles and functions of EU coordination (cf. Prime Minister’s Office 1997). In the Landahl report, the main suggestion made is concurrent with the first recommendation of the Danielsson report. This indicates that the reformation of the central government’s processes and institutional structures for coordinating EU issues have been under way for a long time. Indeed, one might be as bold as to state that a degree of awareness and discontent towards the way in which EU coordination was handled emerged very early within the top levels of the Swedish government. In fact, a plan for a reform existed as early as 2002, as one of my interviewees stated at that time:

...yes, there is a plan for a reform, but no one has seen it yet... (interview 41)

Many interviewees argue that the coordination of EU issues should be moved to the Prime Minister’s Office (cf. interviews 54, 59). However, many also point out that this would go against a very strong tradition within Swedish government (sometimes designated the Erlander tradition, see e.g. interview 41), which maintains that the Prime Minister’s Office should be kept at a minimal staffing level. It is at this stage too early to delve deeper into details and into considerations of the causes and the effects of this reform, although it should be emphasised that the subject is worth more attention. Future research should actively seek to explain and comprehend the reasons for the move of the unit responsible for coordination of EU affairs from the Foreign Ministry to the Prime Minister’s Office as well as seek to establish an evaluation of the reform. Some of my interviewees voiced interesting speculations as to why the Landahl report was not implemented directly after its completion. One stated that it was because of a strong disapproval of the reform from the late Foreign Minister Anna Lindh (and indirectly because she had an influential position within the social democrat government). According to the interviewee, Lindh did not wish the EU coordinating functions to leave the Swedish Foreign Ministry (interview 52, similar statement in 18)."

As to this date, my own preliminary assessment of the reform is that it will bring the coordination structure closer to the political nucleus of the government. This also strengthens the case made by other researchers concerning the increasing domestic power of prime ministers (Aylott 2005a, Arter 2004) as the Prime Minister’s Office is reinforced with additional policymaking and coordinating resources. With reference to our research case, this has both positive and negative implications. On the positive side is the increased control that political principals can exert through the SB-EU unit. This would indeed increase the potential coordinating clout of the unit and remedy the lack of political impulse which has been exposed by many earlier reports. A potential danger resides in the fact that the reform is (once again) the result of a consensus. The permanent representation still remains under the tutelage of the Ministry of Foreign Affairs, and, consequently, small risks of interministerial clashes are still present (some of the interviewees argue that putting the PR subordinate to the SB-EU would be more natural, cf. interview 18). Further-
more, the old principles concerning drafting instruction are not changed. It is still up to individual counsellors at the ministries to write instructions; the counsellors at the SB-EU unit will only review these and their content on horizontal matters and to some extent negotiation aspects (such as whether or not adequate second-hand positions are explicitly stated in the instructions or are they enough robust arguments for the Swedish position, et cetera). In fact, only the formal COREPER instructions are sent from the SB-EU unit while instructions to working group meetings are sent by the individual ministries’ counsellors. This creates a multiple principals situation that can exert pressure on the delegation as agents receive instructions from different sources in working group and COREPER negotiations. The reform might (though it is too early to say for certain today) be characterized as too partial to obtain substantial wins in delegation and accountability efficiency, primarily because it leaves the permanent representation out of the picture.

On the domestic level, the organizational reform which created the SB-EU unit also had personnel reverberations since not all UD-EU personnel could get a position within SB-EU. Out of the 25 persons employed at the SB-EU unit today,” 11 came from the UD-EU unit, seven were recruited from other units within the Foreign Ministry, six from other ministries and units within the chancery and one was drafted from the European Commission. The dominance of the Foreign Ministry is still felt as all of the executive functions (one director and three deputy directors) and the four positions as legal counsellors were filled by Foreign Ministry personnel. Some critic has been voiced over the fact that exactly the same persons who were senior staff at the UD-EU are now in the same position in the new SB-EU unit (according to interview 18). Still, six months after its initial creation two Foreign Ministry originating counsellors (out of the 13 counsellors) at the SB-EU unit have left their office and were replaced by employees from other ministries.
1 For an interesting study on opinions, debates and decisions on EU membership in Scandinavian countries for the period 1961-1994, see Kite (1996).

2 The reader should here be reminded that I specify the concept of efficiency and efficient delegation in chapter two.

3 Lidström (2003:25-49) covers the Nordic tradition of local governments and their autonomy, the Swedish tradition of local independence is dealt by Gustafsson (1999), Petersson (2000). For a discussion on the concept of local government autonomy, see Bengtsson (2002).

4 Pierre’s insinuation of the Ministry of Home Affairs as “dysfunctional” is probably based principally on the problems encountered during the free-commune experiment under the 1980s, which engendered a lot of turf-battles between the Ministry of Home Affairs and other ministries. For a study on the free-commune experiment, see Strömberg (1990).

5 This ministry was commonly referred to as the Super Ministry. On the 31 of December 1998, the Ministries of Communication [Kommunikation], Employment [Arbetsmarknad] and Interior [Inrikes, actually the old Ministry of Home Affairs] were abolished and “reappeared” under the mantle of the Ministry of Industry, Employment and Communication. For an excellent analysis of the history behind this so-called super-ministry, cf. Persson (2003:144-82).

6 As Linde (1982) points out, there exist two types of ministerial encroachment, vertical (in which case a minister unlawfully influences the administration) and horizontal (when a minister intrudes into another ministry’s field). Wockelberg (2003:21) notes that one usually visualizes vertical ministerial encroachment when addressing the issue of illicit influence by ministers, though she also accurately observes that preliminary studies (Hammargren 2002) show that cases of horizontal ministerial encroachment are convey to the Swedish parliament’s standing committee on the constitution for further investigation.

7 Larsson (1994:173) states that, all in all, there are four types of decisions that do not require collective governmental decision: (1) some decisions made by the foreign minister, (2) some issues for which the minister of defence is responsible, (3) personnel management on organisational issues within ministries and (4) a few unimportant matters which the government as a collective body can delegate to individual ministers.

8 Though sometimes the responsibility for the implementation of a policy or project falls on a ministerial unit, as is the case with the LIP-program, see e.g. Vifell (2003:36 footnote 80), I’m indebted to Eva Mineur for drawing my attention to this fact.

9 Almost half of the ministerial workforce is represented by the Foreign Ministry and especially its large workforce of diplomats. These numbers were established through my own calculations, which were in turn based on material provided to me by Anника Wallerå at the Central Statistical Office [better known under its Swedish ellipsis: SCB, Statistiska Centralbyrå], see email correspondence with Wallerå (2001). The data (from 1999) includes fulltime as well as part-time employees. The relationship between the chancery and the public authorities is summarily studied in e.g. Molander et al. (2002).

10 For an excellent comparative analysis of Swedish (and Polish) adaptive organizations and cognitive processes in connection to EU accession, see Eklund (2005).

11 As a result of the administrative reform, the functions of the UD-EU unit were transferred to a new unit under the Prime Minister’s Office. Magnus Robach, former head of the UD-EU unit was named head of the new unit under the Prime Minister’s Office, while Håkan Emsgård was appointed as head of the Foreign Ministry unit.

12 Pierre (1995a:157, footnote 3) argues that the perhaps most important reason for the creation of the Prime Minister’s Office is a national security scandal of undeniably sizeable proportions: The so-called Wennerström incident. This incident was later analysed by a Commission which found that the prime minister was so understaffed that crucial information, such as suspicions about Wennerström being a Soviet agent, never came to the Prime Minister Tage Erlander’s knowledge.
Later on his staff was expanded somewhat to include over the years, amongst others, Olof Palme, Ingvar Carlsson, Allan Larsson, Jan O. Karlsson, Olle Svenning, and Anders Ferm (cf. Erlander 2001:XXIV-XXV).

When referring to the concept of cabinet as individual minister’s closest advisors I will write the term in italics, cabinet, something I will not do when referring to the concept of “cabinet” as “government”.

The social democratic government also undertook several talks with the opposition concerning the coordination of EU issues. One of the most adamant believer in the role of the Prime Minister’s Office as the nucleus of the Swedish organization of EU coordination was Carl Bildt (interview 10).

Though the importance of this specific meeting of state secretaries could be questioned, in a questionnaire to chancery officials Sundström (1999:65) shows that bureaucrats have in 39% no contact at all and in 42% had contacts a couple of times each year with the state secretaries’ EU-drafting meeting.

According to interviewee 25 it was Prime Minister Thatcher who created this procedure.

Interestingly enough, a centrally placed chancery bureaucrat states that representatives from the ministry for sustainable development have never been part of any Friday meetings he has participated in, but that e.g. the director of SIEPS (Swedish Institute for European Political Studies) had taken part in some meetings from time to time, (interview 36).

Some of the demands stated in these paragraphs are nearly impossible. How does one e.g. define and uphold “good contact to other EU intermediaries”?

In 2003 Fi/BA held approximately 70 employees (divided on eight divisions), while Fi/IA had a staff of only 35 (but spread out on only three divisions); see http://finans.regeringen.se/dettsa/ansvar.htm visited May 1st 2003.

See previous chapter, in addition the Fi/IA was responsible for co-ordinating the Ministry’s preparations for the Swedish Presidency of the EU.

The correct acronym is CESDP, which stands for Common European Security and Defence Policy, although most Swedish bureaucrats use the shorter ellipsis ESDP that I will use consequently when addressing the EU’s security and defence policy.

RELEX is a committee, which examines the financial, legal and institutional aspects of proposals made within the framework of the CFSP. It prepares both the work of COREPER and of PSC (although lately increasingly the latter). One could also specify its mode of operation by mentioning that a usual modus operandi is that when a political agreement is reached within the PSC the issue is sent to RELEX, which hammers out the details, and then later RELEX sends back the proposal for final approval.

There are foremost five committees and work groups which are directly linked to the PSC. These are: (1) the RELEX group, which assists the work of senior committees (COREPER and PSC) with legal and financial analyses, (2) the committee for civilian aspects of crisis management (CIVCOM) which gives recommendations on the political characteristics of non-military crisis management and conflict prevention, (3) the politico-military group which gives advice to the PSC on all politico-military aspects of every CFSP proposal, (4) the European Union military Staff (EUMS) group which provides expertise a support to ESPD initiatives and (5) the European Union military committee (EUMC) is the leading military EU committee as it is composed of the national chiefs of defence (through their military representatives) and it exercises military direction in all EU military operations (including the EUMS, which is subordinate to the EUMC). There are also other subordinated working groups which do not work exclusively on CFSP matters, such as geographical (Africa, Asia, etc) and functional (terrorism, drugs, etc) Council working groups, see http://europa.eu.int/comm/external_relations/cfsp/intro/ visited June 29th 2005.

An issue discussed at the PSC meeting, April 4th 2003.

Thus it would seem that the influence of Swedish interest organisations at the domestic level is weaker than their Danish counterpart which are guaranteed a certain level of influence in the prepara-
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In my opinion, this problem verges on the more general and pressing question raised by Hadar Cars (MP for the liberal party in the 1990s and former trade minister 1978-79) at a SIEPS hearing (October 15th 2002, see http://www.sieps.se/_eng/arkiv.htm). Cars argued that a growing problem with EU legislation in the Swedish context was that it was not possible for the Riksdag to use the consultation process [remissförarande] when adopting EU laws. The national legislator’s abilities to both consult civil society and its organizations and (based on their advices and comments) revise/improve legislation is lost or at least severely reduced. I fully endorse Cars’s concern and I would argue that this is a serious blow, in the long run, to the legitimacy of EU legislation and could, in my opinion, seriously undermine the legitimacy of the EU itself.


For an example see citation in left column in Dagens Nyheter November 5th 2001, p.A7.

See e.g. Andersson (2001a). However the critic does not pass unanswered, see Danielsson (2001) for a retort to Andersson’s article or Bryntesson (2001). Another incident that admittedly pointed to a lack of information from the government to the committee was the one reported to the standing constitutional committee by Swedish MPs Mats Odell and Ingvar Svensson, (see letter to the standing constitutional committee from November 19th 2002, Dnr: RD 2002/03-050-108(1)).

One such incident was reported to the parliamentary standing committee on the constitution (hereby abbreviated SCC), the main body of parliamentary control of the executive, and was deemed a breach of the mandate given by the EU committee; see Konstitutionoutskottets betänkande (1998:40).

The Finnish Parliament’s [Eduskunta] EU committee is called Grand since it is comprised of more MPs than other standing parliamentary committees (cf. Raunio and Wiberg 2000:79 footnote 8).

It is interesting to note that in the UK, the ministries are also responsible for sending explanatory memoranda to UK MEPs and not only, as is the case in most member states to domestic political actors, see Kassim (2000a:37 footnote 16).

The so-called Monday notes are an institutional innovation, which was implemented by former head of the Swedish PR Gunnar Lund. It is basically a summary of the points (mostly used for COREPER meetings, cf. interview 93) with tentative formulation of instructions. These are sent on Monday mornings from the PR to the individual ministries and bureaucrats involved in drafting instructions in Stockholm, see next chapter.

The commented agenda is the forthcoming PSC meeting’s agenda with comments from official at the PR describing what issues are important and which course of action should be followed. It is not as detailed and extensive as the Monday notes which the PR sends regarding issues to be drafted at upcoming COREPER meetings the same week.

Certain directive and legislative proposals take 20 up to 25 years before they are enacted.

See e.g. press release (Brogren 2001) concerning the 2001 yearly attitude survey amongst employees at the chancery and also Landahl (2003:50). Another example is a study by Jacobsson and Sundstrom (1999) which clearly validates the well-know informal fact that Fi/BA is a regular “enemy” and/or interlocutor to/with other chancery units, this is confirmed by many interviewees (see e.g. interview 94).

The Whitehall model has foremost three distinguishing characteristics: First, that the civil service is a single body. Second, the civil service was recruited on the basis of meritocracy. The third characteristic being that the politicians are dependent on the bureaucracy both for the implementation and
advice of policies; see Wilson and Barker (2003:349-50). By Whitehall pluralism I refer to a concept introduced by Wilson, which could be exemplified by the following excerpt: “...most important, is the acceptance of a form of neo-pluralism by civil servants within the Ministry. They argue in private that the ramifications of any change in policy are too great for any one ministry to appreciate. /.../ another civil servant explicitly compared the Ministry’s role to that of an advocate in a British or American court. He should, without illegality or conscious dishonesty, present his client’s...case capably, trusting that wisdom and truth will emerge from a clash of opinion and evidence” (Wilson 1977:45).

“Antagonists of academic taciturn prose will correctly point out that ex ante reporting and monitoring requirements are quite logically impossible.

Some of my interviewees did not acknowledge that such mistakes were made, and some of them were actually disturbed by questions making allusion to such actions, see e.g. interview 92.

See Lipsky (1980) or Winter (2000) for a more recent application of PA models in conjecture with Lipsky’s “axioms”.

According to desk officer Kristian Seth, see email correspondence with Seth (2005).

The other participants in the drafting of this report were former state secretary for regional issues Jan Grönlund, deputy permanent representative in Brussels Lars-Olof Lindgren, head of the UD-Ei unit Sven-Olof Petersson and the director of the UD-EUS unit Maj-Britt Grufberg (see table 5.2).

The only study that I am aware of that, to this date, tries to explain the reform is Larsson (2005), though some of my interviewees discuss the subject.

Indeed, interviewee 52 emphasized the impact that individual actors have over institutional reforms. For example, the same interviewee also stated that the strong electoral support of Joschka Fischer, then foreign minister, was one of the main reasons why the reform to strengthen the role of German EU coordination and policy-making within the German Chancellor’s Office (to the detriment of the German Foreign Ministry) was postponed.

Another risk is that the SB-EU unit will be overwhelmed with questions and demands for coordination/arbitrage, (cf. interview 19).

The 25 employees at the SB-EU unit are one director, three deputy directors and section directors, 13 counsellors, four lawyers and four assistants; see email correspondence with Seth (2005).
This chapter concentrates on the case at hand, namely the Swedish permanent representation. After a thorough examination of the institution and its main actors, I will describe its main functions and tasks as well as standard operating procedures. A preliminary analysis will be given in form of concluding remarks at the end of the chapter.

The Swedish permanent representation (PR) was, much like other member states’ permanent representations, developed out of the original Swedish delegation to the European Communities. The latter was set up during the early 1960s within the Swedish embassy to Belgium. From the delegation’s existing structure the permanent representation grew to become Sweden’s largest overseas diplomatic mission and, according to some (Mazey 2001:265), also one of the EU’s largest permanent representations. In the description below I explain how the representatives posted to the Swedish PR in Brussels act in their dealings towards their capital (Stockholm). The description is quite concise: I have purposively omitted several functions and tasks through which the PR officials can and do exert influence in the name of Swedish interests. Again, keeping my focus on the Brussels-to-Stockholm interactions, I have not analyzed the contacts between the Commission and the representation’s personnel, or the increasing contacts between attachés and their liaison officers within the European Parliament, especially over conciliation committee issues. PR bureaucrats also have dealings with many other Brussels-based actors as well as numerous lobbying firms and associations that try to discuss issues and proposals with the Swedish representatives — but this is another story altogether; our focus is on the dealings between Brussels and Stockholm.

Personnel and Organization

During the organization’s short period of existence, the Swedish PR has grown considerably. From the period that Lars Anell was head of the Swedish mission to the EC (a post he left in November 1994), to Gunnar Lund’s third year as COREPER II ambassador and head of the PR (in 2002), the Swedish diplomatic mission to the EU almost doubled from 35 to 69 senior officials (Mazey 2001:265, email correspondence with Ström 2002 and Lindström 2002). By 2002 the Swedish representation had a staff of 110, including locally employed personnel and envoys
from Sweden, quite impressive considering its size. Organizationally the permanent representation was divided into fourteen divisions, corresponding to areas of responsibility. In 2002 these divisions were: (1) executive section and coordination, (2) common foreign and security policy, (3) foreign relations, (4) European Parliament, “inter-institutional” questions, (5) judicial and home affairs, internal market and intergovernmental conferences, (6) economy and finance, (7) agriculture and fishery, (8) environment, (9) health issues, (10) employment and social issues, (11) industry, energy and regional policy, (12) transport and communication, (13) education and research and (14) culture and media.

The rationale for the Swedish PR setting up these divisions was to mirror the Council’s organization of meetings. In this way, the Swedish organization corresponds to the workload and tempo of the different Councils. Another factor is the influence of COREPER since most permanent representations organize their structure around its workings. Certainly, this appears to be the case in Sweden, though no formal links exist from individual sections to the coordination and executive section, which handles COREPER meetings and COREPER coordination through Antici and Mertens representatives. However, more or less formal coordinating meetings are held before COREPER meetings.

The large number of sections indicates a rather inflexible structure in place at the Swedish permanent representation. To provide a contrasting picture I only have to observe the British permanent representation (UKREP), considered by many in 2002 to be the most effective negotiating national delegation out of the then-fifteen member states (cf. interviews 25, 27, 32). The British style shows that the PR’s structure need not be as rigid or segmented as it is in certain cases, notably the Swedish case. The UKREP has only eight policy sections and these are not water-tight compartments. That kind of flexible and section-breeching organization is not something which the Swedish PR has managed to put in the foreground of its institutional design (though some Swedish PR bureaucrats have multiple fields of expertise).

Another factor influencing the Swedish PR structure comes from the rather extensive and intensive influence which ministries have in the permanent representation’s day-to-day work. As stated in the joint evaluation report by the Swedish Ministry of Foreign Affairs and the Swedish Agency for Public Management [Statskontoret]: “The Swedish [permanent] representation’s organization and assignment of affairs mirrors in most part the Swedish administration’s division of policy issues” (UD PM 1998:15, my remark). This transference of clear demarcation lines between different policy sections within the PR is also something which several chancery civil servants notice when arriving at the PR:

…I noticed this when I first arrived, particularly this tendency to sectioning, that the representation was breaking up into small sections. Mostly because many [officials] are from different ministries and they experience a sustained strong affiliation to their ministries, sometimes stronger than their attachment to the [permanent] representation. This is something I did not like. In addition, I would argue
that it was detrimental to the efficiency for the work down there and the comfort at work as well as the workplace solidarity. /.../ As I see it, it would be advantageous to /.../... change routines so that when an official from the chancery takes office down there [at the PR], then, at least in administrative terms, the relation to his/her ministry should be cut off... (interview 76, my remarks)

...I believe that this is partly related to the fact that we aren’t that well integrated [referring back to the mentioned compartmentalization of the PR]... because such water-tight bulkheads exist between different sections, then one can’t take advantage of any flexibility... (interview 77, my remark)

The problem to which this last quote alludes is primarily that the attachés continue to be formally employed by their home ministries. The special attachés sent to the PR from line ministries have their salaries and benefits decided by their respective home ministries rather than the head of mission, in this case the permanent representative and COREPER II ambassador. Consequently, there is a multiple principal situation (see chapter two) for agents sent to the permanent representation, since the agents have both their ministerial superiors and the head of the permanent representation as potential principals. This has been the root of several disagreements between personnel at the representation and, since home ministries in Stockholm set salaries, this contributes to a certain degree of inflexibility, as stated by an early evaluation report of the PR:

Many [Swedish PR interviewees] mention that an obvious reason for the strong affinity [between special attachés from ministries and their home ministries] is that their own ministry finances both attachés and many of the locally employed officials. The consequence being that the attachés and the local officials see the ministry that financed their employment as their actual employer. (UD PM 1998:47, my remarks)

These factors are in addition to more natural side-effects of being accredited to the permanent representation from a position within a ministry or central agency in Sweden. Since officials tend to have their work friends and other acquaintances — indeed, their entire network — back home in Sweden, they tend to feel more solidarity with the rest of the ministry than with the personnel at the permanent representation. Furthermore, the very specialized and technical nature of the special attachés’ work assignments also tends to increase the segmentation of the permanent representation, which strengthens the intra-policy delegation between individual officials and their ministries.

The status of the permanent representation

Each institution has a legal and administrative status which in turn reflects itself in the institution’s relation to other institutional actors. In this way the Swedish permanent representation in Brussels is not any different to other institutions. The PR is Sweden’s largest overseas delegation, much larger than the Swedish permanent mission to the UN headquarters in New York or the Swedish mission to the nu-
merous international organizations in Geneva. The legal status of the PR is identical to the status of all other overseas representations and missions to international organizations as well as bilateral embassies which is provided by decree 1992:247 with instructions for the foreign representation. The decree gives a very broad definition of what is included in the assignments of the permanent representation, as shown below:

23 § A delegation to an international organization shall: 1. follow the development of issues treated within the organization, 2. represent Sweden at the organization’s meetings, 3. take part in and analyze proposals and decisions which could be of interest to Sweden, 4. keep in contact with the representatives of the organization’s other member states and keep itself informed of these states’ positions in issues which could affect Sweden, 5. report to the Ministry for Foreign Affairs on the operations of the organization in issues which could be of interest for Sweden and on what the delegation has experienced of importance for Sweden’s relation to the organization, 6. report to the Ministry for Foreign Affairs what the delegation has experienced that could be of importance for the assessment of important international problems or of the general state of world affairs. (SFS 1992:557)

These formal guidelines are too broad and unspecific, particularly since they do not present any explicit priorities. Thus, much of the more practical work, for example, establishing routines for reporting back to the Foreign Ministry and representing Sweden’s interests within the international organization, remains to be worked out by the agents present within the structures of the permanent representation. A rather strange responsibility, considering the rather hefty workload already put on permanent representations and delegations at international organizations, is that delegations are also expected to report anything of interest that be useful in the general assessment of the over-all state of world affairs (§23:6). Surely, this task must appear to most attachés as rather onerous given their extensively specialized assignments. One could seriously wonder to what extent an official working with agricultural and veterinary EU issues would have the opportunity to retrieve information essential to the appraisal of the state of world affairs and to what extent she/he may actually find the time and resource to relay this information to the proper branch within the Foreign Ministry (or any other ministry for that matter). Furthermore, even though it seems logical to assume that one of the PR’s main tasks would be to represent Sweden in the organization’s meetings (§23:2), it must be kept in mind that this task is by no means monopolized by the PR. Many representatives at the working group level arrive directly from ministries or central agencies in Sweden. Thus, even though the officials in place at the PR do represent Sweden, they are not the only ones doing so. What seems to be the principal obligations of the officials at the Swedish permanent representation are foremost to keep in contact with the representatives of other member states, to keep themselves informed of those states’ positions on issues which could affect Sweden in negotiations (§23:4) and to report to the ministry for Foreign Affairs about the operations of the organization concerning issues which could be of interest for Sweden and about anything
else that the delegation deems of importance for Sweden’s relation to the organization (§23:5). Needless to say, these reporting requirements are most important in negotiations. Nevertheless, it should not be inferred that the PR officials consider the three first tasks, laid down in article 23, as unimportant or that these tasks are neglected by the PR – far from it. Instead, we should take into consideration that these tasks are also, to some degree, executed by other officials mainly based in ministries back home.

While the formal status of permanent representation is important, the way in which the institution is portrayed also matters. From this perspective, it is remarkable to see the changes which the permanent representation has gone through lately with regards to the Swedish government’s official web site. There, the permanent representation is, since 2005 portrayed alongside the regular ministries implying that the Swedish PR is a part of the government’s regular domestic structure. Of course the importance of this observation should not be exaggerated but it does signal that the status of the permanent representation is particular.

Despite the above-mentioned, in purely administrative terms, the permanent representation is a foreign mission [utlandsmyndighet]. The Swedish Foreign Service administration [Sveriges utrikesförvaltning] is composed of both the ministry for Foreign Affairs and the Foreign Service [utrikesrepresentationen]. The Swedish permanent representation is, according to §1 in the decree 1992:247, included in the categories of institutions belonging to the foreign services. This means that the PR can and should be treated as a foreign mission, and as such it is, from a purely administrative perspective, directly subordinated to the chancery [Regeringskansliet]. But, from a constitutional point of view, foreign missions are still independent administrative authorities that have to make own decisions regarding administrative issues. The apparently dualistic property of foreign missions sets them in a category of their own. When documents and official requests are sent to a foreign mission, they are registered through the use of registration number [diarienummer] in both the sending and receiving authorities’ records. This is equally true when the Foreign Ministry sends a document to an embassy or other foreign mission; it is treated as if it was sent to any other central authority or agency. However, at the same time foreign missions are exempted from certain requirements concerning financial accounting:

...foreign missions do not need to submit a request for appropriations, which central authorities must do to their ministry or to the chancery and they are also not required to produce any annual financial report... (interview 78)

Yet another detail within the framework of decree 1992:247 could create some confusion about the administrative and legal status of the permanent representations compared to other regular foreign missions. Article 26 states the following: “If several foreign missions exist in one country of operation, then the embassy in the country is responsible for the coordination of these foreign missions’ activities” (SFS 1992:558). One straightforward interpretation is that the Swedish embassy in
Brussels is responsible for the coordination of the activities at the PR, at the embassy and also at the Swedish mission to NATO. However, this is not actually the case since the PR solely decides on its activity and does not confer with the nearby embassy. The common reaction among officials to this paragraph’s unfortunate phrasing is that the correct interpretation should be that the embassy is given the possibility to coordinate other foreign missions’ activities in case of emergencies. Some officials feel that it is even more probable that this clause was put in by legislators to allow for the coordination of operations at the consulates by the main embassy in large countries, as the following answers to my inquiry show:

...indeed?...I didn’t know that...//...but couldn’t it be possible that in a truly critical situation, when security or connected matters are at stake...that it would then exist a sort of guidance from there [the embassy]?... (interview 76, my remark)

...but you are correct in that it is somewhat of an inconsistency here, that’s true...
(interview 78)

Still, the vagueness in such a central document as a decree governing the instructions to the whole of the Swedish Foreign Service seems peculiar. The same could also apply to other foreign missions, but it seems difficult to imagine that, for example, Jan Eliasson when he was ambassador to the US influencing and coordinating the operations of the representation in New York (headed in 2002 by Pierre Schori) or for that matter the consulate general in New York (headed in 2002 by Consul-General Olle Wästberg). We now turn to the post of head of the representation and his/her official duties. The only official post in the permanent representation nominated and selected by the government is the head of the PR, which invariably also acts as permanent representative, thus representing Sweden in COREPER II. He/she also takes on the responsibilities bestowed by the same decree, 1992:247, to the administrative head of any foreign mission, as stipulated by the following articles:

34 § The Head of a foreign mission shall ensure that the activities are conducted in a constitutional and efficient manner and that the mission improves and adapts to meet the requirements put upon it.

35 § The Head of a foreign mission shall: 1. arrange and project the activities, 2. supervise and contribute to the fulfilment of the schedule of activities, 3. follow up the operation and analyze the results. The Head of the mission shall seek to establish a good work environment and use and improve the employee’s knowledge, skills and experiences. The Head of mission shall also ensure that assignments are allocated within the mission so that each and every one gets assignments suited to him [sic]. The Head of mission shall ascertain that the employees are well with the goals of the mission’s operations. He [sic”] shall regularly inform the personnel on circumstances concerning the mission’s operations and organization.

...
44 § In issues which must be decided on by a foreign mission the Head of the mission makes a decision. The Head of the mission may, within the missions own rules of procedures or in particular decisions, delegate to other civil servants at the mission the right to decide on issues which do not demand the consent of the Head of the mission. (SFS 1992:559-561, my remark)

Thus, the head of the PR is free to delegate within the PR organization any responsibilities as she/he sees fit. However, this is complicated due to administrative rigidity and to problems resulting from the home ministries in Stockholm seemingly having too large influence on the work at the PR. This disrupts the efficient handling and coordination of Swedish EU policymaking in Brussels, and constrains delegation to other officials at the PR – at least according to article 4 in decree 1990:1108:

The superior for a special attaché is the Head of the foreign mission where the attaché is stationed. A special attaché at Sweden’s permanent representation to the EU shall follow the directive which the head of the representation gives. When the directive is given, the head of the representation shall take notice of the special attaché’s special area of responsibility and the assignments which the principal have assigned to the attaché. (SFS 1990:2020 changed through decree 1997:15, see SFS 1997:9-10, my remark and emphasis added)

Clearly, we can see that the compartmentalization is codified in a way which actually hinders the head of the representation’s ability to lead and coordinate “his/her” officials at the PR. Another aspect which deserves our attention is the administrative and economical operations of the representation. Why is this important? It is extremely vital to establish the financial and administrative status of the representation and of its operation because this reveals critical foundations in our analysis of the contract design established between the principal (i.e. the government) and the agents (i.e. their representatives in Brussels). I have earlier commented, in a comparative manner, on the evolution of the Swedish representation in purely staffing terms, i.e. the strength of the personnel based in Brussels at the PR. I now turn my attention to the financial part. Table 6.1 gives a short description of the evolution of the budget for the permanent representation during the years 1997-2005.

The figures in the table below quite obviously show that the volume of the operations has grown considerably within the period 1997-2001. We should be warned, however, that the figures in table 6.1 are flawed in one respect, making them harder to use for comparison. Beginning in June 2003 the Ministry of Foreign Affairs (which provided the numbers) no longer was allocated the remuneration of special attachés (i.e. officials sent from any other ministry other than the Foreign Ministry and/or from state agencies) as the cost of their wages was directly taken from the budgets of the ministries/agencies. Still the budget costs for the years 1997 through 2002 are comparable and they indicate a drop after 2001. Additionally, it is interesting to point out that the budget figures above do not include the costs for the presidency in the first half of 2001 (according to the persons which left me the numbers, I remain a little sceptical to this). The costs of the 2001 presidency (835 million SEK, cf. Beckman 2001:62) were assumed by the individual ministries with
some additional funding put up by the Swedish parliament, while the costs of the meetings which took place in Sweden were carried by the EU2001 secretariat, which was formally placed within the Ministry for Foreign Affairs (although it handled meetings in Sweden for all the ministries).

Table 6.1: Total budget costs for the Swedish permanent representation (1997-2005)

<table>
<thead>
<tr>
<th>Year</th>
<th>Costs (in million SEK)</th>
<th>Change from previous year (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>86.6</td>
<td>--</td>
</tr>
<tr>
<td>1998</td>
<td>97.4</td>
<td>12.5</td>
</tr>
<tr>
<td>1999</td>
<td>107.8</td>
<td>10.7</td>
</tr>
<tr>
<td>2000</td>
<td>126.7</td>
<td>17.5</td>
</tr>
<tr>
<td>2001</td>
<td>155.5</td>
<td>22.7</td>
</tr>
<tr>
<td>2002</td>
<td>138.0</td>
<td>-11.3</td>
</tr>
<tr>
<td>2003</td>
<td>116.6</td>
<td>-15.4</td>
</tr>
<tr>
<td>2004</td>
<td>105.3</td>
<td>-9.7</td>
</tr>
<tr>
<td>2005*</td>
<td>51.7</td>
<td>na</td>
</tr>
</tbody>
</table>

na: not applicable  *preliminary numbers for January – June 2005

Thus, one can conclude from these figures that the operations at the Swedish permanent representation increased dramatically during the period 1997 to 2001 (in fact, the costs have almost doubled from 1997 to 2001) and decreased thereafter. Total budget costs decreased between 2001 and 2002 (i.e. before the Foreign Ministry changed its accounting procedures) and, even though budget numbers for 2003 are flawed (with respect to comparison), the decrease of the total budget seems to be continuing beyond 2003.

In the discussion above I have tried to give a more formal illustration of the permanent representation and have described the institution in Brussels through its regulations and rules of procedures. I shall now ascertain to what extent this reality is reproduced in the practical day-to-day routine of the permanent representation. In the following section I highlight both the functions and tasks of COREPER level representatives and the attaché level (i.e. representatives involved in overall planning and drafting below COREPER level), in the framework of working groups in the Council, general overview and coordination of one or more policy domains, and/or in attaché groups. I start with the top echelons of the representation.
The leadership of the permanent representation

Sweden’s first ambassador to the EU was Lars Anell, appointed in 1992 as ambassador to the European Union when Sweden started its accession negotiations. Lars Anell commanded an impressive fluency in international negotiation (after having spent nearly seven years in Geneva as Sweden’s UN Ambassador and negotiator at the GATT Uruguay round) and was appointed ambassador by the bourgeois government of Carl Bildt, which governed from 1991 to 1994, to represent the Swedish government during the crucial admission negotiations at the Swedish delegation in Brussels. While this nomination could be analysed as contrary to the hypotheses made under principal-agent theory axioms (since he was a member of the Social Democratic party), some of my interviewees had logical explanations for it, as exemplified by this quote:

...but my guess is that Ulf [Ulf Dinkelspiel was European minister under the government Bildt] and Frank [Frank Belfrage, state secretary for European issues and Swedish chief negotiator under the government Bildt] said: “We are confident he [Lars Anell] will do the job right and at the same time he has good connections to the Social Democratic Party which means that he would be trusted”. I believe there was such a line of reasoning... (interview 28, my remarks)

Lars Anell headed the Swedish Delegation to the European Union between 1992 and 1994 and the Swedish permanent representation for seven months, from the time the admission negotiations were finished in April to a few weeks after the 1994 Swedish referendum in November. This decision to leave had been made by Anell much earlier and was not influenced by the outcome of the referendum.

Table 6.2: Swedish permanent and deputy permanent representatives (1992-2005)

<table>
<thead>
<tr>
<th>Permanent Representatives</th>
<th>Deputy Permanent Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002 – Sven-Olof Petersson</td>
<td></td>
</tr>
</tbody>
</table>

⁹ Although Sweden did not have an official permanent representation (and therefore a permanent representative) before 1995. Lars Anell worked as the Swedish government’s chief negotiator in Brussels and as head of the Swedish delegation.

Anell’s successor was Frank Belfrage, who gained the position of COREPER II ambassador and head of the Swedish permanent representation at Brussels in late November 1994 and stayed there until August 1999. Although Belfrage claimed no official party affiliation whatsoever, the appointment of a former state secretary for a bourgeois government to the post as ambassador and head of the PR in Brussels could be interpreted as returning the favour granted by the Bildt government’s appointment of Anell (according to interview 76). This may have reflected a form of common unofficial understanding between the two main political blocks (led by the
Social Democrats on one side and the Conservatives on the other) struggling for governmental powers in Sweden. The value of political signalling from potential agents is an important part of screening and selection criterion. Still explaining the choice of certain agents should also take into account the meritocratic values of these executive-level civil servants. Gunnar Lund replaced Frank Belfrage in August 1999. Lund was a highly experienced diplomat, especially in negotiations (cf. Hedström 2001b), who possessed a political fingerspitzegefühl, highly praised by the government. Indications are that Lund’s appointment was in part to his more intimate contact with the Social Democratic party, or as a chancery civil servant argues:

...one of the reasons why the government appointed Gunnar Lund as Ambassador in Brussels was exactly based on a wish to have an ambassador who had, so to speak, “political anchorage”. A person, who could..., with all due respect to his predecessor Frank Belfrage.../...be expected to deal with political issues... (interview 10)

Therefore, it seems fair to say that the trend of representatives and heads of the PR in Brussels having opposite party affiliation compared to the government was broken with the appointment of Gunnar Lund as permanent representative. Lund had worked as a state secretary for almost ten years, first at the Ministry of Finance and then as state secretary for EU issues between 1995 and 1999. During both Belfrage’s and Lund’s leadership Lars-Olof Lindgren served as COREPER I ambassador and deputy permanent representative. Lindgren’s experience endowed him with an accurate flair for what is and is not politically acceptable in international negotiations. Before coming to the PR he worked during the 1970s in the Swedish Trade Union Confederation [LO from the Swedish Landsorganisationen], which has historical connections with the Social Democrats, the leading Swedish government party. He also served as a political expert [politisk sakkunnig] to both Mats Hellström, former minister for the Social Democrats, and Anita Gradin, also former Social Democrat minister (before she became Sweden’s first commissioner). Thus, it appears that, for the most part, the leadership of the PR in Brussels displays explicit political affiliation. However, this in no way implies either that the permanent representative or the deputy have those positions only because of these above-mentioned political experiences. All Sweden’s permanent and deputy permanent representatives display unique experiences and solid insights in international negotiations, but they also display a genuine political connaissance.

The appointment of the PR leadership is important, especially in the light of our theoretical assumptions: namely, the anticipated constraining effects of party affiliation on potential agency loss as an ex ante screening and selection variable is clear. Though at first governments appointed bureaucrats with opposite political affiliation as chief negotiators and main representatives of Sweden to the EU, this trend quickly ended. Instead, it appears that adequate (in PA theory terms, i.e. coherent to the principal) political affiliation is required in order to get a top-level appointment in Brussels. In retrospect, it seems that the early appointments were tactical choices:
the bourgeois government wanted to secure the Social Democratic party’s support of the deal, which would result from membership negotiations, and thus appointed Lars Anell. In turn, the first Social Democratic government after Swedish EU membership returned the favour and appointed a former state secretary from the bourgeois government. Nevertheless, later trends show that the political affiliation of agents plays an important role in determining high-level appointments to the permanent representation in Brussels. Some suggest that the principals use political signals as key screening and selection variables in their agent selections (at least for the offices of permanent and deputy permanent representative), whereas, another interpretation of the same empirical evidence would suggest a growing politicization. This brings us to the question: How are the other agents (those below the executive COREPER level) at the Swedish permanent representation chosen?

Screening and selection mechanisms

Choosing which personnel to send to the permanent representation in Brussels is vital. As many of my interviews confirmed over and over again, it is the men and women which staff the positions of different institutions which make (or do not make) the difference. In the case of Sweden, the choice of which civil servant is chosen to work in Brussels is guided by the official and formal rule that civil servants from the chancery (and agencies) are allowed to compete for these positions through the regular screening and selection mechanisms governing all governmental positions. Or are they? Normally one would be inclined to believe that it is so, but the routines for selecting the Swedish government’s agents are somewhat different. Responding to questions about how the Swedish bureaucrats obtained their position at the PR, most of the interviewees answered that it was through their ministry of origin. Apparently, the normal procedure for appointing an agent in Brussels is through the ministry channel or as one of the PR counsellors puts it:

...all the line ministries recruit and send their own people to the positions of special attachés and council positions even though the Ministry of Foreign Affairs and the executive level here at the PR have their say with regards to the recruitment... (interview 21)

This view was also expressed in other interviews. But what is more explicit in both the interviews, and to some extent in the results from the questionnaire, is the tendency to designate agents by choice rather than by competition. One example is clearly, but perhaps inadvertently, given by one interviewee:

...I was a member of the recruitment team and had honestly not a thought about moving down there [to Brussels] myself when the recruitment process was initiated by our unit. But I was actually asked by both the secretary of state and the permanent under-secretary of state [expeditionschef] if I could take this position. But there was also a formal recruitment procedure. An ad was placed and there were several other applicants both within the ministry and from xxx [name of a state agency]... (interview 89, my remarks)
Though the case above is perhaps somewhat extreme — in that a person who would be involved in the recruitment process was actually asked by the political leadership of a ministry to apply for the position — it reflects, nevertheless, a common procedure through which positions at the PR are filled. Other interviewees (e.g. interviews 26, 23, 24, 41 and 77) were also asked by their superiors to apply — in effect, offering them the positions. Some were even persuaded to take their position “against their will” because their superior asked for their services (e.g. interview 59).

Out of the 21 valid responses to the questionnaire from Swedish PR bureaucrats, seven stated that they had been offered their position at the PR and one had been strongly encouraged, in fact asked, to apply for the position which he/she later received. Although I am cautious in generalizing results from the survey, the evidence from both the interviews and the questionnaire is that a number of positions as agents of the Swedish government in Brussels are designated through internal processes instead of a more formal and open-ended recruitment process. To what extent does this fact violate the idea of screening and selection mechanisms as a safeguard against agency loss? In many ways it does not, quite the contrary. It can be assumed that the principals have themselves conducted a thorough screening and selection process before giving the position to the designated agents. The problem is that the screening and selection process is hidden and does not allow for an open and fair process. If the agent has already been designated, why then bother with a formal recruitment process? Furthermore, by not setting a competition between potential agents over the position, the principal may lose both potential agents and the resultant positive effects of agent competition (cf. Lupia 2003:46 and chapter two). One possible cause for not employing formal recruitment processes for PR positions is the costs of screening new agents. Consequently, the principal may appoint known (but mediocre) agents rather than trying out unknown agents (or as the proverb goes: the devil you know beats the devil you don’t, and getting to know your ‘devil’, i.e. the agent, is costly). Another serious weakness linked to the selection mechanisms used to engage agents is the lack of a streamlined or common screening and selection process for the permanent representation. Since the head of the Swedish PR is officially the appointed agent’s employer, she/he has the right to refuse to employ a designated agent (chosen by a line ministry) — in practice it never happens. According to one interviewee (interview 53), the head of the Swedish permanent representation has only one time hindered a counsellor from taking office because he thought that the counsellor was not the appropriate candidate to take office in Brussels.

Contract design

According to both two former heads of chancery at the Swedish permanent representation and other interviewees the average time of a post at the PR is four years (two years plus an additional two years is the normal period). Some officials only stay for two to three (and in some cases up to five) years but such exceptions to the
normal term are rare. The variables that can be used to describe and evaluate the PR agent’s contract design are straightforward (see chapter two). They concern such items as rate of turnover, level of the agent’s compensation including salary and other remunerations attached the position, and other work conditions such as the establishment of compensation schemes or/and optional contract stipulations which include probationary periods or similar items. Though the empirical data analysis of these more formal aspects of contract design was not as fruitful as I hoped, certain facts and conclusions can be draw at this early stage.

First, it appears that the PR divisions described in an earlier section are reflected in the variants of contract design used at the permanent representation. Accordingly, we can, conclude that there exists a difference between officials to the representation from the Foreign Ministry and other ministries. Diplomats are stationed at the representation as a part of their “regular” overseas deployment phase in accordance with the rules of translocation duty which apply to Foreign Ministry civil servants, while attachés from line ministries are stationed according to governmental decisions for a determined period, which can however be extended. Even so, these differences in administrative terms do not seem to have a strong effect on the length of employment amongst officials at the representation. The levels of the Brussels-based national bureaucrats’ remunerations are no different from other remunerations and salaries handed out to officials working overseas. The authority being responsible for the level of allowances and other benefits to Foreign Service officials, the Swedish Board for Overseas Allowances [Statens Utlandslönenämnd], has no special rules applying to officials at the PR

In fact, the only (very slight) difference between other overseas missions and the permanent representation is that the Swedish government gives the permanent representation in Brussels a degree of priority other missions abroad. In this way, it strengthens the post of head and deputy head of the Swedish permanent representation and defines those positions as prestigious posts within the diplomatic sphere. The Swedish Board for Overseas Allowances places heads of missions (in our case the Swedish permanent representative to the EU), in the highest of its six different levels of function; such placement means that individuals in the category receive the highest level of allowances. The next highest level is restricted to the posts of (1) chargé d’affaires or deputy head of mission at embassies in Berlin, London, Moscow, Paris, Peking, Tokyo and Washington, (2) deputy head at permanent missions in Brussels, Geneva, and New York and (3) deputy heads, and responsible for development, at embassies in Nairobi, New Delhi, and Pretoria. From these rankings, we can see that it is not just the head of mission but also the deputy head of the permanent representation that are recognized in a leadership position and receives high levels of allowances to cover expenses tied to representation and diplomatic activities. Though this is clearly of symbolic meaning, in the contract design it remains an almost insignificant one.

Contract design also relates to other formal aspects such as wage setting. In this respect, the question of administrative assimilation and setting of wages is of some
Some interviewees argue that the head of the Swedish representation should have the power to use mechanisms like wage setting to motivate PR personnel, as expressed by the remarks of the following PR civil servant:

...if you are supposed to lead an organization, then you should dispose of all the instruments in your hand, including, and not least, the important wage instrument. That it should be the head of the permanent representation who decide whether or not [PR counsellors] get a raise. It [wage instrument] is always the most efficient management tool... (interview 76, my remarks)

Since the permanent representative is not the formal superior of the individual officials, at least in relation to wage setting, the contract design is less complicated. The corollary of this is that the delegation from domestic principals to their agents in Brussels is unimpeded: Brussels-based agents receive their salary from the domestic ministries (or agencies) from which they originate. Putting the head of the PR in the position of intermediary principal could create a potential disruptive situation where Brussels-based bureaucratic agents would have multiple principals (domestic ministry and the head of the PR). Many others argue a contrary picture, i.e. that more powers should be given to the permanent representative (cf. interview 79). One specific variable is the value of a stay in Brussels for the individual civil servant; one could expect that a post in one of the most prestigious diplomatic representations would be considered a positive benefit. Unfortunately, some agents find unpleasant ramifications of Brussels posting when they return home and find their regular posts occupied, according to a PR bureaucrat:

...the problem is that unfortunately the chancery [regeringskansliet] operates in a way that implies that those who have been down here tend to be forgotten. /.../
...often they have a hard time finding a job when they return. It works better with the Ministry of Foreign Affairs because [they] have this tradition of being stationed abroad and then returning home, but other ministries, especially the smaller ones, are worse off... (interview 40 my remarks)

This suggests that the specific skills and knowledge acquired in Brussels are perhaps not appreciated within Swedish administration to the extent anticipated by the agents, who have acquired this acute knowledge of EU lawmaking. Even more worrisome is that the experience referred to by the interviewees occurs after some ten years of EU membership. Of course, this does not address questions such as; what are the functions and tasks of the permanent representation and its staff? Which skills and other asset specificities are acquired in this institution? However, it clearly indicates that the effects of a stay at the permanent representation on an agent’s career can be ambiguous. Whether the difficulties coupled to a stay in Brussels is part of a larger problem or not is at this stage not possible to say. It could be possible to say that Brussels as a whole is an underestimated place within Swedish bureaucracy. Appointing Swedish bureaucrats within the European administration (Commission, Council, EP, and ECJ...et cetera) is problematic:
...we had a quota [of all persons newly employed in the EU] of roughly four percent for the years 1995 through 1999. Today [2002] we have about one or ½ percent, so we are clearly below [our goal]. /.../ many that entered service between 1996 and 1998 are now leaving Brussels...some leave because they feel lonely and they didn’t get support from Sweden. So the situation is actually not that good... (interview 80)

This reveals a general attitude towards working with European issues and/or within European institutions, which is suspicious or at least not very enthusiastic.

Functions and tasks

The permanent representative and head of the permanent representation maintains a high profile in several respects. She/he is not only responsible for the representation in the important high-level COREPER II committee, but also regularly escorts the prime minister and foreign minister to the politically sensitive European Councils and General Affairs Councils. Furthermore, his/her role is especially prominent in the media compared to other officials at the Swedish permanent representation. The head of the PR is considered the first, and most important, representative of her/his member state within the EU, and this role as the principal representative is not restricted to the Council. All the other institutions, e.g. the EP and the Commission, view the permanent representative as the leading person if they want to get a message across to the Swedish government. As such, he/she becomes, in a sense, the representative of all official Swedish interests in Brussels. As well, the permanent representative plays a key leadership role internally within the PR. One of the representative’s routine functions is to hold weekly meetings with all members of the representation before COREPER II meeting. This takes place on a more formal and horizontal basis each Monday and includes all sections at the permanent representation. The purpose of this weekly coordinating meeting is to discuss and straighten out any eventual ambiguity about the upcoming week’s agendas of the working groups and COREPER. However, other than this horizontal meeting, coordination between sections within the representation seems to be very limited. This division of work in specific sections within the PR adversely affects the mission’s capacity for flexible modes of operation, yet on the other hand, it enhances the efficiency of coordination within each specific field. But what is the function and main task of a national civil servant working within a specific policy field? Both interviews and the questionnaire confirm that PR bureaucrats are more often in contact with their colleagues and other officials in Stockholm than with PR colleagues:

...many times direct contact with the actual official in this process is ensured, before we get our instructions, to make sure that everything is all right. So the instructions are just the end of a long drafting and preparation process. .../.../... In the working group, where the negotiation starts, I act upon instructions and report back home. We then discuss which should be our position for the next working
This tight communication between officials at the representation could be misinterpreted as a sign of perfect agreement between the two levels regarding instructions and assessments about the position of Swedish on different issues. This would, indeed, be a misinterpretation. Instead, this tight contact could rightly be interpreted as a description of the Brussels-based bureaucrats’ basic task: to report back. The personnel at the permanent representation point out that their mission is to do a Brussels-based assessment of Commission proposals, and to convey this Brussels' perspective to ministry officials in Stockholm, thereby allowing them to make their own, national judgment based on a realistic appraisal of the situation within the European context:

...this is exactly our role, to procure [information]. It is very hard to have a complete understanding in Stockholm on what the other fourteen member states believe is a realistic settlement. It is truly our role to say “This is not worth it fighting for, it’s counterproductive. We have to put ourselves on this level instead.”.../... evidently the Brussels view and the Stockholm view will be brought in line with each other, so that they finally coincide. It may sound as if conflicts sometimes arise, but I think that this seldom happens because everyone is aware that our role is to make a Brussels-based assessment and that Stockholm’s role is to make a national evaluation. It is natural that diverging opinions exists and that everyone is ready to adjust them to one common position... (interview 26, my remark)

The practical coordination and final position of Swedish representatives is often hammered out during intense discussion between personnel based in Brussels and their “mirror-officials” at the ministries. These close discussions between civil servants in Stockholm and Brussels also form the basis of a sort of security net in the cases where instructions actually do not reach the Brussels-based agents in time, as is explained below. According to the questionnaire, the personnel at the PR say that they do not even receive instructions on average 2.5 times each month. Most of them do not conceive this as an acute problem, and one of them maintained that

...when it comes to issues, which are well known and well prepared, I don’t need new instructions. I can use existing instructions and documents... (questionnaire swe 10)

Indeed, several of the interviewees based at the PR in Brussels stated that it is through intense contact with Stockholm that the eventual lack of instructions (or the sending of maladapted instructions) is best alleviated, as is made explicit by the following statements:

...all instructions are drafted with me before the final instruction is adopted. I have never received an impossible instruction... (questionnaire swe 18)

...we [at the PR] always demanded to see the draft of the instruction before it was sent.../...more than once we told them “no, this one is useless, rewrite it because I won’t follow it”... (interview 93)
The processes of receiving instructions from and reporting back to Stockholm for Brussels-based PR bureaucrats are rather unique for each Council working group. For COREPER, however, things work in a more structured way, as explained below.

The weekly process at the representation begins with the general meeting on Monday, with an overall review of the working group and COREPER meetings. At the start of its workweek, the officials at the representation also write “Monday notes” [måndagsnoter]. These Monday notes contain information about the issues that are up for consultation, discussion and/or decision in COREPER and include, for the most part, recommendations from the representation on which course of action would be preferred. The recommendations made by the official assigned to the specific issue and are conditional to the circumstances and assessments made by this official of the situation in Brussels.

...they are now a well rehearsed [part of the coordination process]...//...Stockholm was a little afraid at first that it was a way for the permanent representation to give itself instructions, but Stockholm has also reacted in a positive way and used them as input... (interview 51, my remark)

The following day, on Tuesday morning, briefings are held with COREPER representative and all concerned officials (i.e. officials who are responsible for policy fields within which issues will be discussed at COREPER meeting). Following this, the Antici official departs for a coordinating meeting with the Antici group, which prepares COREPER II meeting. The next deadline for the representation is Tuesday evening (or more often Tuesday night) when the instructions for the forthcoming COREPER meetings arrive from the UD-EU unit. These instructions are for COREPER meetings only; instructions for working group meetings are sent between officials and responsible representatives in Brussels as quickly as they are drafted back home, hopefully in good time before the actual working group’s meeting. Hence, late Tuesday evening a large stack of paper usually arrive through the representation’s fax machine:

...the evening or the night before [COREPER meetings] we get our instructions, a 100 pages big pile which provides us with the Swedish position on all propositions and issues... (interview 26, my remark)

The next day, early on Wednesday, yet another meeting is scheduled in which the instructions from Stockholm are discussed and revised, and revised Monday notes are written by the responsible official at the PR. These revised Monday notes include notes for speeches in English in the event that the representative wants to make a more formal statement. Issues are not treated in a formal manner at COREPER meetings, but the speech notes function as a basis for the more open statements made by the Swedish representative in COREPER (according to e.g. interview 76). As pointed out earlier, the above-mentioned timeline is only viable for COREPER coordination and instruction transfer. The working groups’ meeting schedules, and the accompanying timeframe for instructions and feedback to Stockholm, do not...
follow an easy weekly recurring pattern like the one described above for COREPER. Working group meetings are spread out over any say of the week in contrast to COREPER meetings, which are usually held on Wednesdays and Fridays.

For the permanent representative the average week often ends back home at the national capital, as the next weekly recurring meeting of interest for the permanent representative and his/her deputy is the Friday lunch session in Stockholm. This is a very informal lunch meeting with influential people at the highest level of the strata of the chancery (see previous chapter). Either the lunch is also attended by the permanent representative, or if the COREPER II ambassador is unable to attend the meeting; the deputy permanent representative. This meeting is very important and was one of the most noticeable changes made to the assignments of the representation following the 1998 review of its operations by a joint report from the Foreign Ministry and the Swedish Agency for Public Management [Statskontoret]. However, the value of this meeting concerning the routine operations of the permanent representation is conceivably restricted, especially since smaller day-to-day issues can hardly undergo any prolonged discussion within this high-level group. Even more important for the permanent representative is the so monthly breakfast, which the head of the Swedish permanent representation has with the prime minister and one or two additional advisors/ministers to the de facto head of state in Sweden. This “meeting” is detailed below.

This description of a normal routine week applies foremost to the routine of the permanent representatives; what about the rest of the personnel at the representation? First, some of the personnel are involved in working groups, although this does not apply to all officials at the PR. Certain attachés (though they represent a disappearing minority) do not represent Sweden in working groups or work exclusively on specific proposals from the Commission, but mainly see to the overall process and number of proposals within “their” policy domain. These differences are governed by different policy among ministries over sending officials to participate in working groups, e.g. none of the Ministry of Agriculture’s officials at the PR participate in any working group, while the Swedish Ministry of Sustainable Development has officials stationed in Brussels which regularly take part in working group meetings. Notwithstanding certain differences, most officials posted to the PR do participate in working groups, and these meetings tend to occupy most of the official’s time:

...you have from one to two meetings a week, depending on which group you belong to. This takes one to two days each week and then you have one day to prepare and one day to report back or do follow up work, in those cases, weeks go by pretty fast. Then you have to attend certain COREPER meetings when “your” issues have reach that level, and in some cases you might be summoned to the Council to assist when the proposals you have being in charge of is up for discussion. .../.../... in between these “permanent” meetings, you must find time to speak with your colleagues and you have to “sell” your different positions and to come up with creative proposals to different problems... (interview 26)
According to the questionnaire, Swedish PR bureaucrats spend an average of 56.7 hours each month in meetings with their European counterparts in Council working groups and/or COREPER meetings. Compared to the other Brussels-based work assignments defined in the questionnaire (e.g., such as meeting with civil servants from Sweden, meetings with other members of the Swedish PR, or meetings with Commission officials), this category is the most important one. No individual work task in Brussels took more time than the contact with European colleagues, though contact with national ministries took more time (see next section below). Of course, this does not apply to all bureaucrats at the permanent representation; individual officials stationed at the representation experience quite varying work environments and have their own routines. Concerning the time spent in Council working groups and COREPER meetings with their European colleagues from other national permanent representations, the answers ranged from 16 to 100 hours/month (see above for the average). However, the contacts with the Stockholm also were very important, as I demonstrate below.

Challenges and procedures at the Swedish PR

One of the main institutional characteristics of the Swedish permanent representation is its compartmentalization. This peculiar trait can be described from two different angles: (1) it can be viewed as a convict’s ball towed by the permanent representation; implying that the level of flexibility, which might allow an even more efficient handling of Swedish EU-policy coordination and preparation in Brussels, is not attained or (2) it can be viewed as an effect of efficient and unabridged delegation chains running directly from individual ministries to individual Brussels-based national civil servants. This difficulty could very well be resolved, despite its expected tenacity given that changes regarding EU policymaking structures (both at home in Stockholm and abroad in Brussels) and standard operating procedures remain, to certain extent, scarce and half-hearted. Certain changes implemented within the Swedish permanent representation predict an improvement, as is clearly expressed by a chancery civil servant:

...the first plan of operations which Gunnar Lund [at that time permanent representative to the EU, later on Gunnar Lund became vice-minister of Finance] drew up after that this report [joint report by Utrikesdepartementet and Statskontoret: UD PM (1998)] was made .../.../...If I remember correctly it was very hard for him to implement this plan. The criticism at the representation was very harsh. Because people believed that, they had much more in common with their home ministries...

/.../

...I have a feeling that, though I cannot prove this beyond the shadow of a doubt, Gunnar Lund’s continued persevering efforts to view and treat the representation as one unit in fact has yielded results. Because next time he drafted an operational plan, nobody said anything even though the operational plan was identical to the first one, it contained explicit details on each of the field of activity, goals for each operational field, and everybody kept quiet... (interview 78, my remarks)
It would seem that not only was reforming the permanent representation possible but it brought positive effects. Even so, we should note that this positive appraisal of the situation is not unanimously shared, however realistic it might be. Some doubts remain as to what degree the representation has successfully moved towards an organization free of perceptible ministry compartmentalization, as a PR official notes:

...we still have a lot to achieve both regarding this [the proceeding against the fragmentation of the PR] and the coordination at home. The conclusions which the working party [team responsible for writing UD PM (1998)] reached are still valid.../.../...we have accomplished quite a lot on the administrative side, but not to the extent that I would like to see... (interview 77, my remarks)

Still efforts are being made to break what is, at least at the executive level of the permanent representation, viewed as a cumbersome and inefficient compartmentalization of the PR and its officials. Although it might be too early to draw accurate conclusions regarding the effects of different events and reforms pertaining to the solving of the above-discussed predicament, I would like to argue that two such phenomena have repeatedly surfaced during my discussion with officials. First is the EU presidency, which was held by Sweden between January and June 2001. The Swedish presidency highlighted in a quite dramatic way the importance of the permanent representation. Its role in successfully dealing with the presidency is, to articulate an understatement, crucial. However, it seems as if the presidency also had an impact on the way in which officials at the PR perceive themselves and, in the long run, perceive their affiliation to the PR. According to a senior civil servant within the Swedish Ministry of Foreign Affairs, this is one of the reasons for some of the changes that can be identified at the permanent representation:

...I believe that, the experiences prior and under the Swedish Presidency, welded the colleagues at the representation into a closely-knit unit behind a common leader, with the effect that much of the changes proposed [in the Swedish Foreign Ministry’s and the Swedish Agency for Public Management’s report from 1998] were carried out without actual changes in official rules and regulations. But this was also very much due to Gunnar Lund’s and his closest advisers’ meritorious efforts... (interview 78, my remarks)

...[the PR] did evidently get a lot of help from the Presidency [in remedying the compartmentalization of the PR], because it was a project of enormous proportions which was both exceedingly exciting and exceptionally demanding, but hence also very team building... (interview 76, my remarks)

Therefore, it appears that the effect of presidency on regular day-to-day Swedish EU policymaking in general, and for the work of the PR specifically, is more important than anticipated. In terms of delegation and accountability design, the presidency accentuated the delegation to Brussels-based national bureaucrats as they gained in importance during the six months period. Nevertheless, the presidency did not
bring about any changes in the delegation and accountability mechanisms (with a
minor exception, the core EU committee, and see previous chapter).

The second "phenomenon", and this has already been hinted at above, is the
administrative work that has been undertaken, especially by the direction of the
permanent representative and more specifically in regards to the new position in the
Swedish EU policymaking process, which the leadership has tried to endow the PR.
More concretely, this objective is clearly symbolised by the work which Gunnar
Lund and his successors did on the use, frequency and quality of recommendations
in Monday notes as well as in regular meeting reports. As the formal rules clearly
state, each meeting where national representatives from the permanent representa-
tion are present has to be reported within 24 hours, and should, even at this early
stage, carry an opinion on how to proceed:

...recommendations [should be included] both in the Monday notes and in regular
meeting reports. .../... already at this early stage, the report should state, from the
representation’s side, what next steps should be taken in the handling of the issue
and what we [at the PR] consider to be the best course of action...given that we have
an opinion... (interview 76, my remarks)

More generally, the recommendations guidelines set up in 2002 on Monday notes
are only one part of a broader trend and evolution regarding the structures and rou-
tines of transferring instructions. This new system’s effects on the delegation and
accountability design of the delegation between Stockholm and Brussels is clear. It
both increases the information reported back to the principal, as well as maintaining
the level of signalling from Brussels-based agents at a high level. Agents are now
required to not only relay information, but to include policy suggestions, or at least
suggestions as to which policy choices are feasible and which are not. Conclusively,
this increases the efficiency of the reporting and monitoring requirements in place.
But these new mechanisms give rise to another concern, namely, that agents at the
permanent representation should have gained more influence in how to articulate
the principal’s preferences as expressed by the following statement from a Brussels-
based civil servant:

...there is a development and not least we [at the PR] have tried to admonish such a
development because the tendency was that, especially at the beginning of our
membership, the instructions were too... both too detailed and too rigid, .../.../... with
the reciprocal action induced by these Monday Notes which we draft, the idea
is that the instructions should to a greater extent leave to the representation and to
us to decide the means through which to achieve our goals. They [Stockholm]
should mainly restrict themselves to deciding the goals we should reach in a given
negotiation, but leave to us how we best should attain these goals or to reach as
close as possible to these goals. And I believe that we are now successively pro-
gressing towards this direction, so therefore they [the ways in which instructions
are transferred] have undergone a change... (interview 76, my remarks)

This assessment of the situation was seconded more than once during interviews of
both chancery civil servants (see e.g. interview 79) and national representatives in
Brussels, who stress the importance of seeing the task of influencing Stockholm as being part of the job description of the PR’s officials:

...because here we have a responsibility from the representation’s part, to have a dialogue with those who write our instructions, on the best courses of action to attain the goals which they set for us. It is not our mission to decide the political goals, but on the other hand we do possess the best understanding on how one should proceed to get where you want...//...we have a duty to try to take part in a dialogue with those who write the instructions and influence them, so that they become as efficient as possible and this is true for us all. I and my [European] colleagues work as much towards our capitals as towards each other.... (interview 77, my remark)

...of course [they, i.e. the civil servants at the Swedish PR have] a very important role when it come to, so to speak, transfer knowledge and information to Stockholm, so in that perspective they have an influence, but not in a such a way that they can take decisions and steer the process... (interview 39, my remark)

Thus, it seems quite obvious that the evolution regarding instruction transfer has been a slow development that gradually involves the opinion and advices from the PR gaining additional weight, a factor encouraged in part by the growing competence and motivation from the part of the PR. The following interview extracts also supports the contention that the current domestic coordination of the Swedish EU policy is a clear improvement compared to earlier periods, at least according to civil servants in Brussels: The first quotation is taken from a PR bureaucrat describing his/her views on the way instructions functioned sometimes before 2000:

...it was often that I or xxx [name of COREPER ambassador] considered that the instructions were not good or that we needed to change them or at least that we had to report [back to Stockholm] that if Sweden acted in the way prescribed by the instruction it would be against Swedish interests, in our opinion... (interview 11, my remarks, emphasis added, similar opinion in interview 93)

The second describes the view of another PR civil servant interviewed in 2004:

...sometimes the people at home get it wrong, they think too Swedish. I have successfully put into practice that my instructions always include a European dimension. I am here to defend Swedish interests, but if I am to obtain my [European] colleagues’ ears and get them to accept my ideas, then they have to be put in a European dimension. .../... [so] it is rarer and rarer for me to phone back home to say: ‘What the hell! We can’t do this!’, but it still happens... (interview 40, my remarks, emphasis added)

This last view is reflected (though it is for most cases expressed in a less explicit and colourful language) in many, if not most, of my interviews with PR bureaucrats. It is also supported to a certain extent in the answers of senior officials at the Swedish permanent representation on the sending and drafting of instructions. I have earlier pointed to the fact that Swedish officials lack, on average, instructions two or three times a month (see section Functions and tasks in this chapter); in some cases they
receive no instructions, in other cases Brussels-based national civil servants receive instructions which they deem worthless or at least of limited use. This happens on average two or three times each month.\textsuperscript{7} Apparently, the sending and receiving of instructions is not as uncomplicated as one might assume. The agents’ responses to worthless instructions are also of interest to us. Do they openly show their disapproval of the instruction or do they accept the instruction as it is? In approximately half (51.25\%) of the cases where the civil servant in Brussels received an instruction which she/he considered worthless the agent turned to Stockholm and actively sought to obtain a new instruction. In 22\% of the cases, the PR bureaucrat simply informed the capital that the instruction risked being counterproductive and would not serve its purpose here in Brussels. In almost one out of six (15\%) cases, the civil servant who received the flawed instruction presented the same in a formal way at the working group/committee meeting but worked “on the side” in order to obtain a compromise more congruent with the personal view of the permanent representation official. Only in 1\% of the cases which PR officials considered the instruction seriously flawed did the administrator in question ignore the instruction and “create” his/her own instruction (based on previous instructions and other documents from the government). One of the PR bureaucrats answering the questionnaire pointed out an interesting fact, that manufacturing a “political” position was sometimes easier than a technical:

...it is easier to “construct” an own instruction in a political question where I’m aware of Sweden’s general standpoint. It is harder (impossible) when it comes to an area where technical expertise is important... (questionnaire swe 11, a similar answer is given in swe 10 where the agent points out that in cases where she/he knows the government’s position new instructions are not needed)

Still the numbers above prove that the agents possess a significant loyalty to their principals in Stockholm. While a minority (one out of six) display considerable confidence in their own capacities as policymakers, these are not in flagrant delinquency. To illustrate this view of Brussels-based national bureaucrat as policymaker I relate part of a conversation I had with a PR official:

...what I am trying to say with this is that we are not megaphones of Swedish positions which have been formulated back home, but we are highly involved into the formulation of policy in a dynamic relationship with Stockholm. This is because we can assess what is possible, we have tight networks and we hold our ears to the rails... (interview 35)

Evidently, agents do not hesitate to ask for clarification from their principals in Stockholm when they perceive instructions to be faulty, but they do not resort to shirking or behaving in a directly detrimental manner (or at least not in general, since only one percent of faulty instructions created serious shirking\textsuperscript{8}). In other cases, the influence that the PR bureaucrats bring to bear on the process of defining Swedish EU policy is not direct but indirect. Sometimes Stockholm cannot manage
to provide their Brussels-based representatives with priorities, something that the
PR bureaucrats themselves have to correct:

...so when the instruction arrives here in Brussels, it is the result of a thorough and
brilliant coordinated drafting back home on each and every single negotiation
point, but Stockholm has not managed to accomplish a list of priorities.../...and I
can’t get into every question and take up a lot of time. I have to focus on certain is-
issues, and it is in this judgment...this assessment of which questions are the most
important that I and my colleagues actually  play a significant role.../...so then I sit
down and make a judgment call and I believe that one must accept and respect that
from Stockholm and one does that... (interview 35)

...we make very few priorities on our issues...many times, we write instructions on
pure nonsense issues... (interview 23)

This statement nuances the way in which agents perceive their influence in the poli-
cymaking process and manages to capture the difficulty of measuring actual agency
loss between domestic principals and their agents. If Stockholm sends a cluster of
instructions but no priority list ranking these instructions, to what extent can the
agent be held accountable if he or she only chooses to actively work with some of
these instructions and not the others? This constitutes a textbook example of what
Holmström and Milgrom (1991) label as the problem of multitasking (cf. section
Contract Design (ex ante) in chapter two). Given the opportunity to choose the
agent can (and will) choose to work with issues/instructions which he/she sees as
important. In addition, this accentuates once more the value of looking at propen-
sity for agency loss. I argue that, concerning the lack of priorities from the principal,
the formal delegation mechanisms in place are weak and barely adequate, despite
the fact that informal mechanisms are somewhat stronger. The circular governing
instructions and the way these should be written does not explicitly state that a list
of priorities should be included. It mentions that the degree of importance, from the
Swedish government’s point of view on the issue, should be indicated, but it does
not specify how individual paragraphs within the same piece of legislation should be
treated. Nevertheless, in the daily contact between chancery officials and permanent
representation officials, it can be assumed that political priorities are transferred
through bureaucratic osmosis from Stockholm to Brussels. However, this is the only
way in which instruction priorities seem to be communicated, and this fact in itself
constitutes a flaw in the institutional delegation and accountability design.

Most Brussels-based bureaucrats, if not all, maintain a very good dialogue with
Stockholm and see this as one of their main priorities. Swedish PR administrators
spend on average, according to data from the questionnaire and answers from inter-
views, almost 75 hours per month in discussion with Stockholm, mostly through
telephone (20 hours per month) and email (45 hours per month) but also via video-
conferences and regular (actual physical) meetings (see question VII in the ques-
tionnaire, cf. appendix). Thus, it becomes clear that even though bureaucrats at the
permanent representation fraternize a lot with their European colleagues (approxi-
mately 56 hours per month on average); they also have intensive communications with their principals at home (75 hours per month).

The size of the Swedish permanent representation has been mentioned in some literature as a source of concern. Could it be that the Swedish PR is too voluminous to enable an efficient coordination of the PR’s operations (i.e. that the right hand is unaware of what the left is doing)? Our comparative overview of member states’ permanent representations reveals that the Swedish PR actually is neither among the largest nor the smallest. The size of the PR seems adequate (see e.g. table 4.1 in chapter four); in fact, the Swedish permanent representation deviates from the other member states only through the rather low number of total employees compared to senior administrators. This can be interpreted in different ways. It could be argued that this shows that Sweden does not employ a large amount of non-senior personnel at the PR, preferring a slimmer service organisation. A more plausible explanation is that this shows the high level of importance that the Swedish government has set on the Swedish EU policy and on Swedish presence in Brussels. While the Swedish permanent representation is not the largest in total numbers of employees, it remains one of the permanent representations that accommodate the greatest number of senior administrators (cf. table 4.1 in chapter four). My assessment convinces me that this is linked to a higher degree of policy ambitions, exemplified by the following statement by a civil servant at the permanent representation:

...you also have to look at the different governments’ levels of ambition to play an active role in different areas. Our government has been very ambitious and has seen to it that we try to take part and influence many diverse policy areas and that requires a marginally larger staff... (interview 77, my remark)

Thus, in Sweden’s case a large organization might even be an advantage rather than a drawback. The argument for a PR with many senior bureaucrats is further strengthened by the fact that this offers a possibility for more officials from Stockholm to take office in Brussels and, after their tour of duty, return to Stockholm and the central administration with deeper insights and experiences of European policymaking process. Nevertheless, it seems that this opportunity is (or has been) not without complications, for example, for former PR personnel returning home to Stockholm (see above).

CONCLUSIONS

I have come to understand that the role of agents based in Brussels may not be as straightforward as was first anticipated. Interviews and discussion with officials conducted while visiting the permanent representation reveal that while hidden information is restricted, the degree of influence wielded by agents is greater than one could expect. Information is efficiently conveyed to Stockholm in order to attain a high level of impact for the Swedish national EU policy. The "Brussels perspective" is very important when national counsellors within the ministries decide the Swedish position, as a former PR bureaucrat notes:
...it [the Brussels perspective] plays a very important role.../...you may make your priorities from your own interests, the Swedish interest, /.../ but you have to do it in the light of what is realistic and possible in Brussels... (interview 50, my remark)

Consequently, it seems that hidden information is very rare. This is quite natural since high levels of hidden information would lead to difficulties for the national civil servants in Brussels to implement and follow their instructions, should they choose not to reveal their knowledge and information about the situation in Brussels to their principals in Stockholm. The real difficulties appear within the framework of hidden actions. These are especially hard for the principal to pinpoint, if the agent is included into a larger group:

Hidden action is especially problematic when the agent’s actions only partially determine outcomes, as in the case of team production or committee decisions, or when outcomes are partially determined by chance. In such cases, the principal is unable to infer the appropriateness of the agent’s actions even from observed results. (Kiewiet and McCubbins 1991:26, my emphasis added)

This intuitive theoretical insight is crucial in our case since most (if not all) actions by agents at the permanent representation are performed under the circumstances stipulated above. Despite this, the different agents’ actions, hidden or not, have not caused any spectacular reactions amongst the principals, at least according to interviewees and other sources. So from a general point of view, the relationship between the Swedish PR and the government is characterized by a low or reasonable level of hidden information. The presence of hidden actions is unfortunately endemic given that committees and working groups procedures in Brussels allows (and to some extent perhaps even require) that the agents’ actions remain hidden:

...for example in the case of [mentions the setting up of an European agency], we had a total blockage at the level of [name of committee/working group] and where we in [name of committee/working group] left our room and went and sat ourselves in a different room, just the representatives, no one else, and we hammered out a solution which we accepted ad referendum... (interview 40, my remarks)

As the example above shows, working groups and committee constitute an environment where hidden action occurs. The principal might want information about the arguments presented in the group/committee and most importantly, about how the agent performed, but since the group can only deliver one collective decision, it is nearly impossible to know to what extent (and in which way) the individual national agents actually contributed to this single decision. Since PR officials are invested with both influence and resources, the situation has the entire potential of a hold-up dilemma (see chapter two). Who is able to overturn the decisions of the permanent representation’s officials? Who is able to say whether the delegation between member states governments and their permanent representations is riddled with cases of agency loss? Our analytical model concentrates on the propensity of agency loss and on the ways the principal can institutionalize delegation and accountability designs which will induce agent behaviour that lessens degrees of
agency loss. Even though the principal has established some measures of screening and selection mechanisms as well as rigorous and effective schemes of reporting and monitoring requirements, these mechanisms are heavily dependent on agent collaborating in order to function. While the policymaking influence of Brussels-based agents is subject to political validation at home, agents still hold the initiative. The agents view their main role as conveying information while at the same time advocating the Brussels perspective to their domestic counterpart in the chancery. Given both the nature of the information asymmetry between domestic principals and Brussels-based agents and the agents’ behaviour, the contacts between Stockholm and Brussels are of a special character. It seems as if agents contribute to the very foundation of the principal’s preference shaping. This is difficult to grasp since principal-agent theory does not adhere to a conceptualization of delegation that allows preferences to be decided endogenously much less by someone else than the principal. Thus, one interesting question emerges: How are the principal’s preferences “forged” and at which level?

**Formation of political preferences**

The basic assumption, both in theoretical and empirical aspects of this study has been that the principals (and thus their preferences) are identified by the ministries’ political leadership (ministers, state secretary... et cetera) and, more specifically, by members of the government. Therefore, it was somewhat surprising to discover, interview by interview, that the involvement of the ministers was as restricted as it obviously was implied in the previous chapter. Traditionally Swedish officials and civil servants working within the ministries have a very good political affinity for the minister’s preferences, whether it is at the level of state secretaries or lower. This is based on the closeness in daily contacts between politicians and their ministerial staff, as the following extract from a chancery bureaucrat who occasionally travels down to Brussels shows:

...in the beginning, when one first arrived [down to Brussels] and said “Yes, I talked to my minister yesterday”, nobody believed in me. They have never met their minister. /.../... we cooperated intensively with another south European country and then xxx [name of minister] met their minister quite often and then it happened that the [south European] minister changed opinion relatively often back and forth, but the official I talked with, he never got that information, because they have their written procedure, and it took perhaps two weeks before he got that report,..., so if xxx [name of minister] met her colleague on Monday and I met with my colleague on Wednesday, by that time my south European colleague still had not a clue what his own minister had said on Monday... (interview 37, my remarks, originally cited in Hellqvist 2002:17)

This sensitivity of the political awareness both of the official in Stockholm and, more explicitly, of the permanent representation, on all levels, is however a “blessing in disguise” in terms of principal-agent relationship. As I have hinted above in this chapter, the relationship between the political level of the government and PR
bureaucrats is complicated. In light of the evidence put forward, I feel compelled to ask: What if the agents are actually forming the preferences by which the principals judge them? Phrased in other words: Have the principals also (inadvertently and unknown to them) delegated the right to formulate the principal’s preferences to their agents? Indeed, evidence found in the interviews point to the fact that political impulses often originate from bureaucrats in Brussels:

...when I was down there.../...knowing what the Swedish interests are, you say 'This should be a good opportunity to push for something' and then you promote an idea, or a concept, eventually Stockholm then says 'That’s a brilliant idea!' and then you get enough support for it and then you do it. Indeed, you could say that the political impulse has come from Brussels, but it has been promoted and validated here [in Stockholm]... (interview 30, my remark)

Should one interpret this statement as a normal way in which national EU policy making is achieved? For example Thorhallsson (2000:84) argues that "...in [large] countries, politicians predominantly took the initiative regarding new EU legislation.../... [PR bureaucrats of small EU member states], however, argued that the initiative to launch proposals in the EU is predominantly taken by civil servants...". Or should one be inclined to see this behaviour as a breach of the formal delegation of powers to the national bureaucrats in Brussels; a nightmarish version of Madison’s dilemma, where the agents use their delegated power to subvert their own principal, irrespective of whether or not they do so consciously? On the other hand, maybe the truth, as it often does, lies somewhere between. It is clear that being in close contact to the decision-makers in Stockholm both helps the officials stationed in Brussels to make correct and balanced choices and allows them to influence their principals back home. This is why the officials at the Swedish PR emphasise both their formal and informal contacts with Stockholm. For example, in the case of the permanent representative the most important meeting (perhaps even more important than the weekly informal Friday meeting, see previous chapter) is the breakfast the ambassador has with the prime minister, foreign minister and state secretary for EU affairs. Once every month, the permanent representative meets with the troika mentioned above for an informal breakfast (usually on Fridays). Two days before (i.e. Wednesday) the permanent representative and the prime minister’s state secretary for EU affairs sit down and hammer out an agenda which is then sent to the prime minister and foreign minister before the Friday breakfast (interview 59). These informal meetings are very important because they give the opportunity for the permanent representative to gauge the prime minister’s pulse on important issues and hence to ascertain the prime minister’s political bottom-line on issues. This is very important for two reasons: (1) for future negotiations, the permanent representative knows where the government’s final word is and (2) for internal disputes, it gives the permanent representative an advantage when arguing with state secretaries and other bureaucrats (cf. interview 40 and 59).
So what is the nature of the agents in Brussels and the principal-agent relationship between Stockholm and Brussels? Do officials at the Swedish PR shirk? No, not as such. Civil servants working at the permanent representation quite firmly disclose the common view that their prime mission is to relay and convey as well as defend and advocate the opinions, positions and instructions of the Swedish government. There is also no doubt as to the level of professionalism with which this assignment is executed. However, this fervent attitude, which most civil servants and senior administrators at the PR exhibit, to seek an efficient and rational handling of EU issues and Swedish instructions has consequences. It entails that officials at the PR influence and to some extent determine the contents of EU instructions, when they supply Stockholm with a complete and realistic view of the policymaking and negotiating European landscape in Brussels. This could be misunderstood as the actions of a delegation running riot – even though in reality this is not the case. Nevertheless, I should still argue that the principal’s preferences are largely formulated and influenced by the agents. Another way to interpret what might be seen as an amendment of political preferences by agents is the view of the agents who, as expressed by many interviewees at the permanent representation, say that instructions are sometimes not adequately written. Consequently, in some cases it becomes imperative to “tweak” these instructions somewhat. Thus, to some extent, one could describe the officials at the PR as street-level bureaucrats (see e.g. Lipsky 1980 or Winter 2000), in the sense that they seem to develop their own norms and ways of handling issues. It should be noted that this is not the same thing as saying that officials at the permanent representation (or clad in our own theoretical language, the agents), develop their own motivations and norms which are in contradiction to their principal – quite the contrary. Evidently, the officials at the PR cannot operate without actually interacting with the social context that the EU and Brussels constitutes. However, I argue that individuals, in our case PR officials, take into account their environment and the circumstances surrounding them in advance of taking a decision is reasonable.

Reviewing the evidence presented in the chapter, I conclude that the relationship between the Swedish government and the PR must be deemed as dynamic and evolving. I have seen that the pressure for change is indeed strong from the agents. Officials at the PR, under the leadership of the Swedish COREPER representatives, have managed to start a process (through the Monday notes) aspiring to shape a more efficient working environment and process in the making of Swedish EU policy. This reformed system for establishing Swedish positions implies lending a “bigger ear” to the recommendations and descriptions of officials based at the PR. So far, the system seems to have ensured a working delegation between Stockholm and Brussels, though a more thorough and specific assessment of these procedures may yield different results. Change seems to be the keyword in EU policy making processes across the next years. Thus I return to what Alchian (1950) stated while addressing the mechanisms he identified as governing in the shaping of institutional arrangements, namely, that changes in agency control and delegation occur
through mimicry and adjustments, because of inherent imperfect design of institu-
tional arrangements. Alchian’s insights help us understand the changes that have
taken place (see e.g. last section in previous chapter) and those, which are immi-
nent. This leads me to believe that further changes in the institutional design of the
Swedish EU policy will occur. Whether only institutional innovations and systems
that improve the delegation and accountability design will survive and thrive (cf.
Davis and North 1971) remains to be seen. After almost a decade as member of the
EU, the learning and assimilative processes are starting to take effect, and the old
delegation designs and institutional structures as well as policy processes are start-
ing to creak under the endogenous and exogenous pressures which the membership
in the EU brings to bear. Whatever waits in the future, I believe this study presents
no major argument against the description of Mazey (2001:274, emphasis in origi-
nal): “Historically, Sweden has been the model of an adaptive state and is often
cited as the ultimate example of the small, smart state. Thus there is every reason to
believe that it will rise to the EU challenge.” In fact, the leeway given to their repre-
sentatives in Brussels seems to indicate that Sweden aims at acting as a smart state,
allowing policy making flexibility and negotiation strategy to have a somewhat
larger influence in Swedish EU policy than the slightly more rigid principles of dele-
gation and accountability. Delegating more and more influence to bureaucracy is
also in line with the tradition that has dominated Swedish administrative politics
since the mid-1970s (cf. Wockelberg 2003:82-84).” Though this implies that policy-
making (including national EU policy) will continuously be efficiently and ra-
tionally handled, the analysis made in this study points to the risks to democracy.
Designing delegation and accountability mechanisms, which are not as strong as
one could wish for, may prove to be disruptive to modern Swedish democracy.
Although this study shows that Sweden’s PR is not astonishingly large, at least compared to the average size of permanent representations in Brussels (cf. table 4.1. in chapter four). Swedish officials face this recurring problem in Brussels. The fact is that many representatives take for granted that the consultation process with interest groups have taken place back home in Stockholm (a fact which is also presented in Mazey 2001:273): See e.g. the following statement: "...but this is taken into account in connection with the drafting in Stockholm. We cannot, by ourselves, down here make these assessments. If we are approached by a lobbying organization here, we send the viewpoints presented here up to Stockholm. Stockholm and the ministries also get approached by lobby organizations and it is often the same opinion which is being advocated up there" (interview 26). Thus the above statement clearly shows that officials in Brussels do not expect the lobby forces to differ from those found at home, a fact contested, especially considering the establishment of "distinctive" broad pan European interest organizations, by Gidlund and Jerneck (2001:127) or even Kohler-Koch (1994). For an incisive study on lobbyists in Brussels and the concept of transparency, see Naurin (2004); and for a more general contemplation over lobbyists see Naurin (2001).

Thus this, non policy specific, section included the ambassador and permanent representative as well as the ambassador’s “brother-in-arm” in COREPER, the deputy permanent representative, both COREPER representative’s personal assistants, the Antici and Mertens representatives as well as two assisting senior officials, for a total of eight persons.

The various policy sectors also vary in size, ranging from the smallest which houses only two persons (both EP, "interinstitutionsal" questions and health issues) to the largest which “holds” 14 persons (the common foreign and security policy section, although, and as I mentioned earlier, most of the personnel at this section also works at the Swedish mission to NATO, see above). These divisions are not the only ones present in the permanent representation’s organization, but they are the main departments with responsibility over policy and actual negotiations within the Council. Other divisions exists to provide administrative service and in other ways facilitate the workload of officials working with policy issues and negotiations, these are the following: (1) press and information, (2) administration, (3) protocol and legal issues, (4) personnel, (5) budget and accounting, (6) office service and transport, (7) lodging service, (8) IT and communications, (9) archive and documents, (10) reception/switchboard, and (11) office service at the Justus Lipsius Council offices. The numbers of officials working under each of the sections ranges from one employee (lodging service) to the largest which holds seven employees (office service and transport, which include the permanent representation’s chauffeurs who drive the officials, most notably the permanent representative and the deputy permanent representative, back and forth to meetings mostly at the Council).

Since 1997 the Swedish chancery is no longer made up of individual ministries (i.e. individual public authorities [myndighet]) instead the chancery is now a single public authority. Formally, a mission to the UN but it also handles trade issues within the WTO, and many disarmaments issues regarding e.g. the Non-Proliferation Treaty (NPT), the Biological Weapons Convention (BWC), the Chemical Weapons Convention (CWC) as well as the Comprehensive Test Ban Treaty (CTBT).

The only diplomatic mission that is governed by exclusive rules is the Swedish Institute in Alexandria. Its assignments and priorities are specified in decree (1998:1218).

It is also noteworthy to mention that every single embassy and overseas consulate is obliged to pay special attention, within the framework of its regular operations, to issues and matters that may concern Sweden as a member state of the EU. This paragraph, §4a, was added through decree 2001:1126, which came into force the 1 January 2002.

Administrative authorities are also, although it is not of essential significance in this chapter, independent in their adjudicating of requests for distribution of public documents according to the Freedom of the Press Act [tryckfrihetsförordningen].
In 2002 the Swedish embassy to Belgium was located in offices on Rue de Luxembourg 3 which leads directly to the Square de Meeus.

This is a matter of definition. The government, being a collegial body of decision, does take formal decisions on most of the appointments made to foreign missions. This is however done through the intermediary of delegated power to sublevel sections, such as e.g. the planning staff and personnel units in individual ministries. The only post which is discussed and decided at the governmental level is the post of permanent representative (and possibly the deputy permanent representative).

A quite blatant failure to follow explicit guidelines concerning the language to be used in law and decree texts made by the chancery in, amongst other, a memo from the Prime Minister’s Office (1994:4) and in several reports from the Swedish parliament’s Standing Committee on Constitution, see Konstitutionsutskottets betänkande (1994, 1995 and 1996).

Furthermore, the numbers above do not include rents or other costs to the National Property Board [Statens Fastighetsverk] or capital costs on investment and costs for computer program licenses, communication and IT-platforms. Additionally, the actual monetary amounts in the budget might show an increase but that does not necessarily mean that the PR had an equivalent augmentation for increased operations. For example, as Margareta Ousbäck of the Foreign Ministry pointed out to me, the escalation of costs is offset by a rise in the rent for the representations’ housings and offices and by increased remuneration to some of the envoys, (e.g. in case the attaché or representative has a large family). For these reasons I do not treat these figures as being as clear-cut as one might first think. Nevertheless, the increases are far too large to pin on any unforeseen raises in the rents paid for the representation’s office at the Square de Meeus.

Although I do not make any certain inferences beyond 2002 since there is are no numbers on ministerial attachés and their cost after June 2003.

At that time, the Swedish permanent representation had not officially been accredited as such and was still “merely” a delegation. Thus, Anell was head of negotiations on site at Brussels, but the official chief negotiator was Frank Belfrage, stationed at the Foreign Office in Stockholm. It was a common practice for countries conducting membership negotiation to base their chief negotiator in the capital (cf. interview 28).


Special attachés are appointed through a governmental decree according to decree 1997:15, which altered decree 1990:1108 that prescribe instructions for special attachés to the foreign missions.

The answers to question 19 (XIX) in the questionnaire (see appendix) did not only have numeric answers. Some of the respondents included remarks which vary from “This has never happened” [questionnaire swe 17] to “Half of the items on my working group agenda lack an instruction” [questionnaire swe 04].

Out of all the Swedish counsellors who answered the questionnaire (and the specific question concerning the lack of instructions, i.e. question 20 or XX, see appendix), one third of the respondents regarded the lack of instructions as “not problematical at all” [inte jobbigt alls], another third viewed it as “slightly problematical” [lite jobbigt], 17% regarded it as “problematical” [jobbigt] and 11% as “challenging” [utmanande].

This is in the case of COREPER II. The same procedure applies for COREPER I with the exception that it is the Mertens official, which goes to the coordinating meeting on Tuesdays at the Mertens group meeting.

For an example of a weekly meeting schedule, see Rådsguide (2001b:19).

Usually COREPER I also meets on Fridays and in rare occasions Thursdays. COREPER II also meets on Thursdays, but this is also out of the ordinary.
There is some difference of opinion as to whether it was the report or an individual high-level official within the Swedish Ministry of Foreign Affairs, which recommended that such an institutionalized recurring meeting be installed (cf. interview 30).

This applies to all meetings, whether it is expert meetings at the Commission, meetings within the framework of Comitology or even Council working groups/COREPER meetings.

The new guidelines have only been operating since the start of the year 2002. When making my interviews at the Swedish PR, it was made clear to me that recently the PR’s leadership had intended to pursue a discussion regarding the need for an evaluation of these new procedures.

The exact figure for the number of inadequate instructions is 2.38 per month according to the twelve civil servants who responded to this specific question by using numbers (six officials responded by using comments like “seldom” or “almost never”, or in one case “tenfold”).

One of the respondents to the questionnaire had a strong opinion on those who choose “created” their own instruction: “...never! [when responding to question XV of the questionnaire] anyone doing this has misinterpreted their role and shouldn’t be working here...” (questionnaire swe 17).

In fact those interested in making a more detailed analysis of table 4.1 in chapter four will find that in 2002 for each Swedish senior administrator at the PR there was only 0.59 support staff (in forms of assistants, secretaries, chauffeurs...et cetera). The average, for the permanent representations included in the analysis (this is valid only for 2002), was 1.05. Austria and Belgium hold the top places with 1.52 respectively 1.79 additional persons employed for each senior administrator employed at their respective PR. Even Luxemburg has a higher score (0.68) than Sweden, which is peculiar considering the smallness of the Luxemburg PR. Since Luxemburg has to try to cover most working groups and high level committees the Luxembourgian permanent representation should (theoretically) have the lowest ratio of number of senior bureaucrats versus the total number of other PR employees (where the number of other employees would equal the total number of employees minus the numbers of seniors administrators).

Something which Meerts (1997:471) also seems to argue. Another flagrant and very telling example of preference formation is the way in which the Schengen agreement was drafted and handled in Sweden. Jacobsson (2001) gives an interesting description of the internal administrative processes of common drafting. Perhaps the most striking element is an extract from an interview with a chancery civil servant which states that: “...the politicians are present when needed...though we [the bureaucrats] define the need” (Jacobsson 2001:41).

It is interesting to note that Wockelberg manages to set her finger on some very interesting reforms, which took place during the mid-1970s. These reforms are interesting from a principal-agent theoretical point of view because they are drastic examples of how the possibility to hold public servants has shifted over time. Before 1972 civil servants were not only liable in juridical terms [straffrättsligt ansvar], i.e. that they could face criminal charges for wrongdoings within their service, but the agencies/public authorities also had the possibility to punish certain bureaucrats’ actions through the use of disciplinary responsibility [disciplinansvaret], liability responsibility [skade-ståndsansvar] and accounting responsibility [redogöraransvaret], see Wockelberg (2003:83 footnote 81).
COORDINATION OF EU AFFAIRS IN FRANCE

As one of the six original member states, France, along with Germany, Italy, and the Benelux countries, had the arduous task of constantly updating its central administrative functions to accommodate the new challenges and working patterns of EU legislation (as new members entered the union and different fields came under the scope of the EU). On the other hand, these founding member states also had the advantage of “being in the game” for a longer period and have had time, over the years, to adapt and fine-tune their domestic coordination systems and procedures.

In this chapter, I present existing institutions and procedures of the domestic coordination of EU issues in France. Although a brief historical background will be given, the focus of this study dictates that the main part of the chapter concentrate on current ways that France, through its government, achieves inter-ministerial coordination in Paris in advance of its agents at the French PR in Brussels taking part in negotiations within the established Council structures. I start by introducing the structures, processes and actors at the top echelons of the government. The first part of the chapter concentrates on institutions. After having giving the reader an introduction, I illustrate and analyse the shortcomings and virtues of the coordination processes for EU affairs in Paris. Finally, I will give a short version of the conclusions arising from this chapter. French society, and most notably its central government, has certain distinctive and noteworthy characteristics which, in order to contextualize the following presentation, should be identified before proceeding.

The Executive

As a unitary state, France exerts all of the classical traits denoting a centralized republic. France is characterized by a strong executive (cf. Knapp and Wright 2004:81-98) mainly through its constitutional architecture, which grants the chief of state and the government both de jure, and de facto impressive “prerogatives”. This is reinforced by the two ballot majority-plurality electoral system (cf. Elgie 2005) with one seat districts, which tends to give the largest party a comfortable majority in the lower chamber [L’Assemblée Nationale], thereby securing the government a solid power base in the parliament. Furthermore, the constitution arms the executive with effective law-making and statute-making authority (the government retains an unfettered ability to rule through decrees or executive orders) in French politics; an example of which is the constitution’s famous article 49. The executive in France can be characterized as a semi-presidential system. Indeed, the
most distinctive feature of the executive in France is that it can be depicted as a two-headed entity, with the government on one side and the president on the other. Depending upon the situation (i.e. whether the presidential majority is in harmony with the parliamentary majority or not), this aspect can severely affect the way the executive is perceived. Its infamous cohabitation, which refers to the situation where the presidential and parliamentary (and thus governmental) majority are from opposing parties, not only puts strain on the way the executive functions, it radically changes the way in which day-to-day politics works in France.

**GOVERNMENT OFFICES AND OTHER INSTITUTIONS**

French government administration is centred in ministries that have at their disposal impressive resources and employ highly trained civil servants. The latter are, and have been for a long time, of a special interest for scholars of administration as these civil servants display a highly developed elite structure. The top civil servants are all trained in the *Grandes Ecoles* of France, having aspired to a position within the *Grands Corps de l'État*, or institutions within the central administration that are regarded as especially prestigious and attractive. This feature of French administration is well-known and thus I will not elaborate further on this. Suffice to say that generally, in comparison to other western countries, the administrative corps in France is highly centralised, hierarchical, segmented and elitist. Ever since the third republic, public administration has had a crucial function in national policymaking and, for good or for bad, has always been at the very heart of politics in France. Bureaucracy has been disapprovingly described as stifling or a threat to democratic government, while more positive reviewers are more likely to see "...an impartial and legalistic conception of state intervention against particular and conflictual interests" (Rouban 1995:39) embodied in the self-confident French bureaucrats. Even though disputed by some, the French central public administration, nevertheless, still displays certain historical characteristics that are particular to its functioning, which I will enunciate below.

First, as previously mentioned, the French administration is traditionally characterized by the bureaucratic elites exercising strong influence. This has contributed to a common ethos among many higher officials within governmental agencies and ministries, as well as uniformity in administrative decision-making. Suleiman (1974:31) describes French bureaucracy as “a closed and ruling class”. This professional corps monopolizes key positions, within both private and public sectors and in both elected (politicians) and selected (administrators) positions, to such a degree that some critics argue that political and administrative elites have become indistinguishable. Furthermore, this elite corps sometimes claims an undefined ownership over administrative positions (as will be made clear during this chapter) and is constantly involved in “inter-corporal” struggles for power, with sometimes detrimental results. Bezes (2001) defines one of the critical aspects of the French
bureaucratic administrative system as the weakness of political roles. This weakness hampers administrative reforms and inhibits political initiatives.

Second, French civil service has often been described as a centralized organization. This is, however, not an undisputed characteristic. Although some argue that French bureaucracy has always boasted an excessively centralized nature, one can also find arguments for the opposite position. Wright notes that since central agencies in Paris draw on less than 30% of the total civil service staff, arguing that France’s administration is “Napoleonic” (Knapp and Wright 2004:272) or “pyramidal” seems old-fashioned (cf. Monnier 1998). Yet another anomaly is the schizophrenic behaviour of administrative staff. Although they share a common upbringing in elite schools, a deep-rooted malaise within French bureaucracy results in watertight compartments. As soon as civil servants are appointed to a ministry or unit/department within a ministry, they adopt new loyalties. Consequently, departments and ministries are constantly involved in both intra- and inter-ministry bickering, or according to the well-known axiom: “Everything is centralized in Paris and nothing is centralized in Paris!” (Van Riper 1997:209).

Third, the public administration managed to offer a social mobility to a large portion of the people, and in so doing established one of many major middle-class socialization mechanisms during modern times. A career in the civil service was based on professional merit, giving creative and assiduous young people a chance to gain official respect and social advancement through their own attainments. Although this is, to some extent, true for many societies, it is especially true for France, where mobility between social strata has historically been restricted.

Ministries are arranged along functional lines. Although in principle the government, after being discussed and approved through the council of ministers [Conseil des Ministres], clears all decisions collectively, a certain de facto autonomy exists that grants individual ministers some leeway in their personal running of the ministries. In fact, the council of ministers has a limited or “minor role in policymaking” (cf. Page 1987:240, Andrews 1981:35). Thus, we can surmise that ministers are much more “independent” than, for example, their Swedish counterparts. The constitution (article 21) formally states that the prime minister is responsible for the government’s work and points out that he/she can delegate some of his/her powers to ministers. The ministries are large; they typically have a workforce of thousands of employees and guarantee that every aspect of the field for which the ministry is responsible is, in one way or another, covered. The Ministry of Finances, for example, managed in late 2003 a total of 30 directorates and units (both at the sub-directorate and bureau levels) that were responsible for EU issues. The different authorities and agencies, which “proliferate” under each ministry, support them. For instance, the French Ministry for Ecology and Sustainable Development had in late 2003 no less than 51 agencies (including commissions, public agencies, committees, et cetera) directly responsible to the minister. In 2003, the ministries employed around 2,326,000 civil servants (Pauron and Quarré 2005:3) and the public
agents and public authorities (EPA, EPIC, EPLE...et cetera) had approximately 808,000 employees.¹

*The President of the Republic or “L’Elysée”*

The French presidency is one of the most powerful in the Western world’s constitutional flora and fauna.² Among the powers accorded the president are the following authorities: (1) to dissolve the parliament (under certain restrictions). (2) To appoint the prime minister and his/her government (actually she/he appoints the prime minister who then chooses individual ministers and the president then formally appoints the ministers and other members of the government. Nevertheless, as Cole (1998:75) points out, French presidents have notoriously exceeded their constitutional mandate when it comes to government formation). (3) To appoint all civil servants and military officers (see below). (4) To take sole control in time of crisis over all public authorities (including the military) and basically “to run the country by him or herself.” (5) To retain the right to sign all the international treaties and agreements to which France wishes to adhere. This is essential because it reduces the necessity of excessive domestic coalition building when the president formulates French EU preferences (cf. Jabko 2005). (6) To review every law, before signing it, and to send it back to the parliament for a renewed deliberation. This right is granted under article 10 of the French constitution.

The official powers granted to the president by the constitution are only a part of what ultimately constitutes his/her power base; the other most important source of legitimacy is obtained through the way in which he/she is elected. Although the final candidate may or may not actually have a majority of all the registered voters in France, the president occupies the only post directly elected by all French voters and consequently enjoys a unique status in French politics (Feigenbaum 1990:265).³ Even though the president also enjoys the presence of a highly dedicated, if small, staff that prepares major political initiatives and proposals, Pfister (1985) argues that the president is dependent on the Prime Minister’s Office for expertise and information. This became obvious during the first co-habitation in the 1988 presidential debate between Mitterrand and Chirac when the former had been kept in the dark on certain issues (Feigenbaum 1990:268).

As stated above the French president plays a predominant role in all matters connected to foreign affairs. Officially, the president enjoys certain formal rights, for example, she/he has to endorse decrees and ordinances (but not laws that have to pass through parliament) by signature⁴ before they can be formally accepted and implemented. Above all, she/he is the foremost representative of the French republic and has the constitutional responsibility to negotiate and ratify international treaties. In this aspect, French president is a dominant actor on the European scene and in matters linked to the domestic coordination and preparation EU issues. *L’Elysée⁵* has an important role to play in setting the political agenda on EU issues and in seeing that the instructions that the SGCI sends to the French PR do not contradict
the will of the executive. To attain some form of coherence in the statements and positions that the French government takes, a special advisor on European issues is assigned to the president (in late 2003 Charles Fries occupied this position). The major task for the Elysée advisor to European Affairs is to coordinate the president’s activities in relation to the EU but he/she also does much work on the summits, both bilateral and multilateral. While the role of the Elysée does vary somewhat depending on whether or not there is cohabitation, I argue in later sections that the relationships between the two sides of the executives are not as frictionless as one would expect – even in times when the government (and thus the parliament) are supported by the same political majority as the president.

The Prime Minister or "Matignon"

The prime minister in France is responsible for the affairs of the government and is responsible for appointing civil servants (although this prerogative is sometimes shared with the president). Although no formal difference, in terms of juridical or administrative status, is made between the prime minister and other ministers, the Constitution (article 21, first paragraph) states that “the prime minister controls the actions of the government.” The French government is appointed by the president and as such is considered by many as the president’s subordinate or, to employ rhetoric familiar to this dissertation, his/her agent. Cabinet instability, a historic problem in French politics, was alleviated under the fifth republic. The average length of a government under the fifth republic is now approximately 17 months compared to an average for the fourth republic of less than six months (period 1946 to 1958), the same (i.e. six months average) was true for the period 1918-1940; during the period between 1871 and 1918 the average never rose above nine months. According to Jan (2002:12-13) the reasons for the fourth republic’s notorious cabinet instability were primarily found in the constitutional rules regarding the parliament’s role in the formation and existence of the government, as well as an appalling lack of party discipline and of organized parliamentary groups.

France has had smaller governments in recent times in comparison to the 1980s and early 1990s when governments mustered up to 50 persons. This was the case when Rocard presented his second government in June 1988 (see table 7.1 in appendix). Although the sheer size of the different governments at first might be seen as of minor importance, upon further examination we can see that it is not as unimportant as we might be inclined to first think. Indeed, the number of ministers and state secretaries can often be directly linked to the political will of a government. Traditionally each member of the government has a specific responsibility for a certain portfolio in different areas. When it comes to European issues the responsibility has, since 1990, been handled by delegated ministers, known as European ministers. European ministers head the Ministry of European Affairs, which has no resources of its own but the minister can call upon a body of experts and civil servants comprised of diplomats from the Directorate for European Cooperation in the
French Foreign Ministry and of officials of the SGCI (as stipulated by the decree nr. 2002-950, cf. JORF 2002:11491). The position of the European minister within the government varies depending on the political capital the prime minister and/or the president is willing to commit to European issues. The level of commitment is traceable through the choice of minister. This is corroborated by the choice of Elisabeth Guigou, one of Mitterrand most trusted advisors (cf. Knapp and Wright 2004:289), or the appointment of the two only ministers (Dumas and Cresson) by the same president who harboured high ambitions on the European level.

Table 7.2: French European ministers (1978-2005)

<table>
<thead>
<tr>
<th>Length of mandate</th>
<th>Name (Formal title)</th>
<th>Political affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1978 – May 1981</td>
<td>Pierre Bernard-Reymond* (State Secretary)</td>
<td>UDF</td>
</tr>
<tr>
<td>May 1981 – December 1983</td>
<td>André Chandernagor (Delegated Minister)</td>
<td>PS</td>
</tr>
<tr>
<td>December 1983 – December 1984</td>
<td>Roland Dumas (Minister)</td>
<td>PS</td>
</tr>
<tr>
<td>December 1984 – March 1986</td>
<td>Catherine Lalumière (State Secretary)</td>
<td>PS</td>
</tr>
<tr>
<td>August 1986 – May 1988</td>
<td>Bernard Bosson (Delegated Minister)</td>
<td>UDF</td>
</tr>
<tr>
<td>May 1988 – October 1990</td>
<td>Edith Cresson (Minister)</td>
<td>PS</td>
</tr>
<tr>
<td>October 1990 – March 1993</td>
<td>Elisabeth Guigou (Delegated Minister)</td>
<td>PS</td>
</tr>
<tr>
<td>March 1993 – June 1995</td>
<td>Alain Lamassoue (Delegated Minister)</td>
<td>UDF</td>
</tr>
<tr>
<td>June 1995 – June 1997</td>
<td>Michel Barnier (Delegated Minister)</td>
<td>RPR</td>
</tr>
<tr>
<td>June 1997 – June 2002</td>
<td>Pierre Moscovici (Delegated Minister)</td>
<td>PS</td>
</tr>
<tr>
<td>June 2002 – March 2004</td>
<td>Noëlle Lenoir (Delegated Minister)</td>
<td>Non-partisan</td>
</tr>
<tr>
<td>March 2004 – May 2005</td>
<td>Claudie Haiguet (Delegated Minister)</td>
<td>Non-partisan</td>
</tr>
<tr>
<td>June 2005 –</td>
<td>Catherine Colonna (Delegated Minister)</td>
<td>UMP</td>
</tr>
</tbody>
</table>

Source: Sauron (2000a:84) and own research

* State Secretary Bernard-Reymond was actually made responsible for the preparations of the French Presidency, and cannot be defined as a “true” European Minister.

PS: Socialist Party (Parti Socialiste), RPR: Gaullist party (Rassemblement Pour la République), UDF: Right-wing party (Union pour la Démocratie Française), and UMP: Right-wing party (Union pour la Majorité Présidentielle)

The idea to have one member of the government responsible for European issues goes back to the fourth republic where a Ministry for European Affairs briefly existed. It disappeared shortly after the introduction of the fifth constitution until 1971 when President Georges Pompidou reintroduced the notion of a French European Minister. At first, however, the position was occupied by a state secretary permanently based in Brussels (Sauron 2000a:83). In 1981, this changed with the member of the government chosen to handle European issues being permanently based in Paris. As can be deduced from the table above, and according to several interviewees and previous research, the position of European Minister in France is
not a post that confers great political power, quite the opposite. Normally the position is considered by many as symbolic, especially since the European Minister lacks her/his own organisation and ministry (although Belloubet-Frier argues that the solution chosen offers the advantage of a flexible administrative structure, cf. Belloubet-Frier 1995:252). On several occasions, propositions have been made by different actors to create a “real” EU affairs ministry. During the 2002 presidential and general elections, the socialist party declared that it intended to move the EU issues and the European Minister post to the Prime Minister’s Office should the party emerge victorious (Calmfors 2002:1).

Beside the ministries, the French government also boasts two very important entities that help in the coordination of EU proposals from Brussels: (1) the government’s general secretariat or SGG [Secrétariat Générale du Gouvernement] and (2) the general secretariat of the Inter-ministerial Committee or SGCI [Secrétariat Générale du Comité Interministériel]. The former is fundamental to the government’s ability to function and to handle general inter-ministry coordination in general, and the latter is vital to the coordination of the EU issues. I will return to both these institutions later. As the locus of the government’s power, Matignon essentially represents the highest influence level in French politics. In formal terms, it is the final stage for appeals made by ministries complaining about the handling of an EU proposal or text or ministries wanting changes to positions, which were adopted by the SGCI, before being presented at the Council or a working group in Brussels.

Secrétariat Générale du Gouvernement or SGG

The SGG was created back in 1935 to help coordinate and structure the work of the government. In fact, attempts to created similar structures were made as early as 1917 but they failed or produced only ephemeral institutions. Not before 1935 did Prime Minister Flandin succeed in writing into the budget the necessary financial support for a secretariat. It is now one of the four secretariats that are responsible for the inter-ministry coordination. With 51 officials of whom 36 are counsellors, the SGG is a rather small institution. In fact, the SGG is one of the few non-political institutions of Matignon, and it has been described as the “administrative memory of the Matignon hotel”. This is shown by the long length of the terms served by the SGG’s secretaries-general; since 1958 the SGG has had six secretaries-general. The SGG’s main functions are: (1) to organize the government’s work and preserve the proper procedures, (2) to advise the government on legal matters, (3) to help in the transitions between governments and (4) to supervise the different services and institutions attached to the prime minister.

The SGG has no specific role to play in relation to the handling of EU issues though Belloubet-Frier argues that it constitutes one of the five most important inter-ministerial administrative structures with regards to French EU policy, see Belloubet-Frier (1995:250-5). Nevertheless, it is an important institution because it is involved in nearly all the steps and actions of the government. In brief, its mission
is to facilitate and make efficient the wielding of governmental power and to do so in a manner that gives priority to values such as coordination (cf. Knapp and Wright 2004:88). However, most importantly the SGG functions as a hinge between the political government and the administration.

Secrétariat Générale du Comité Interministériel or SGCI

France’s main institution for the coordination of European issues is the SGCI. This body was created on the June 25th, 1948, three years after the end of the Second World War, through an executive order of Robert Schumann, then president of the Council of Ministers, and countersigned by of the ministers of Finance and of Foreign Affairs, the Comité interministériel pour les questions de cooperation économique européenne. Its first mission was to administer and assist in the implementation of the Marshall Plan, an American initiative taken by President Franklin D. Roosevelt to reconstruct the war-tattered Europe. Later when the European integration began to form itself under the guise of the EEC, EURATOM and the ECSC (and subsequently the EU), the committee was assigned to the questions and negotiations within the Council of Ministers, as is shown by the following extract of executive order n° 58-344 of April 3rd, 1958 establishing the SGCI’s role:

The Inter-Ministry Committee for European Economical Cooperation established through executive order of June 25th, 1948, amended by the decree of September 3rd, 1952, is assigned with the task to study all issues related to the relationship between the French government and the organizations of the EEC, of the EURATOM and of the ECSC. /.../ It [the committee] constructs the directives that establish the French position within the Council of Ministers of the Communities and the different common institutions instituted by the treaties. It also prepares the government’s decisions with regards to the implementation of those said treaties and of the decisions and directives emanating from the said common institutions and sees that they are properly executed. (Hardouin 1999:35, my remark)

This translates itself into a practical organization where the general secretariat of the Inter-ministerial Committee (SGCI) prepares the deliberations and decisions of the said Committee and is responsible for their execution. The SGCI ensures the systematically ordered and regular coordination of all the different French administrations that are called to take part, indirectly or directly, in the meetings and activities of the European Community. It also has the responsibility for sending matching instructions to the French permanent representation at the EU.

The rather formal and cursory discussion above introduces the basic functions of the SGCI, but it has been suggested that historically the SGCI had another very important conceptual role which I will briefly describe. Following the inception of the fifth republic and the increased political power enjoyed by President Charles de Gaulle, the SGCI was reformed. During the fourth republic, the SGCI existed as an administrative body handling horizontal coordination of a specific field [the French term being administration de mission]. It was only after 1958 that the SGCI evolved
to an *administration d'état major*, or in other words an institution at the highest level of the politico-administrative hierarchy of French politics (Quermonne 1991:102-108 or Lequesne 1993:99-100). This evolution was apparently caused by President de Gaulle’s unequivocal and openly expressed wishes to put an end to the concept of *copinage techocratique* (Gerbet 1975:391-392) as he disparagingly called it. The concept, which roughly translates into “technocratic spoil system” or “technocratic socialization”, refers to the reasoning that a gradual “spill-over” would lead to increased competences and powers in Brussels. This spill-over effect, it was envisioned, would not only work among different policy fields (as suggested by Haas 1958) but also it would gradually result in national politico-administrative elites becoming tightly knitted to the EC and its system in Brussels. This is what de Gaulle tried to prevent, or as Harmsen incisively writes:

> The French government sought directly to counteract this logic of sectoral expansion by a systematic centralization of domestic European policymaking. [...] Contacts between the French state and the Commission would, insofar as possible, be restricted to a single, central channel. Practically constrained in this manner, those contacts could be more easily controlled and limited by the national government. The SGCI thus came to be seen as a useful buffer between the Commission and national sectoral administrations, minimizing the extent of direct national contact with Brussels. (Harmsen 1999:89)

It remains to be seen to what extent the SGCI has continued in fulfilling this role (and others) in modern times. At this point in my analysis of this central institution for the French coordination of EU issues, I will present and examine the leadership, functions and structures of this institution.

The leadership of the SGCI

The SGCI was initially set up within the administrative framework of the Ministry of Finance, as it was primarily an organization designed to deal with financial issues (i.e. the Marshall Plan). This translated itself into article 3 of the executive order n°48-1029 of June 25th 1948 and article 7 of the executive order n°52-1016 of September, 3rd 1952, both of which (albeit in somewhat different wording) stipulated that the secretary-general of the SGCI would invariably be recruited from the Ministry of Finance. The secretary-general would formally be appointed through a joint declaration of the president of the Council of ministers, the minister of Foreign Affairs, the minister of Finance and the minister of Industry and Trade. This procedure was followed for approximately 25 years, after which the government concluded that the SGCI tasks were no longer of an exclusive financial character. This meant that the monopoly exercised by the Ministry of Finance over the post of secretary-general for the SGCI was nullified through executive order n°77-1057 of September 26th 1977, which stipulated that thereafter the secretary-general for the SGCI would be assigned through a decree of the Council of ministers.
The different bureaucratic affiliation of the secretaries-general of the SGCI is not without importance. The current head of the SGCI is a highly experienced administrator, Pascale Andréani. Previously she had served as the head of the French Ministry of Foreign Affairs’ own EU-division and had been a foreign policy advisor at the Élysée. Her influential position within the field of French European politics was confirmed when she was named as minister of Foreign Affairs (Dominique de Villepin’s substitute within the Convention for the Future of Europe). Clearly, she enjoys a privileged status in EU policymaking within the French government.

### Table 7.3: SGCI secretaries-general (1948-2005)

<table>
<thead>
<tr>
<th>Duration of service</th>
<th>Name (official title)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948 – 1949</td>
<td>Pierre-Paul Schweitzer (Inspecteur des Finances)</td>
</tr>
<tr>
<td>1949 – 1951</td>
<td>Bernard Jacquin de Margerie (Inspecteur des Finances)</td>
</tr>
<tr>
<td>1952 – 1953</td>
<td>Thierry de Clermont Tonnerre (Inspecteur des Finances)</td>
</tr>
<tr>
<td>1953 – 1955</td>
<td>Paul Delouvrier (Inspecteur Général des Finances)</td>
</tr>
<tr>
<td>1955 – 1960</td>
<td>Jacques Donnedieu de Vabres (Maitre des requêtes at the Conseil d’État)</td>
</tr>
<tr>
<td>1961 – 1965</td>
<td>François-Xavier Ortoli (Inspecteur Général des Finances)</td>
</tr>
<tr>
<td>1965 – 1966</td>
<td>François Morin* (Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1966 – 1967</td>
<td>Jean Dromer (Inspecteur Général des Finances)</td>
</tr>
<tr>
<td>1967 – 1977</td>
<td>Jean-René Bernard (Inspecteur Général des Finances)</td>
</tr>
<tr>
<td>1977 – 1979</td>
<td>Jean-Claude Paye (Ministre Plénipotentiaire)</td>
</tr>
<tr>
<td>1979 – 1982</td>
<td>Pierre Achard (Inspecteur des Finances)</td>
</tr>
<tr>
<td>1982 – 1985</td>
<td>Jean-Claude Prevel (Administrateur civil hors classe)</td>
</tr>
<tr>
<td>1985 – 1990</td>
<td>Élisabeth Guigou (Administrateur civil hors classe)</td>
</tr>
<tr>
<td>1990 – 1993</td>
<td>Bernard Vial (Directeur de recherche at INRA)</td>
</tr>
<tr>
<td>1993 – 1995</td>
<td>Yves-Thibault de Silguy (Ministre Plénipotentiaire)</td>
</tr>
<tr>
<td>1995 – 1997</td>
<td>Jean Cadet (Ministre Plénipotentiaire)*</td>
</tr>
<tr>
<td>1997 – 2002</td>
<td>Jean Vidal (Conseiller d’État)*</td>
</tr>
<tr>
<td>2002 –</td>
<td>Pascale Andréani (Conseillère d’État)</td>
</tr>
</tbody>
</table>

Source: Sauron (2000a:80) and own research

* Indicates that the official in question previously occupied the position of permanent representative or deputy permanent representative in Brussels.

In general, most secretaries-general throughout history have had an administrative “double-hat” so to speak – being both secretary-general and a close advisor to the top executive. While being secretary-generals for the SGCI, most have retained the
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position of counsellor on European Affairs to either the prime minister or the president; only in a few cases have there been secretaries-general with no formal connection to one of the two heads of the French executive. The value of the double “hat” is crucial as is certified by almost every interviewee in France and at the French PR. What is indeed a paradox is that this critical characteristic of secretaries-general is not codified in any formal legal texts, but still it is an important to our understanding the influential role of the SGCI, as one senior French administrator points out:

...in those cases [where the secretary-general has no other affiliation to either Matignon or l’Elysée], as far as we are concerned: it doesn’t work... (interview 15, my remarks)

It is an explicitly stated assumption (by many interviewees) that most, if not all, of the legitimacy of the SGCI is results from its secretary-general being a close advisor to the top executive level. This ensures that as the officials at the SGCI seek a solution to a problem or a compromise they can lean on the authority of their secretary-general, and means that they talk with the support of the prime minister’s advisors in EU affairs. This is a vital “tool” or argument for the officials at the SGCI when they have to navigate through difficult negotiations. Working below the secretary-general, several deputy secretaries-general and coordinating governors [préfets coordonnateurs] are responsible for different sections of the SGCI (see appendix). Issues belonging to the third pillar were treated by a préfet coordonnateur and first made their appearance within the SGCI at the beginning of 1994. This post was later reorganized and treated as a third deputy secretary-general.

Finally, to conclude this presentation of the SGCI’s top strata, one must mention the secretary-general’s legal advisor, which acts as a close advisor to the secretary-general on numerous and diverse issues. His/her main function as legal advisor is to advise the SGCI and ministerial officials (and in some cases PR officials) on legal matters and to coordinate certain matters that fall under the advisor’s delegated competencies. In late 2003 the major tasks involved work on transversal institutional and legal issues, as well as the relationship with the French and the European parliaments. In late 2003 a counsellor originally from the Council of State [Conseil d’État] held the position as legal advisor to the secretary-general. His predecessor, who left the post of secretary-general in 2001 to take up the position of legal advisor at the French PR, had also been a bureaucrat with the Council of State (and the SGCI’s legal advisor before him had originated from the Council of State). It is clear that the corps of the Conseil d’État has managed, much to the antagonism of the Foreign Ministry (and its legal affairs section) to gain a significant hegemony in the posts assigned to the management of legal EU issues.

The daily work of the SGCI

The tasks of the SGCI are impressive, especially considering the role of the organisation within the general structure of the French central administration. I will briefly
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summarize the SGCI’s tasks according to four major categories: (1) negotiation and coordination, (2) diffusion of information, (3) excellence within the field of EU and (4) surveillance of the implementation of EU law.

The first category deals with negotiation and coordination. The SGCI coordinates and prepares every single French common position and instruction that is presented within the working groups and committees of the Council (cf. Marcou 1998:81). It enjoys a monopoly in regard to the sending of instructions between the ministries and the PR, the sole exception being issues belonging to the CFSP (see below). Furthermore, it claims exclusive and final decisional authority over the composition of the French delegation sent to working groups, committees and Council meetings. In some instances a member of the SGCI may travel to Brussels to attend the working party or committee meeting, even though there is a national bureaucrat already delegated to handle this specific working group or committee, such is the case with the SCA. The arbitrating role of the SGCI is a very delicate one, especially within the highly segmented French administration. One example is the Foreign Ministry, a ministry that has a hard time accepting the SGCI’s interceding role. Still they do know where to draw the line as stated below:

...although there is no opposition towards the SGCI from the Foreign Ministry in certain matters, it is true that their feelings are divided. In issues which belong to their own “fields of policy” it would be easier for them to go directly to the PR and to “squeeze” the other ministries, the other way around they realize that in many other domains where they lack competence in the subjects, without the SGCI they would be left outside, they would not know anything of anything that the other ministries do. Thus to sum up, the SGCI do not have any large legitimacy problems. They [the ministries] know that they have to make compromises if they want the machine to work properly. Evidently, on a case-by-case basis, things can get complicated, but in general the basic scheme that states that dossiers are cleared through the SGCI and then reaches the PR is relatively well understood and accepted by the ministries... (interview 15, my remark, similar quote in interview 13)

These small skirmishes between ministries and secretariats notwithstanding, the real locus of the SGCI’s role within French European policymaking resides within the organisation’s functions and its personnel. Thus, it is imperative that the different officials stationed are perceived as neutral and able negotiators with no explicit tendencies to favour either side in a discussion between ministries. The common attitude is that most people view the SGCI as just that, a body capable of handling serious conflicts and of finding reasonable compromises between the positions of the individual ministries:

...I think that it [the SGCI] fulfil its role very well. I have not yet encountered a case where the SGCI lacked of objectivity and clear-sight in resolving an issue... (interview 48, my remark)

As stated above, one of the SGCI’s roles is to coordinate and regulate the compositions of the different missions and delegations sent to Brussels from the capital to
negotiate. The SGCI has established rules to determine who should take part in Council meetings. The minister also has a say about which bureaucrats accompany him/her, especially if the Council is meeting to discuss politically sensitive issues. This SGCI’s power over who is to be accredited as a French representative to the negotiations in Brussels is not to be underestimated (interview 15), though it is exerted with caution and respect to the wishes of the minister’s cabinet.

The second category is diffusion of information. The SGCI is responsible for sending all the information from the diverse EU institutions to the French ministries and their agencies as well as other bodies of political importance, such as the parliament and various institutes (Marcou 1998:81, though the two houses of French parliament have their own antenna in Brussels, see below). It should be noted at this stage that the SGCI plays an instrumental role in the process of parliamentary scrutiny stipulated by article 88-4 of the Constitution (cf. Alberton 1995) by forwarding all legal proposals of “legislative character”. This role is very important as it makes the SGCI the bearer of the information gathered by the PR in Brussels. Furthermore, this role is prominently one of the SGCI’s par excellence monopoly areas. This task is also as daunting, for example in 2002 the SGCI received 32,905 faxes and sent out almost ten times as much, i.e. 301,537 faxes. This accounts for a staggering average of almost 830 outgoing faxes each day. Even these figures fail to capture the impressive flow of emails and telephone calls that shape the backbone of the coordinative and preparative web between ministries, the SGCI and the French permanent representation in EU issues.

The third task of the SGCI and its personnel is to provide excellence within the field of EU. The personnel at the SGCI acquire expertise in EU issues that is put to the benefit of the different individual ministers. The holistic view and global understanding of various issues and stakes at hand in EU negotiations required when working within the organization endow the civil servants at the SGCI with a special skill in dealing with these questions. They are thus requisitioned to take part in individual ministries’ planning in EU issues and can, on their return to their ministry of origin, permeate the organization with their knowledge and expertise.

This brings us to the fourth category: surveillance of the implementation of EU law. The SGCI has the main responsibility for controlling and ensuring that French authorities implement the directives, regulations and decisions taken in Brussels and inserted into French law. The SGCI also deals both pre-contentious and contentious cases, with the exception of those that fall under the jurisdiction of the legal services of the Ministry of Foreign Affairs. This mission is especially important since France has for a long time been ranked among the member states with the largest “implementation deficit” (cf. Buffet-Tchakaloff 1985) have pointed out that the SGCI was for a considerable period not adequately equipped or staffed to deal with this task. This control and supervision of transposition and implementation of European directives and laws is ensured mainly by the secretary-general’s legal advisor and his/her staff. In some cases when this transposition drags on and the European authorities (i.e. the Commission) deem that the ECJ
should sanction for non-compliance, the unit working under the SGCI’s legal advisor (as well as the French PR’s legal advisor) work to present France’s arguments before the Court. Although this work covers the whole of the SGCI’s different sections, there exist some differences between the various policy sectors:

...In fact there exists one sector that is a regular interlocutor; it is the section which deals with environment. For one simple reason and it is that the legislation on environmental issues within the EU has a very technical and legal character, so they are often in contact with us to prepare different cases before the ECJ.../.../...as for the other sections, of course there is the section of the internal market... (interview 15)

The French government has made several efforts to rectify this shortcoming. In its November 9th 1998 circular the government identified several reforms that need enactment in order to attain a satisfactory level of uniformity both horizontally across ministries and vertically within ministerial structures. The circular also stated that the civil servants responsible for the implementation of EU directives or regulations preferably should deal with preparations and negotiations of these same directives and regulations. Any discrepancy between the two services (i.e. that one service or unit was responsible for the implementation and another was in charge of the negotiations) would be, according to the circular, sufficient ground to initiate an administrative reform of the ministry in question so as to eradicate such inconsistencies. Despite this implementation of EU legislation in France is still weak (one example is labour law directives, cf. Falkner et al. 2005),

The SGCI’s personnel

The SGCI is comprised of approximately 200 employees (see table 7.5 below); 80 are civil servants with primary responsibility for logistical needs (archives, secretaries, information officers, et cetera), 70 are assistants to the counsellors, and the remaining 50 are counsellors who handle the substance of French EU coordination (Calmfors 2002:3). These senior counsellors are recruited from the higher echelons of ministries and different public autonomous authorities. The main common denominator for SGCI employees is that they are experts within their field and that they have a reasonably good knowledge and previous experiences of international negotiations (cf. interviews 13, 15, and 64). This has led to recruitment problems since ministries do not want to lose experienced bureaucrats:

...it is the nominations which are time consuming...because you have to meet several candidates, now and then you have to convince their [home] administrations to let them go... (interview 55, my remark, similar statement in interview 32)

One SGCI employee even remarked that it was his/her closest superior at the SGCI who actually convinced him/her to join the SGCI (interview 13). While some personnel come from public agencies, most SGCI officials are recruited from ministries. The normal hierarchy typical of French administration is less obvious in the
case of the SGCI, though compartmentalization of units is prevalent. Bilateral (and sometimes multilateral) coordination is common as different dossiers sometimes span a wide policy field and demand the consideration of two or more sections. Although SGCI officials are recruited from ministries, this does not in any significant way hamper the coordinating ability of the SGCI. Indeed, one might expect general mistrust towards SGCI officials.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of employees</th>
<th>Number of sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>88</td>
<td>9</td>
</tr>
<tr>
<td>1980</td>
<td>nd</td>
<td>13</td>
</tr>
<tr>
<td>1988</td>
<td>133</td>
<td>nd</td>
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<tr>
<td>1992</td>
<td>147</td>
<td>15</td>
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<td>1997</td>
<td>175</td>
<td>18</td>
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<td>1999</td>
<td>182</td>
<td>nd</td>
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<tr>
<td>2001</td>
<td>197</td>
<td>nd</td>
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<tr>
<td>2002</td>
<td>190</td>
<td>22</td>
</tr>
<tr>
<td>2005</td>
<td>200</td>
<td>20</td>
</tr>
</tbody>
</table>

Source: Own material collected with the gracious help of the Head of the Communication section Laurence Pierre and to some extent through checking the SGCI’s web site: http://www.sgci.gouv.fr/, nd = no data

For example, as officials from the Ministry of Agriculture often take care of dossiers and EU proposals within the agricultural policy field one could imagine that there is plenty of room for suspicion of a biased judgment from e.g. Ministry of Finance bureaucrats. The picture remains somewhat ambiguous. On one hand a chancery civil servant states that:

...effectively all the heads of sections [within the SGCI] are people...who above the pure professional competence in the actual policy fields and facts of the dossiers also retain a renowned “human competence”.../...these are people who smooth out the corners... (interview 71, my remark)

Even so, we find that most officials within the SGCI’s different sections are chosen from their different home administrations, and it follows that those civil servants operate within “their” own fields at the SGCI. In some cases (i.e. policy fields), certain traditions are established where counsellors from the PR take the position as SGCI counsellor within the same field and vice-versa (i.e. that SGCI personnel are sent to a post at the PR). Nevertheless, this procedure is not institutionalized in all policy fields, it seems to be more prevalent in the field of agriculture, for example, the last two or three counsellors on veterinary issues went to the French permanent...
representation in Brussels after their SGCI position (interview 55). Hence, one cannot ignore the fact that ministries tend to strive to place their own people at strategic posts:

...we put people from the “shop” [the interviewee uses the word boutique and refers to the own ministry] to facilitate things... (interview 71, my remark)

Counted in sheer numbers, most of the personnel at the SGCI are taken from the Ministry of Finance. This is due to several factors. First, the sheer number of EU proposals and legislation within the policy sphere of economics is very important. Consequently, the sections that deal with financial issues, and thus have officials drawn from the ranks of Bercy, are numerous. Second, much of the competence that is required from the ministries in order to handle all types of EU proposals is connected, in one way or another, to financial and budgetary questions. Third, the SGCI itself was for long time, and to some extent continues to be, associated with the Ministry of Finance. Some people argue that the “institutional” or administrative closeness to the Ministry of Finance is profitable:

...some argue that the SGCI should be attached to the prime minister to enhance the SGCI’s credibility as an inter-ministry coordinator; others argue that a continued administrative close link to the Ministry of Finance is preferable, since it is a rich ministry. Thus had we been reorganized under Matignon, material problems would have most likely occurred... (interview 15)

While others point to the fact that the SGCI is too closely connected to the Ministry of Finance, a fact which could be viewed as problematic, especially by the other ministries as they fear that that inter-ministerial coordination is somewhat biased in the “favour” of the Ministry of Finance:

...coordination within the SGCI is whenever Bercy wants to have a word in proceedings it considers are of interest to them... (interview 86)

In the next section, I shall examine more closely several ministries in order to demonstrate some of the functions and EU coordinating ministerial structures present in Paris. As was the case for the chapter on Sweden, I have chosen to concentrate my research on the most “EU-heavy” ministries.

**Individual ministries**

As mentioned above, each ministry has its own EU-coordination office. This is at least the official perspective. In reality, French ministries often include many different EU units and/or directorates (or sub-directorate and bureaux) which have a specified role to play within the individual ministry’s handling of EU issues. This, as will become clearer below, is not as straightforward as one might wish. For example, no less than some 32 different units (at different levels within the individual ministries) with EU responsibility appear in the description given by Sauron
Given the expansion of the ESDP and CFSP since 2000, the number has not been reduced. Indeed, according to information available through the individual ministries, during the winter 2003/2004 the number of EU units were approximately 34.

The sheer number of units primarily involved in EU legislation and negotiations is not a problem in itself; it could be interpreted as a sign of the growing influence and range of EU legislation. The only drawback of so many units is the increased difficulty to coordinate French national EU policy.

Ministry of Ecology and Sustainable Development

Although France does not exactly boast a long history as a forerunner in environmental policies at either the international or national levels, the French Ministry for Ecology and Sustainable Development (Ministère de l’écologie et du développement durable) is very efficiently organized. It seems as if the lessons drawn from the years of work with European issues have had an impact on the organisation of the ministry’s internal routines. The main responsibility for treating EU issues is that of the personnel in the EU unit or BAE unit (Bureau des Affaires Européennes), which is responsible for coordinating and assuring that the French Ministry for Ecology and Sustainable Development proposes a ministerial proposition in the wake of any eventual negotiation between ministries. This bureau is attached to the Service of International Affairs or SAI (Service des Affaires Internationales), which is itself a sub-unit of the Directorate-General for the Administration, Finances and International Affairs or DGAFI (Direction Générale de l’Administration, des Finances et des Affaires Internationales). The BAE unit is normally composed of five officials (chargés de bureau) and is supervised by one head of unit. Its main responsibility is to implement efficient coordination within the ministry itself so that the preparation of the ministry’s and ultimately the French government’s positions on environmental issues and dossiers are finalized in due time. This coordinative effort means that the EU bureau within the Ministry for Ecology and Sustainable Development has extensive contact with almost all of the different technical services within the ministry. As a senior French bureaucrat puts it:

…the unit is in fact much of a focus point in the ministry almost all documents passes through. There are other responsibilities to this bureau. If we take care of all the European issues it is not only through the framework of the European Union, but also through bilateral issues and contacts with certain individual member states of the EU. These are closely monitored by this office... (interview 48)

It is important here to note that the EU bureau only deals with member states (whether through the work of the EU or individually on a bilateral basis); other European and applicant countries are dealt by the Bureau of Cooperation Support or BAC (Bureau de l’Appui aux Coopérations). Both the BAC unit and the BAE unit work closely in some matters, notably pertaining to the transposition of EU rules and directives. Most of the work is done in preparation for the negotiations both in
PARIS (at the SGCI) and in Brussels, but some of BAE officials’ time is consecrated to follow-up of implementation and to cases of contention brought before the ECJ. As pointed out above, a rather small team in the BAE by necessity governs the nature of the work being done by these officials. The experts and officials residing in the different technical units of the ministry attend the content of each European proposal and dossier. Those “technical” officials are often sent to SGCI meetings to establish French common position, although officials from the BAE unit do attend some inter-ministry meetings, at least at the SGCI.

The internal coordinative work within the ministry is achieved through bilateral contact between BAE officials and individual technical units. Some coordinating meetings within the ministry on complex dossiers and proposals are occasionally organised but, in the main, the coordination of the ministry’s position is established directly through contacts between the BAE and other bureaus. Each official at the bureau is responsible for a number of topics. Additionally, one person within the EU unit is responsible for the contacts with MEPs, since every legislation or document concerning EU environmental policy has to be treated under co-decision procedure; this rather important function, surprisingly according to some (cf. interview 67) is not run from the French PR but from the ministry.

Negotiations between ministries (a ministry may be involved in a number of issues that also involve other ministries) differ depending upon the aspects and nature of the individual dossiers. However, a certain pattern has evolved; environmental issues generally (not only in the context of the European integration) have become more entangled into other aspects of political life. For instance, the directive on chemical products, REACH, presented by the Commission involves several ministries. For example, we see that the Ministry of Health [Ministère de la Santé, de la Famille et des Personnes Handicapées] is worried about health issues and problems caused by the existence of chemical in a modern society. Likewise, the Ministry of Industry is also very preoccupied by this matter because of its sensitivity to the industrial role of chemical industries (interview 48).

Ministry of Agriculture

The Ministry of Agriculture is, as expected, one of the major players in French EU policy, particularly since agriculture is one of the main policy fields where France is a clear net beneficiary. As is made evident in most, if not all, analyses of French politics, agricultural policy occupies an important place. One of the oldest fields of interest for the EU, agricultural issues shape the structures and the internal workings of the French Ministry of Agriculture.

The Ministry of Agriculture at the central level is comprised of seven directorate-generals and three services. One of them, the Directorate for Economic and International Politics or DPEI [Direction des Politiques Économique et Internationale], houses the ministry’s EU unit [Bureau de l’Union Européenne]. The unit consists of eight people (not including the head of the unit). It is within this bureau that the
instructions and positions, which are presented at the SCA’s meetings (and other working groups handling agricultural issues) in Brussels, are coordinated. The unit is also heavily involved in the drafting of the minister’s brief before the monthly meetings of the Council of Agriculture (see below). The head of the unit attends the SCA’s meeting each Monday and/or Tuesday. Meanwhile the same unit is also responsible for the preparation and coordination of a ministerial position that will then later on be presented and discussed at the SGCI. This work is done in the week (usually Friday) preceding the week of the Council’s meeting and involves the editing of statements on issues to be presented at the Council’s meeting by the minister (this is done in cooperation with technical experts in the adequate services and units of the ministry). While the EU unit provides much of the first reading and “groundwork” of the ministry’s handling of EU issues, its role is restricted to that of a coordinating function. All of the substance in the matters is handled by the “technical” officials in the numerous services and units of the Ministry of Agriculture. In addition, the EU unit provides a “first reading”; some of the documents and texts it handles and prepares are also checked by the EU unit’s superior, mainly by the head of the International Services within the DPEI and/or the head of the sub-directorate that houses the EU unit.

The coordination of EU issues and dossiers within the EU unit entails more than just surveying and collecting different viewpoints of the official and experts across the ministry but it also entails delineating the political priorities of the different subjects on the SCA’s agenda:

...if there are for example fifteen items on the next SCA’s programme we are forced to establish a list of priority in order to differentiate between the items. We are thus forced to make someone unhappy. If you are the fifteenth on the list (of priority), of course you are dissatisfied.../.../...We prioritize but we do not establish the basic positions of the instructions... (interview 71, my remark)

As a result, the main source of political priorities’ is the ministry’s EU unit. In the discussion above, I have presented an account of the coordination of Council meetings. Another important institution in the workings and dealings of the CAP is the SCA. The coordination process for this high-level committee follows a very strict order designed to mirror the proceedings in Brussels. While the SCA holds its meeting each Monday, the EU unit holds its preparatory PAC meeting the preceding Thursday morning at 11am via a videoconference with the responsible representatives at the PR. It is at this meeting that the ministry’s position is finalised. Later the same day around 3pm, the head of the EU unit (sometimes assisted by experts) participates in the inter-ministry meeting at the SGCI. This routine is followed three weeks out of four since the fourth week is the one that precedes a Council; on the fourth week the routine described above (i.e. the PAC videoconference and the SGCI meeting) takes place on Wednesday. This extra day is often needed to assure that the minister’s statements at the next week’s Council meeting are flawless. While the EU unit and its coordinating units handle priorities on a number of EU
dossiers, they do not receive any explicit information about the subjects the minister and her/his cabinet judge to be politically sensitive – not that the civil servants responsible for the coordination of the ministry’s EU policy are unaware of their minister’s political priorities, the opposite. However, by obfuscating the political priorities throughout his/her administration (at least the central administration involved as is the EU unit in vital negotiations), the political leadership invites the administrators to follow a certain procedure:

...the golden rule is to, at the slightest ambiguity; send the dossier up the echelons. /.../ Of course it is a part of the professional experience to know which subjects are sensitive... (interview 71)

These sensitive cases when identified are treated ad hoc and, hence, there are no specific meetings to deal with the “hard cases” of EU issues. This could imply that coordination is slowed down as dossiers (and the positions proposed by the technical services) are sent upwards through the hierarchy to be validated. However, this also means that the political validation of sensitive dossiers is “guaranteed”.

As such, the EU unit is the central actor within the Ministry of Agriculture and is supposed to be the entry and exit doors for all EU dossiers in and out of the ministry. However, over time this has changed and increasingly this unique status is only true of the outward “traffic” of EU dossiers. Thus while the SGCI sometimes sends the EU dossiers and proposals directly to the technical units within the ministry, the EU unit is always contacted when projects of instructions are sent from the ministry to the SGCI. Regarding the actual participation in the different Brussels based meetings, when it comes to the participation in the working groups it is the experts from the ministerial units that take part in the meetings in Brussels and they brief the EU unit afterwards, and at the level of the SCA one member of the EU unit participates in the meeting. While some other countries have their SCA representatives based in the capital (as is the case with Sweden and most other northern countries), France’s representative is based at the PR. He/she is always accompanied by the head of the Ministry of Agriculture’s EU unit. In contrast to Germany, which lacks an efficient coordinating structure,” the coordination with technical experts within the ministry is made both ex ante and ex post the SCA’s meetings.

Generally, we can say that the Ministry of Agriculture is perceived as one of the few ministries in France that has an organisation renown for adapting its organisation and internal procedures to the demands of the EU. This is largely due to the long history in which agricultural issues have been at the centre stage of European integration through the famous (some would say, infamous) CAP. Their long experience with the EC’s and EU’s handling of these issues explains the success that the negotiators and officials from the Ministry of Agriculture enjoy both in Brussels and (most substantially) at the SGCI. However, effective administrative routine, and the fact that the agricultural issue is a traditional policy field, only goes so far in explaining the relative importance of these issues. Another important factor is the executive’s explicit political priorities: agricultural issues have high priority as Presi-
dent Chirac, elected in 1995, favours farmers and their issues. This puts the ministry of agriculture in a strong position when negotiating for a common position at the SGCI.

Ministry of Finance

The Ministry of Finance is a central actor in the management of EU issues; especially given that the French government traditionally grants the Ministry of Finance a highly significant role and the ministry is normally consulted in almost every policy field. The Ministry of Finance boasts a highly dedicated and well-remunerated staff, and has one of the biggest ministerial organisations in the government. In late 2003 it was divided into no less than 31 departments (including the ministry’s general secretariat) of which a great number had their own European Union unit or services, though these differ both in size and in mission. In 2003 the Ministry of Finance’s directorate for judicial affairs [DAJ, Direction des affaires juridiques] had just one small unit for European Law [Bureau 3B, Droit européen]. In contrast, the Treasury [Direction du trésor] boasted a whole service (department) attached to European issues in the Department of European and International Affairs [Service des affaires européennes et internationales] with no less than two sub-directorates [sous directions], three attached to the chargé de mission, and seven units.

Another example of distinctive units within the Ministry of Finance is the unit for the European Budget [Bureau des Affaires Européennes or Bureau 7B]. The unit is deeply involved in long-range handling of budget issues such as the planning and negotiation for the financial perspectives of 2007 through 2013. It contains seven members who all work fulltime and were (in 2003) supervised by a civil servant from the ENA. Interestingly enough, the head of the unit maintains that the unit also has “an antenna in Brussels” composed of two persons. In this context, it is worth mentioning that in matters concerning issues handled by this unit, the two representatives in Brussels are directly involved and are in close contact with the personnel at the Unit 7B. However, this relationship does not solely rely on direct contacts between the unit in Bercy and “their” representatives at the RP. Information is also conveyed through the SGCI and the SGCI’s different sections. This means that information on new proposals pertinent to budgetary issues and developments during negotiations within the Council’s working group (in this instance the Budgetary Committee) reach the Ministry of Finance’s unit for European Budget issues through the SGCI and their different sections. As for the working routines within the unit, the daily toil on EU budget issues is largely left to each individual official:

...one is responsible for the CAP, another is responsible for regional affairs, a person oversees the internal spending and the administrative costs of the Union, one which monitors the external actions, and it is pretty segmented. Each and everyone take part in the meetings that concern him [sic]... (interview 61, my remark)
The meetings mentioned above include inter-ministry meetings (the French denomination is *réunion interministérielle*) at the SGCI or at Matignon as well as internal meetings within the Ministry of Finance with other sections and units or cabinet members. In the case of the director of the unit, he/she maintains daily contact with several persons, among them the head of the Internal EU Affairs unit at the *Quai d’Orsay*, the deputy secretary-general and the head of the financial section at the SGCI, and two civil servants at the Treasury. Interestingly, the Ministry of Finance is a significant exception to the rule of all-encompassing coordination through the SGCI. The director of the Treasury who ensures that any eventual instructions are sent assures representation to the EU’s monetary committee. The treasury section of the ministry exclusively handles the preparations of these instructions (cf. Menon 2000:86-87). In more general terms the ministry seems to be (whether this is due to the large amount of EU units or a lack in political coordination) crippled by difficulties of internal coordination:

...there is no internal coordination between bureaus and units...//...this is an enormous problem, because it means that the coordination is made either within the cabinets, which is not what they should do, and generally they do it poorly, or not at all. So sometimes, we are left with four different sections or bureaus with four different positions at the SGCI... (interview 63)

This exemplifies the compartmentalization mentioned earlier. It also substantiates the importance of the cabinets in French politics.

*Ministry of Foreign Affairs*

As made clear by both Kassim *et al.* (2000) and Peters and Wright (2001) in chapter 4, foreign ministries in almost every single member state, enjoy a central role within the process of coordinating and constructing national standpoints for its representatives in working groups and committees in Brussels. In the case of France, the above-mentioned observation is true but must be somewhat modified. The French Ministry of Foreign Affairs was for a long time in control of European affairs by virtue of its time-honoured experience of multilateral negotiations (this follows the classical explanation of the foreign ministry dominance) and its dealing with matters of foreign policy character. However, this is less so today since EU issues tend to be more of domestic character and consequently the ministry’s grip is losing its firmness.

The principal coordinating unit within the ministry is the Directorate for the European Cooperation hereinafter DCE [*Direction de la Coopération européenne*], which is divided into two sub-units the Unit for the European Union’s external relations [*Sous-DIRECTION des relations extérieures de la Communauté*], and the Unit for the EU’s internal affairs [*Sous-DIRECTION des affaires internes*]. These three units are the ones involved in the planning of most EU proposals and dossiers belonging to the first and third pillar. When it comes to coordination and handling of CFSP (and ESDP) issues, the French Foreign Ministry has several units and a bu-
COORDINATION OF EU AFFAIRS IN FRANCE

...if there is an issue on the UN or Asia, I take contact with the corresponding unit and I make the synthesis of the positions, eventually with our cabinet if they are any arbitrage to make and after I relay this position to the SGCI... it is not the SGCI which amused itself by directly calling the Direction for Asian issues... (interview 74, emphasis added)

This is an important factor and should be emphasized because it seen as an important variable for the success of the internal coordination of EU issues within the Foreign Ministry. The DCE itself especially stresses this point. The involvement of the broad range of different units, which have highly developed opinions on most issues belonging to them, means that the legitimacy and clout of the DCE is constantly tested (Lanxade 2003:21 and interview 74, where the knowledge of the individual units being recognized).

A difficulty that some officials spoke about was the lack of personnel. In 2002, in one unit central to the handling of EU issues (the DCE’s sub-directorate on external relations), the staff was reduced to a mere four senior counsellors while its regular workforce (which was back up to full complement by late 2003) is normally a “strong” nine workforce. Obviously, this understaffing might create stress in the coordination of EU issues within the Foreign Ministry and might lead to problems within an otherwise effective organisation. As an interviewee commented
Even the official who mentioned this seemed to take the matter "light-heartedly”. Yet it does present some real problems of disconnection between organizational theory and practice. An example is the Agency for European Armament\(^5\) [OCCAR, \textit{Organisme Conjoint de Coopération en Matière d’Armement}] where even though the sub-directorate on external issues should be involved, it choose to “stand down” and instead allow the relevant units in the Ministry of Defence (the CFSP-direction unit), or even the sub-directorate on internal EU issues, deal with the question. In other issues the roles are reversed, nevertheless, this induces a precarious mismatch between the real attribution of different units and the formal organisation.

\textit{Parliament’s select committee on EU affairs}\(^4\)

As pointed out at the beginning of this dissertation (see chapter one), EU membership puts strains on the relationship between the legislative and the executive powers of member states. This is mainly due to the executive having the right to vote and negotiate within the decision-making structures of the EU, i.e. the Council. Each parliament has thus armed itself with an advisory committee on EU affairs. The research on the subject is extensive and far-reaching (Bergman 1997b, Rozenberg 2000 to mention a few).

France’s parliament,\(^6\) with its bicameral system, also adapted itself to the EU and equipped itself with similar committees, more formally called EU delegations [\textit{Délegations pour l’Union Européenne}]. In this dissertation I will sometimes use the more familiar (though perhaps less formally correct) term “EU committee” rather than “delegation”. These EU committees are not entitled standing committees because the constitution of the parliament allows for only six standing committees for each chamber. Because of this the parliamentary pathway set up to scrutinize the French government’s national EU policies is through the \textit{délégation du Sénat pour l’Union Européenne} (within the Senate) and its sister institution within the lower chamber or House, \textit{délégation de l’Assemblée Nationale pour l’Union Européenne}. However, both Huber (1996:30-36) and Hayward (2004:82) argue that this has no real practical implications on the workings of the French parliament. The formal differences between the standing committees and other committees of each chamber of the French parliament include, among others, that the EU committees within both the senate and the lower house have no legislative capacities as such. While the standing committees are responsible for examining law proposals and other texts before they are put forward to a vote in the chamber. Many deplore this distinction\(^10\) but any reform presented rarely extends beyond the mere rhetorical stage, and thus no essential changes of constitutional provisions are on the horizon. Still, they are active members of parliament, both through their members and by force of their own committees. Furthermore, the president of the lower house’s EU committee participates in the Conference of Presidents [\textit{Conférence des présidents}] according to article 48 of the lower house’s internal rules [\textit{Règlement de l’Assemblée Nation-}]}
Consequently both the senate’s and the lower house’s EU committee are commonly referred to as the seventh standing committee (Hayward 2004:82).

Established in 1979, after MEPs were no longer designated national MPs but instead won their EU seats through direct universal suffrage, the two EU committees were enacted through a law [Loi Foyer]. Among other things, this law sets the number of EU committees members to 36. Most of the work is done by the office of the EU committee. The National Assembly’s EU committee has seven persons within the office: A president, four vice-presidents and two secretaries (all are appointed from within the ranks of the EU committee’s members). The president of the EU committee is elected for the legislature’s entire period and, together with his/her “staff” at the office of the EU committee; he/she monitors the EU proposals and texts when their negotiation and adoption schedules do not fit the timeframes of parliamentary sessions. At first both EU committees played a minor role, but the expansion of the competences and the clout in every day politics attached to the institutions of the European Union changed these events. Those factors, especially following the treaties of Maastricht and Amsterdam, triggered a change in the French parliament’s view of the importance of EU issues and resulted in recognition that their own mechanisms were not adequate to handle those issues. The main change of the parliament’s relation towards the executive occurred with the creation of article 88, and most notably of the procedures established through article 88-4 of the Constitution. Though I shall return to this article later on in this chapter, it should be noted at this stage that article 88 was considered by many to be a break with previous traditions concerning the unfettered role of the French executive in international negotiations (cf. Verdier 1994). Several other important modifications of the rules governing the involvement of the French parliament occurred; both took the form of new laws (see also e.g. Rizzuto 2004:127): Most importantly, Loi Josselin meant that the government was compelled to hand over “all necessary documents established by the different institutions of the European Union” to the EU committees. The law also stipulated that the EU committees’ members were doubled from the then-established number of 18 to 36. Furthermore, the law authorised the committees to subpoena members of the government and representatives of EU institutions to the committee in order to gather their views and opinions on current issues. The EU committees also gained the right to publish reports on different subjects. Taking into account the Maastricht treaty, Loi Pandraud was passed, formally changing the names of the EU committees to take into account the name of the European Union.

Finally, it should also be pointed out that both chambers of the French parliament have set up their own “Brussels offices”. The Senate was first in place setting up in Brussels its own bureau or “administrative antenne” [Antenne du Sénat à Bruxelles] May 1999. While the Lower House waited until March 2003 to set up its own official branch in Brussels. These bureaus are mainly a complement to the information network between the government and the parliament in France. Their main tasks are to ensure that the information on important dossiers and texts
reaches the French MPs in time for them to allow a reasonable evaluation of the issues treated in those documents.

NATIONAL EU COORDINATION

Below I will first give a formal (and somewhat ideal) description of the coordination process in Paris, thereafter I will concentrate and describe the more informal and practical realities of French coordination of EU matters in the capital. The French PR sends all EU proposals (directives, decisions, regulations, et cetera) that it receives from the European Commission to the SGCI. It is then up to the SGCI to distribute these to the concerned parties in France. The list of the different issues referred to SGCI is, indeed, long. The first step is for the SGCI to identify a “lead” ministry for the proposal at hand. The SGCI then distributes the text to all the ministries (and other institutions — I shall return to that fact shortly) having an interest in the text and awaits the reaction from these before an inter-ministry meeting takes place. The meeting at the SGCI then scrutinizes the proposal for EU legislation in order to bridge any eventual ministerial disparities (or even disparities between the legislative and executive powers in cases where the French parliament will have to implement the EU text as a law, see below) in the position that is to be adopted by French representatives in Brussels. This is done through several (more or less) parallel processes:

First, the ministries involved are asked to deliver within one month an analysis (though usually it is the lead ministry that prepares this analysis) of the impact of the suggested EU legislation on French law. This is crucial from several aspects, one of which is that the implementation of the future proposal is put in focus and eventual problems are identified at an early stage. Additionally, these analyses serve to distinguish and “condense” the proposal’s different aspects and to bring out the quintessence of the said proposal. This also helps to simplify the discussions that follow during which a common standpoint must be established. This appraisal of the effects on French law (from each individual ministry) forms the basis for the discussion within the inter-ministry meeting at the SGCI.

Second, as the EU proposal arrives through the PR, the SGCI not only sends a copy of it to the different ministries but also to the Council of State [Conseil d'État] in order to comply with article 88-4 of the French constitution:

The Government submits to the National Assembly and to the Senate all drafts or proposed measures of the European Communities and of the European Union that includes legislative provisions, as soon as they are sent to the Council of the European Union. The Government may also submit other drafts, proposed measures, or any documents emanating from an institution of the European Union.

Resolution may be voted, if necessary outside the sessions, on the drafts, proposed measures or documents mentioned in the preceding paragraph, in accordance with the arrangements agreed under the regulations of each assembly. (Sauron 2000a:108)
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These have been commented and interpreted in a circular from the prime minister dated from the December 13th, 1999. The circular elaborates on a procedure under which at least a month should be allowed for a parliamentary scrutiny process, under which the assemblies could gain access to the documents and discuss the EU proposals that are presently deliberated and projected for decision in Brussels. In cases where the Council is approaching a decision on a text currently under investigation by the assemblies of the French parliament, provisions for an accelerated procedure are given in the circular. Finally, the circular also states that the Commission’s white papers and green papers as well as its annual work programme are to be sent to the assemblies. As stated above, the responsibility to determine which EU proposals fall under the scope of the parliamentary scrutiny procedure according to article 88-4 remains with the Conseil d’État, which means that it has to supply the French parliament with proposals and legislative documents (cf. Questiaux 1998:486).

Third, the SGCI, throughout its negotiating meetings with other ministries maintains contact with other institutions. These contacts depend on the nature of both the EU proposal and of the discussion between ministries. Ancillary expert advice of both technical and/or legal character might be indispensable in order to attain a better French position. In technical matters, the SGCI often uses the expertise based within the individual ministries as well as in some subordinate agencies to these ministries. Any eventual legal advice can be retrieved from the SGCI’s own competent legal section (headed by the SGCI secretary-general’s legal advisor) or from the legal affairs directorate at the Quai d’Orsay. A third “source” of legal advice is found in other ministries’ legal services. Other resources and contact, which the SGCI and ministries within the framework of an eventual inter-ministry meeting may call upon, include the 24 French embassies in other member states (though this rarely happens). They could supply some form of added information concerning the standpoints of other member states allowing the French position to be fine-tuned according to the existing negotiating “playing field” in Brussels. Consequently, this would increase the chances for a more successful negotiating strategy.

To recap, after the EU proposal’s effects on French law have been presented and asserted and that the parliament has been informed of the act, a paragraph-by-paragraph scrutiny of the proposal is conducted by the SGCI meeting. After a long (or short) process of negotiations and discussions between the different ministries, a common position is established. This coordinated French standpoint is delivered by the SGCI to the PR through a diplomatic telegram that contains the final negotiating instructions.

Although the next chapter describes this in a more detailed fashion, here I will give a short description outlining what happens when the instructions reaches the French PR. After the instructions arrive, the PR official takes part in the Council meeting and after the meeting: he/she prepares a memorandum of what took place during the meeting. According to informal rules, this record is to be sent to Paris and the SGCI within 48 hours. Along with the report, the PR also makes an official request for further instructions in time for the next meeting in Brussels. The SGCI
later circulates the memorandum to the concerned parties and advises whether there is a need for another meeting, and so forth. The whole process is repeated until the EU proposal is finally accepted by the Council.

Evidently, the above description of the process in Paris concerning EU issues is a rather sketchy and rudimentary portrayal of the different elements of French EU policymaking. Below I will probe further into some of the major predicaments in the coordination of French positions towards EU proposals.

**Drafting and sending instruction within the different pillars**

EU propositions and other EU related matters are always coordinated through the SGCI. However, this is only true for directives or declarations made within the first and third pillar. When it comes to EU issues belonging to the second pillar, i.e. CFSP and ESDP, the whole process becomes, so to speak, a "new ball game". Although the procedure described above still apply, some interesting changes occur. First is that the role of the SGCI is almost obliterated. This is not true for EU issues that still hold some first and third pillar connection, such as the setting up of CFSP missions that have considerable budget implications or issues where legal questions have to be discussed. In those cases common positions have to be coordinated through the SGCI. This is troublesome because it induces another level of negotiation before issues are treated according to the "normal" process or the "CFSP logic". The main locus and institution for the handling of French positions in matters referred to the second pillar is the CFSP Directorate of the Foreign Ministry. It is here that most, if not all, of coordination and preparations of French positions concerning second pillar EU initiations takes place.

The difference between the procedures involved in the first/third pillar and the second pillar is principally that the functions that the SGCI carries out in the form of coordination are carried out by the CFSP direction-unit of the Ministry of Foreign Affairs when it comes to CFSP and ESDP issues. Some of the civil servants in Paris whom I interviewed viewed the difference in the relationship between Paris and Brussels, depending on which issues are coordinated (i.e. first and third pillar or second pillar issues), as unnatural and bound to disappear. Many regarded the fact that any institutionalized form of inter-ministry negotiations was lacking in the domain of the CFSP as peculiar:

...I will not hide the fact that this division between these procedures is too complicated and should be looked into in the near future. ...//... In this domain there should be an inter-ministry negotiation and coordination, not least with the Ministry of the Defence, but experience shows that this is poorly done...in some issues the Ministry of Defence feels short-circuited by the Ministry of Foreign Affairs...

(interview 15)

On the other hand, others found that the difference between the first/third and second pillars fitted their criteria for an efficient policy coordination and formulation (see e.g. interviews 73, 74, and 57). It could be said that one of the main difficu-
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culties linked to the coordination of CFSP issues by the Ministry of Foreign Affairs is that this ministry (like all other individual ministries) has little experience in coordinating dossiers. This translates into a frustrating situation whereby the Ministry of Foreign Affairs often coordinates CFSP issues within the ministry, thereby leaving issues which should have been discussed with other ministries (usually the Ministry of Defence but sometimes also the Ministry of Finance) uncoordinated.

Interministerial coordination

The final formulation of a French position in Brussels often emerges from interministerial coordination, which can take place at one of two levels, either within the SGCI or at Matignon (the Prime Minister’s Offices). In both cases, the meeting brings together all the ministries involved and interested in making a statement on the discussed proposal or piece of legislation. Both at the SGCI level and at Matignon, the inter-ministry meeting serves different needs. For example, in some policy fields the activity is always very high and many documents and EU proposals to be agreed on exist; in others the tempo is slower. The difference in intensity in the different working groups in Brussels diffuses itself much like ripples in the water to the national capitals. These differences in workload are obviously dependent on the different negotiation phases in which EU texts and proposals exists. For example in the policy field of intellectual property issues, the need for inter-ministry meetings is of the order of one for every two working group meetings in Brussels:

...one cannot live more than two three weeks without collecting an inter-ministry opinion to guide the representatives in Brussels. The briefings reports that the counsellors send back to Paris instigate adjustments of earlier ministerial positions. They [civil servants in Paris] must ponder and negotiate in order to elucidate whether they are prepared to make any compromises... (interview 15, my remarks)

This view is expressed in other interviews and is not only reserved to the field of intellectual property issues. These above mentioned inter-ministry meetings are detailed below.

SGCI meetings

SGCI counsellors usually call these meetings. The need for an inter-ministry meeting is confirmed after the EU dossier has been sent to all interested parties and after one or more ministries has either reacted to the issue or that the SGCI (either on its own initiative or sometimes after the express demand of an PR counsellor) has itself decided to call an inter-ministry meeting. In 95% of the cases it is the SGCI (sometimes after strong the PR) that takes the initiative to hold an inter-ministry meeting. Given the relationship between the SGCI and the PR, early contacts (even before the PR’s briefing report is sent out) usually result in an understanding between the two levels whether there should be an inter-ministry meeting or not (interview 15). The number of SGCI meetings is variable, depending upon the difficulties of the differ-
ent dossiers but also of the various subjects (according to interview 13, 2-3 out of 10 dossiers require SGCI meetings). Certain policy domains and/or committees have a “regular” number of meetings. For instance in the case of the SCA in Brussels (which approximately takes place once each week) there is, on average, one meeting at the SGCI each week (see the section Ministry of Agriculture above).

Table 7.6 Numbers of inter-ministry meetings and video satellite meetings (1991-2 and 1997-2002)

<table>
<thead>
<tr>
<th>Year</th>
<th>Inter-ministry meetings</th>
<th>Meetings with PR through video</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>1100*</td>
<td>nd</td>
</tr>
<tr>
<td>1992</td>
<td>1150*</td>
<td>nd</td>
</tr>
<tr>
<td>1997</td>
<td>1700</td>
<td>nd</td>
</tr>
<tr>
<td>1998</td>
<td>1782</td>
<td>443</td>
</tr>
<tr>
<td>1999</td>
<td>1888</td>
<td>456</td>
</tr>
<tr>
<td>2000</td>
<td>2050</td>
<td>743</td>
</tr>
<tr>
<td>2001</td>
<td>1663</td>
<td>623</td>
</tr>
<tr>
<td>2002</td>
<td>1476</td>
<td>648</td>
</tr>
</tbody>
</table>

Source: Own material collected with the gracious help of the Head of the Communication section Laurence Pierre, nd = no data

* In both Szukala (2003:229) and Sauron (1998:14-15), the numbers of interministerial working sessions is indicated at 1090 for the year 1991 and 1136 for the year 1992.

The physical inter-ministry meetings are sometimes replaced by telephone calls or even in some rare cases emails (especially when one tries to reach common position fast). This is, however, somewhat awkward:

...we do not see our interlocutors and sometimes misunderstanding can follow from only relying on the interpretation of what is written...//... it is preferable to let people debate and to talk to each other so that they can appreciate the stakes at hand... (interview 15)

For most part, when an issue is uncomplicated a very simple procedure of diffusion of the information and of soliciting the advice of some experts within one or several ministries is enough to put the matter to rest and to send an instruction to the official in charge in Brussels. For example, in the case of the Ministry of Agriculture instructions for working-group level negotiations are not always covered through meetings but through written (email) correspondence between the individual officials at the responsible ministry and the SGCI. Only in rare cases where the technical experts and officials cannot agree on a compromise during the first meetings at the SGCI, is the matter referred to Matignon for a meeting higher up in the political echelons (these meetings are elaborated below). In general, one or two SGCI meetings out of ten are remitted to the Prime Minister’s Office for further negotiations,
Although there is some ambiguity in those numbers (some of which is undoubtedly caused by differences in the level of domestic conflicts within specific policy areas). For example, officials from a specific ministry state that for all issues treated in the Brussels-based committee, around 5% are sent to Matignon for further deliberations. Another source states that 2-3% of all issues and proposals treated by the SGCI are "lifted" up to the level of Matignon (Calmfors 2002:4). According to other sources almost 90% of the instructions for Council and COREPER meetings were cleared at the level of the SGCI (Lequesne 1993:157, Marcou 1998:80).

Matignon meetings

Although many meetings at Matignon are the result of two or more ministries not finding a common position on a specific EU dossier, a great number of meetings take place where there are no such difficulties. In fact, some interministerial meetings at Matignon are of a more informational character. They are called when large and/or politically sensitive dossiers are presented to assure that most parts of the central administration are aware of the prime minister’s view (interview 32). There exist two different kinds of inter-ministry meeting at Matignon: (1) those where the cabinet members are present and (2) those where high-level bureaucrats not members of cabinets represent different ministries. These two divisions are the results of a need to have meetings on a level equivalent with the political weight of the issue. In other words, when a conflict of strong intensity between ministries ensues and contending ministries are seriously entrenched in their positions, the meeting takes place at the cabinet level. However, if the matter is less important, cabinet members seldom care to join the dispute. In some very rare cases, the inter-ministry meetings have to take place at the ministerial level, i.e. with the ministers in place. In this case, the matter is handled by the SGG who prepares the meeting.

But what are the pros and cons of the inter-ministry meetings? First, in some cases inter-ministry meetings may induce rather than reduce inter-ministerial disputes. Though this is not regularly the case, this happens. Some interviewees (interview 71) point to the fact that ministries sometimes avoid using SGCI units as evidence of having a hard time with coordination. E.g. if there is a juridical snag at some stage of a discussion or negotiation, within a line ministry, the bureaucrats have a tendency to use their internal judicial unit on EU law rather than to use the Legal Services of the SGCI or even those of the PR. In fact, when the resources at the ministry’s own legal unit are not adequate to solve a problem or respond to an enquiry, they often contact the Legal Services of the Council’s general secretariat. Only after that also has failed will they turn to the SGCI’s own legal services. Another problem in assessing the different kinds of meetings is to evaluate whether the difficulties at the core of the inter-ministry meetings are of technical or political character. This is not simple:
...for example, if we want two billions and the Ministry of Finance wants to give us 1.5 billions, we might be in concordance as to the general goal of the reform but not to its extent. /.../...now, is this a technical or a political problem?... (interview 71)

...we can rarely classify dossiers as purely technical or purely political, especially since there is a political dimension in each and every dossier...//...on this specific dossier, I never had a single SGCI meeting, and you couldn’t say that this directive lacked political significance... (interview 13)

These difficulties exist at the heart of this research since the formation of preferences is an inherent part of my theoretical choice. This citation shows that the question of what constitutes a political and a technical problem is not as clear-cut as one would like. However this drawback could be considered an advantage since inter-ministry meetings constitute a permanent forum for defining which problems are political and which are technical. The benefits of inter-ministry meetings over-shadow its downsides, given of course that the system works. If the SGCI enjoys enough legitimacy it can take care of most of the problems arising between ministries, thereby leaving the cabinet members and high-ranking bureaucrats to discuss really complex and “infected” issues at inter-ministry meetings in Matignon. However, if the SGCI cannot fulfil this mission of resolving the ministerial disputes at the bureaucratic level, the coordination of EU issues in Paris tends to be bogged down. So far, it seems as if the SGCI is functioning. The secretary-general’s influential position in the governmental organisation contributes to this fact, however, some interviewees did express their fear as to whether the SGCI’s personnel lacked the experience and excellence that characterized the coordinating body five or ten years ago (see e.g. interviews 84, 46, 63 and 47).

Institutional rivalry and conflict management in Paris

There are different forms of institutional rivalry and conflicts within the French chancery. Many of those depend on the stage at the European level that the proposal is (i.e. reflecting its “state of maturity” within the wheels and cogs of the national coordination machinery). One of the first conflicts under the national coordination procedure is the designation of a lead ministry by the SGCI. Generally, it is the SGCI that is identified as the lead ministry. The lead ministry is chosen according to an evaluation of which ministry’s regulatory sphere of influence is mostly encroached by the EU proposal at hand. Since the lead ministry is given a certain influence over the agenda (see below), this can sometimes trigger a debate as to which ministry should be chosen as the lead ministry. The lead ministry gains a considerable head start on the other ministries, not least since it prepares all the basic positions in the project for instructions that are to sent the SGCI for discussion and later (or directly) to the PR. In some few cases, two ministries are chosen as “lead” ministries, usually in cases when an issue clearly is of vital interest in two closely linked, yet separate, policy fields. The following quotation from a ministerial coun-
...the SGCI does not make any choice on which ministry become “leader”. It is done by fait accompli. It [the SGCI] never makes any choice in that matter... (interview 71, my remark)

Needless to say, this view was not shared by the SGCI officials I interviewed. The tangible advantage of being named “ministry leader” should not be underestimated (see e.g. interview 74) especially in the event of prolonged discussions and negotiations at the SGCI. The struggles between ministries are not confined to the battles around the nominations to lead ministry. Conflict management (and indeed conflict propensity) is also dependent on the level of ambition present within the administration. Nevertheless, there also exist pairs of ministries that are known for their reciprocal (almost institutionalised) animosity. Such is the normal relationship between the ministries of Interior and Justice, between the ministries of Agriculture and Environment, between ministries of Finance and Agriculture (in fact between most ministries and Bercy according to some interviewees) and also between ministries of Defence and the Foreign Ministry to name a few (cf. interviews 65, 64, 71 and 72). Another of my interviewees claims the main reason behind the organisation of the SGCI and the French system for the domestic handling of EU issues resides in a Janus-faced apprehension, both towards the Quai d’Orsay and the Ministry of Finance. Neither of these, he/she asserts, should have the right to “capture” France’s European policy (interview 46). The fact that there is serious institutional rivalry within the framework of the coordination of EU issues is furthermore underlined when one takes into perspective the process of nominations to different posts within the administration:

...to be frank, even the nomination process of new persons to the SGCI is very difficult. Each time there is a new appointment, it is very complicated to say the least...

(interview 15)

The extent to which the internal struggle among different parts of the administration to gain control of the different key positions within the coordinative structure is apparent when one looks at the following example. Preceding and following the nomination of the two legal advisors both at the French PR and at the SGCI, it is rumoured that the president of the Council of State made strong arguments for allowing two members of the Conseil d’État to take the two seats. The matter actually had to go all the way up to the prime minister because the Foreign Ministry claimed that it should have had at least one of the two positions as legal advisors. The resentment was even higher because a member of the corps of the Conseil d’État was (at the time) heading the Quai d’Orsay’s Legal Service [Directeur des Affaires juridiques]. Such was the disgruntlement, according to the same source, that promises were made to the effect that the French Foreign Ministry would recuperate at least one of these three positions in the future.
Finally, I would like to point out an interesting and rather peculiar fact about the character of the executive and the effects of the French constitution on the handling of EU issues. If the SGCI could be said to handle the routine workload pertaining to EU-proposals, then we might consider the Elysée and Matignon to be like chefs d’orchestres or even maybe arbitres (referees), to use Lequesne’s (1993) rhetoric. However, if we were to assume that cohabitation itself induces difficulties in the coordinating machinery of Paris and that more normal periods of political leadership (i.e. when the president and the majority of the parliament are of the same political allegiance) result in a smooth running of the coordination of EU issues in Paris, we would certainly be misled. Indeed, many of my interlocutors for this study point to the fact that it may in fact be the other way around:

...paradoxally, it worked better under the cohabitation than in a more normal period.../...Under the cohabitation, people tended to be very wary of what the other thought. We paid also a lot of attention to what was thought and said in the Elysée and we were very attentive. /.../ L’Elysée is now in command, it assures that its will prevail and sometimes goes as far as reversing previous engagements or guidelines made by Matignon. Thus, this presents yet another arbitrating level rather than supporting the prime minister. It is a paradox /.../ but now [under a period of non-cohabitation].../...there is a kind of interventionist pressure from the Elysée, which is more and more pervasive... (interview 15, my remark, a similar view is expressed in interviews 32, 64, 27)

Much of the theoretical literature and the formal governmental instructions on the handling, coordinating and adjudicating of EU issues and dossiers point to a clear “chain” of different levels. This formal description of the expected events in handling a controversial EU proposal corresponds to the more informal picture given by the interviewees. Perhaps only the fact that the Elysée functions as a last appeal is different from the formal picture given by most official sources.

...if we can’t resolve the matter [reach a common position] it goes to the SGCI, if they can’t solve the problem the dossier goes to Matignon, and then to the Elysée...

(interview 71, my remark, this quote, or similar wordings to that effect, is found in numerous other interviews)

Between the creation of the SGCI and today, many different factors have determined whether the president or the prime minister have had the “leading role” when dealing with the SGCI. This is especially true during the periods of cohabitation such as 1986-1988 and 1993-1995, when the two executive heads of the country wrestled for power. Even though cohabitation causes a lot of turmoil (especially for individual bureaucrats because the president and the prime minister like to make changes at the top of the hierarchy to assure that they have “their” people at the head of the SGCI), one could say that cohabitation sharpens the senses. This makes everybody much more aware of whose political preferences will prevail (given the division of responsibilities between the president and the prime minister). It induces the creation of interceding institutions: During the first cohabitation the creation of an
informal group comprised of both Elysée and Matignon advisors met at the DCE’s “predecessor” within the Foreign Ministry (Guyomarch 1993:476, originally cited in Menon 2000:89), thus preventing a breakdown of coordination. It also stimulates sensible and predictable behaviour among political leaders (or at least it tests these abilities); e.g. Balladur (right wing prime minister under Mitterrand’s second presidency) had an agreement with the head of state “not to take each other by surprise” (Knapp and Wright 2004:114).

Processes of parliamentary scrutiny in France

As stated above the Constitution through its article 88 (more precisely article 88-4) describes how the parliament should take part in the formation of French EU policy. These constitutional guidelines have been translated into the political document previously mentioned; the circular of December 13th, 1999 from the prime minister (JORF 1999b:18000-18002), following the constitutional reform entailed by the constitutional law 99-49 of January 29th, 1999 amending articles 88-2 and 88-4 (JORF 1999a:1343). These articles stipulate that all EU texts possessing elements of lawmaking, must be handed over to parliament in due time so that it can scrutinize the text and deliver (if there is the need for it) a resolution. These resolutions may or may not include guidelines for the government to follow in the negotiations. I will return to these resolutions shortly.

The EU committees themselves are very active. Although they lack the more formal tools to bind the government to a specific mandate they do hold some influence by scrutinizing proposals and the government’s different stance on different issues. During regular parliamentary sessions, the EU Committee sits in session once or twice a week. These meetings include the discussion of numerous informational reports (see below) and communications or official hearings with member of government of representatives of EU institutions. After each meeting the protocols of these meetings are published in the bulletin of the EU Committee [Bulletin de la Délégation] each month. While the latter publication is intended for the interested reader, the EU committee also publishes a report [Sélection de documents de l’Union européenne] distributed among French MPs to inform them of key proposals and noteworthy texts from all the different EU institutions and to supply them with brief analyses of these texts. The informational reports are important because they can trigger discussions within the EU Committee which can ultimately result in the adoption of resolutions or conclusions regarding the EU Committee’s position on EU texts/proposals. The most important part of the parliamentary examination occurs when the parliament is entitled to the right to scrutinize. This occurs in cases where EU proposals and texts are considered to fall under the scope of article 88-4 of the constitution. If the French Council of State [Conseil d’État] decides that texts or proposals are of legislative nature the Council of State distributes those as parliamentary documents printed on blue paper marked with the letter “E” and followed by the number that corresponds to the order in which the proposals arrived.
These are then treated according to the parliament’s rules of procedures, which state that the EU committees have been delegated the mission (from the standing committees) to handle all EU issues by preparing and reviewing these documents and leaving their advice to the standing committee that formally treats the dossier.

At the Lower House, the EU Committee has the following choices, it can (1) approve the proposed EU law, (2) delay its ruling, often because of lack of information and thus the committee usually designs a rapporteur within its own ranks to establish a more thorough report on the EU text, or (3) oppose the proposed EU law. It can also motivate its opposition by adopting conclusions or a resolution proposal that are then automatically transferred to the competent standing committee. The standing committee, after its deliberations, then makes the final decision as to whether a resolution can be presented to the chamber for a vote. According to a French senior counsellor, the status of these resolutions is clear:

...the resolutions have no constraining character and are not legally binding but they are important... (interview 15)

Thus, although the government has improved its relations with parliament by sending more documents to the EU committees of both legislative houses, apparently the executive branch still maintains the tilted balance of powers provided by the constitution. At worst, the government will have to spend a few hours before the Houses explaining why the government saw fit to deviate from the parliament’s resolution – this is clearly not much of a sanction. Despite other mechanisms that serve to increase marginally the influence of the parliament (e.g. the use of parliamentary reserve, see Lequesne 1996:79) the very substance of parliamentary scrutiny in EU issues can be summed up in the words of Szukala and Rozenberg (2001:248): an ambitious parliament without real powers.

Contacts between Paris and Brussels

Strangely enough, the formal link between the permanent representation in Brussels and the coordinating body of the SGCI in Paris is not legally codified. The only legally binding documents that support the de facto subordination of the French PR to the SGCI are the old decree establishing the SGCI (decree n° 58-344) and the recommendation [circulaire] from the prime minister of March 21st 1994. However, these documents are not as explicit as one might wish nor are they of a corresponding legal value.

...we are in a strange situation of judicial vacuum, which nevertheless can be easily explained. All of this [the SGCI and the coordinative structure on EU issues] is the fruit of compromises and arduous negotiations between strong powers [different ministries and administrative corps]. The benefit of the prime minister’s recommendation [circulaire] is that it is presented as a kind of soft law that doesn’t annoy anyone... (interview 15, my remarks)
This seems to be in concordance with the way of doing things in France and most eminently in Paris. Indeed, informality seems to be a key word in French politics as has repeatedly been shown. As stated above, all contacts between Paris and the PR at Brussels are to be arranged through the SGCI. This is clearly expressed in all circulars from the Prime Minister’s Office and other documents. This is what the theory and the first impression tells us: But sometimes relations with the French envoys in Brussels are more complicated than first appears. One example is the exclusivity of the contact between members of the SGCI and civil servants at the French PR and the extent it surpasses the contact between the individual representative and its “ministry of origin”. In some cases, certain problems are obvious:

...certain ministries are tempted to short-circuit the system and to attempt to pass by the SGCI; this is notable for the Ministry of Agriculture and the Ministry of Finance. However, this is done to such a small extent that it does not in any serious way alter the basic fact that it is the SGCI that assures the contact with the RP.

...//... One example of the contrary was, however, the controversy regarding the abolition of the embargo towards British beef in the aftermath of the mad cow crisis and we were on the verge of being sanctioned by the Court for non-compliance to the decision and...//... the positions during the inter-ministry negotiations were entrenched and in the final stages of the negotiations the Ministry of Agriculture tried to send to the Agricultural representative in Brussels instructions which were not the positions agreed under the inter-ministry discussions. We were sufficiently vigilant to avoid any further deterioration of the situation... (interview 15, some of this statement is corroborated by interview 63)

Nevertheless, this incident remains rather isolated. What seems much more common is the tight relationship and contacts (expressed in all the interviews with officials in ministries) with the Brussels representatives; these are daily contacts, not weekly. This offers a potential way for the agents in Brussels to influence their counterparts in Paris (and, to some degree of course, vice-versa). Here two kinds of analysis can be made: the formal and the informal picture. In formal terms one could say that the way in which the PR is active in its recommendations for positions differs depending on the level Council negotiations. When a minister visits Brussels in the wake of a Council, the permanent representative usually makes a briefing report on the issues on the agenda and the positions taken on earlier statements (interview 15). This is one of few times the permanent representation advocates a position. Given that the negotiations are at a high level, this seems strange, but on the other hand the risk that the ambassador is disavowed by his/her minister is infinitely small since negotiations have usually been going on for a while and the positions of both minister and the French government on the issues would be, by now, well defined. Informally, the contacts are, as stated above, very frequent and almost familiar. Another interesting relationship in the handling of EU issues is the one between the SGCI and the individual ministries.

Sending dossiers and EU proposals (sometimes with an attached note or comment) to the relevant bureaus or ministerial units is an important part of the domes-
tic coordination. In this aspect, it is noteworthy that most the ministries own system for the distribution of EU dossiers is more or less openly "circumvented" by the SGCI.

...this bureau was though of more or less the entry and exit point to the ministry [of dossiers], but this was the beginning... /.../ now this is all changing with the internet and all, the SGCI sends the dossiers directly to the units, I’m briefed of this correspondence, this doesn’t bother me as long as I know what is going on and who sends what to which unit [within the ministry]... (interview 71, my remarks, similar statements are given in interview 84, 65 and 81)

The fact that the SGCI has more and more opted to send the dossiers directly to the individual units (with a copy attached to each ministry’s EU unit, given that there is such a unit) may cause some coordination problem within the ministries. The reason behind the administrative rationale is clearly the need to optimise and adapt the drafting process to the speed of the EU legislative process. However, it might induce a higher risk of a coordinative slippage. The question thus remains whether the SGCI or the individual EU units within the ministries are more competent to decide which units should be attributed which questions. This is especially worrisome in the cases where ministries have a weak internal coordination:

...one problem that we have is that there is no internal coordination between bureaus and units within the xxx [mentions name of a ministry]. This is an enormous problem, because it means that the coordination is made either within the cabinets, which is not what they should do, and generally they do it poorly or not at all. So sometimes, we are left with four different sections or bureaus with four different positions at the SGCI... (interview 63, my remark)

The matter is not easily analysed. On one hand, the development that has seen an increase role for the SGCI as an actor in those issues is without complaints from the individual ministries’ EU units. On the other hand, maybe the ministries’ internal coordination is disrupted and the right expertise is not brought into play (France’s rather mediocre implementation achievement may indicate that the issue should be looked into further).

The ex post reporting requirements placed on the agents (civil servants in Brussels) by the principal (Paris) can largely be categorised into two categories: the requirements which the agents themselves carry out and the requirements which demand the collaboration of the principals (police patrols) or another third party (fire alarms). The representatives at the French PR are supposed to send a briefing report after each working group meeting (COREPER meeting for the COREPER ambassadors) in which they give a more-or-less detailed account of the meeting and what views were expressed by which countries and so forth. These briefing reports, abbreviated TD [télégramme diplomatique] henceforth, must be sent as quickly as possible after the meeting in Brussels. This is, however, not always the case and generally the TD arrives late – according to civil servants in Paris a little too late (cf. interview 15). These TDs are, as the name implies, diplomatic dispatches and are as
such prone to strict operational conditions that could hamper the efficiency of the system, notably the security measures and the restricted number of people who are eligible to countersign and to authorise the sending of a TD. These aspects could be one of the main explanations of the delays often incurred when it comes to TDs. This drawback is circumvented through the extensive use of emails and telephone calls. In some instances, parts of the TD itself are copied and sent through email, though this is strictly against the formal rules regarding the use of diplomatic telegrams. This is peculiar since it questions the whole purpose of encrypted TDs if one still chooses to send the briefing report through more normal and accessible means of communication. The email system enhances the possibility for the capital to control and inform itself on the issues and problems discussed in Brussels:

...I always attend those meetings [in Brussels] each Monday. But it costs a lot of money /.../ for an almost non-existent benefit. We have other means of getting the information. The email system allows us to know the positions of the other delegations. These networks do work excellently... (interview 71)

Nevertheless, the accrued technology may also result in some difficulties in the right information arriving at its destination: Mailing lists have the tendency to overfill the recipients’ mailboxes, which induce more apathy than information. What other types of reporting and monitoring requirements are encountered in Paris? What kind of police patrols and fire alarms exist? The formal police patrol is the SGCI. It has the role of ensuring that all the instructions sent to the permanent representation are matched by a common political preference in the government. This is done through the extensive use of meetings between ministries. The fire alarms have a somewhat stronger presence in the French case. Yet another interpretation is found by looking at the ministries that are not the “lead ministry” but that are involved in inter-ministry meetings as fire fighters and as such represent sources of fire alarms.

Asymmetrical information and preference formation

As discussed earlier in the theoretical chapters at the inception of this dissertation, two major building blocks in understanding the ways in which the relationship between principals and agents is shaped are: (1) the degree and knowledge of the information available to both actors and (2) the ways in which they shape their preferences. The agents in Brussels, namely the counsellors at the French PR, also have the possibility of influencing the instructions given by Paris through the SGCI, but whether they do so is a matter of dispute between different participants:

...they [the counsellors at the PR] anticipate the discussion; they notify us of their version of the development. But this is not done in any formal way. It doesn’t take the form of notes or written instructions. We [the SGCI] would have a hard time accepting it! It is up to us to define the positions and it could disturb the negotiations between ministries: if the PR appeared to be strongly in favour of a certain view, it would emasculate its credibility with the ministries. Of course, they tell us
Thus, the influence of the PR is to some extent also checked and filtrated by the SGCI. While at first glance, this might not seem very different in comparison to the Swedish case, I would like to bring to the attention of the reader one very important difference instigated by the French system of coordinating issues domestically. It adds a level or, in more rational choice terms, a player to the game. Playing the game of pre-negotiations and coordination of EU proposals in France could be compared to a triangular game: the PR, the ministries and the SGCI. Sometimes all of the three “players” have concurring preferences, but in some cases they hold different views and priorities and most importantly different levels of information. These different actors all try to “out manoeuvre” the third one. Indeed, it would seem that a certain exclusive relationship is established between the PR and the SGCI – at least that is what the SGCI is striving to attain. This relationship would benefit the coordinating forces within the French government, as it would give the SGCI and the prime minister’s cabinet an “edge” in negotiations with individual ministries. Many times the more informal information (and more pertinently the information regarding the developments of the negotiations in Brussels) that is dispatched to the SGCI is so exclusive that it is only transmitted to the SGCI and its counsellor while the ministries are left outside. This informal relationship is supported by some (see e.g. interviews 14, 15, and 31) but denied by others.

As to the question of where the preference, which is, “at the end of the day” transmitted from the SGCI to the PR, is shaped, we find several responses drawn from the material gathered through interviews with the different officials in French ministries. One is that the locus of the French preference formation in the ministries is invariably the services and the technical units. It is clear that much of the impetus in French politics comes from the bureaucratic level and is subsequently politically filtered by the members of the minister’s cabinet. However, this is in theory; in practice, the control of policy innovations and policy positions is only concentrated on the strategically and politically sensitive dossiers. This leaves much of the power to decide where France should “stake out” its position to the bureaucrats within the ministries. Some of the officials state that there is always a political validation when facing new types of decisions or dossiers:

...when there is a new type of political action or policy innovation, we always ensure that the position proposed is validated by the political leadership before it leaves the ministry... (interview 48)

This is but a sketchy picture of what goes on when defining a political position within the ministry. The details are interesting in so much that this above-mentioned validation is made in different ways (this also depends on which ministry is discussed). In some ministries many validated subjects are simply the results of telephonic conversations or email correspondences. Only for the most important
dossiers and proposals are actual meetings organised by the minister’s cabinet before the final position of the ministry is hammered out, pending the discussion between ministries at the SGCI (interview 48). Excerpts from the following interviews clearly show that individual units and services are most often the sources of the political preference behind the French position and that there is no explicit guidance on what is to be considered as political sensitive:

...the basic position [of the ministry] originates from the individual official in the services and units. /.../ We solicit the advice of the unit experts and inspect their advices in the light of another context. /.../ and it is here [the unit for coordination of EU affairs] that we decide whether it is appropriate or not. When we have a difficulty, we send it up to the cabinet and it is the cabinet, which adjudicates. Finally, the goal of the game is to assess which issues are technical and which are political. (interview 71, my remarks)

...it is a question of having a sensitive political intuition [flair] and that’s part of being a high level civil servant.../.../nothing is written, nothing is precise...it is the fruit of my experiences which led to Matignon soliciting me... (interview 55, my remark)

As well, a unit director from the Ministry of Foreign Affairs points to a similar fact:

...why do I do this [talk with officials of the different sections]?...because these people give me a political impulse on dossiers which are essentially European... (interview 74, my remark)

Clearly, the bureaucrats in Paris do have the opportunity to use their high degree of knowledge in the actual policy questions and proposals to exert an influence that is not negligible. Thus, it seems as if lower officials in the ministries’ different sections and unit mould the lion’s share of political preferences in Paris. Still, these preferences have to all to pass the watchful eye of the SGCI.
NOTES

1 Although (somewhat ironically) the French Constitution’s first article states, among others, that France is organized in a decentralised fashion. This formulation was inserted through the constitutional amendments of the constitutional law 2003-276 of the 28th March 2003. This law also gave some other minor changes in articles 7, 34, 39, 60, 72, 73, and 74. See JORF (2003:5568). For a more detailed discussion of the conception of the French nation see e.g. Dimier (2005).

2 Article 49 of the constitution states amongst other that the government may put its existence on the line in reference to a law it intends to pass through Parliament. Unless a motion of censure, which must be presented within 24 hours after the government’s invocation of article 49, has been voted the law is considered to be accepted without debate or vote.

3 Cohabitation is generally defined as the coexistence of a President and an opposite political majority in the Lower House. Even though constitutional experts and political scientists thought that cohabitation was not feasible, time has proven them wrong. In fact, between 1986 and 2005, cohabitation has lasted a total of nine years. Each time (three in total) were exceptional, though it could be said that the two first times (1986 and 1993), both under François Mitterrand’s two presidential terms, had many common traits (they were results of scheduled general parliamentary elections and only lasted two years each), while the third was somewhat more “unique” (being the result from a presidential dissolution in 1997 of the parliament’s lower house) and lasted a whole legislation (5 years). Many have argued that the resignation of Charles de Gaulle on April 27th 1969, after his defeat in the referendum set precedence for future presidents to resign when faced with public condemnation through elections. This was, however, not the interpretation made by both Presidents Mitterrand and Chirac.

4 Such as ENA (Ecole Nationale d’Administration), ENS (Ecole Normale Supérieur), ENPC (Ecole Nationale des Ponts et Chaussées), Polytechnique, IEP (Institut d’Etudes Politiques or Sciences Po) to name a few. For a more detailed look at these educational institutions, see foremost Suleiman (1978) but even Mareau (1980).

5 Without going to much into details, the Grands Corps are administrative entities which lack any accurate legal definition as they are shaped through tradition and sociological factors. One usually makes the distinction between technical and administrative corps. Examples include, for the former le Corps des Ponts et Chaussées (Infrastructure Corps) and le Corps des Mines (Mine Corps), and for the latter Le Conseil d’État (State Council), La Cour des Comptes (Court of Accounts), or L’Inspection Générale des Finances (General Inspectorate of the Finances); see e.g. Rouban (1999) or even Kessler (1985); cf. Bauer and Brachet (2000) for a very critical appraisal.

6 For example, during an interview with a PR bureaucrat, an interviewee speculated that one reason behind the slow implementation of new modern ways of communicating with Paris (without using the traditional but somewhat old system of encrypted diplomatic telegraphs) is that there is a rather influential corps of cryptographs within the Quai d’Orsay…see interview 46 (although it should be stated that the interviewee did not argue against this corps but simply mentioned the fact as one possible reason to the continued use of encrypted TDs).

7 Though it is true that much of the present structures of modern France were strengthened during Napoleon’s reign, cf. Kamenka (1989:101), for an insightful discussion on the role of educational institutions and the state-led creation of (bureaucratic?) elites, cf. Suleiman (1978:17-30).

8 EPA stands for établissements publics administratifs, or public administrative agency; EPIC, établissements publics industriels et commerciaux or public industrial and commercial agency; and EPLE is établissement publics locaux d’enseignement which stands public local teaching agency.

9 In fact, Duverger discusses the powers of the presidents in semi-presidential regimes. In this classification, Duverger differs between the powers as conveyed by the formal constitution and in practice. France scores a low sixth place out of seven for the constitutional powers of the president while it is classified as the most powerful presidency in practice, see Duverger (1992:147).
The basis for this is found in Article 16 of the French Constitution. It should be stated that the special powers endowed to the president also demand the official consultation of the prime minister; the presidents of the Sénat and L’Assemblée Nationale, as well as the Constitutional Council [Conseil Constitutionnel] and that measures taken under the article must be transmitted to the Constitutional Council for approval. Article 16 has only been invoked once, in April 22nd, 1961 when President de Gaulle feared generals within the army would mount a coup d’État. The Constitutional Council deliberated and found that the premises for the application of article 16 were indeed present.

In fact out of the eight presidential elections in the history of the fifth republic, one was not settled by universal suffrage, namely the first election in 1958 with Charles de Gaulle opposing the communist candidate George Marrane. This is the only indirect election by way of an electoral college composed of national, regional and local representatives held for the French presidency. In all other elections, the victor (declared after a second round in order to provide for a majority of actual voters) was proclaimed without winning a majority of registered voters, except for the peculiar presidential election of 2002 (in which Jacques Chirac won with 82% of the actual voters or 62% of the registered voters).

This has led to some more than one controversy as the President during extreme hostile periods of cohabitation (such was the case during the first cohabitation between 1986 and 1988 under the presidency of François Mitterrand) refused to sign decrees or ordinances taken by the Council of Ministers. Constitutional experts have debated the issue only to find that the Council of Ministers cannot compel the president to sign these texts.

In this book, I shall use the term Elysée to denote the president and his advisors as well. Thus I refer here to the whole institution and not just to the president; although the president’s views are of course in the foreground of the stances the Elysée takes in different matters. Elysée refers back to the name of the grandiose mansion at the heart of Paris, which houses the offices of the president of the French republic, much like the White House for US presidents.

Of course, the concept of the government is not easily defined. Does one count as the government all employees in the ministries or only the cabinet (thereby excluding state secretaries)? In France the government is traditionally regarded as being composed of (1) ministers of state, (2) ministers, (3) delegated ministers [ministre délégué], these delegated ministers are appointed to run specific parts of a ministry and to pay attention to special areas within the “broader” policy field of the minister, (4) autonomous state secretaries and (5) state secretaries [secrétaire d’État]. Of these five, the three first are permanent members of the Council of ministers while the latter two are members only when issues within their field of competence are treated at the Council (Jan 2002:16-17). It should however be noted that from a pure juridical point of view the prime minister is equal to the other members of the government, whether it is ministers or state secretaries, see the ruling of the France’s highest administrative court, the State Council [Conseil d’État], of the November 12th 1965 in Compagnie marchande de Tunisie.

The prime minister is directly appointed and the ministers are designated by a presidential decree that must be countersigned by the prime minister.

For instance Quermonne and Chagnollaud (2000:109-112) argue that the French government in itself is not a real source of executive power and should not be treated as the executive, even though the government has control over the administration and the fact that the government as an institution between the President and the Parliament enjoys a certain amount of autonomy. Indeed, they argue that the government is always subordinated to either the President or the Parliament or both at the same time.

According to Jan 2002:12, although my own calculation for the period between the Debré government and Raffarin II shows an average of 18.3 months and for the period Rocard II to Raffarin, the average length of governments rises to 21 months, see table 7.1 in appendix from which all of my own calculations are based on).

However, these conclusions hold true when discussing the most straightforward definition of cabinet instability. Given more nuanced (and in some terms more accurate) definitions, the picture
of the French cabinet instability becomes another: Using variables such as portfolio experience and political experience, Huber and Martinez-Gallardo (2004) show, among other things, that fifth republic cabinet instability was not as low (compared to fourth republic) as is often argued.

Rocard actually resigned and formed his second government because of a republican unwritten tradition which states that the prime minister and his government always gives his/her letter of demission before each major election (i.e. presidential and legislative).

Although I have classified Noëlle Lenoir as a non-partisan, she could also be classified as a former leftist partisan. She did serve as cabinet director to Pierre Arpaillange (a socialist minister of justice) from 1988 to 1990 and was appointed to the Constitutional Council after Henri Emmanuelu (member of the PS, Parti Socialiste), the president of the lower house nominated her. Many generally considered her as a leftist, but still Prime Minister Raffarin (a right wing politician) appointed her delegated minister for European affairs in 2002.

As stated above in the case of the Elysée, Matignon is a term, which denotes the whole administration around the prime minister including him or her. Matignon, as a term, is also linked back to the name of the mansion which houses the office of the prime minister.

At that time it was during the governments of Ribot and Painlevé and the goal was to attain governmental unity and to coordinate the war effort.

The other three being the SGCI, the general secretariat for national defence or SGDN [Secrétariat générale de la défense nationale] and the government’s informational service or SGI [Service d’information du gouvernement].

Compare the SGG with e.g. the prime minister’s cabinet where 60 counsellors are employed (not counting the counsellors assistants and aides).

Actually seven, but Jacques Larché could be omitted since he only served an interim period of six months (between 1974 and 1975). The other served for in average approximately seven-eight years each, Jean Donnedieu de Valres served between 1964 and 1974. In 2003 the secretary-general of the SGG was Jean-Marc Sauvé.


I refer here to the Conseil des Ministres of the 4th French Republic and not to the European Council of Ministers. The president of the Council of Ministers under the 4th Republic had responsibilities similar to today’s French prime minister. For in-depth studies of the French 4th Republic see Aron (1960), Giles (1991) or even Pickles (1953).

As well as coordinating difficulties between French ministries in relation to the OEEC (Organisation Européenne de Coopération Économique better known under its English acronym OECD, which later became the OECD).

In fact De Gaulle also tried to place “dependable men” in important positions, especially in the French permanent representation, i.e. individuals that could be trusted to share his view of an European Community based on intergovernmental principles, see Hayes-Renshaw et al. (1989:126).

But this was not always so, for instance during the first period of François Mitterrand’s presidency the SGCI was temporarily placed under the responsibility of the Minister for European Affairs (who was at the time André Chagnernagor) for a brief period of four year, i.e. from 1981 to 1984. The reform however did little to improve the SGCI’s influence and it was therefore cancelled, see e.g. Gresser (1984:307).

See article 7 of the executive order n°52-1016 of September, 3rd 1952.

Since Dominique de Villepin (quite naturally for a French Foreign Minister) had other business to attend to, Mme. Andréani had a lot of clout as France’s “highest” representative within the Convention.

François Morin was appointed briefly to serve as a secretary-general interim before he was relieved by Dromer in February 1966.

In 2003 the position of deputy secretary general with the responsibility for JAI issues (and the sections CORDROG, JUD, LCP and SEC, see appendix) was held by Patrick Delage. His predecessors were Isabelle Touloumonde (2001-2003), Daniel Lecrubier (1999-2001), Michel Pinauld
It is interesting to note that the two corps of the prefects [préfet] and magistrates [magistrats] have “decided” to alternate on the seat of the “third” secretary general associated with third pillar issues. This is mainly due to the opposition between the two ministries in this field, the Ministry of Justice ("home" to the magistrates) and the Ministry of Interior ("home" to the prefects). Although this was not the case in the early days of the JAI pillar: Audouin, Maccioni and Pinauld were all prefects and it was not before Lecrubier and Toulemonde took office that the Ministry of Justice was "represented". The successor of Patrick Delage will most likely be a magistrate since Delage has a background as préfet of the county [département] of Creuse.

The Lanxade (2003:17) report was also analysed and reported back by the Swedish Embassy in Paris cf. Belfrage (2003). There is also a Senate report (Haenel 2002) which points to France’s lamentable score on the implementation of directives. According to Dimitrakopoulos (2001a:447-448), France’s elite school ENA did not offer courses in EC law to its students before 1990.

A task which is very arduous, especially if one also takes into consideration the following factors. First, the amount of work the legal advisor’s staff put in to answer legal and institutional questions. This is a daily toil which is more than recurring. Second, and perhaps most important is the recurring troubles France is in with regards to compliance. For example, according to Tallberg (2002a), France had, under the period of 1978-2000, a yearly average of around 75 initiations of infringement proceedings, which puts the country amongst the top five offenders amongst the EU12 countries. For the period 1995-2004, France was indicted 214 times by the Commission before the ECJ, more than any other EU15 member state, cf. Fritz and Hettne (2006:26).

This circular was distributed by the then Prime Minister Lionel Jospin in order to create a uniform handling of EU issues within the different ministries, see JORF (1998:16948).

Such as the French Environment and Energy Management Agency [Agence de l’Environnement et de la Maitrise de l’Energie or ADEME]. The ADEME is the equivalent of a “French EPA”. It is a public industrial and commercial authority (EPIC) which is placed under the ministries of Environment, Research and Industry.

Bercy is a concept which much like the ones used to designate the president of France [Elisée] or the prime minister [Matignon]. Bercy refers to the huge modern (and labyrinth-like) buildings overlooking the Seine in Paris’ twelfth arrondissement which houses the offices of the minister of finance.

Almost all the non-counsellor personnel (secretaries, maintenance, couriers, et cetera) are recruited from the Ministry of Finance. This heritage goes back to the days when the SGCI was part of the French Ministry of Finance, firstly as the French government’s organ for coordinating Marshall Aid and subsequently the economical policies of the European Community and later those of the EU. In fact, one rather interesting fact is that the SGCI was, for a long period, administratively coupled to the Ministry of Finance. The SGCI is still housed at Boulevard Diderot 2, an impressive office building overlooking the Seine, which is owned by the Ministry of Finance. The personnel at the SGCI actually had the following domain name for their emails: @finances.sgci.gouv.fr and only changed this to the more neutral @sgci.gouv.fr very late during 2003. This only underlines the importance of the connection between Bercy and the SGCI.

The Ministry of the Industry is in fact “one out of four facets” of the large Ministry of Finance, [Ministère de l’Économie, des Finances et de l’Industrie]; it was headed in 2003 by Nicole Fontaine, a former president of the European Parliament.

While France is theoretically regarded as a net-contributor to the EU’s budget, it retrieves almost all of its original budgetary contribution, and most of these payments are made in form of subsidies directed at its huge agricultural sector. In 2002 France paid 14,152 million Euro to the EU and received the equivalent of 11,656 million Euro (of which, it should be mentioned, 84% were payments made within the framework of the CAP), see tables V and VI in the annexes of Commission (2003a:xvi-xvii).

The Head of International Services or SRI [Service des relations internationales] was in late 2003 responsible for two sub-directorates [sous directions] which each contained three bureaus.

If of only anecdotal value, it is still worthwhile to mention the fact that the official when describing this procedure said: “...It is here [at the Thursday morning meeting] that the French position is..., eehh, I mean, the ministerial position is decided...” (interview 71, my remarks)

As put by a French bureaucrat: “…If we have 15 points on the agenda then 15 different German advisers will rotate at the side of Germany’s...representative...”(interview 71).

A fact strongly emphasised by several interviewees, see e.g. interview 70.

As is the case in most countries, the Ministry of Finance creates much animosity in other ministries because of their often-restricted budgetary situations. As one agent of another line ministry states with a witty tone “...they [the Ministry of Finance] are our enemies...”. This is confirmed in a more serious tone when the same official adds that that when their dossiers are sent to Matignon for settlement it is “...often because of budgetary difficulties...” (interview 71).

According to the Treasury’s own organization scheme on its website http://alize.finances.gouv.fr/organigrammes/tresor/orgtres.gif downloaded the 14th December 2003.

Regarding budgetary issues it is mostly with the SGCI and the Foreign Ministry’s unit for internal EU issues which coordination and continuous discussion are upheld, see interview 61.

In late 2003 M. Stanislas Lefebvre de Laboulaye occupied this position. The formal title of the Political Director is General-Director of Political Affairs and Security [Directeur général des Affaires Politiques et de Sécurité]. He also happened to be, at that time, the deputy secretary-general [Secrétaire général adjoint] of the French Foreign Ministry.

Created after a mutual Italian, French and German initiative in 1996.


Those interested in an excellent study of the French parliament are directed to Huber (1996).

Even by the former Delegated Minister for European Affairs Pierre Moscovici in a meeting at the parliament where he expressly stated: “Personally, I would not inevitably reject the transformation of the EU committee into a standing committee. It would even be, speaking as the Minister of European Affairs, an attractive idea, a comfort and a delight...,” see Assemblée Nationale, 1998a:9546

While this might be conceived as a large committee, compared to the other permanent committees of both houses of the French parliament it is significantly smaller: the lower house’s standing committee on cultural, family, and social affairs had in 2003 no less than 145 MPs as members.

Law 90-385, see JORF (1990). The law was named after M. Charles Josselin, former president of the EU Committee at the Lower House during periods of both the seventh and the ninth legislature (July 22nd 1981 to November 26th 1985 and October 26th 1988 to April 21st 1992).

Law 94-476, see JORF (1994b:8449). The law was named after M. Robert Pandraud, former president of the EU Committee at the Lower House during the tenth legislature (April 20th 1993 to June 23rd 1997).

The selection of a lead ministry also has implications for the composition of the delegation to Brussels (either in the adequate working group or/and higher up if the issue reaches COREPER or in
some cases Council level) since it is almost invariably the lead ministry which sends one (or more) of its official to defend the French position.

61 Alternatively, the SGCI itself quickly sets up an inter-ministry meeting in a more pre-emptive manner as its officers can very often in advance identify infected issues that will require a coordination effort.

62 Text printed in italics is referring to the changes made through the constitutional law 99-49 of January 25th, 1999. These constitutional changes were instigated after the Constitutional Council’s decision of December 31st, 1997.

63 These issues are furthermore nearly always related to budgetary issues, where the Ministry of Finance has a diverging opinion on mostly PAC related issues.

64 Such as is the case in the field of consumer affairs, (see Sauron 2000a:87), where the ministry of Justice, given its prerogative on every aspect of contract law and the ministry of Economy and Finance through its DGCCRF [Direction Générale pour la Compétition, les Consommateurs et la Répression de la Fraude] or the Directorate-General for Competition, Consumers affairs and the Suppression of Fraud, both have vital interests at stake. But it is also true in other cases.

65 Some of the DCE’s sub-directory on external issues’ interlocutors in technical or specific geographical sections closely follow EU dossiers while others do not bother that much, see interview 74.

66 This information was retrieved while making an interview with a high-level administrator; however, this civil servant made it clear that she or he would not endorse these statements with her or his name. I will thus refrain from unveiling her/his identity, even the code number of the interview.

67 These hearings consists of inviting either ministers and/or French or European “personalities”, i.e. persons with an affiliation with EU business, whether it be within the institutions (as most are) or outside but in some way connected to the issues discussed within the Committee at the time. Most hearings are open to the public and the press. These hearings are most recurrent when treaties and or large intergovernmental conferences are underway, as is made evident by the statistics on the number of hearings compiled in table 7.7 in appendix.

68 For the Assemblée Nationale it is articles 151-1 through 151-4 and for the Senate it is articles 73 bis-1 through 73 bis-11 in each respective chamber’s Rules of Procedures.

69 It should be clear that the EU Committees can only make proposals for parliamentary resolutions, as resolutions are documents which express the opinion of the whole chamber.

70 Each issue or EU proposal is thus originally assigned to one of the six standing committees in the National Assembly and of the Senate.
THE FRENCH PERMANENT REPRESENTATION

This chapter focuses on the French permanent representation (PR) and the ways in which the French government’s agents act, think and handle their part of the national delegation designed to administer France’s European policy. First, I provide the reader with a more formal description of the PR and its different characteristics, its contract design and other institutional features (such as its status). Second, I review and analyse the permanent representation and its employees’ functions and tasks. As one of the six “founding fathers” of the European Union, France has always boasted an impressive organization to handle European issue both at the domestic level and in Brussels. A fervent believer in Europe who saw interesting possibilities within the framework of this huge project of integration, the French republic has always been careful to hand over the task of negotiating on behalf of France to capable individuals and to an organization which was optimized to fulfil its mission. Some would opt to describe the French system as a very efficient way to solve basic representative tasks, namely to act as France’s ears, eyes and sometimes mouth at the European level. Others would choose a more elaborate description of the French government’s main institution, and see in the PR an actor capable of dealing with important policy issues as well as an institution managing policy priorities. In this chapter, I present the French PR as an organizational body that is able and is accustomed to influencing the positions of the ministries and policymakers back home in Paris.

Personnel and Organization

The French permanent representation has been, as a PR of a founding member state, exposed to great organizational changes throughout the years. When first created in 1958 after the signing of the Rome Treaty, the organization contained only a few civil servants of which a majority was from the French Foreign Ministry. From being a very small institution, this peculiar diplomatic mission has grown over the years to attain the position of one of France’s biggest and most significant overseas delegation. This evolution can be captured in different ways. For example, the statistical data for the number of senior permanent representation counsellors during the years 1965-2004 shows significant increase. Indeed, if one looks at the senior administrators within the organization, the increase in personnel is impressive. In 1965, during Jean-Marc Boegner’s time as COREPER II ambassador, the number was 18, almost four decades later it had more than quadrupled, cf. table 4.1 in chap-
ter four. Analysing the relation between counsellors from other ministries and their counterparts from the French Foreign Ministry shows that there is a clear historical trend (see table 8.1 below). My inquiry shows that the Foreign Ministry has had a special influence within this institution simply through the sheer number of employees originating from the ministry. Though it is otherwise debatable whether it is for good or bad, the degree of influence exercised by the Foreign Ministry is one of the main difficulties (and in some cases blessings) with modern EU coordination structures and processes, both domestically and in Brussels. Nevertheless, it is apparent that (at least in terms of employees) its influence is declining.

Table 8.1: Ministerial affiliation of senior officials at the French permanent representation (1965-2003, selected years)

<table>
<thead>
<tr>
<th>Year</th>
<th>French MFA</th>
<th>Other ministries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>8 (45%)</td>
<td>10 (55%)</td>
</tr>
<tr>
<td>1975</td>
<td>10 (41%)</td>
<td>14 (59%)</td>
</tr>
<tr>
<td>1985</td>
<td>10 (36%)</td>
<td>18 (64%)</td>
</tr>
<tr>
<td>1992</td>
<td>15 (39%)</td>
<td>24 (61%)</td>
</tr>
<tr>
<td>1999</td>
<td>18 (33%)</td>
<td>36 (67%)</td>
</tr>
<tr>
<td>2000</td>
<td>14 (31%)</td>
<td>31 (69%)</td>
</tr>
<tr>
<td>2003</td>
<td>-- (20%)</td>
<td>-- (80%)</td>
</tr>
</tbody>
</table>


* The Lanxade (2003) report states that 1/5 of the personnel at the PR is issued from the ranks of the Foreign Ministry, however, it is unsure to which extent these numbers apply to only the counsellors or whether all the personnel (including cryptographers and more administrative personnel) is included.

In fact, the sum of EU policy fields has never been a question solely for Foreign Ministry civil servants, but rather for other ministries. Consequently, it seems natural that a clear majority of the administrators at the PR are from other ministries. Another way to look at the PR is to analyze it through the different policy sectors that constitute the organization of the institution. The French permanent representation is divided into different sections, which all are responsible for individual sectoral policy fields, thus resembling the organizational scheme of their governmental administration. In 2003 the French PR was divided into 21 sections: (1) executive section and coordination, (2) legal affairs, (3) French presence within the EU institutions, (4) press and information, (5) relations to the EP, (6) JAI (or JHA), (7) foreign policy, (8) trade policy, (9) CFSP/ESDP, (10) military committee, (11) economy, finance and monetary affairs, (12) internal markets, (13) industry, energy, and technology, (14) transport policy, (15) agriculture and fishery, (16) environment, (17) research, education, culture, youth and sports, (18) nuclear,
employment, social policy and health, regional policy and cooperation programmes. These sections varied extensively in regard to the number of senior administrators employed. They ranged from one civil servant in five of the sections (space, science and technology, and education, culture, youth and sport) to 13 people in the foreign relations section. Like all permanent representations, the French PR has a number of administrative sections, including (1) administration (including reception/switchboard and office service at council offices in the Justus Lipsius Building), (2) archive and documentation, (3) encoding, (4) ENA [École nationale d’administration] students or other interns, (5) security office and (6) chauffeurs.

In every organization, the executive is crucial to both the daily functioning of the institution but also to the long-term goals and reforms of the institution. At the PR the executive leadership is more than an administrative leadership; it is a leadership in the substance as well because the ambassador actively takes part in every aspect of the different operations within the institution. Table 8.2 presents all the permanent representatives and deputy permanent representatives; they have been responsible for the evolution and the guidance of the French PR under its almost 50 year history. As we see in the table (see below), the tendency to replace and/or shuffle positions among the permanent representatives is much higher than with the deputy permanent representatives. Consequently, deputy permanent representatives’ average time in Brussels was 4.3 years while the permanent representatives’ average was 3.1 years. The probable explanation for the shorter postings for the permanent representatives is that their position is a very sensitive post; the representative leaves often because either he/she is promoted to duties higher up in the echelons of the French bureaucracy or he/she is replaced as the political majority in Paris switch sides.

Another fact that emerges from table 8.2 is that permanent representatives have often previously served as deputy permanent representatives. This pattern particularly is especially strong after 1986 (or more accurately only after 1986 since it is then that former deputy permanent representative François Scheer was appointed permanent representative of the PR, followed by Jean Vidal and Pierre Sellal). This is not surprising since it takes time to acquire the necessary knowledge about the functioning of this institution; the numbers of deputy permanent representatives or permanent representatives that have not spent at least one period at the PR (or as deputy secretary general to the SGCI, cf previous chapter) can almost be counted on the fingers of one hand. For instance, Pierre Sellal, COREPER II ambassador, has had no less than three postings to the PR, first as a counsellor during the 1980s, then as deputy between 1992 and 1997, and since early 2002 as the head of the PR.

Besides the permanent representation, French interests are defended by other Brussels-based offices. Both interest organizations and domestic public institutions have their own representation. One such structure is the official liaison officers sent from the both houses of the French parliament, i.e. both the senate’ and the lower house’ have small offices in Brussels. They cooperate with the French PR as inten-
AGENTS IN BRUSSELS

sively as possible (although the agents at the PR have a limited amount of time), but they have a much wider field of interest than the PR bureaucrats’ narrower and more specified goals. The parliament’s offices are basically information centres for all the EU institutions, i.e. the few French officials stationed there must cover all of the institutions and lobbyist organizations in Brussels. They are also at the disposal of their respective chamber’s members, so in theory all the senators or lower house representatives have the possibility to call upon their help in order to obtain information or documents. This is rarely the case as the only French MPs who bother to maintain some form of regular contact are members of each chamber’s EU committee (see previous chapter).

Table 8.2: French permanent and deputy permanent representatives (1958-2005)

<table>
<thead>
<tr>
<th>Permanent Representatives</th>
<th>Deputy Permanent Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Éric de Carbonnel</td>
<td>Jean Mille</td>
</tr>
<tr>
<td>Georges Gorse</td>
<td>Jean-Pierre Brunet</td>
</tr>
<tr>
<td>Jean-Marc Boegner</td>
<td>Maurice Ulrich</td>
</tr>
<tr>
<td>Étienne Burin des Roziers</td>
<td>Émile Cazimajou</td>
</tr>
<tr>
<td>Jean-Marie Souton</td>
<td>François Scheer</td>
</tr>
<tr>
<td>Luc de la Barre de Nanteuil</td>
<td>Jean Vidal*</td>
</tr>
<tr>
<td>Jacques Leprette</td>
<td>Claude Martin</td>
</tr>
<tr>
<td>Luc de la Barre de Nanteuil</td>
<td>Jean Cadet*</td>
</tr>
<tr>
<td>François Scheer</td>
<td>Pierre Sellal</td>
</tr>
<tr>
<td>Philippe Louët</td>
<td>Philippe Etienne</td>
</tr>
<tr>
<td>Jean Vidal*</td>
<td>Christian Masset</td>
</tr>
<tr>
<td>1992 – 1993</td>
<td>Pierre Sellal</td>
</tr>
<tr>
<td>1993 – 1999</td>
<td>Pierre de Boissieux</td>
</tr>
<tr>
<td>1999 – 2002</td>
<td>Pierre Vimont</td>
</tr>
<tr>
<td>2002 –</td>
<td>Pierre Sellal</td>
</tr>
</tbody>
</table>

Source: Sauron (2000a:87) and own research
* Indicates that the person later also became head of the SGCI (see chapter seven).

As mentioned above, other services and representation also exist for sectoral interests. These include, among others, the delegation for head of enterprises and industries [MEDEF, Mouvement des entreprises de France], the delegation for French attorneys and lawyers [DBF, Délégation des Barreaux de France], as well as the representation of the association for French chambers of commerce [ACFCI, L’Assemblée des Chambres Françaises de Commerce et d’Industrie]. All of these offices
have some contact with the PR although they mainly are preoccupied with helping French individuals or individual firms as well as "classical" lobbyists deal with the Commission and other EU institutions. Returning to the permanent representation, some services are remote from daily routines of negotiations within the Council. In contrast, other services are deeply embedded in the day-to-day structures and processes of the PR, such as the executive services with the COREPER ambassadors. Some services, even within the PR, have a special status, notably, administrative services. It is clear that the administrative toils of keeping the PR "up and running" are of little interest for the very specialized and focused ambassadors or high-level counsellors. This is why the head of the permanent representation (in 2003) had delegated nearly all the administrative functions to the head of administration, according to one interviewee:

...he [the ambassador] has delegated them to the head of administration. She is his delegate in all administrative and accounting matters. That is, she signs in his place all the documents, because he doesn't have the material time to do...so she is his delegate for everything which touches administrative and budgetary questions...
(interview 60, my remark)

This underscores a very efficient work specialization whose goal is to give priority to the negotiations and the substance of the processes in Brussels, rather than having a COREPER ambassador bogged down in an administrative swamp, which such institutions like the PR invariably (at least from time to time) run into. Usually the head of the administrative service at the PR meets regularly (approximately once a week) with the deputy permanent representative, and only on rare occasions with the permanent representative himself. Most often, the contacts between the administrative staff and the PRs leadership are handled through telephone calls and emails. Administratively, the running of the PR is a complex issue because the bureaus of the PR are also shared by the local bilateral French consulate. For that reason, the administration of the building is coordinated from the consulate's administrative unit (interview 60).

**Personnel at the French PR**

The personnel at the permanent representation are taken from all the ranks of the ministries. Some of them are recruited from the diplomatic corps of the Quai d’Orsay, some from other ministries. Most, if not all of them, have some experience in multilateral negotiations. According to the general view, among both my interviewees and other appraisers of French EU policymaking, the quality of the personnel at the PR is outstanding. They are generally considered the best in the administration (Lanxade 2003:19-20). This is, however, not something that should be taken for granted. As always a thorough analysis of the screening and selection mechanisms in place must be done before I can actually have a reasonably independent assessment of the competence of the agents in Brussels. Some of the details of the screening and selection mechanisms that are in place at the different minis-
tries in Paris have already been dealt with (see chapter seven); still, I shall in the next section recapitulate and probe the matter further.

Screening and selection mechanisms

The personnel at the PR are highly motivated, which is important given the workload that they have to face, but even more important because motivation remains one of the best characteristics of any agents. All of the officials working at the PR are invariably there because they wanted to be assigned to the PR. In the remainder of this section, I will sketch the normal screening and selection procedures. The posts at the PR are distributed according to the requests made on the “wish list” and according to the evaluations conducted by the personnel department within the Foreign Ministry’s DRH [Direction des Ressources Humaines]. First, each ministry makes an official request to fill a specific post (after having established which internal candidate is most apt). It supplies the Foreign Ministry’s DRH with a complete application from the candidate it has chosen to fill the position. This application is then submitted to the ambassador and permanent representative for a decision. Interestingly, candidates for a position within the French permanent representation simply apply for a position within the organisation, and it is then the ambassador and head of the permanent representation who decide which policy field the candidate will be assigned to (interview 85). For example, a PR bureaucrat assigned to the environment affairs was subsequently transferred to external relations affairs. The only exception to that rule is certain types of positions within the permanent representation’s hierarchy (such as the positions as Mertens, Antici or Nikolaidis counsellors). The degree of motivation needed to attain a post at the PR is best represented by a statement made by a PR counsellor:

...you know that to get recruited to the PR, you have to ask very, very, very strongly for it. They don’t offer you a position here just because you work within the field of European affairs... (interview 67, similar statement in interview 85)

This competition for posts at the PR indirectly establishes a screening and selection mechanism, whereby the candidates to the PR are carefully screened and have to show determination and tenacity in order to get a position in Brussels. Information obtained from all my Brussels-based interviewees point to the fact that the agents were all very interested in international work and, more specifically, the European dimension. Some were asked (and helped) by their superiors to apply (interview 70, 27, 84); others applied through the “regular” channels (interview 67, 85) as an opening at the PR appeared. Both personal contacts and experience within ministerial cabinets are clear advantages for applicants:

...since Brussels is an extremely attractive post, support from this or that person [domestic actors] helps. Clearly having spent time within a cabinet might be considered as an asset.../...what also matters a lot is the personal wish of the ambassador, at that time it was [name of ambassador], who also was the director of the cabinet which I served earlier... (interview 85, my remark)
It is true that the competition described above is assuredly valid in the case of all the ministries, but the intra-ministry selection and screening mechanisms are not liable to control by the PR or the Prime Minister’s Office, also they are neither obligatory nor are they similar across all ministries. The real crucial stage in the employment process, therefore, might not actually be the last link in the screening and selection process, but the black box selections of each ministry’s candidate. Each ministry has its own rules and practices to obtain a candidate to a post in Brussels. The common denominator for all successful candidates (based on interviews with PR counsellors) is that they all had a thorough knowledge and experience of either or both international negotiation and technical issues in their policy field. While some agents screened and selected through extensive trials got posts at the French PR, many were offered a position directly within the PR. These were often (but not always) high-level officials and obtained key positions within the representation:

…I was asked to take this position. When I was negotiating where I would work after returning from [foreign country] where I was three years, the director of the minister’s cabinet and the minister both asked me to come here [to the PR]...

(interview 70, my remarks)

Most often, these “parachuted” officials had acquired seniority and a significant experience in the relevant field. For instance, one bureaucrat had spent several years as an expert on relevant issues in several foreign countries, had a lot of experience on EU legislation in his home ministry in France and had previous experience of working and representing France in Brussels. According to the questionnaire, six out of eight PR civil servants received their position through their own administrative services or superiors. As stated above, in purely formal terms the permanent representative officially has to sign the transfer of a bureaucrat in order for him/her to take office at the PR. This is, needless to say, practically just a formality. To the knowledge of the PR bureaucrats interviewed, the ambassador has never refused to sign the necessary documents for an agent to be placed in Brussels.

Contract design

As explained earlier, the issue of contract design refers to the levels of compensation that the principal must offer to the agent in order to entice him/her to accept the position. In these terms, overcoming participatory constraint and appropriate incentive structures (Kiewiet and McCubbins 1991:27-28) is of central interest. Still these variables have a limited analytical value, since it can be deduced any agent employed at the PR proves that participatory constraints have been met. Instead, I shall examine two other major variables in reference to contract design: (1) turnover rate or the time agents are assigned to the PR and (2) ordinary remuneration.

Turnover of the personnel is a useful variable to study. By turnover rate, I mean the speed with which people are replaced at the PR, i.e. the length of the individual officials’ tenure. Not only does this variable provide insight on the mobility of the personnel changes, it hints at the internal administrative requirements under which
officials work, as well as giving an idea of the importance towards European affairs
given by the different ministries and services in Paris. So understandably, turnover
is a significant factor influencing the way principals in Paris shape the contract de-
sign. This factor is important to the agent too as the length of his/her tenure at the
PR no doubt influences her/his strategy and behaviour.

The formal employment tenure for an official at the PR is limited to three years in
most cases, but most officials try to stay four years; however, there are no real guide-
lines. For diplomats it is rather common to stay four years, although this is getting
harder (see below). The counsellors from the Ministry of Finance usually stay less
than that, the policy from this ministry being that the rotation of officials should
allow for a quicker diffusion of the Brussels experience and knowledge. Usually a
counsellor from the Ministry of Finance will stay for only two years (interview 46)
before moving on. However, this policy is not without drawbacks, as I will discuss
shortly below. At the other end of the spectrum, one finds the bureaucrats attached
to the field of agriculture, where a representative to the SCA stayed for eight and
another SCA permanent representative "held on" for 10 years. This is mainly, ac-
cording to a PR representative, because the field of agriculture is so Europeanized.
At first glance, we might be led to believe that this indicates that the more technical
the policy field is and the bigger the influence of the EU is within that policy field,
the longer the tenure of agents based in Brussels. Nevertheless, if this were so the
counsellors involved in financial and monetary or environmental policy fields, which
are also EU heavy and technical, should also have longer tenures. Since no such
trend can be seen, it simply confirms that the Ministry of Agriculture has a specific
policy on the issue.

Returning to the discussion on the short tenure of some counsellors, one can ob-
serve that a shorter stay at the PR is not without difficulties. Experience shows that
an official at the PR generally has a "runway start" of approximately 18 to 24 months
before "taking off" and becoming fully operational (interview 46). The newly arrived
agents have to acquaint themselves with all the relevant dossiers and with the other
members of their working groups/committees. Before being a "fluent" and efficient
Eurocrat, some time will be spent learning the small but essential details of the
negotiation game. This is a difficult problem to overcome, especially if one thinks of
the large number of personnel policies that different ministries have. In spite of this,
there does not seem to be any planned harmonization of the ministries’ personnel
policies. One of the reasons for this is that the ministries, with the exception of the
Foreign Ministry, all have disparate career paths and a specific and general person-
nel recruitment to the PR for the whole of the French government would (as is al-
ways the case with general administrative reform) cause trouble and upheaval
within the corps community. The result is that each ministry is left on its own to
tackle the dilemma between either having a quick turnover rate at the PR, the advan-
tage being the diffusion of knowledge of the Brussels administrative experience
from Brussels, or having a slower turnover with the attendant advantage of gaining
influence but keeping the numbers of ministerial experts low. The French Foreign Ministry has tried to opt for a third “middle” way:

...the DRH outlined a specific policy of recruitment for three different kinds of diplomats: A first part concerning the future specialists in European Affairs, i.e. those who will become the Quai d’Orsay’s experts in European matters; this represents 30-40% of the personnel. A second part which would comprise very young diplomats, who would early in their career have the opportunity to experience and serve in Brussels. [...] so that within the first ten years of one’s career, one would get the opportunity to spend two-three years in Brussels. Not in order to become an expert, but to get a European taint... a lastly a third category, albeit a much smaller one, of officials, those above 40-45 years old, to allow them to see what takes place in Brussels... (interview 46, my remark)

Most ministries try to have a quicker turnover of their officials, this is even true for the officials sent from the Foreign Ministry, which states that the fourth year at the PR is increasingly harder to obtain. In conclusion, the principals in Paris (and the agents in Brussels) face tough calls in deciding on the shape of the contract through which the representatives are recruited.

How should this trend of shorter tenures to Brussels be interpreted? It appears the principals are more frequently taking the opportunity to design a contract where the agent is put under a form of “test” as more and more officials only stay two or three years at the PR, implying a stricter contract design. At least this is one way to interpret the increased turnover rate. Consequently, the administrative head of the PR is confronted with the following conundrum. If the officials sent out from the ministries stay longer, they acquire a higher level of proficiency in their skills and efficient negotiators but if they stay too long there will not likely be any “feedback” effect on French administration and the knowledge of European lawmaking will diminish. This might in turn lead to a weakening of the PR’s position. As stated above, each ministry has its own policy regarding the duration of the posting of its officials in Brussels. This does not seem to be disruptive to the permanent representative and the leadership of the PR. Clearly, there is a good understanding that all ministries work under different conditions. Whether this is a source of dissonance between employees at the PR is not known, nor did it appear in any of my interviews, instead it is seen amongst PR bureaucrats see it as accepted.

In terms of payments (salaries and other remuneration to the counsellors), in 2003 the regulation was that every ministry paid for their own agents. This allows ministries to maintain their own budgets, thereby tracking, reducing or expanding their European affairs cost. This means that differences in the amount paid to each counsellor exist. Even though arguably this must exert a certain centripetal force on the cohesion of the personnel at the PR, interviewees (e.g. interview 60) did not share this view. The amount of the salary was not an issue when deciding whether to apply for a position at the PR, according to most, if not all, of my interviewees. The “personal” levels of the remuneration are equivalent to that of other members of the French central administration in bilateral embassies abroad. Indeed, it seems as if
the need to establish incentive structure through salary or other purely pecuniary incentive structures is a non-issue in the case of PR officials."

The status of the permanent representation

In strictly diplomatic terms, the status of the permanent representation has always been very high within the services of the Foreign Ministry. This is especially prominent in the case of the position as permanent representative, since the post of France’s COREPER II ambassador is traditionally regarded as one the highest within the French diplomatic corps (easily comparable to the positions of ambassador to Washington or London or the post as permanent representative to the UN). It is also considered as an important springboard towards higher office. For instance Jean Vidal was, after his stay as permanent representative (see table 8.3), appointed diplomatic advisor to President Mitterrand and later to Prime Minister Jospin; the same is true of Pierre Vimont, who after serving as France’s permanent representative went on to become Foreign Minister de Villepin’s cabinet director [directeur du cabinet]. However, the stepping-stone is not exclusively to higher national office, as the appointment of former permanent representative de Boissieu to the post of deputy secretary-general at the Council of Ministers effectively shows. The post of permanent representative is now occupied (2005) by Pierre Sellal, who “swapped” places with Vimont, since Sellal was earlier the director of Foreign Minister Védrine’s cabinet. Not only is the post of permanent representative highly coveted but also the post of deputy permanent representative, especially given that the deputy position may lead to appointment to the position of permanent representative (see table 8.3 above). Furthermore, the “analysis” of the high-level bureaucrats indicates that there exists a small but highly professional elite that is active and share the top posts within French European policymaking. A senior French bureaucrat who states that the circle around EU affairs is unfortunately gathered around too few individuals (interview 27) confirms this fact.

Another example is the field of CFSP, France’s highest representative in CFSP affairs in 2003 (i.e. the PSC ambassador) had earlier occupied the position as director of the French Ministry of Foreign Affairs’ CFSP unit. In such as position, she was the instructing official to France’s first PSC Ambassador (who was later appointed deputy permanent representative to the UN). The analogy, regarding the intimacy of the actors within the field of CFSP, with the Swedish case is impressive. Another hidden value of PR posting is that most civil servants after serving in Brussels are generally given important positions, either within the central administration in Paris or at other diplomatic representations throughout the world. One such example of an official is a former French representative to the SCA, who after spending time at the PR gained shortly afterwards a high position within the central government in Paris. However, we should note that it is still not an automatic process for former Brussels representatives to jump one or two rungs up the career ladder upon their return to Paris. In fact, the report directed by Lanxade criticizes the French
central administration for not better preparing for the return of French bureaucrats, whether they are employed at the PR or at any other EU institution (Lanxade 2003:41-42).

The most important feature of the permanent representation is its legal and administrative status and the rules applicable to the day-to-day running of this institution. Both its administrative and ministerial “pedigree” as well as the rules governing its actions and the scope of its influence are important sources of knowledge about the way Brussels-based administrators can act. In the French PR’s case, there are surprisingly few documents that, in a detailed way, establish the formal rules and delineate the PR’s area of responsibilities. Instead, these were always described in passing, as another institution’s responsibilities and tasks were described. Such is the case with the two major circulars from the prime minister, the circular from March 21st 1994 as well as the circular from December 13th 1999. These two documents primarily present guidelines for the treatment of EU issues in the French government and the guidelines to follow when handling proposals and legal texts, which fall under article 88-4 of the constitution (see previous chapter), but they do briefly mention the role of the PR. Briefly, these documents set out the following rules.

1. The PR is the custodian of the respect for the instructions sent to Brussels.
2. The PR (or one of its members) should always be present at the following meetings (provided they take place in Brussels): meetings between members of the French government and members of the Commission (Menon 2001:89) or the presidency of Council; contacts between representatives of the administration and the services of the Commission; bilateral meetings on EU matters between the French administrations those of other member countries; information meetings at the EP and the Committee of Regions; and informal meetings of ministers.
3. In case a minister is absent, only the permanent representative and his deputy are eligible to represent France and to speak on its behalf.
4. Should a text or proposal falling under the scope of article 88-4 of the French constitution be inscribed on to the agenda, the PR should be notified to either post a formal request (if the text is presented less than 14 days before the Council meeting) or a request for parliamentary scrutiny reserve (given that the text is presented according to the internal rules of the Council).

To sum up, the formal guidelines and functions provided by official texts are sparse, to say the least. Instead, the practices and tasks of the PR seem to have grown institutionally, over time, in an incremental and functional fashion. Otherwise, the “juridical vacuum” mentioned by certain advisors at the SGCI (see chapter seven and confirmed by some PR employees, cf. interview 66) is striking and is illustrated vividly by the two afore-mentioned documents.

The permanent representation, remarkably similar to the Swedish permanent representation, is like a “normal” embassy, which administratively is liable to the Foreign Ministry. Hence, the ministry is responsible for supplying general logistical supply and aid as well as most of the administrative personnel. Officials do not see a problem with the fact that the PR is, administratively speaking, essentially a normal
embassy and under the formal leadership of the Foreign Ministry. Although some of them agree that it might be strange, most of them see this as normal. Some even point to the benefit of being much closer to the Foreign Ministry than any other domestically based institution (such as the SGCI):

...there is still a function at the Foreign Ministry which is horizontal, which can be both more political and more analytical than the one of the SGCI /.../ the SGCI plays a vital role of coordination. It does that in a normally neutral fashion /.../...it is a kind of technical tool where I see very little of a political spirit, /.../...but at the Ministry of Foreign Affairs, there are people which have a transversal view /.../,... they are supposed to reflect on the strategy behind [France’s policy in different fields] linked to a global vision of what the European Union should be... (interview 67, my remarks)

It is evident that the declining status of the SGCI has greater repercussions on the agents’ feelings towards the PR’s administrative status than the status of the PR itself. Many national bureaucrats at the permanent representation argue that the main problems seem not to be situated within the PR but rather within the SGCI:

...to my knowledge and previous experience, the permanent representation has aged better than the SGCI. The SGCI suffers today from problems of legitimacy and of efficiency. This follows from the simple fact that the SGCI enjoyed a higher influence when it still held an asymmetrical high level of knowledge in European affairs compared to the other governmental administrations. /.../... Today the SGCI is no longer needed for technical assistance. Furthermore the evolution of the European competences mean that more and more of what is discussed in Brussels constitutes the nucleus of a ministry’s functions, this has been true for the Ministry of Agriculture for a long time and it is increasingly so for the rest of the ministries. Given this evolution, the SGCI is only listened to when it clearly provides a value-added, and since most ministries have their own analytical capacities on European affairs nowadays, it follows that the SGCI finds itself in an awkward position /.../...the personnel at the SGCI nowadays is perhaps less prominent or efficient than for 20 or 30 years ago, back then it was really worth something to go through the SGCI...the European affairs were considered as a chic and dignified field, it is no longer the case. For instance in the career of an financial inspector [Inspecteur des Finances] /.../... one had to become financial advisor at the SGCI very fast /.../...yet another factor is that the revalorization of the ministerial cabinets’ roles, and more specifically the prime minister’s cabinet diminishes the SGCI’s influence... (interview 46, my remark)

This last factor could, however, be seen in a different light since one of the positive effects of the present system in Paris is that the head of the SGCI is a member of the prime minister’s cabinet. Given this, the official’s last argument for the case of the “weak SGCI” seems skewed. Several of the interviewees argue for the case of a “strong PR” within the French system for handling EU issues, through the following three positive factors: Unique negotiating experience. The PR handles almost all of the most important negotiations in Brussels (with the exception of a few committees and working groups where French delegates are sent from the capital, and even in those groups the PR is almost invariably represented by one or more representa-
The PR harbours a unique and excellent service for handling negotiations. It is still considered to be very valuable by all governmental administration in Paris to have their “own” people present in Brussels. This also guarantees, as mentioned earlier, that well-skilled and ambitious officials are recruited to the PR. Unique inter-ministry administrative setting. The PR boasts an almost unique environment as far as French administration is concerned. As an official of the French PR stated:

...people forget their administrative origin... (interview 46)

The last point is worth stressing because it clearly is a unique feature that characterizes the whole PR. The fact that the PR seems to be an institution relatively free of the major disease that infects the rest of the French administration, namely extreme corporative behaviour coupled with a penchant for formalistic structure and hierarchy, is also confirmed by other sources (cf. Lequesne 1993 and Menon 2001). However, whether this conclusion should apply to a more general level, and the thesis of the “strong PR” presented by the employees of the PR should be accepted, remains to be proven.

Functions and tasks

Although the individual agents within the PR itself have numerous and to some extent disparate (depending on their policy fields and other factors) tasks, the PR itself can be attributed some general tasks. These can be grouped under three headings: information, negotiation and contacts with the other EU institutions. These will be dealt with (albeit in different manners) below. Before going into a detailed presentation of the three general tasks, I will present some general observations about the organization.

The French PR is, in a certain sense, a mirror of the SGCI in Paris. The permanent representation’s tasks are fulfilled using the same guiding principles as those that apply to the inter-ministerial organization of the SGCI. The basic guiding principles are: (1) inter-ministry processes and (2) non-appropriation of issues by ministries or services.

The first concept, inter-ministry processes, is widely acknowledged (cf. interviews 46, 67, 70, 47, 88) by members of the PR. Even in certain sectors where the agents work autonomously within their field, this principle is still apparent. For example, within the field of environmental policy, the French PR had in early 2004 two counsellors who worked fulltime on issues being negotiated within the standing environment working-group. They worked primarily by themselves and officially only had contact with the COREPER I ambassador and with the Mertens counsellor, though they naturally have extensive contacts in the services at the Ministry of Environment and more specifically the Ministry of Environment’s European unit. So far, one would be perhaps inclined to judge the work environment of these two “typical” PR counsellors as rather closed and confined to their exclusive policy field.
Still the “inter-ministry thesis” seems to be valid, since PR counsellors have contacts with numerous other ministries, such as the Foreign Ministry and its bureaus, which handles international negotiations in the field of environmental questions. If one looks at the permanent representative to the SCA, the same picture is true with the following frequent interlocutors: SGCI, Ministry of Agriculture, Ministry of Finance (budget), Matignon and Elysée (with a certain emphasis on the last) and a few other ministries. Therefore, rather than being isolated it is clear that the counsellors have extensive contacts with other ministries both at home (Paris) and their colleagues at the PR (interview 67).

In the case of the CFSP policy field, the same trend is equally observable. When instructions are sent to the PSC ambassadors or their collaborators sitting in one of the working groups/committees preparing documents or the like, these instructions have to be drafted and agreed to by the Ministry of Defence (most of this bilateral ministerial coordination is assured by the Division for Strategic Affairs, Security and Disarmament within the Foreign Ministry). On occasion, the coordination of CFSP matters and missions may also involve the French Ministry of Interior such as when police missions are planned or under way and French police forces are requisitioned for the completion of the mission. The PSC ambassador’s main contacts are with the head of the CFSP unit (as well as most of the unit’s personnel, including the deputy head of the unit) within the French Foreign Ministry and with the head of the Strategic Affairs, Security and Disarmament Unit. Evidently, inter-ministerial processes seems to be more common within the field of French EU policy than would be expected considering that the relation between ministries at the domestic level are to high degree characterized as tense (cf. Knapp and Wright 2004:125-127).

This concept non-appropriation of dossiers is tightly coupled to the first one, inter-ministry processes (in fact they could easily be described as two faces of the same coin). The difference is that the non-appropriation of policy fields is a further step toward inter-ministerial contact since it results in dossiers being shared with each other. Usually in most embassies the work is so sparse that when a dossier or errand comes in, a “fight” ensues over who is going to take care of the matter. At the PR, it is the other way around. There are too many dossiers and job is never lacking. This encourages the counsellors to share dossiers and tasks between themselves, depending on their individual workload (e.g. interview 46). Furthermore, it is important to see that the concept of non-appropriation is tightly coupled to the one of an inter-ministerial working environment through the fact that the sheer amount of work simply “creates” (or at least facilitates or coerces, depending from which angle one chooses) an environment friendly to inter-ministry coordination. To quote Menon:

*Some have argued that reducing the workload of the PR officials might itself reduce their commitment to working in an inter-ministerial manner. One diplomat... argued that the relative efficiency with which the PR staff observed the need for co-
ordination was due in part to the very fact that they tend to be overworked. (Menon 2001:89. Menon also cites Lequesne 1993:198 when making this point)

As such, the argument presented above might be interpreted as though the real foundation for the specific work environment of the PR is in some way ephemeral; that the inter-ministeriality is not engendered through a specific administrative culture or an explicit administrative reform or an act of leadership where the coordinative and “interest free” administrative style is implemented. It would seem as if the causal factors behind this inter-ministeriality are diverse and in some way intangible. On one side of the argument, we have the description given previously, in Lequesne (1993) that

[Lequesne] argues that PR staff is generally ‘less tempted than their colleagues from Paris to adopt sectorally biased positions.’ Indeed, PR officials can on occasion even reverse the positions adopted in the Council of Ministers by Paris-based colleagues, by ‘sorting things out’ with the Presidency. (Lequesne 1993:212-213, cited in Menon 2001:88)

Most if not all of the PR staff interviewed concur with this, i.e. that the PR is an inter-ministerial workplace. However, on the other side of the argument, clear “violations” of this harmonious picture are not impossible to find. Some diplomats have voiced concern over sectoral PR staff members who have acted as though they were “ambassadors of their own ministries” (Menon 2001:88). There are other arguments that speak against the case of the PR as one “proud” unified and non-hierarchical organization. As mentioned by an official, the representation to the PSC is not included in the normal administrative structure of the permanent representation**, although the official is somewhat chary in his/her answer on the separation between the ministry working with issues belonging to the PSC and the PSC’s sub-working groups:

...we are separated. This is a separated embassy, we share the same bureaus, but...still we are not completely separated, because there are a number of common services. /.../ there are a few “geographical” officials which are stationed at the PR which visit and take part in the negotiations within the PSC... (interview 57)

Still, even though the official seems unwilling to give an unambiguous appraisal of the relationship between the two “entities”, other proofs of administrative rifts between the permanent representation and the PSC delegation exists. Some are mundane, for example the passes giving officials access to the building are differentiated, so the passes of the employees at the PR (who work on floors one through seven) do not grant them access to the uppermost floor (the PSC staff uses the eight floor). Another official at the French PR supports this description of the division within the PR:

...there is a problem in Brussels in such much that the PSC plays its role and concentrates on this role only, while the COREPER plays its own. /.../ we have no problems of principles. We have a problem of organizing the optimal work separa-
Obvious1y, the structural animosity institutionalized by the competition between the PSC and the COREPER II has not been dealt with in the most efficient manner at the French PR. One, however, should not distort reality by seeking to bolster existing dissonances between the two “institutions”. Nevertheless, the fact that CFSP is growing in importance may turn this obvious administrative separation, and source of discordance in the member states’ coordination of EU affairs in Brussels, into an acute predicament. This problem of the representative to the PSC being divided from the rest of the permanent representation is one that already several officials at the PR disapprove, as indicated by the following example:

...this [separation through the PSC and to some extent also JAI issues] is not very healthy, this is mainly because the COREPER has done little on the area of foreign policy.../...we must in the months and years to come arrive at relationship between the COREPER and the PSC where the PSC would be the high-level committee of EU’s foreign policy, but to also consider the foreign policy as one of EU’s general policies and not as something apart... (interview 46, my remark)

Seemingly, even if the problem is not that there is a separation between different entities; the problem is still much more of a Brussels’ problem than the capitals’ problem. The main difference, according to one official, between the CFSP and the whole of the integration workload within the EU is that presently the time spent on CFSP matters and the subsequent quantity of documents and decisions that occupy ministers at the Council level has risen from 10-15% to 70-80% (interview 57).

Information and Negotiation

The PR has an important mission in that it must relay all the official documents from European institutions to the domestic administration. Not only must the agents in Brussels put in a great deal of effort into sending out these official documents but they also have to send reports about their working group and committee meetings. Though not one of its main functions, it is necessary for this task to be achieved in a thorough, efficient manner because the analysis of different proposals and texts made in Paris, needless to say, depends on receiving as quickly as possible the output produced by the common institutions of the EU. The vital function of the PR (and of the officials posted there) is to handle ongoing negotiations within the Council. Most officials, if not all, at the French PR when asked to describe her/his functions and priorities chose to place the negotiations and representation of France in working groups in first place (e.g. interviews 85, 67 and 46). The negotiations take place in very dynamic situations and sometimes representatives have to take direct advices and instructions of Paris while they are sitting in meetings. Whereas, it might be seen that such an occurrence is a sign of unsuccessful or inefficient coordination and preparation from the agent’s side, it is the lived reality of Brussels-based representatives. I mention that such situations are not commonplace, how-
...when I say to Paris that this position does not pass, will not pass, that it is not
worth it, then they listen, they listen to the PR, they change [the position]...either
that or it is a position for purely domestic use. One presents the position only to
use it back home but without any illusion on the results...This should be avoided, I
always explain to Paris that it is not a very sound politic to have a position out of
which nothing can be achieved, simply because of internal Franco-French prob-
lems... (interview 46)

The danger of letting domestic policy have a detrimental influence on the French
position is clearly something that the agents of the PR vigilantly guard against. This
translates into a very meticulous process where the agents, given that they want to
avoid letting overly “Franco-French” positions appear in Brussels, have to work
subtly and pre-emptively towards Paris. Some of the newly appointed representa-
tives may have trouble in knowing exactly which positions are sufficiently reason-
able and adequate to defend. Hence, the neophyte PR agents tend to trust the formal
instruction from the SGCI. Both the Lanxade report and an interviewee makes the
same point when commenting on what affects the substance of instructions respec-
tively the challenges of being new to the PR:

There exists multiple cases depending on the policy field, the routines and the
competences of each ministerial administration in European issues, the personal
relations of confidence or suspicion between the head of the sector at the SGCI or
his/her deputies and the counsellor at the PR, etc. in general, the firmness and the
rigidity of the position of the SGCI grows as the quality of the negotiator dimin-
ishes and the flexibility is higher when the negotiator’s level rises. (Lanxade
2003:27 footnote 1)

...furthermore it is not easy, especially when you are new at the PR, you have to as-
similate the functioning of the PR, of the institutions, especially all of the informal
ways and relations, which is not perceived at all when you are in Paris... (interview
67)

A challenge confronting the French PR in negotiations, which other PRs do not to
the same extent face, is a phenomenon that I call the “curse of policy omnipres-
ence”, which refers to a member state having interests in almost every policy area. A
phenomenon not especially uncommon amongst the larger member states. Con-
sider, for instance, how little interest Luxemburg or Austria might have in EU fis-
her policy or the interest of Sweden and Finland in olive oil and tobacco plantation
subsidies (though they might be worried about the costs). However, “automatic”
areas of non-interest do not, or at least very seldom, apply to France. Along with a
few other countries, France has fully been afflicted with this “curse” and is forced to
defend French interests in almost every policy aspects that the EU treats. This can
engender an additional and heavy workload that cannot be ignored. This omnipres-
ence may be a contributing factor to the difficulties in setting necessary policy priorities:

...I was actually thinking of this during the last [...] meeting. The meeting had seven items, and on each one of these seven items, France had demands, rather strong and tough demands. One of my tasks is thus here to explain to my collaborators that I have to let go on items 2, 3 and 6 because my priorities are in items 1, 4, 5 and 7. We are thus forced to make this prioritization... (interview 46, my remark)

This provokes further analysis of the way in which the PR takes part in the formulation of French EU policy. If France has a very high level of ambition in almost every policy area of the EU, the requirements for prioritization becomes a very important factor in the way in which France defines its European policy. In more theoretical terms, we could perhaps state that it is not the fact that the principal in Paris accurately makes its preferences known to the government’s Brussels agents that is important; instead, it is also those preferences’ internal ranking. The important questions are: What areas are to be given priority over the others? Where and who is responsible for giving priority to the principals’ preferences? Is it something which only Paris is capable of doing?

...no, this is something that can only be done here in Brussels [when asked if Paris sends instructions on how to give priority to certain items]. It can only be done at the PR...here one must take a little personal risk. One has to feel that this is something which is important in Paris, and you must then accentuate this item... (interview 46, my remark)

Further discussions with the members of the PR also reveal that the SGCI cannot handle; it is very difficult for the personnel at the SGCI to give priorities to the different positions sent to Brussels. In fact, in Menon’s interviews with PR officials, comments made by PR staff were made to the effect that some of the instructions sent from Paris contained simple lists of the different ministries’ preferences with no priorities attached (Menon 2001:91). In some fields negotiations and contacts with working groups and committees is frequent and intensive, while in others the intensity of the negotiations is sparser. Within the field of CFSP, for example, not least on the cooperation with NATO, meetings are common. At least once a month the PSC and the North Atlantic Council meet to discuss and plan different measures and common missions and or goals. Alongside these meetings, the PSC meets for approximately one or two additional days a week. This is only to cover the questions it has on CFSP and ESDP. Comparing this to the other high-level committees, such as the COREPER, or SCA gives an appraisal of how intense the negotiations and the need for close communication and interaction are in this field. Working groups normally have a somewhat lower intensity, even though it is also much varied. To be able to do a proper job, Brussels based agents must enjoy minimally appropriate work conditions, part of this involves receiving instructions in due course. In reality, the delays that befall the instructions are somewhat surprising:
...the delays are hard-pressed. The official instructions arrive in average one half hour before the meetings, which does not always leave adequate time to “discover” them, and to have ample time to translate these into items and points which can be discussed with colleagues... (interview 67, emphasis added)

As appalling as the situation might seem, this is not the whole picture. Most of the time, there is an informal draft to the final instruction that is sent to the representative some days before the meeting. The informal “instruction draft” often has a strong resemblance to the final formal instruction. Furthermore, although some agents complain that the instructions arrive somewhat late (according to the questionnaire, “only” 23% of the instructions arrived late and about 13% arrived very late), the communication with the SGCI (with regards to the instruction) is adequate. Sometimes this delay is narrowed down so that the PR agent receives the informal instruction the night before the actual meeting. This gives the representative some time (albeit in many cases insufficient) to organize her/his preparations for the meeting, such as controlling with colleagues on the impact of the position, checking with homologues in other member states how they would respond to the French position, et cetera. However, not only capitals cause deadline troubles; often the Council’s secretariat or other member states are the cause of delays. Though PR bureaucrats have their own view of who’s to blame:

...one thing is, however, certain, and that is that the Council’s code of good conduct is not respected. This code states that any changes to a proposal should be made at the latest the night before and that an explanatory note should be attached...I would really liked that to happen, we try to push the SGCI to send us instructions which have officially been validated, signed...but I have yet to see the first case... (interview 67)

...it [the time limit between when the agent should have the instruction and when he/she receives it] is always insufficient. It is always later than the optimal... (interview 85, my remark)

The late sending of the formal instructions is a serious blow to the potential efficiency of the agents in Brussels. Even though it is possible to prepare and set up the pre-negotiation phase so that a minimum of influence is ensured, this nevertheless hampers directly the impact of any suggestion or demand issued from the French government. In practical terms, the fact that any eventual change to a proposal or draft from the commission is transmitted verbally instead of handing over a written note with clear details of the amendment’s content is “costly” in terms of negotiation power. Obviously, saying that “I will distribute a paper to the Presidency and to the Council secretariat explaining my suggestion” is less effective in terms of influence than distributing the paper beforehand, which gives the French representative’s homologues in her/his working group a chance to read the paper and for a discussion to ensue within the group.

One major observation that is obvious given my material is that there is a fine and intricate communication between Paris and Brussels in terms of what is accept-
able and what is not in terms of failure to follow or sustain an instruction. Here the formal leeway for the agent seems at first restricted, but given a more realistic appraisal of the situation, one becomes aware of a surprising disparity between what is said and what is done. The agents are almost invariably capable of obfuscating their actions, given that this is done according to certain praxis:

...you cannot ask for a green light on an item [i.e. to let it go and to “ignore” the instruction sent on the same item], you will get the response that: “No, no, each instruction is valid”...if however, the morning after a COREPER meeting while drafting the report, we [from the PR] mentions that we managed to get a satisfactory deal on this item, unfortunately we couldn’t make it on this other item, there is no problem. But if you ask for the authorization to ignore an instruction, you won’t get it...this is the “unmentionable truth” [le non dit in French] of the relationship between Paris and Brussels... (interview 46, my remarks)

This again brings to our attention that the informal relationship between Brussels and Paris is more complicated than the official texts imply – which should not really surprise us.

Contacts with EU institutions

As France’s foremost representatives in Brussels, the agents in place have numerous contacts with officials within the EU institutions. These contacts range from very formal meetings with administrators to informal gatherings at dinners and other social events. The position given to the bureaucrats at the PR allows them to gain information that otherwise would be kept from their government’s ears and eyes:

...yes, it is true that one of the main advantages is that we are in an ideal place to gain insights in other places, within the Commission not least...//...this allows us to warn people in Paris... (interview 67)

Even though the officials enjoy a privileged situation and closeness, both geographically and professionally, to the civil servants in the other European institutions, it seems as if much more could be done to bring the different institutions closer to the PR. This is especially visible in policy fields where the EP has equal authority with the Council, the bonds between the EP and the French PR are not as strong as certain French PR counsellors would like them to be:

...I would like to reinforce our vision of and our presence in the EP, but I don’t know how to do it given the agenda that we have, but it seems essential to do this... (interview 67, the same concern, i.e. the lack of French PR influence and visibility in the EP, is voiced in Menon 2001:88)

This statement also points to the fact that the main preoccupation of the agents in Brussels is not necessarily to have an extensive contact with the other EU institutions (especially outside the bureaucrat’s field of interest), and that the agents are mainly preoccupied with negotiations and the maintaining of relations back and forth to Paris. Another point worth mentioning is that the contacts with the other
EU institutions are usually, though not always, concentrated on the “French parts” of the institutions. For example, when talking about the Commission, the representatives first mention that they speak with “their” director-generals or DGs (i.e. DG VI for the representative to the SCA and his/her deputies; DG XI for the PR bureaucrats responsible for environmental questions, et cetera). They also almost invariably mention the French commissioners’ cabinets (in early 2004, Pascal Lamy and Michel Barnier) and then some other commissioners’ cabinets and DGs. The same is true with the EP. First, the Brussels-based agents mention relevant standing committees and MEPs, but then always mention the French MEPs (see e.g. interview 70). Sadly enough, it seems as if the PR’s success in its efforts to keep in touch with French MEPs is not an overwhelming success. In fact, the French government has great difficulty in convincing the French MEPs to “vote” French or for that matter to take into account French interests. According to one of Menon’s interviewees: “...the most effective way to get our MEPs do what we want would be to tell them that we want the opposite…” (Menon 2001:90).

Agent’s actions and the policy processes at the PR

Efficiency seems to be a keyword in the handling of issues within the permanent representation. The strong tradition of centralisation in French administrative and political affairs have also helped to shape an environment where everyone is focused on achieving their best in order to defended and articulate France’s interest. In fact, the French PR is often mentioned (also by other interviewees, e.g. Swedish) as one of the most efficient ones in Brussels. Only the British permanent representation is mentioned ahead of the French by most interviewees (e.g. interviews 27, 91, 26). As previously shown through the sheer mass of information revealed on negotiations, the main concern at the PR is negotiations. In some cases the PR has a great influence in the process of defining a French position. In some cases the staff of the permanent representation manages to institutionalize structures which are reminiscent to the system of Monday notes installed at the Swedish PR (cf. chapter six):

...the process is much more interactive these days...a note on each subject [is prepared]...this note is usually ready 24-36 hours before the meetings. It is sent to Paris; and very often, it is this note which is used as basis for the inter-ministerial instruction that I receive later...it is a validation, a confirmation...all along those years, the counsellors of the PR have evolved into the SGCI’s editors!.../...they [the counsellors at the PR] have a better insight into the substance of the issues and of the negotiation... (interview 46, my remarks)

Therefore, as long as the SGCI maintains the role attributed above, the system should be able to cope with any eventual major discrepancies between the preferences of the principals in Paris and the actions and negotiation strategies chosen by representatives. However, this implies that the agents in Brussels are more influential than the official structure of the system would allow them to be. Unsurprisingly,
the agents have managed over the years to establish themselves as pivot players (if not veto players) in the complex policymaking sphere of French EU policy.

As we saw in the section dealing with information and negotiation, the sending of instructions can be somewhat stressful. However, the cause of delays in the sending of the instructions can sometimes lie elsewhere than in member states’ capitals. The biggest problem according to one PR official is not due to uncommunicativeness of member states and the capitals, but rather from the fact that the documents that are to be dealt with by the committees or groups are sent by the Council’s secretariat at a very late stage. This, in turn, means the PR sends them late to the capital.

...sometimes Paris receives a document at 18 o’clock and we need to have the instructions back by the latest at 10 AM... (interview 57)

This last problem is something that the staff at the permanent representation has long tried to solve. Although if one looks at it from a purely theoretical point of view, the short delays under which the representatives are working both enables and forces the agents to act more independently (in the event that the capital does not provide the Brussels team with instructions). These short delays are, however, also hindrances given that the delays reduce the time to find suitable solutions to any eventual conflicting views between Paris and Brussels. In some rare cases, instructions are totally lacking. One of the PR officials answered question XIX in the questionnaire (see appendix) by saying that he/she lacked instructions in one out of every five meetings (questionnaire fra 07). While this is revealing, this answer is not necessarily representative of all the counsellors’ experiences (the average was 0.55 times/month). The sending of instructions is not the only precarious step in the relationship between Paris and Brussels; the interpretation of these instructions can also be a sensitive issue:

...the implicit functioning implies, of course, that the instructions are followed to the letter but it is up to the PR to interpret them. That is to interpret the moment when to follow them and how to "reveal" them, maybe to put a stronger emphasis on one item rather than the other... (interview 67, similar quote found in 84)

This possibility to make judgements about how to interpret the instructions depends on (1) the ways in which they are written and (2) the relationship between the counsellor at the PR, her/his mirror at the SGCI and the staff at the ministries involved in the domestic coordination.

...it is true that it is hard to find the correct tone in comparison to the instructions, and here again I think that it is up to each counsellor, /.../ to find its relation to the instructions, it may of course vary depending on which sector of the SGCI which edits them and the number of ministries which are concerned, because the more ministries are concerned, the more we risk to have instructions which are a little flexible, a little general, maybe a little fuzzy on items which have caused a ruckus between ministries... (interview 67)
In areas or policy fields where a successful coordination has not been achieved in Paris, the power of the agents to draw benefits from hidden information (and from hidden actions) is increased. This is done with the formal stated disapproval of the principal in Paris; but in some cases with an informal agreement: When in doubt or when faced with an “overwhelming” inter-ministry uproar, the SGCI and/or the ministries sometimes allow the PR to settle the matter. A critical assessment would deem this as highly irregular and a clear violation of delegation principles. A more benign assessment would see ultimately that this is an example of an intricate game between the PR, the SGCI and the ministries. As stated in the previous chapter, it seems as if the three “poles” mentioned are all part of a triangular game where all three “players” act as checks and balances on each other.

Some high-level officials within the French PR are very poignant in their defence of the need for harmony and complete disclosure between the PR and the SGCI, but also towards all the other ministries. One of them stresses the basic view of the connection between the SGCI and the Quai d’Orsay at home. In this civil servant’s view, the relationship between the SGCI and the Foreign Ministry is almost symbiotic. When the SGCI does a job well, then the Foreign Ministry is granted a coherent and coordinated position to work with (not only in Brussels but also towards other third parties) and when the SGCI fails then the Quai d’Orsay is in trouble. His/her position is that cooperation with the SGCI is beneficial for the Foreign Ministry, and is not detrimental to the latter (e.g. interview 46).

Delegation of work assignments and/or powers within the permanent representation is common, as is shown with the previously mentioned example of administrative issues at the permanent representation. Even in cases when one would initially expect no delegation to be apparent, one observes certain informal patterns of delegation. The handling of the TDs within CFSP policy issues provides an example of this. The right of signature for outgoing TDs (see below) is officially strictly confined to the PSC ambassador and is not sanctioned for the Nikolaïdis official (as is the case for both the permanent and deputy permanent representative, and their subordinate Antici and Mertens advisors). Although since the signature itself is not a “real” signature but simply a digital indication, other Brussels-based officials, and this includes the Nikolaïdis advisor, at the permanent representation at the PSC can send out TDs, after having consulted the PSC ambassador. This is all part of the regular, if unofficial and informal, procedures at the PR. These non-official procedures quickly find their own place in the institution since the environment at the PR is based on efficiency, professionalism, not formalism, and respect of regulations with dubious effectiveness.

Monitoring and reporting requirements

The PR has an important mission in that it must relay all the official documents from European institutions to the domestic administration. Not only must the agents in Brussels put in a lot of effort to send these documents but they also have
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to send reports on their working group and committee meetings. In purely technical terms, this means that the officials draft de-briefing reports and send them through the encrypted TD system. The TDs are rather heavy (and according to some too slow, cf. interview 64 and often they are poorly written in a hampering style, cf. interview 70) as a reporting mechanism; they are encrypted and are sent sometimes through different means (some services and bureaus in Paris receive printed versions of TD by dispatchers on motorbikes, cf. interview 58). A curious feature here is the paradoxical situation caused by the traditional diplomatic structures – these encrypted reports often carry limited or negligible information while all sensitive information pertaining to the ongoing negotiations are sent through emails or deliberated on through telephone. A TD has a very large amount of recipients in Paris (interview 86, 84) and is instantly spread throughout the system of the Foreign Ministry to all the other embassies. Sometimes certain sensitive TDs are sent to a more restricted circle. Although the TD often includes the more formal and non-sensitive part of the negotiations, the main benefit of this form of reports is that they are all encompassing and that they reach many actors/institutions almost simultaneously.

...in the evolution the real paradox is that the encrypted telegraphs have become an element of information while the demands of more qualitative exchange, of elaboration of the position and of the instruction is to a larger extent handled through emails... (interview 46)

In fact, the reverse, i.e. more of an agent-to-principal relationship, may characterize the reporting and monitoring requirements between the principals in Paris and the agents in Brussels. This may be seen in that it is the PR which monitors what the different actors in Paris advance in terms of positions and suggestions for instructions, and in many cases it is the representative in Brussels who voices her/his disapproval or warns Paris that something is going amiss:

...this happens very, very frequently. When I look at the telegrams or reports of meetings in Paris or even the speeches [of politicians], I can say: "Attention! We are wide of the mark! This will not pass", I do this frequently with [mentions the name of three cabinet directors and one presidential advisor]...However I always try to do this while proposing a solution to a problem. You are only really helpful to Paris when you propose a solution, this is something which I also tell my collaborators [at the PR] to do... (interview 46, my remarks and emphasis added, similar statement made in interview 85)

We should not jump to the conclusion that the agent controls the principals’ preferences, but rather we should perhaps see it as an attempt to clad political impulses from Paris into clothes fitting a European political reality. By this process, however, the agent will have an effect on the principals’ behaviour/preferences and possibly an effect on which actions the principal finds acceptable.

A similar trend is found in CFSP issues. As part of the reporting requirements set up by the principals in Paris, the PSC ambassador and the ambassador’s staff send
reports after every meeting through the TD system. According to sources in Brussels, these reports are well read although sometimes they require follow-up phone calls and emails. The latter are, however, mainly used to notify Paris of recent and sudden changes. A certain pattern emerges where it is plain to see that the rigidity of the TD system often leads the officials in Brussels to choose other means of communication with Paris, often email or in some cases telephone rather than the regular encrypted system of diplomatic telegrams.

"I phone my superior and ask her if I can send this urgent télégramme and when she says ok, I send it...what I do then is that I copy the télégramme into an email, which you normally shouldn’t do..." (interview 86, similar statement in 85)

This is especially true when the agents retrieve informal information in Brussels and there is a need for a quick communication or in other words “confirmation of the principal’s preferences”:

"...if one of my homologues tells me "Tomorrow, we will present the following, what do you think about it?...", then we do not necessarily write a telegram, we rather make a phone call or send an email, so effectively we complement the information in that manner..." (interview 57)

This goes to show that the official means of reporting through telegrams is not the only one used but rather a whole panoply of reporting channels are at the disposal of the agent. The principal has limited possibility to steer the use of alternative reporting methods, which prove the disadvantages of the diplomatic telegrams. One specific way to solve some of the obvious problems with the TD system is to “target” and diversify the diplomatic telegraphs so that the reports are adjusted to the readers, e.g. all the issues from a PSC meeting are grouped together in themes and sent to different actors in Paris. Some attempts have been made in order to lessen the risk of having a report discarded because of disinterest from policymakers in Paris. In responding to a direct question about the value of the TDs (and whether the responsible official in Brussels thinks that the TDs are well read and that they are a satisfactory source of knowledge for civil servants in Paris), the interviewee conveyed the answer with an ill-hidden sarcastic smile, accompanied by the following statement:

"...I would like to know that, I don’t know...generally speaking are the TDs which all the embassies send read by their recipients? That is a philosophical question [sarcastic laugh].../.../ We all strongly mistrust, first the readability and second the rectifying effect of our reports sent through the TDs...It has happened to me once, to have a representative from the SGCI /.../ calling me to ask me something which was included in the TD which I sent the same morning..." (interview 67)

The clumsiness of the TD as a tool of reporting is apparent. Having a device for reporting that then demands that the agents themselves decipher or provide a guideline to the content of the telegram seems from a delegation point of view highly counterproductive.
In the case of the CFSP, both the PSC ambassador and the permanent representative must sign the reports sent by TD, although the last has not the authority to make any changes in the text (interviews 57, 86). Still this slows down the formal processes within CFSP issues. In the pre-negotiating phase, and for all matters concerning the relation between the COREPER and the PSC, the contacts between the COREPER II ambassador and the PSC ambassador within the French system are relatively sparse. As one high-level official at the PR commented, they do not meet each other, if there is a problem they simply phone each other (interview 57). This is an interesting point since the permanent representative and the PSC ambassador have their offices one floor from each other. Again, we do not want to make too much out of this answer; still it is somewhat peculiar that no regular meeting or institutionalised reports between France’s two highest representatives in Brussels exist. In comparison to the Swedish system (whose efficiency is admittedly more based on personal chemistry rather than efficient institutional design), this “flaw” in the French system becomes exceedingly apparent.

Yet another form of contact between the PR in Brussels and Paris is through the recurring videoconferences that are set up at rather regular intervals. Almost ten meetings per week is the average at the permanent representation. The videoconferences, [visio-conference], provide an excellent way of communicating with Paris. On average PR officials spend 6.2 hours in videoconferences. Their creation and the use sprang out of both the need to handle large amounts of information with multiple actors in a more efficient way and as a way to cut costs by replacing trips to Paris by videoconferences. Some of the officials at the PR find them rigid and often the atmosphere of the meeting can be too official (in the pejorative sense of the word). This is due to the rather unusual setting surrounding a videoconference, getting a notice [préavis], setting up the technical link, and so forth. Furthermore, one of the interviewees pointed out that he/she was very uneasy at videoconferences because of not knowing with certitude which persons are present in the studio in Paris. The degree of intimacy required in the relationship between Paris and Brussels is thereby compromised.

Challenges in procedures between Brussels and Paris

Before finalizing the discussion on the French permanent representation, it should be pointed out that no concrete case of institutional check appears at the European level, with the self-evident exception of the COREPER level within the Council (and possibly the EP, though the principals are not the same in those cases and the comparison limps conspicuously). Though the concepts and empirical examples (or lack thereof) of institutional checks has been summarily treated, we now turn our attention towards some of examples of challenges that the present relation between Paris and Brussels meet. One is the status of the SGCI described in the previous chapter.

In the light of the evidence put forward here, the SGCI’s main and perhaps most important role may be different from the role presented earlier (chapter seven). In
fact, it may be that SGCI’s most important function is to provide the PR with a reasonable political orientation so that the counsellors based in Brussels can exert their functions without shirking too much, rather than to provide exact positions and instructions:

…the SGCI plays out its role well if not only it provides a technical competence but also if it conveys an accurate appreciation of the political sensitiveness in Paris…/…this means that the SGCI can only function efficiently if it is at an adequate political level, so that it can tell us: OK, this is the correct technical position but this minister has that problem or the prime minister is worried about this, so it is vital that the SGCI works at the political level…/…everything is up to the secretary-general and the deputies secretaries-general [of the SGCI]: Are they sufficiently intimate…to the [political] sensitiveness of the moment so that they can say to us: "Watch out! Yes, what you’re saying to us is correct but there is a question of political hazard to which we would like to make you sensitive"… (interview 46, my remark)

It would seem that the agents in Brussels estimate that they work best if their actions or planned actions are comparable to the political preferences of the principals in order to function properly. The problem is that the SGCI has not been successful communicating such preferences. Thus, the agents based at the French PR are acting with a much dimmer view of their principal’s preferences than was the case before:

…what is lacking in the SGCI’s structure is the prospective and analytical ability, the capacity to anticipate a number of European problems…/…and eventually its capacity to be a genuine counsellor on European affairs… (interview 84)

…incontestably…/… I have the feeling that the SGCI is less connected to the political life than it was before… (interview 46)

This is a serious flaw because it points to the fact that one of the major controlling institutions, probably the most important police patrol in the structural delegation to the PR, is not as efficient as one would believe. What happens if the representatives at Brussels, in their roles as active but non-shirking agents, seek the mandate or preferences of their principals through the established channels (the SGCI) but are not able to do so? One alternative, but slightly more costly, is for the agents to make contact with the individual ministry (as identified above this is an already a more-or-less recurring event, depending upon the policy section). However, turning directly to individual ministries implies certain additional impediments in the process of gaining instructions from Paris (besides the obvious one of not actually complying with the official rules). The agent must be able to know which level within the domestic organization to turn to. Certain issues must be checked at the level of the individual service or bureau, those being issues which are very technical and which require the expertise of specific counsellors. Other matters or proposals are much more politically sensitive in their nature and have to be validated by the ministry’s cabinet. This puts an additional stress on the representative in Brussels. The difficulty resides also in the fact that different ministries have different routines for
dealing with such matters. In certain ministries, such as the Quai d’Orsay, the cabinet and the bureaus and services are well integrated. Whereas in other ministries, such as the ministries of Interior or Finance, the bureaus and the cabinet are “separated” and there may exist some discrepancies between what is said and though in individual services and the political highest stratum of the ministry, i.e. the cabinet. Indeed, perhaps an important question is whether or not the main role of coordinating the broad scope of French European policy should be given to the PR, and the SGCI should be used in a much more efficient way:

...an SGCI with the vocation to act as bottleneck in all the European issues and proposals, from the most modest to the most important, is both impossible and futile. Impossible because the issues are too numerous. Futile because we no longer need, as we did 40 years ago, to counter any eventual lack in competence or a risk of “centrifugal” behaviour from an individual ministry. ///this type of coordination may in fact lead to more inertia and blockage than it may help. My sentiment is now that the SGCI should evolve to a lighter organization, much like the British chancery /// with responsibility for middle and long-term analysis and strategic coordination and not the day-to-day routine. I believe that the French system should evolve into a system where we would designate lead ministries to handle the coordination within each policy sphere, because we will still need the coordination, /// but it could be delegated to individual ministries. The sentinel, which would assure the respect of this coordination, would be the PR. So, if the PR sees anything that is not right it contacts the SGCI which then demands an explanation from the lead ministry [in charge of the coordination]... (interview 46, my remark)

This is an interesting proposition in two ways. First, it points to a solution that presents a clear advantage of formalizing the informal processes in place nowadays. Second, it represents a delegation and accountability design, which include a variety of institutional check. Still I will refrain from going into details at this stage, since I will return to the subject in later chapters. Another aspect of Brussels-Paris relations that we have not approached yet is the specific role and requirements of the permanent representative.

The French permanent representative does not, unlike her/his colleague from the UK or Finland, for example, have any formal requirements to attend meetings back home. These regular meetings (institutionalised in e.g. Finnish, English and Swedish cases) between the head of the PR, the prime minister and senior members of the Prime Minister’s Office are not required of the French permanent representative. The French system prefers an ad hoc approach, where the interaction between the permanent representative and his/her government is guided by a need-to know-basis. After a new government has taken office, the meeting frequency between the highest levels of the PR and Matignon rises significantly for the first months. During this period the team of the permanent representative travels to Paris to prepare each GAC meeting in order to attain good coordination as well as an understanding of the government’s political will and orientation. After usually one year (providing the government remains in office) the meetings become fewer and fewer.
The ad hoc nature of the meetings between the PR and Paris also “trickles down” to the preparation of the IGC. There are no permanent committees or preparatory bodies, instead an “executive committee” [comité de pilotage] is convened at the Elysée every two weeks, and during the most intense period preceding the actual IGC once a week. These meetings take place on Saturday afternoons at the Elysée with the president’s diplomatic counsellor and sherpa, presidential counsellor on European Affairs, the SGCI’s secretary-general and the prime minister’s counsellor in European Affairs, and the director of the Minister of Foreign Affairs’ cabinet and France’s COREPER II ambassador. These constitute the bulk of the negotiating team and, as such, they represent the very core of top French EU policy-makers. The same was true when the Convention for a new European Constitution was assembled; preparatory meetings took place with the same constellation (Calmfors 2002:5). The clear dominance of presidential advisors in the coordination of French IGC positions and negotiation also gives rise to an interesting discussion as to the role of the president and how the dual nature of the French executive affects the formulation of French EU policy.

Interestingly, the dual nature of the executive in France can possible creates some problems in the reporting of what happens in Brussels. Whom do the officials contact when reporting back home? Given the formal structure of the system, one might think that it is the SGCI and its staff, but this is not always the case:

...in reality I have more often contact with the Elysée [i.e. the president or his/her advisors] than with [mentions the name of the head of the SGCI], but my collaborators have daily contacts and meetings with the SGCI... (interview 46, my remarks)

In the previous chapter on the domestic handling of EU issues, I have briefly commented on the eventual problems that the duality of the French executive might cause. The PR also has to take into account the reality of the domestic political scene. A cohabitation is not as dramatic for the PR as one might first think. The instructions during a cohabitation do get slightly more rigid and deviations from them are more politically sensitive (especially if there is a divergence in the view between Matignon and l’Elysée). However, instructions and positions are better prepared during a cohabitation because everything has to be unambiguously cleared and France must speak with a unified voice. For the PR this means that during periods of “normal” executive structure (i.e. when there is no cohabitation) PR officials have much more contact with the president’s advisors and counsellors than would be under cohabitation (see e.g. interviews 32, 46). This is especially true for the contacts and discussions of a strategic character and the preparation of summits and the IGC. In those cases, the permanent representative is invariably in contact with the Elysée, while the contacts with the SGCI are briefer and concentrated on short-term negotiation issues.
CONCLUSIONS

Sure enough, the working environment under which the PR has to act certainly has an important impact on its functioning and the delegation between Paris and Brussels. The way in which the PR functions in Brussels is much more coordinated and almost "centripetal" in contrast to the rather "centrifugal" administrative style in Paris.

According to the many French interviewees, France’s PR stands out as being a rather influential player in the game of French EU politics. This is because while other countries prefer to use the EU and Brussels to their own benefits in an almost sinister zero-sum game, France has equipped itself with a set of Euro-minded, very ambitious and efficient representatives who seek to improve and defend France’s interest at stake without being detrimental to the common goal of finding European solutions. This is not the case for many other member states, e.g. Germany:

...the Germans prefer to get beaten in Brussels rather than to coordinate in Berlin...it is almost a technique...//....we try to lessen the number of times this occurs [that a member state is isolated], to be able to do this it is important to have an intimate and close relationship between Paris and Brussels, and that we are certain of what we want, so that the analysis in Paris is correct, because our main role is to explain what is possible and not, when it is difficult then we have to fight, and there are not that many lost causes, but one must not stray off into wrong directions and there we have a huge responsibility to explain to Paris the limitation placed by the negotiations here in Brussels ... (interview 46, my remark)

The statement points to a job description for officials at the PR, which is openly focussed on finding European solutions. Is it always the case? Hardly. Notwithstanding being a “good” European, France also certainly does not refrain from securing the financial resources to satisfy minority groups in French society that view the EU sceptically. Although the rhetoric from representatives may point to compromise-minded and diplomatic officials with a vocation for middle-way solutions, reality is more nuanced. One very ironic interpretation, given the above reference to Germany, would in fact be that the French interests have so far been aided by a Germany, which often has been willing to step down and sacrifice their own interests so that the French interests could win the day (cf. Simonian 1985). Examples are not lacking, perhaps the most well known is the IGC of 1996 (cf. Menon 1996) not to mention the numerous CAP negotiations.

Formation of political preferences

I have earlier, both in this and the previous chapter, approached and discussed the issue of preference formation. This subject is of both a theoretical and empirical interest to this dissertation. To what extent are the preferences of the principals produced exogenously or endogenously? How much are the preferences really influenced by interactions with the agents? Many of my interviewees implied that the principals in Paris, even though they might be ultimately in control, have the ten-
dency to leave much of the explicit formation and implicit execution of instructions to their agents in Brussels. In some cases, the question is whether or not these choices made at the level of the civil servants in Brussels can be interpreted as actual political preference formation. Sometimes the final instruction is the result of a dialogue:

...we call each other [officials in Brussels and Paris] the day before and we tell them “Look, we have the following matters on the table”, and when we have a problem, we tell them. And if there are any instructions which cause us some trouble, we phone each other, it is very easy…// normally they know our position, and if this is not the case then we tell them … (interview 57, my remark)

Others choose to criticize or encourage the services and officials back in Paris in order to obtain better instructions, thereby affecting, or at least to some extent changing, the expressed preferences of Paris:

...I systematically call the SGCI to point to them any eventual peculiar part [in my instructions], and to motivate them also, or to motivate them to motivate in their turn the ministries involved to better prepare this or that item… (interview 67, my remark)

In some cases, the official in place at Brussels even takes a “personal risk” by agreeing to a consensus proposal in the group and tries to sell it back to Paris:

...you must always send positive impressions into the negotiations by saying: ‘I take it upon myself to convince my capital’. Then I am responsible to actually convince my capital… (interview 70)

Another aspect of this work over which the representatives at the French PR perpetually battle is whether to actually start a discussion in Paris concerning what the other delegations (i.e. the other delegates from the other member states’ permanent representations) are putting forward:

...Paris has a tendency to have a vision which is a little closed, a little unilateral of course...sometimes we fail to take into account or perceive that there are propositions from other member states’ delegations...we have to take positions on the other delegations’ positions...and that is something that I often ask the SGCI to do… (interview 67)

The "Brussels perspective" is evidently not that easy to “sell” to the Paris-based institutions and actors, although taking into account this perspective might be the key to a more successful negotiation. Some Brussels-based counsellors explain that it is important sometimes to contact the different ministries to assure that there is an understanding of what is at stake and what bureaus within the different ministries are really working on an issue. When doing so, however, the same counsellors also stress that they always notify the SGCI before going directly to the ministerial bureaus and units in Paris. This is to ensue that the system is not short-circuited.
However, sometimes the ministries themselves are keen on “breaking the system” and contact with the permanent representation’s officials:

...yes, [on a question whether the counsellor receives phone calls from the ministries], well, that is the Foreign Ministry contacts me on international [specific policy sphere mentioned] issues which are not followed by the SGCI, and I have received calls from the ministries of [mentions three line ministries].../...on current negotiations... (interview 67, my remarks)

It would seem perhaps that the PR is keener on maintaining a good relationship with the SGCI than the individual ministries, which often opt for direct contact with the PR. This is not surprising, given the conditions under which the ministries and the SGCI coexist in Paris (see previous chapter). The formation of preferences at home can also be complicated, with extensive repercussions for the Brussels-based agents’ abilities to influence the process of preference formation at home and/or in Brussels. If the domestic coordination process reaches the upper echelon of the government’s pyramidal structure and involves the ministries’ cabinet, then there can be several consequences for the representatives in Brussels. Among them is that the agent at the permanent representation may have a clearer picture about the political preference of the minister. If that the eventual position is controlled and checked through the SGCI, the PR agent may also benefit from having an excellent view and knowledge of the principal’s preference on the issue. However, if the matter is not handled by the SGCI or badly coordinated, the effects might be damaging, as the agent may propose a French position that will become untenable at the next level (COREPER or, even worse, at the Council). Another serious consequence might be that the issue is delayed – if the negotiation in Brussels is based on the premises of qualified majority voting, then the French position might be delayed and any eventual window of opportunity might be lost.

In EU-heavy policy fields (such as agriculture, environment, trade), principals in the capital are better equipped to shape their preference. At the same time, an influential PR agent in charge of an EU-heavy dossier/policy field is in a much better position to influence the outcome of a negotiation compared to those issues which are not fully integrated into the EU. For instance, in cases of the agricultural policy legislation, the decision taken at the European level has a deep impact on the national administrations. This is clearly something that has an effect on the domestic structures and indirectly on the representatives themselves:

...for us all the decisions are taken here [in Brussels], thus the structure of the ministry had to adapt in terms of coordination, in terms of drafting positions, in terms of rapidity of response.../...it is all very structured... (interview 70)

The effect of having the responsibility of a policy field that is dominated by decision-making procedures using qualified-majority voting at the European level automatically gives the agent in Brussels a wider scope for hidden actions but also for open influence. The preferences of the principals may be shaped at home, in the familiar-
ity of the capital, but they are still often prone to modifications *per se* through the actions of and information delivered by the agent (caused by the reality of the negotiation in Brussels). Or to modifications through changed priorities (or added in the cases where the principal had failed to specifying them).

*Assessing the delegation*

The French agents at the PR have a strong influence on the way in which France chooses to negotiate, and on the positions the country takes in working groups and committees. As agents assigned to the negotiating of EU proposals and texts, they are put under a great deal of stress, not least because they are at the intersection of two opposing delegations, the European delegation and the national delegation:

...yes, it is true...//...we all represent, at the same time, our state and the Council...we try to play the games, and...it is that which is interesting, to manage to play the two games at the same time... (interview 67)

The agents in Brussels are constantly under the *cross-pressure* of a dual chain of delegation, and being torn by this identity, which many researchers (Hayes-Renshaw and Wallace 1997:224, Lewis 1998a:483, Mentler 1996:29 or even Maurer and Wessels 2001b:101) have compared to the face of Janus. Nowadays it appears that the relative influence of the PR is growing; the marginally weakened SGCI has bestowed the PR with a growing importance. This is further accelerated by the fact that more and more policy fields are switching over rules of decision-making where qualified-majority voting is applied. Thus, it seems that Lequesne’s conclusion, at the end of his chapter on the French PR in his seminal book on French EU policymaking, holds a certain value even today:

If the European construction steers all politico-administrative national actors to play an ambiguous two level game in between the defence of national interests and the collective advancement of European politics, the permanent representation illustrates this ambivalent reality extremely well. Both a national and a European institution, it must make sure that the interactions between the two decision-making processes settle on converging compromises. (Lequesne 1993:224)

I have earlier in the chapter, here and there, tried to give a nuanced picture of the permanent representation as a body able and used to influencing the positions of the ministries and policymakers back home in Paris. Awaiting the final chapters, a somewhat preliminary discussion on the main inferences to be drawn out of this chapter is presented below. The reader should be reminded that the analytical model identified in chapter two guides the following discussion. First, it should be recognized that the French PR staff members are aware of their status as privileged agents. They explicitly state that their main resource is their comparatively high level of information on vital negotiation issues and their comprehension of the informal status and positions of other member states. In other words, the relation between Paris and Brussels is characterized by an expected high level of information asym-
Furthermore, the contract design and screening and selection mechanisms installed by Paris are barely adequate. Perhaps the most important weakness of the systems in place is the lack of uniformity between ministries and that agents in Brussels are not offered improved contracts compared to other bureaucrats stationed abroad. Despite this, the system does manage to fulfil some of the requirements which mechanisms of screening and selection as well as contract design should attain, such as (a) that the agents are recruited by clearly stating their participatory constraints and (b) agents are all well-versed in international negotiations. In addition, the ministerial disparities in individual contract design and screening and selection mechanisms amongst the different officials at the permanent representation do not seem to have any direct (negative) effects on the efficiency of the PR. The reporting and monitoring requirements installed are strong. However, despite displaying some very effective and inclusive characteristics, the systems in place for reporting and monitoring are potentially, if not seriously, flawed. The formal system for reporting is de facto set aside by the inefficient design and functioning of the TDs. What makes this criticism even harsher is the fact that reforms were attempted as early as 1993 under Foreign Minister Alain Juppé and repeated by his successor Hubert Védrine in 1997. Both tried to implement concepts such as shorter telegrams, brief résumés and comments on major issues. These reforms have largely failed and the criticism is still valid and still voiced by many interviewees. Although some hidden information is certainly kept away from the eyes of the principals, most of it is nevertheless revealed, the ratio costs/benefits for an agent of shirking through hidden information being much higher than for hidden actions. Institutional checks are, with the exceptions of the internal checks provided by the COREPER level (see chapter four), lacking. In addition, the fact that the permanent representative does not have an institutionalized meeting with the highest political leadership represents a flawed delegation design. The formation of preferences is still somewhat ambivalent. It is hard to separate the formation per se of preferences and the articulation of the preferences. In this puzzle it is clear that the agents in Brussels have a large impact on the priorities given to various preferences, whether they are detailed and explicitly stated (and foremost synthesized, i.e. not a simple list with wishes from different ministries) or more uncoordinated and implicit (i.e. the wish list from individual ministries). In evaluating the above (albeit preliminary) conclusions, one finds that the agents responsible for the formulation of French EU policy enjoy considerable leeway in setting priorities or changing the priorities (in case this has already been done by Paris) to the preferences of the principal in order to fit their appraisal of the negotiation.
NOTES

1 This “section” (as such it is not a specific or real section but a mere reflection of the fact that these persons are often presented as the leadership of the French PR) included the ambassador and permanent representative, the deputy permanent representative, the French representative to the PSC, the Antici, Mertens, and Nikolaidis representatives for a total of six persons (their respective secretarial assistants not included).

2 This service is mainly focused on helping companies and other actors in gaining support from the different help programs which the EU coordinate. This service was called the Cellule Entreprises et Coopération before, which roughly translates into Division for Companies and Cooperation, its current label is now Service de participation aux Programmes de Coopération, and it is divided into two sub-directorates (1) companies and (2) administrative and institutional cooperation.

3 The Senate’s antenna, inaugurated May 19th 1999, is located in the buildings of the EP in Brussels.

4 The lower house’s Bureau de l’Assemblée nationale auprès de l’Union Européenne, was opened in March 2003, and is located both in the building of the EP as well as the PR’s offices.

5 Pierre de Boissieu was one of the most influential (he is considered by many to have co-authored the Maastricht Treaty) and intelligent French permanent representatives in history. Known for his self-confidence best illustrated through the following anecdote: At a Council meeting, Susanna Agnelli, then Italian Minister of Foreign Affairs and as such president of the EU, addressed him erroneously using the title “Minister” whereupon he replied “Madame what did I ever do to deserve such a down-grading.” See article intituled “Les quinze sherpas du Conseil de l’Europe – Comment les pays membres se font représenter à Bruxelles” published in the Courrier International, May 15th 1996 reproduced in Hardouin (1999:26).

6 Although a few exceptions exist, see e.g. interview 86. They constitute the exceptions that prove the rule that most diplomats and civil servants have been involved in multilateral negotiation before.

7 However, a motivated agent might become the principal’s nightmare if he/she shirks.

8 See e.g. interview 67 and 60, it is noteworthy to point out that the head of the administrative services states that the ambassador, nevertheless, prefers for the counsellors stay for four years.

9 Another, equally intuitively correct, interpretation would be to see this as an implicit, if not expressed, wish from Paris to spread knowledge on the routines and procedures at the PR amongst bureaucrats in the central administration.

10 Although one does not have to go to the extreme, like e.g. the Spanish representatives in the field of environmental policy, of which one stayed for over 20 years and yet another counsellor from the Spanish permanent representation stayed five years or so….. (see interview 67).

11 Here an anecdote is to some extent appropriate to exemplify the lack of interest for material remuneration amongst the officials employed at the PR. During a research trip in Brussels aimed at completing interviews with PR officials, the personnel organization of the Foreign Ministry instigated a one-day strike amongst its employees in order to voice disaccord over the new national budget, which demanded cuts and savings for the Foreign Ministry, thus implying no large increases for wages. However, even though the one-day operation had significant support, quite a few Foreign Ministry employees were at work during the day of strike.

12 This is the highest administrative post within the French Foreign Ministry (the equivalent of the post of directeur du cabinet in Swedish terms would be statssekreterare).

13 In fact this view is substantiated by a French diplomat in 1987, first cited in Hayes-Renshaw et al. (1989:127). According to this diplomat the so-called community specialists can be “boiled down” to twenty individuals.

14 The ambassador also had a lot of experience in managing conflict resolution issues from earlier posts e.g. in New York or as responsible for Asian issues at the Quai d’Orsay dealt with the peace negotiation in Cambodia.

15 See chapter five and six where the coordination of Swedish CFSP policies is detailed where a similar casting of the key actors involved in CFSP issues and more specifically to the PSC took place.
Circular from the prime minister from March 21st 1994, see JORF (1994a:4783).

According to Menon, the wish to centralize all dealings with the Commission to the PR is due to a fear of having individual ministerial officials using bilateral contacts with the Commission to further their own sectoral interests.

Circular from the prime minister from March 21st 1994, see JORF (1994a:4784), although these rules can be subject to certain changes because of confidentiality demands, e.g. it is possible, indeed highly likely, those ministers would perhaps prefer more intimacy in their unofficial gathering.

Circular from the prime minister from March 21st 1994, see JORF (1994a:4784).

Circular from the prime minister from December 13th 1999, see JORF (1999b:18802).

Indeed, it has even been known that Brussels-based PR representatives have “reversed” positions taken in Council working parties by ministerial officials from Paris, see Lequesne (1993:212-213).

Paradoxically (or at least it would seem so to the “unwary” spectator) enough, the instructions to the PSC are not coordinated in any frequent way with the DCE’s unit for external relations (see previous chapter). This is of course due to the specialization and work division between the different units within the French Foreign Ministry. Thus there are no frequent contacts between the CFSP unit and the DCE’s external affairs unit. The sole exception is issues pertaining to the financing of the EU’s missions of foreign affairs character. These issues are treated by the SGCI as they do not fall under the second pillar, and in those matters contacts with the DCE are taken through the usual channels, (see interview 57).

Other officials confirm that the representation to the PSC is indeed formally a separate administrative entity, mainly because the ambassador to the PSC is assigned as a plenipotentiary ambassador with full rights, (see interview 60).

This observation is also made by the Lanxade report although it mentions that the personal relationship between the permanent representatives to the COREPER II and to the PSC is “harmonic”, see Lanxade (2003:31). The general tension between the PSC and the COREPER is discussed by many, even Swedish chancery officials, (see interview 44).

The North Atlantic Council is the foremost permanent assembled body of decision within the NATO structure (sometimes the Council meets at the ministerial or even head of state level, but this does not alter the status or the decisional validity of its decision). It is often constituted of one permanent representative for each member state.

A quick look at the agendas of two groups, the Working Party (WP) on the Environment and the Codex Alimentarius WP (for the three first months of 2004) shows that the WP on Environment had no less than 34 meetings and the Codex Alimentarius WP met 16 times for the same period.

Of course there exists some exception to this “rule”. One counsellor stated: “Last time we had a gathering of the group I announced that we [France] would present a proposition on an important part of a text next meeting. This instigated some curiosity. In that way it helped to somewhat clear the way or prepare the “terrain”, rather than if I would have just arrived with a paper next meeting and throw it on the table: “Here! That’s it or nothing...” (interview 67).

In the case of European affairs, this is translated into two guiding “principles”: (1) that no single ministry has a predominant competence or ownership over define France’s European policy and (2) to willingly pursue and strive for an “efficient coherence”, because experience shows that good results are attained by being well-coordinated, (see interview 46).

“Sherpa” refers to the personal representatives of the G8 countries’ head of states. They coordinate and arrange the practical details before the G8 summits. They are designated as “sherpas” after the Himalayan porters who help climbers reach mountain summits. These sherpas oversee the implementation of the commitments made at the Summit.
ASSESSING DELEGATION DESIGNS

The main objective of this chapter is to convey to the reader the insights and inferences I can draw from the French and Swedish cases of national delegation to the EU. This chapter will thus answer the research questions formulated in the introductory chapter (see section Aim, empirical research questions, and theoretical ambitions in chapter one). In assessing the institutional delegation and accountability design of the national EU policymaking, my results will be guided by both the dissertation’s theoretical framework and my empirical findings from chapters five through eight. I relate the findings and empirical evidences unravelled in this dissertation to previous research in the field (cf. chapter four). This task will prove both straightforward and onerous. It is fairly straightforward with researchers who are close to the field of research (cf. Kassim et al. 2000 and 2001) and onerous because some research is further removed from this study’s empirical material and theoretical perspective. Nevertheless, I believe that one of our main obligations as researchers is to endeavour to contribute to cumulative knowledge. In order to do this I link my findings to the previous achievements of fellow analysts.

In this penultimate chapter I arrive at the point when my “verdict” must solemnly be pronounced. In the four preceding chapters I described and dissected the different mechanisms and institutional systems in place as well as the different actors’ views and actions, which together constitute the link between two member state capitals, Paris and Stockholm, and their respective permanent representations in Brussels. The most optimal and indeed perhaps the fairest way to complete a concluding analysis would be to exclude any new empirical material. I almost follow this recipe. But I cannot resist adding “for seasoning” a few additions, such as excerpts from interviews or additional empirical material (mainly second-hand sources), but they will only be of explanatory value and will not in any way alter or, even worse, reverse the findings offered in previous chapters.

DOMESTIC COORDINATION

The modern state, at least in theory, requires an efficient coordination system. The multitude of policy areas covered by state actions and the range of these actions demand a systematic (horizontal and vertical) coordination process. Thus, efficient policy coordination is one prerequisite in every society’s striving towards a sustainable political system. In whatever way this concept of coordination is associated with positive connotations (mainly in the effective use of scarce public resources),
one must still ask whether the achievement of perfect internal organization is not merely an “administrative Holy Grail” (Peters 1996:295). Coordination of policy is not even a homogenous task, which can be achieved through similar patterns across policy areas. Certain policy domains are complicated, while others are more straightforward and less litigious. Still certain traits are common to all specific coordinative tasks; this is very much so the case when it comes to domestic EU coordination. The first question set of this study was based on an assessment of the coordination and preparation of EU issues in member states’ government offices. It contained two main questions: (1) how have national governments organized their offices and the policy preparation process at home, and (2) in which way do these institutional structures at the national level influence the delegation to respective permanent representation in Brussels?

**France – main findings**

EU coordination in France is the product of a unique institutional design in French central administration. The nucleus of the coordination is set within the SGCI, which in many ways an exception to the prevailing administrative culture and norms of ministerial rivalry and a highly compartmentalized administration. The SGCI effectively affects the delegation between Paris and Brussels and constitutes a veritable veto point in the chain linking the French capital to the EU. Usually studies of French EU policy and EU coordination boil down to studies of the SGCI and, in some way, this dissertation is no exemption.

The SGCI has, through its key functions, become one of the main policymaking institutions in French EU policy, though it lives somewhat in the shadow (especially in the eyes of the French public) of both Matignon and l’Elysée. Moreover, the relationships between the SGCI and the prime minister as well as the French president are complex. The conclusion of this study is that the bicephalous executive constitutional design existing in France poses certain problems for the coordination of EU issues. It provides a source for conspicuous discrepancies between the living constitution and the written one. During cohabitation it seems that delegation between Paris and Brussels is less affected by difficulties in EU domestic coordination than under periods when the parliamentary and presidential majorities are in concordance. This inference stands in stark discord to my early and intuitive assessment of the effects of the French “hydra-headed” executive. As developed in the main text, this is due to the fact that during cohabitation the two executives keep each other (and the administration) under close supervision. Each actor is careful not to step into the other’s privileged policy sphere; in short, the coordination is much more formal and correct. In periods of common political majority in both Matignon and l’Elysée, informal and sometimes unclear chains of delegation are established, and the possibility of having a situation where “the right hand does not know what the left hand is doing” increases. As expected, cohabitation brings added political conflict, but it does not hamper the internal delegation between Paris and Brussels, at
least from an institutional perspective. In fact, political conflict in times of cohabitation is explicit and more or less public and has only restricted detrimental effects on the internal and informal workings of the executive.

The French parliament is in many aspects isolated from the process of coordinating and drafting national instructions to the national civil servants in Brussels. This study shows that the parliament has a restricted ability to hold the government accountable for its EU policy. The French parliament was officially bestowed increased clout in the scrutiny of EU proposals that have to be inserted into French law, through article 88-4 of the constitution. However, this increased clout is a mere chimera, as the real influence of the parliament remains trivial. This limited capacity is perhaps foremost due to general constitutional rules, but it is accentuated in the case of EU policymaking where the executive’s prerogatives remain very strong. As Hayward (2004), Rizzuto (2004), Szukala and Rozenberg (2001) have shown, French government dominates the legislative process, parliamentary accountability of individual ministers is weak and, while scrutiny activity of EU legislation in the two parliamentary chambers has increased, the legislative branch lacks tangible influence (though Rizzuto argues that EU integration has managed to rehabilitate the French parliament). The possibility for policy influence in EU issues for French MPs and parliament as a whole is seriously circumscribed. Thus, the findings conveyed by earlier research on weak national parliaments (cf. Maurer and Wessels 2001a, Strøm et al. 2003, Raunio and Hix 2000, Raunio 1999) are corroborated in this case.

While the political validation of instructions and coordination of common positions for French civil servants in Brussels is ultimately made at the SGCI (no or very little ambiguity is found in my study on this fact), certain ministries enjoy a larger political influence than others. This is mainly due to the express preferences of the executive. A clear-cut example of this is found in the unusually strong domestic position that the Ministry of Agriculture holds. This position is granted by the special significance that, in this specific example, the French president awards to agricultural affairs. The field of CFSP is also exempt from the SGCI coordination structure and procedures, though not due to presidential political preferences, but rather owing to the special institutional arrangement applying to the second pillar policy field. All coordination of French CFSP policy is performed by the French Ministry of Foreign Affairs; the SGCI is involved only if second pillar issues (such as peacekeeping operations or similar actions) implicate EU competencies belonging to first and third pillars.

Furthermore, in the case of France, it is interesting to note to what extent the lack of reform has characterized the evolution of EU coordinating institutional structures in Paris throughout France’s EU membership. Surely enough, France is reputed for being resistant to changes and reforms’ (especially the French bureaucracy, see e.g. Bezès 2001) but the preservation of the domestic coordinative structures and processes on EU issues are exceptional, even according to French standards. The SGCI has indeed been very slow to adapt and to change to some realities. That the SGCI
has not been substantially reformed over the years is partly due to the fact that it still, in spite of the lack of administrative reforms, works quite efficiently and partly due to the classic French lock: the corps structure within the French administration. Given the SGCI’s institutional “sclerosis”, any significant changes (positive or negative) in the SGCI’s capability to coordinate and draft French EU positions will be dependent on its employees rather than its standard operating procedures. As stated above, the rather unique status, which this institution enjoys domestically, allows it to play a leading role in the preparations of the French positions in Council working groups and committees. Since all instructions must be cleared and sent by the SGCI, it effectively becomes a sort of bottleneck, or a focal point for critical juncture in French EU policy, impossible to avoid. Even though the formal role and mandate of the SGCI are both unique within the central French administration, other factors also come into play in the general assessment of this institution. One factor is that several of the interviewees (who are not employed at the SGCI) mention that the SGCI’s staff has lost some of its quality and perhaps lacks the political fingerspitzegefühl that is demanded of them. This is something that has marginally hampered the coordination of EU issues in Paris. My study shows that there is some concern about the quality of the personnel at the SGCI (especially at the French PR). Some of my interviewees voice an apprehension over the quality of the SGCI’s staff.

Conclusively, the study of the French coordination mechanisms regarding EU issues is that they are not primarily functionally differentiated along the lines of the distinctions made by EU decision-making structures or according to policy spheres. All EU affairs are treated and coordinated in exactly the same way, except for CFSP issues (see above). Differences exist between different policy spheres but the common institutional design involved in coordinating and drafting French standpoints to EU legislation and issues remains the same. Moreover, the French system of coordination can in all aspects be described as a non-level differentiated system, i.e. the sending and drafting of instructions of EU proposals is embedded in the same institutional domestic surrounding, irrespective of whether the instruction concerns COREPER, PSC and other senior committees or just a “simple” Council working group.

**Sweden – main findings**

The coordination of EU affairs in Sweden can be summed up as the story of the domesticization of a European process. Although this description would be considered by many as flawed, I will argue below for my case with the support of the evidence put forward by my empirical results and the inferences I deduce from them. The mechanisms established for the coordination of EU issues in Sweden were (much like other member states, see Kassim *et al.* 2000) shaped in a highly incremental fashion. The previously existing structures for handling EU affairs (within the framework of EFTA), mainly located within the Swedish Foreign Ministry, were reorganized and strengthened to accommodate the new demands of a membership.
Following traditional Swedish drafting procedures, EU issues were structured accordingly. Sweden’s domestic drafting of instructions and coordination of positions involves many ministries, following the tradition of joint drafting where many different ministries coordinate their views in order to reach a common position. The system is, however, level differentiated depending on how far the EU proposal has reached within the Council. Instructions to Council working group levels are handled more bilaterally, i.e. between individual ministries and individual PR counselors. Instructions to COREPER and other high-level EU committees are coordinated to a larger extent by the UD-EU unit. This affects the delegation between Stockholm and Brussels by changing selected characteristics of the delegation’s institutional frame, such as the closeness to the political nerve of the government, the Prime Minister’s Office.

In the case of Sweden’s handling of CFSP issues, the conclusions are very similar to those made in the French case. There exists a parallel link between Stockholm and Brussels with respect to issues dealing with the EU’s security and defence policy. The main responsibility (and indeed almost all of the drafting to the PSC and its subordinate working groups, e.g. CIVCOM or the politico-military working group) falls on the UD-EP unit, with EUKORR acting as a kind of police patrol. The coordination of CFSP matters differs itself from regular EU issues as it involves only a few units within specific ministries; the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice and, to the extent there are some budgetary implications, the Ministry of Finance.

In principle the rather extended use of joint drafting (see chapter five), which characterizes the Swedish domestic policy process at the central level, entails that rogue policy positions are seldom encountered. However, practice has shown that this policymaking procedure is not infallible when it comes to assuring that the position established in Stockholm represents the consensual position of the government. Properly implemented joint drafting remains an efficient procedure in terms of increasing the likelihood of a good delegation; however, deficiency in joint drafting may fatally impair Swedish EU policy. Thus, joint drafting and its impact on the delegation and accountability design depends on its implementation. As shown during our interviews with chancery civil servants, sometimes issues are not drafted together with sections that would normally have been included. In the cases where joint drafting is implemented, the “silent procedure” (tyst delning, see chapter five), on the surface seeming to be efficient, in fact increases the propensity of substandard drafting outcomes from the perspective of accountability. Second, the process of joint drafting does not per se preclude (though it certainly lessens) the risk of drafting a position which is agreed upon by all officials at the bureaucratic level only to find that the result is in slight (or substantial) discordance with the political preferences of the government or a part of the government (i.e. an individual ministry which overlooked joint drafting). These inconveniences with joint drafting can sometimes be aggravated by lack of time, which comes with the stress under which the civil servants operate.
Even though the political validation of instructions still takes place at the political level of ministries, certain doubts remain as to whether or not the political validation is executed in a thoroughly manner. First, my study points to the fact that the government as a whole does (or at least did) not discuss EU matters to the extent other Northern countries do (Denmark and Finland). Second, many interviewees reveal that most (if not all) EU coordination occurs among counsellors and if political validation is needed, state secretaries (not ministers) handle any eventual quarrels or demands of validation. This evolution may be in line with the literature on the politicization of bureaucrats.

Still this conclusion should be read cautiously, since it can in itself be interpreted in two ways. One interpretation views this as constituting a problem in so far as the elected politicians are not part of the coordination processes to the degree they should. Another interpretation would see this situation as normal, i.e. as a politico-administrative relations’ “business as usual” so to speak. I will return to this issue in the next chapter.

The Swedish parliament enjoys limited resources and restricted possibilities to influence the drafting and coordination of EU issues in Stockholm. While the EU committee does boast a certain amount of “accountability muscle”, especially compared to other EU committees (Bergman 1997b), it has a limited capability to influence governmental positions taken prior to an issue reaching the Council’s highest level, i.e. the ministerial level. Lindgren (2000) argues that the EU committee acts in an uncritical fashion towards the government because of a traditional consensus dominated approach to issues linked to foreign affairs. What the EU committee is capable of doing is to put pressure on the government regarding highly controversial and political issues, by holding hearings with designated ministers who have to discuss and, in some cases, actually vote in Brussels. The government is also obligated to provide some information and drafting material to the parliament by the means of explanatory memoranda [faktapromemorier] in important legislative proposals to the parliament. The routines concerning this transfer of information are not yet perfected and is still considered by many (including members of the parliament) to be problematic. The degree of influence the parliament can muster on EU issues at the working group and COREPER level is minimal. Combined with the government’s reluctance to adopt stringent criterion for establishing explanatory memoranda informing parliament on important EU legislation, this has translated itself into an inability to check and review EU proposals at the right time and place. The controversies between the members of the EU affairs Committee and the standing committees on when and where EU legislation should be reviewed is a clear symptom of that inability. These facts have severely hampered the influence of the Swedish parliament on national EU policy. On the positive side is the experience with the “core EU committee” [lilla EU-nämnden], which most interviewees who mention and discuss it view as an improvement and an adequate innovation.

Conclusively, the study of the Swedish coordination mechanisms regarding EU issues is that they are to a certain extent functionally differentiated along the lines of the distinctions made by EU decision-making structures (i.e. with different struc-
tures for CFSP and other issues) as well as level differentiated, i.e. the sending and drafting of instructions to COREPER, PSC and other major committees follow slightly different guidelines and procedures than the Council working group instructions. The last conclusion is underlined by the changes installed during Spring 2003, when Prime Minister’s Office meetings were instigated in order to validate COREPER instructions at the highest political level.

France and Sweden – linking the dissertation’s main findings to previous research

Above I argued that research could, and indeed should, be linked to existing studies within the field of research at hand. This section follows my ambition and discusses previous inferences and analyses made by other researchers and writers in the light of the results of my study. One major work in the study of relationship between member states’ capitals and their permanent representations is the work of Kassim et al. (2000 and 2001). Even though these two studies do not share the theoretical focus of this dissertation, their six main empirical findings are interesting. I assess below to what extent Kassim’s conclusions (2000b:237-241 or chapter four) on the similarities between member states’ systems for domestic coordination of EU issues are viable and are of relevance in our two cases. I begin with the French and follow up with the Swedish case.

The following conclusions taken from Kassim et al. (2000), see also chapter four, seem applicable in the French case: (a) Heads of government dispose of a staff of highly trained specialist to support them in their increasing coordination tasks. This is true in every aspect of the French case. Even critical appraisals (such as Lanxade 2003) of France’s system for coordinating EU issues and proposal point to the fact that the personnel involved with EU coordination is taken from the very top of the French administrative elite. Furthermore, the different key officials who occupy positions of EU affairs coordination have all extensive experience of cabinet work. Either they have worked together for long periods or they have been in similar positions and have only “swapped jobs” so to speak. The latter is especially true for high-level bureaucrats. (b) Foreign affairs ministries continue to play a central role, though its monopoly in EU issues is seriously corroded by other actors. This is also a supposition that is validated in the case of France (cf. Marcou 1998:81). Although the Foreign Ministry has managed (as is the case in all member states) to get hold of the CFSP issues and although it is still plays an important role in every aspect of French EU policy making, the Ministry’s role is constantly under attack by the numerous ministries which have become more and more active (and in some cases proactive) in regards to the negotiations in Brussels. Nevertheless, the influence of the Foreign Ministry still remains in that it is the “home ministry” of many influential civil servants, especially the higher in the hierarchy one travels. For instance, in 2003 the presidential councillor on EU affairs, the prime minister’s councillor on EU affairs and the permanent representative and head of the PR in Brussels were all former Foreign Ministry officials. (c) Inter-ministry coordination of EU policy is
conducted according to mechanisms specially designed for this purpose. Indeed, the uniqueness of the SGCI cannot be stressed enough. There exists no other similar coordinating body within French administration. The SGG is an apolitical body whose main task is to serve as the “government’s clerk”. The other coordinating secretariats have either a limited policy scope (SGDN) or an extremely limited (or non-existent) influence in policymaking (SGI) cf. chapter seven. The SGCI, however, has a strong political and technical legitimacy and influence in the central administration (cf. Calmfors 2002:4). (d) Most countries have a minister especially assigned to EU affairs, but he/she hardly ever benefit from a pivotal position in the coordination process. This is one of the main problems in French politics. The delegated minister for European affairs is often a political “sitting duck”. This is due to several factors. First is the almost embarrassing fact that the minister often, if not always, lacks her/his own organisation (she/he has no permanent employees but is given the right to use the Foreign Ministry’s and the SGCI’s personnel to help in policy initiatives and other errands). This means that whenever the Ministry for European affairs takes an initiative that requires actual bureaucratic resources, he/she always has to make a request either to the prime minister (and his/her advisors on European affairs) or the foreign minister. Second, the post of minister of European affairs is almost never given to a political heavyweight. The last two European ministers preceding Catherine Colonna, the current minister, demonstrate this in an obvious way; they are both (more or less) non-political appointees. While they have significant professional experience, they have no strong political affiliation. (e) National parliaments are typically involved in a formal way in the coordination process but seldom show any signs of genuine clout. As discussed above, this study corroborates this finding. Although the parliament is involved to some degree in the transposition of directives and regulations, this is done “at the mercy” of the government which remains in control of the pre-negotiating phases.

However, another of Kassim’s conclusions does not seem applicable (or seems too ambiguous to be applicable) to the French case, namely that (a) individual ministers instigated institutional adjustments to cope with the new demands for coordination. As applied to France this inference from Kassim et al. (2000) is questionable. Certain ministries display a certain lack of innovative and responsive attitude towards the evolution of EU issues in terms of reforms. This is especially the case when it comes to reforming the administration in accordance to the guidelines presented in the prime minister’s recommendation from November 9th 1998 (cf. JORF 1998). In this aspect, the improvement of ministries is a complete failure, consequently confirming that French central administrative structures are more or less rigid, or at least very conservative, which is, in turn, probably due to rigidity of the corps administratif. Nevertheless, in my opinion, this suffices to cast a shadow of doubt over whether this conclusion holds true for France. It could be argued that all ministries have more or less instigated institutional adjustments, but I have doubts as to what extent some of these adjustments should be classified as sincere institutional adjustments and not merely administrative makeup.
To what extent do Kassim’s conclusions apply to the Swedish case? One cautionary word has to be inserted here, concerning the fact that this evaluation is partly based on my appreciation of the structures and processes of EU-coordination in Sweden at the domestic level prior to the reform announced in Persson’s speech of 14 September 2004 revealing major changes in the coordination of EU affairs. In my analysis I find the following conclusions applicable in the Swedish case: (a) *Heads of government dispose of a staff of highly trained specialist to support them in their increasing coordination tasks.* Including the UD-EU unit into the definition of “highly trained specialists” at the disposal of the head of government (as should be done) makes the general inference above true. However, it could be modified to some extent in the Swedish case. As described above, the Prime Minister’s Office, though it is small and restricted as to the numbers of employees, does contain an important resource in the appearance of the state secretary for EU affairs and a small unit within the Prime Minister’s Office (which is indirectly supported by the much larger UD-EU unit). However, any staff deficiencies would be due to its small size and not its quality. Compared to other governments the Swedish Prime Minister’s Office is, and has always been, relatively small, and in some aspects understaffed.

(b) *Foreign affairs ministries continue to play a central role, though its monopoly in EU issues is seriously corroded by other actors.* This conclusion holds true in general. Evidently, since the first day of EU Swedish membership, the different ministries have sent their own representatives to the PR in Brussels and have thus played a dominant role within their own fields. Though the Foreign Ministry had at first a seemingly more important role, its role has declined somewhat. This is not because the Foreign Ministry’s influence was undermined by other ministries as much as it was an effect of the EU itself; which evolved into new policy fields (such as for example a European forest policy, see Andersson, forthcoming) as member states agreed to new EU prerogatives.

(c) *National parliaments are typically involved in a formal way in the coordination process but seldom show any signs of genuine clout.* Compared to other committees on EU affairs the Swedish EU committee holds some clout, still the influence that the EU committee shows is not apparent in the coordination and drafting processes of the ministries. The parliament’s involvement in EU policy is almost always confined to the actions and behaviour of ministers at Council meetings. Although sometimes issues pertaining to Sweden’s actions in working groups or in the COREPER is discussed, the main focus of the EU committee’s deliberation is on Council meetings. Ministers are required to deliver a report from the last Council meetings as well as to brief the Committee on the upcoming meetings. Though the appraisal is sometimes very detailed (such as when the A-list with A-items agreed on by the COREPER is reviewed) and critical, it occurs too late in coordinating process. Unfortunately, the Riksdag’s standing committees are also in a poor position to be able to influence the coordination process and thereby the EU policy process at the early stage (Hegeland 1999:112). The Swedish parliament has “...had severe difficulties in entering the early stages of the decision-making
process of the Commission” (Larsson and Trondal 2005:24 who also refer to Riksdagskommittén 2004).

The following inferences from Kassim et al. (2000) are probably applicable in the Swedish case but are more questionable than in the list above: (a) Inter-ministry coordination of EU policy is conducted according to mechanisms specially designed for this purpose. While some details within the formal framework for common drafting and coordination are exclusive to the handling of EU issues, the basic functions which guide the coordination of EU policy are based on the traditional ideas of common drafting and coordination as well as internal servicing within the chancery and consultations with central agencies and, if needed be, interest organizations. In some sense it might, therefore, be said that this conclusion is still ambiguous in the Swedish case because there does exist some form of specially designed coordination process for EU issues at the level of COREPER and other special issues mostly high-level committees, such as PSC or SCA. Nevertheless, in regular Council working groups the coordination of EU policy is identical, or at least very similar, to the handling of “normal” domestic issues. (b) Individual ministers instigated institutional adjustments to cope with the new demands for coordination. Although this conclusion might hold true for some ministries within the GO, it is not valid for every ministry. Some ministries, as was mentioned above, such as the Ministry of Finance and the Ministry of Agriculture have sorted out and reorganized their internal structure to accommodate to the coordinative pressures following the EU membership. Others, however, such as the Ministry of Environment above, use prevailing structures into which they incorporate the coordination and drafting of EU policy. Though in most cases, even putting the “new” EU units for coordination into “old” structures does imply some form of institutional adjustments. However, whether these changes are instigated by individual ministers or by the bureaucracy within the ministry is not given.

In the two previous lists, we have conclusions from Kassim that are in one case likely to be applicable and in the other case are conclusions that are possibly or ambiguously applicable. Here I add one more of Kassim’s conclusions and this one is not probably applicable in the Swedish case: (a) Most countries have a minister especially assigned to EU affairs, but he/she hardly ever benefits from a pivotal position in the coordination process. As noted above the position of European Minister was abolished long ago and the only “equivalent” or, more accurately, the nearest equivalent is the creation of a state secretary of EU affairs within the Prime Minister’s Office. Even if the person in this position does have considerable influence when it comes to high-level coordination of issues that are problematic and/or which are to be dealt with at the COREPER or Council level, the position could hardly qualify as a pivotal standing in the coordination process. While it is true that state secretary positions in Sweden are political posts, they do not hold the same institutional and political weight as minister posts.

The three either probably applicable or not applicable conclusions to the Swedish case are perhaps primarily due to Sweden’s almost unique collegial decision-making
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at the governmental level. The causal forces that Kassim identifies behind these similarities are also present in the case of Sweden. It is clear that, for all member states, common EU decision-making procedures and structures affect the national coordinative systems. The same is true about the effect of mimicry or learning (Dolowitz and Marsh 1996). In Sweden’s case numerous examples can be found, the most obvious being the Friday meetings used in both the UK and Finland as well as the EU affairs committee modelled after the Danish example (Ekengren and Sundelius 1998:137). As noted above, should a reform of the institutional affiliation of the unit responsible for EU coordination from the Swedish Foreign Ministry to the Prime Minister’s Office be instigated in line with the Landahl report’s recommendations, the level of mimicry as a causal force behind the institutionalisation of EU coordinating structures would increase. In the case of France, while a certain form of mimicry and learning did occur (Lequesne 1993), its real impact is harder to assess.

Returning to the conclusions that Wright draws (Peters and Wright 2001:162-165 or see section National coordination of EU policy at the domestic level in chapter four for Wright’s four conclusions), I conclude that this study has to some extent shown that formal links between domestic capitals and Brussels are not exclusively established through foreign ministries (though this conclusion is more valid in the case of France than Sweden), contrary to what Wright argued. Instead, it seems as if both formal and to some extent informal links between the two nodes of this study are organised by the coordination offices directly under the Prime Minister’s Office. A good example of this is found in the dealings and domestic coordination of the famous 1-percent letter. In December 2003, six EU member states (Germany, France, Great Britain, the Netherlands, Austria and Sweden) presented Commission President Prodi with a letter arguing that the future budget of the EU should not exceed 1 percent of the member states GDP. In both France and Sweden, the domestic procedures were not followed and the Ministry of Foreign Affairs was not the exclusive link between Brussels and the national capital. This is shown in the following extracts from first a French and second from Swedish chancery officials:

...I’m furious with this.../.../...there has even been arbitrage meetings [RI] at Matignon, and while several things were said at these meetings, on the subject of the financial and budget perspectives it was decided that “we don’t announce our position”...and then suddenly there is this announcement: “Voici! We just signed a letter”.../.../...and now I’m finding out that the people working with this letter have been people within the xxx [mentions another unit within the same ministry as the interviewee] /.../.../ one or two people at the SGCI, and the people of the cabinets of the prime minister and the president of the republic, so.../.../...even though there was no immediate urgency, normal coordination was not followed... (interview 63, my remarks)

...we were involved [in the drafting of the letter] but it was run from the PMO...but my German homologue [from the German MFA] wasn’t informed. He actually called, and what followed was almost a parody. It was the day before we were about to finalize the letter and he said: “Hey! How about taking an initiative on one per-
That the Prime Minister’s Office (or equivalent) throughout Europe seem to be gaining influence in EU affairs is perhaps more due to the increasing political weight of the European Councils than to domestic reasons (such as failing MFAs). On the other hand Wright’s third conclusion, i.e. that almost all ministries of member states have adjusted their organization to the requirements of EU policymaking procedures, is substantiated by this study, although the evidence is not clear cut (e.g. the reforms in many French and Swedish ministries were not that dramatic). Lastly Wright concluded that institutional innovation characterizes the field of EU-coordination. This fourth conclusion is, to some extent, corroborated by this study although some question marks remain as to the veracity of this validation. Is Sweden’s reform on the coordination of EU issues really an act of institutional innovation or purely mimicry of other countries that have all located their coordination of EU issues close to the executive (i.e. the prime minister)?

To sum up: Swedish EU affairs are usually coordinated and national instructions drafted at the level of individual counsellors at the individual ministry. CORPHER instructions and coordination is treated separately. Though the formal rules for drafting instructions and reaching consensus call for consultation with at least three central institutions (UD-EU, SB and Fi/BA), the informal picture is more erratic. In France the establishment of instructions and coordination follows the same pattern and the interministerial consensus (whether this consensus is born out of conflict or concord) is administered through the SGCI. On some rare occasions the SGCI is by-passed. Generally imbalances in EU coordination are caused by policy specific differences. The different prevailing executive structures in France and Sweden also influence the delegation to Brussels-based national counsellors in more specific ways. In the case of France, periods of cohabitation do not impede the delegation to Brussels as much as might be believed. In fact, periods of presidential and parliamentary majority may be conflict-ridden with internal strife. Sweden’s domestic executive and administrative structure (with small ministries and large as well as highly resourceful agencies) further impedes policy formation at the highest level of government. Both the Swedish EU coordination system and the unfavourable opinion towards the EU contribute to this lack of ministerial involvement in policy formulation and coordination.

PERMANENT REPRESENTATIONS

One aim of this study is to describe and analyze the structure and organisation of the permanent representation and the effect of these on the delegation and accountability design. This study’s second array of questions pertained to the organisation
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and function of the permanent representations. How are they structured? How do these structures and processes affect the relationship between national capitals and the permanent representations in Brussels?

France – main findings

In the case of France, the most pervasive conclusion on the organisation and functioning of the permanent representation is the transversal and horizontal administrative culture within the organisation. There are some exceptions to this rule. While there is some evidence that certain civil servants from specific ministries are more or less autonomous in their handling of “their” EU affairs, especially the Ministry of Finance and the Ministry of Agriculture (arrogant is according to some a more fitting description, cf. Calmfors 2002:5), most ministries abide by the general rule of sharing and working together across policy spheres. In fact, the counsellors at the French PR more or less all state in their interviews that they are used to working with other assignments and different tasks. The “oddity” or divergence of this characteristic is, furthermore, accentuated by the old French tradition of administrative compartmentalization (the French word is cloisonnement, see e.g. Stevens 1985:149). It is the ambassador who has the power to transfer his/her staff around within the PR and hand out new assignments, and in that manner effectively altering basic assumptions of the relationship between Paris and Brussels. Even though most counsellors at the French PR are recruited from ministries and/or agencies belonging to the same policy fields as they are assigned to at the PR, the possibility of moving the staff around constitutes a formal right of severing the link between PR officials and their “home ministries”. While this does not alter the very foundation of the premises under which the delegation in French EU policy works, it nevertheless provides an interesting component in the institutional relationship between Brussels and Paris. In short, the French permanent representation gains a little autonomy.

The propensity for sharing documents and briefs between members of the PR should also be seen in the light of its causes. One of them is most likely the rather small numbers of high-level officials who are stationed in Brussels. Many of my French PR interviewees complain about a palpable lack of personnel. A likely reason for this short-staffing is most likely a failure to take into account the increased workload (coupled with a lack of proportionate increase of workforce). Since the “CFSP unit” which responds to PSC coordination has set up its offices within the permanent representation, work has augmented significantly. Counsellors who possess expert knowledge in certain geographical areas or policy spheres close to issues discussed in the PSC (such as the Middle East or foreign aid) are sometimes called in to help on certain dossiers. This has put an additional pressure on the staff of the French PR.

Another significant feature at the French PR over the years is the reduction in numbers of employees from the Foreign Ministry amongst the staff of the perma-
AGENTS IN BRUSSELS

While the main bulk of senior counsellors at the PR originated from the French Foreign Ministry during the 1960s and 1970s, the other line ministries’ personnel are now in heavy majority. This is a natural evolution and corresponds to the growth of EU legislation throughout the years. The effect on the delegation between Paris and Brussels is minimal. The only discernable consequence being that the increase in the numbers of ministries, which are represented in the permanent representation, puts a certain strain on the homogeneity of the permanent representation, a stress that obviously has been dealt with efficiently. Despite decreased numbers of employees at the PR, the French Foreign Ministry has nevertheless remained as the formal administrative principal of permanent representation. Since the PR is viewed in purely technical terms as an embassy, it still exists within the formal sphere of influence of the Quai d’Orsay.

Sweden – main findings

The Swedish permanent representation is not an old institution, being but a scant decade old. Still in those 10 years it has managed to develop a surprising degree of institutional identity. This became especially apparent during and after the Swedish presidency in 2001. Still the main question for our analytical purposes remains: Besides having attained a relatively high level of institutional robustness, what specific characteristics of the Swedish permanent representation have consequences for the delegation between Stockholm and Brussels?

One important observation, similar to the one made on the French permanent representation, is that this institution is still formally dependent on the Ministry of Foreign Affairs. Despite being an institution which reflects the whole of the government and has a privileged link to the Prime Minister’s Office (through the COREPER II ambassador), the Swedish permanent representation remains under the formal jurisdiction of the Foreign Ministry. This is troublesome because it obfuscates the possibilities for both the main principal, i.e. the Swedish prime minister, and the head of the permanent representation to act according to their wishes and in practise steer the PR according to their needs. The disparity between authority and accountability is at best a potential source of small administrative conflicts; at worst, it could help instigate disruptive behaviour within the PR.9

The Swedish permanent representation has during its ten years of existence grown in an extremely fast manner. The size of permanent representation has been discussed in previous research and in this study, though I would argue that this variable has little influence in our case. Nevertheless, if an organization grows too quickly and/or too large, it could result in difficulties in the coordination and efficient function of the same organization. As have been made evident through my study, the permanent representation’s operating procedures, especially with regards to reporting requirements, have over time changed and evolved to cope better with the lessons drawn from Sweden’s time as a member state. Attempts to reduce the compartmentalization that characterizes the permanent representation have been
made, and these have been to some extent successful (most notably the section dealing with CFSP is not “isolated” to the extent encountered in other permanent representations”). Still the permanent representation is largely dominated by intra-ministry connections between Brussels and Stockholm, and not inter-ministry among PR bureaucrats. For example, according to the responses to this study’s questionnaire, Swedish PR officials spend on average almost seven hours per month with their colleagues from the Swedish permanent representation, while the French PR officials spend 12 hours per month.

France and Sweden – coupling the main findings to previous research

Kassim et al. (2001) concluded, along with other researchers, that the permanent representations’ two top jobs (permanent representative and deputy permanent representative) functions as a stepping stone towards higher positions within the national administration (or even international organizations). This finding is very much corroborated by my study. One example is Gunnar Lund, who after serving as Sweden’s COREPER II ambassador was appointed in 2002 as deputy minister of Finance with a special responsibility for EMU issues. Other examples include the former French permanent representatives. Pierre Vimont was appointed (shortly after he was replaced in Brussels in 2002) director of the French Foreign Minister’s cabinet. Pierre de Boissieu (who left the French PR in 1999) is now the deputy secretary-general of the Council’s secretariat. According to Kassim et al. (2001), the similarities between permanent representations can be explained by three mechanisms: coercion, mimicry, and socialization. In the case of Sweden and France, the most pertinent effects in the case of the former are the two last mechanisms. Given the Swedish government’s officials need to adapt to the European system and their positive (in contrast to the Swedish population at large) attitude towards the EU, socialization and mimicry as appear to be plausible factors. In the French case, the older traditions of coordinating national interests were inherited before any processes of mimicry or coercion were visible or indeed possible since France is a founding state.

A great number of differences exist between the member states’ permanent representations and the way they coordinate and articulate their respective national EU policy. These differences are dependent on several explanatory factors according to Kassim et al. (2001), and all are inherent in the “continuing divergence hypothesis”. This model or hypothesis argues that national distinctive domestic features and structures account for the differences of national institutions at the European level, i.e. in our case the permanent representations. Kassim et al. (2001) highlight four factors as especially important in understanding the differences between member states permanent representations. These are national European policy, political opportunity structure, administrative opportunity structure and policy style. One explicit conclusion about our two country cases (France and Sweden) is that national administrative opportunity structures seem to be “negated” in the specific
case of the permanent representation. Indeed, it is almost as if the traditional administrative and bureaucratic culture is essentially inverted. While this might seem odd at first, it makes more sense than apparent at the first glance.

Sweden and its central government (ministries and public authorities) are highly centralised but they also have an old tradition of coordination and sharing information. Not only is this politico-administrative culture embedded in a Swedish government that acts and takes decisions collectively, it is also, and perhaps primarily, part of the standard operating procedures under which drafting and preparatory legislation is conducted. However, the Swedish permanent representation is still to a great extent (at least to a greater extent than its French counterpart) dominated by “compartmentalization” and quite hermetical processes (at least when it comes to issues which have not reached the level of COREPER or other high-level committees and which are handled through the working groups). In France, the opposite seems to apply. French central bureaucracy is fractioned into “suspicious units” who jealously watch over each other and try to promote its own view. From the ministries to small units within the ministries themselves, administrative compartmentalism remains one of the foremost characteristics of French administrative culture. When it comes to the French permanent representation, these tendencies, while still in existence, are diminishing to a greater extent than expected. Instead of being characterized by “bilateral” intra-ministry proceedings and coordination patterns, the culture of the permanent representation is one of sharing and strong inter-ministry exchanges on several dossiers. Admittedly, France has also come a long way from its days of Gaullian anti-supranationalism (cf. Legrand-Lane 1993:169-172) and employs bureaucrats who do not regard the eradication of supranationalistic norms as their main and only priority (though they still defend French interests with vigour).

Factors of political opportunity structure and policy style are not conclusive in their effects on the ways permanent representations function. With reference to policy style, Kassim and Peters (2001:329) accurately point out that both France and Sweden appears as “anomalies” because of their unwillingness to take into account interest groups in their policymaking routines or drafting standard operating procedures. This conclusion is largely supported by my study. Both French and Swedish PR officials expect that their capitals have consulted interest groups and taken heed of their opinions prior to drafting the instructions. The impact of the French and Swedish political opportunity structure is harder to pinpoint. Both countries are characterized by strong executives (especially France) and have fairly stable two block party system. The impact of these factors on the institutional design and routines at the permanent representations is, as far as I can assess from my study, very minor if not imperceptible.

To sum up and answer my research questions: The permanent representations are structured in very similar ways. The French PR is, to a lesser extent than expected (especially considering French administrative traditions), fractioned into policy spheres. The Swedish PR, while having made improvements since the late 1990s,
still is somewhat characterized by ministerial compartmentalisation. This affects the relationship between national capitals and the permanent representations in Brussels by changing the nature of drafting processes and making coordination efforts harder in some aspects and easier in others. The procedures used at the French and Swedish PRs also differ. The French PR is still riddled with almost arcane (oddly enough quite efficient in some aspects) and formal methods for reporting (TDs) and contact between Paris and Brussels still seems formal (by Brussels standards). The use of satellite conferences is more frequent at the French PR than at the Swedish. Sweden has efficient and quite informal routines for handling expedient reporting through digital means. The CFSP “sections” in both PRs are equally isolated/integrated into the PR (depending on the point of view), the only difference being the personal chemistry between PSC and COREPER representatives (positive in the Swedish case, neutral in the French case).

DELEGATION AND ACCOUNTABILITY DESIGN

The evidence put forward in the four preceding chapters easily becomes overwhelming, and it is to this effect that I now try to condense and rationalize the empirical data presented concerning this dissertation’s third and foremost set of questions with reference to the mechanisms of accountability established between the principals and the agents for this specific act of delegation. These accountability mechanisms help alleviate the hazards of delegation and are thus critical to describe and assess if we are to gain a deeper understanding of the way in which delegation to national bureaucrats at the European level work. To what extent are these mechanisms (i.e. contract design, screening and selection, monitoring and reporting requirements and institutional checks) present? How do different delegation and accountability designs contribute to the efficient functioning of delegation between member states capitals and Brussels?

The first mechanism is contract design. The purely formal design of the agent’s contract at both France’s and Sweden’s permanent representations does not differ significantly when comparing the two countries. Both countries have similar methods (in reference to their own system) of establishing the contract that governs the Brussels bureaucrats. Given that each national system has its own regulations and contract conditions that apply to civil servants who are stationed abroad (at embassies and consulates); the contract conditions for the employees of the permanent representations are similar. The only difference is the tenure of the envoys’ posting. In Sweden the general rule is that civil servants serve as attachés for a period of around two or three years. In France, it is generally four years, though some ministries have begun to talk about a three-year long appointment to the permanent representation. These differences are, however, of limited interest since they are only marginal. To sum up, in my study I find that the contract design in terms of tenure limits for principals has little, if any, impact on the delegation. Both Swedish and French agents at the permanent representation are dependent on how their princi-
pals design their contract in their daily work, but the fundamental basis of the delegation between Brussels and capitals is not primarily based on that specific contract design. I have firmly established that the demands coupled to participation constraint are met. Both French and Swedish civil servants actively and arduously seek employment at the permanent representation. The design of both countries’ contract with its bureaucrats is limited to a risk-sharing (see chapter two) agreement. The only additional incentive incorporated into the contract is the positive benefits being posted at the PR in Brussels might have on the bureaucrats’ career. The last is noteworthy since many interviewees mentioned it in their discussions. Most interviewees voiced a concern over the lack of interest accorded the specific knowledge they had acquired in Brussels. While strongest amongst the PR officials, it also appears in interviews with domestic actors. A comparison between Sweden and France does not reveal any significant differences. To sum up, neither the nature nor the extent of present French or Swedish contract design indicates that efficient ex ante influence over the agent can be executed through this control mechanism. The existing contract designs between the member states’ capitals and Brussels appear to be weak.

The second mechanism is screening and selection. I begin by highlighting the common traits between France and Sweden. In both countries, the responsible ministry de facto appoints the bureaucrat, from within its own ranks, to a specific position at the permanent representation. This is true of the standard positions, such as counsellors and deputy counsellor at the permanent representation. For senior positions within both the Swedish and French permanent representations, the screening and selection mechanisms preceding the appointments are somewhat different. For example, they are not formalized in any way. When asked about their promotion to their position, almost all of the permanent representatives and deputy permanent representatives responded that they were asked or requested to accept the post. None actually passed through the usual screening and selection process of job applications commonly used when filling executive vacancies. One could argue that there is little need for such measures, and that the principal can be said to have had the opportunity of testing and screening the candidate’s skills and talents on previous occasions. Here the pattern of recruitment to high-level posts at the permanent representations (evidently the two posts of COREPER I and II ambassadors are implied) is remarkably similar between the two countries. In both, the government tends to appoint senior civil servants with a very long experience of both bilateral and multilateral diplomacy, as well as European diplomacy. However, certain interesting differences exist. In the Swedish case, screening and selection mechanisms of the highest representatives are somewhat of a puzzle since governments at first appointed persons with a political affiliation opposite to their own. This ended with the nomination of Sweden’s third permanent representative in 1999. Choosing an agent with potential opposite preferences is indeed risky business for any principal. Yet this is what happened in Sweden during the first years of its membership. If one looks at the French case, the behaviour of French executive is more congruent
with the basic assumptions of principal-agent theory: All the French permanent representatives and the heads of the SGCI have been chosen according to political affiliation.

Leaving the appointments, as well as the screening and selection mechanisms of high-level representatives and turning our attention to the general (and therefore more significant to this study) provisions for screening and selection mechanisms of regular personnel at the permanent representations I find that there are both similarities and differences in the French and Swedish cases. First, both national systems use similar screening and selection techniques. The choice and preparation of choosing the appropriate agent to a position in Brussels is taken back home by the responsible ministry. Based on the interviews the picture of this procedure is more-or-less clear. Usually agents are approached by their superiors and offered the job, in some cases the candidate applies to the position and has to compete with others to obtain it. In Sweden the results from the questionnaire confirms this conclusion: seven out of 20 respondents, or 35%, state that they were offered the position at the PR in Brussels. In contrast, French PR officials were customarily (75% or six out of eight who answered this specific question) offered the position by their own administrative services or their superior. Though I should be careful about reading too much into those numbers, it appears that the French officials to a greater extent are offered positions within the PR. This would reflect the administrative culture within Paris of attributing posts to specific corps or ministries. Before presenting my conclusions about the impact of screening and selection mechanisms on the delegation between the national and European level of this study, I would like to point out a few other factors. Though I have above discussed how civil servants are offered their position, it should not be assumed that this is done without some form of screening and selection processes. Many of my interviewees stated that their principals contacted them prior to offering them a position in Brussels. In fact, in one case, the agent was actually persuaded into accepting a senior position at the permanent representation (cf. interview 59). To sum up, the screening and selection mechanisms used in this specific act of delegation do not differ from other selection procedures used in domestic appointments. The level of efficiency displayed by the existing mechanisms could be rated as barely adequate, since they do not offer the possibility of a coherent selection process, for example, where the permanent representation’s executives can have an opinion.

Our third mechanism is monitoring and reporting requirements. In the Swedish case, the monitoring and reporting requirements installed by the principals seem very adequate. Evidently, one could always wish for one or two institutionalised additional fire alarms. The only sure way that domestic executives are made aware of shirking is through their participation in Council meetings, and even there the chances of actually being able to spot a symptom of agency loss seems very remote, especially considering the number of issues and proposals included in the Councils agenda (i.e. in the A-lists see chapter four). The report activities are concentrated on the agents themselves. Though the chances for hidden actions are theoretically high,
both formal and informal practises assure that monitoring and reporting requirements are high. Any eventual deficiency in formal monitoring is balanced by informal channels for discussion between officials in Stockholm and their “mirror” officials at the permanent representation in Brussels. Given that relations between these two, for the most part, seem to be very intense, we can conclude that efficient control is exerted through these channels. However, while these informal channels seem to offer the possibility of containing agency loss, they cannot guarantee it. In other words, even though informal channels for discussion between bureaucrats in Stockholm and Brussels seem to offer the possibility of containing agency loss, the mechanisms represented in informal discussions are of little value when it comes to formally assuring a good delegation.

A particularly interesting factor with regards to the Swedish system is the innovation of the Monday notes [måndagsnoterna], which were introduced after the Swedish presidency in the first half of 2001. They have succeeded insofar as they are now an integrated routine part of Swedish coordination of EU legislation. The drawback is their limited use as they only are produced and sent back home on issues which to be discussed and decided on the actual week’s COREPER meetings. The other monitoring and reporting requirement, which I have presented in chapters five and six, are also useful, but they all more-or-less involve the principal themselves. While this reduces cost-efficiency in the principals’ monitoring of agents, nevertheless, it provides them with an important contact with Brussels-based agents. For example, the weekly meetings on Fridays, when they actually take place, have the benefit of letting the very top level of both Stockholm and Brussels meet. However, these meetings are quite brief. Perhaps even more important, although it is difficult to make exact comparisons to the previously mentioned meeting, are the monthly breakfast meetings that the head of the permanent representation has with the highest EU troika: the prime minister, the foreign minister, and the state secretary for EU affairs.

The different structures and the slightly different monitoring and reporting requirements mechanisms that apply to issues belonging to the CFSP policy field at first might be perceived as a weakness in the system. This is because they open up the possibility of having an instruction that is contradictory to more general policy standpoints and/or views within the rest of the governmental organization. On the other hand, some evidence suggests that the monitoring structures in place in fact guarantee an additional level of control. Every single instruction sent down to the Swedish PSC ambassador and to the officials taking part in meetings in PSC or subordinate working groups is checked by EUKORR, and thus a certain quality of coordination and coherence is maintained. In a certain way, EUKORR acts as a form of permanent police patrol, at least in CFSP issues. It remains to see what will happen to the coordination and the drafting of instructions after the recent reform in which the UD-EU unit at the Swedish Ministry of Foreign Affairs was reformed into the SB-EU at to the Prime Minister’s Office. Initial reports say that the coordination of CFSP issues has not been altered as a result of the recent reform converting the
UD-EU into the SB-EU unit (some interviewees have strongly argued for an integration of CFSP issues into an eventual SB-EU unit, cf. interview 54).

The monitoring and reporting requirements installed by the principals in Paris are adequate and well ingrained. They are much more impressive in the formal meaning but less so in real day-to-day handling of EU dossiers. It seems that a certain discrepancy between the formal rules and the praxis (or informal processes) exists. While the SGCI seems to be handling its task of controlling and coordinating EU issues relatively well, it is constantly under pressure. For example, the fact that it is caught in a triangular policy game renders its task harder to fulfil and there are some indications that it is losing its former firm grip. Not only is the last factor important with regards to the personnel of the SGCI, as I have already (see above) commented, but it is also visible in pure internal capacities within the SGCI and aggravated by the difficulties of the SGCI to reform:

...the evolution of this house [SGCI] has not at all followed the development of the Union’s competencies. We really have a deficit in our internal procedures, which is important; the lack of reference with each other's work is terrible.../...and the SGCI has seen its responsibilities grow in an exceedingly fast way... (interview 15, my remarks, other such as interview 65, point to difficulties at the SGCI to reform)

Furthermore, even though the reporting requirements can be seen as rather strong and well-developed, one must balance it against the rather important rise of informal contacts between Paris (the ministries) and Brussels (the PR). One clear drawback is also that the system installed for the coordination of the EU issues falling under the scope of the first and third pillar is not applied to the CFSP proposals and texts (as is the case in Sweden). This opens up for misunderstandings and confusions about issues belonging to the second pillar that are coordinated by a ministry that lacks a tradition of working with other ministries. This could prove to be serious for the long-term ambitions of French foreign policy, as it will undoubtedly lead to friction between the Foreign Ministry and the Ministry of Defence and in some cases between the Ministry of Interior and the Ministry of Justice. In theoretical terms, it is also dangerous because it enhances the risk of slippage by either the Ministry of Foreign Affairs or by the agents in Brussels because the numbers of police patrols is reduced to one or two (i.e. another ministry besides the Foreign Ministry) at the best. To give a comprehensive and recapitulative assessment of the monitoring and reporting requirements is difficult. Still my general assessment is that the combined informal and formal monitoring and reporting requirements are strong in the Swedish case and adequate in the French case.

This brings us to the fourth mechanism, institutional checks. These are the most potent and crucial tools available to the principal in preventing agency loss (but also the most costly). They are defined as the institutions, in a given case of delegation give to a specific agent, with the “...authority to veto or block the actions of that agent” (Kiewiet and McCubbins 1991:34). In both the French and the Swedish case, institutional checks are essentially absent. In fact, maybe the most efficient, real
institutional check in place is the ministers themselves when they meet at the Council level. In purely formal terms, the ministers gathered at a Council meeting have the ability to annul the decisions taken by their PR civil servants who work at working group or committee levels. One important drawback with this institutional check is that it requires the principals (i.e. the ministers) themselves to take on the costs of actually checking their agents. However, this does not constitute a real institutional check as defined by our stringent criteria. This is because the ministers are not agents, in which case the above-mentioned “control mechanism” is more like a police patrol. In fact, following our theoretical definition of what constitutes an institutional check, I must find that no such mechanism is in place. 

When it comes to preference formation and policy formulation, I have yet to summarize and develop my findings. First I must emphasis that I will only contemplate the effects of policy formulation in this chapter. The discussion on the formation of preferences will be dealt in chapter ten. I make this distinction because it is important to separate the discussion on how (and by whom) political positions are formulated from the more general cognitive processes of how individual actors shape their preferences. Looking at the Swedish case it seems as if the evidence points towards a weak ability of policy formation at the domestic level. The main problem resides in the lack of influence that political actors (especially politicians) within the chancery exercise on the day-to-day handling of the EU proposals. Most of the chancery interviewees describe the handling and coordination of EU issues as a chore for the ministerial officials. In turn, the bureaucrats within the ministries view the role of political leadership provided by ministers and the government as subordinate to other bureaucratic values (cf. Jacobsson and Sundström 1999:109). The lack of political initiative can no longer be excused on the grounds that Swedish political actors are unacquainted with the European system, as could be argued during the first years of membership. The influence of Brussels-based agents on policy formation in Stockholm is unmistakably important. Yet another observation that can be made in the Swedish case is that the priorities of preferences have only recently been dictated by the principal. Earlier on, instructions to the permanent representation did not include specific prioritisation of issues, something that is now incorporated, although not to an ideal extent. Still today, Brussels-based agents have to make important decisions as to how to prioritise Stockholm-based preferences on EU proposals. In France, the process of policy formation is a more complicated affair. This is largely due to the influence of the cabinets, which play a vital role in French politics and in the coordination of political preferences in Paris. While the formulation of policy in French politics is also dominated or largely influenced by bureaucrats, the influence of politicized bureaucrats (especially cabinet members) allows us to conclude that EU proposals are reasonably anchored at the political level. Priorities over how the policies should be articulated are left to bureaucrats and Brussels-based agents. In this respect it is important to emphasise the role of the bureaucrats at the French PR, who are often confronted with the unenviable assignment of de facto solving inter-ministerial coordination failures.
Finally, I must now ask myself to what extent these control mechanisms are really working and to what extent they affect the behaviour of the agents who work in Brussels. The inherent logic of my study is the examination of control mechanisms in order to understand how delegation is structured and whether it is efficiently designed or not. In other words, I look for the ways in which institutions steer the actions of actors, in our case the civil servants at the permanent representations. Evaluating the efficiency of these mechanisms is delicate. First and foremost, because it focuses on mapping out institutions and organisations, the framework used in this dissertation does not provide us with a clear and unabridged set of criteria with which to evaluate the means available to the principals in their construction of delegation. Second, an evaluation should always be conducted in reference to endogenously given goals. In other words, evaluating a reform or decision with standards other than the ones that were set from the beginning (by the reformists or decision-makers) could be viewed as “unjust” or at the very least as maladroit. I argue that these two problems can however be assuaged (to a certain extent), given the earlier choices made in this dissertation. First, this dissertation’s strong normative standpoint for representative democracy constitutes an important tool in evaluating the delegation mechanisms. If input democracy is to have a high value then delegation must be designed so that the risk of shirking agents is minimized. This implies that the mechanisms above should be analyzed or evaluated according to a scheme that emphasizes democratic control. Second, I agree that the lack of endogenous goals or criterion is awkward but still it does not rule out an evaluation. Even if the most honest evaluation would include references to the goals and ambitions stated by the same actors or institutions that created the evaluated object, including those aims would be no guarantee for a correct evaluation. Difficult as it may be, I may be forced to acknowledge the fact that these goals might have even been lacking from the very beginning. In my study, this would amount to the principals being devoid of specific aims or goals in the structuring of delegation and accountability design.

Below I have summarized the findings discussed in detail above. The following scale was used in order to assess the degree of presence and impact upon the delegation link between member states’ capitals and their permanent representations: (- -) very weak, (-) weak, (+/-) neither good nor bad, (+) strong, and (++) very strong. Beside my four variables coupled to the delegation, I have also included in table 9.1 my two “background variables” (see chapter two) on domestic coordination and preference formation (in the sense of joint preferences). I realize that the discussion on preference formation has so far in this chapter been obfuscated by other variables, as it has been discussed in terms of formulation of policy. Instead preference formation will be a major theme in the final chapter.
Table 9.1: Summary of analytical and background variables (results)

<table>
<thead>
<tr>
<th>Variable</th>
<th>France</th>
<th>Sweden</th>
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<tr>
<td>Contract design</td>
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<td>Screening and selection mechanisms</td>
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<tr>
<td>Reporting and monitoring requirements</td>
<td>+</td>
<td>++</td>
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<tr>
<td>Institutional checks</td>
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<tr>
<td>Domestic coordination</td>
<td>++</td>
<td>+ *</td>
</tr>
<tr>
<td>Preference formation</td>
<td>+</td>
<td>+/-</td>
</tr>
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</table>

*It is uncertain what the effects of the newly implemented reform of the Swedish domestic coordination of EU issues will be, as the former UD-EU unit within the Swedish Ministry of Foreign Affairs has been moved to the Prime Minister’s Office.

For now, I will content myself to a brief description and discussion of the ways in which the principal-agent relationship works in France and Sweden. What shall I conclude from the table above? What are the final inferences that I can draw from the summary of all variables (for both cases)? Moreover, what kind of general conclusions (i.e. by general I foremost imply, which conclusions hold and are common for both cases) can I draw after this study?

With regards to contract design, it is clear that the principals in this case have not chosen to emphasise this aspect of the delegation. Contracts lack specific incentives and motivating factors. Both the formal and informal benefits of being employed at the permanent representations are low. Thus, both French and Swedish contract designs are barely adequate because they do not, in a genuine and efficient way, solve or target problems of adverse selection. Consequently, they can appropriately be labelled as weak. The screening and selection mechanisms do not stand out as being especially effective either. They meet “normal standards” pertaining to assuring a certain degree of expertise amongst Brussels-based bureaucrats. However, there are no common standards or guidelines as to which screening and selection mechanisms and processes should apply. Each ministry is left to its own devise. The level of influence of the PR leadership in the filling of counsellor positions is often limited. The competition between agents is in real terms very low (while there may be some form of formal competition, the real and informal decision is characterized by a total lack of competition). The reporting and monitoring requirements imposed on the agents are adequate for their tasks. The standard operating procedures are unambiguous and normally followed by civil servants in Brussels. They allow the principals to receive information and to evaluate the work done by the agents. Unfortunately, most of the monitoring devices installed are of a police patrol nature. This makes the costs of monitoring the agents higher than would the frequency and intensity of fire alarms overights be. Formal institutional checks are totally absent from the delegation and accountability design of both France and Sweden. If institutional checks exist, then they appear in the shape of actors or processes external to
the national delegation chain, such as intra-institutional checks within different levels at the Council or inter-institutional checks at the European level, for example, between the European Parliament and the Council of Ministers.

So what should our general conclusions regarding the nature of national delegation in EU affairs be? One conclusion is that the delegation is designed in a very open-ended way and that control mechanisms are weak. In the few instances that control mechanisms are actually installed, they are seldom of such a character that they bestow the principals the ability to effectively control their agents. Thus, it seems as if the national agents based in Brussels are largely left to their own devices. The mechanisms in place allow the principal to force the agents to pay some attention to the wishes of the principal when acting in Brussels. Even if they provide the principal with formal and direct action-forcing leverage, this is rarely used. Why? First, the level of information asymmetry is too high. Full knowledge about what the other member countries’ desires on any specific issues or legislative proposal, and about what the deal-breaker limits of other EU member states on sensitive issues are, is restricted to the agents in Brussels (and sometimes also to individual counsellors at ministries and national agencies, when they partake in working groups). Second, the fact that the agents are embedded in multilateral negotiations makes it harder for the principals to force the agents to obey. In many cases forcing the hand of the agent, whether it is through direct instructions or through delegation and accountability design, is simply counterproductive and might not alter the outcome of the delegation (i.e. the rules of majority voting allows a number of member states to vote through legislation). Third, the political will to assume responsibility is often lacking. This is shown by the design of the delegation between the capitals (Paris and Stockholm) and Brussels. Both countries have assured, admittedly to different degrees and in various manners, a delegation and accountability design that leaves the government free to shift the blame. 

In France, this is done by letting the PR handle the negotiations and giving Brussels-based bureaucrats a rather large leeway as well as some influence on how French EU policy is formulated. In Sweden, this is done by only involving the parliament at a late stage in the decision-making process and by not automatically coordinating all the issues handled (i.e. legislation handled in working groups) by the Swedish permanent representation. The general opinion in each country mitigates these factors as governments in Sweden are more often criticized for their European policy than French governments.

Despite these general conclusions, most of the interviewees (and especially the agents based in Brussels) are satisfied and seem to be of the opinion that the delegation between member states and the permanent representation is satisfactory. Even though the agents in Brussels on many occasions lack instructions, they appear not to be bothered by this. Indeed the questionnaire showed that, on average, PR bureaucrats lacked viable instructions two times each month (question XIV, see appendix) and had received no instructions at all, on average, twice every month (question XIX). Yet out of the 21 civil servants who choose to answer question XX, seven (33%) answered that the lack of instructions was not a problem at all, nine
(43%) answered that it was a small problem, three (14%) wrote that they saw this as a major problem (see appendix for the question and possible answers). This autonomous position of Brussels-based civil servants confirms the picture given through the interviews and the written sources (though the contrast between formal and informal was sometimes worrying). Considering these numbers and what has been stated in the four previous chapters, I conclude that the nature of the specific delegation studied in this dissertation to some extent is different from what I assumed at the inception of this study. Then I believed that the nature of delegation was formalistic and more of a straightforward relationship, with control-seeking principals and shirking agents. My study shows that the national bureaucratic agents in Brussels are left largely to their own judgment on how to act and argue in many situations. Some of the evidences unveiled in this dissertation could thus point to trust instead of control as a core element of delegation when a member state’s capital delegates responsibility to its civil servants in Brussels. Could it be that delegation in this specific type of policymaking is more closely related to the types of fiduciary relationships (cf. section Delegation and principal-agent theory in chapter two) that Majone, describes (2001a) and argues for (2001b) rather than to a more straightforward definition of delegation (i.e. agency delegation)?

No, I think not. While initial trust (between agent and principal) may be one of the basic foundations or requirements of every delegation, control mechanisms not only provide longevity but also democratic efficiency to the relationship between agents and principals. Furthermore, I contend that relations based on fiduciary principles are greatly needed in specific types of delegation, especially when the principal wishes to solve problems of credible commitment. Solving credible commitment is useful when a principal wants to delegate power and responsibilities and when he/she is unsure whether his/her short-term preferences are aligned with his/her long-term preferences (see e.g. Miller 2005:219 for a brilliant résumé of Schelling 1960, who makes an striking case using a crazy general in the middle of the Cuban missile crisis as an illustrative example of the positive effects of credible commitment). However, the logic behind the reasoning of credible commitment only works if one accepts the fact that fiduciary principal-agent relationships only function when the principal’s main preference is to have an agent over whom she/he has no or scanty control. Assuming otherwise (i.e. that a principal would choose an agent who unfailingly will disagree with his/her employer) is simply throwing the baby away and keeping the bath water.

Instead, what is more important is the conclusion that the delegation and accountability design does account, to some degree, for the way in which delegation is established. Indeed, both countries have a fairly weak delegation and accountability design and they both display a slightly sub-optimal, in terms of democratic efficiency, delegation. This is serious because, as will be detailed in the next chapter, European and national lawmaking are becoming increasingly intertwined. While the four variables labelled as the delegation and accountability design manage to give us a reasonable appreciation of the delegation link between national and European
levels, the additional evidence brought by the two variables on preference formation and domestic coordination allows us to gain a more exhaustive picture. While the delegation and accountability design dictates that the delegation should be sub-optimal, the positive effects of domestic coordination and preference formation allows for a more positive general assessment of the delegation between Swedish and French governments and their Brussels-based civil servants.

Comparative conclusions

What are the differences between France and Sweden? The delegation and accountability designs in both countries should primarily be assessed in the light of each country’s own context, its political and administrative culture and constitutional traditions. Nevertheless, some comparative lessons can also be drawn from the study. What accounts for the differences in table 9:1? I begin this last section devoted to comparative analysis with a conceptual description of differences. French bureaucrats in Brussels have a much more autonomous position compared to their Swedish colleagues; they have a more proactive stance towards the capital. This could be because the countries are in need of different agents in Brussels. Sweden is much more in need of experienced civil servants who will be able, after having felt the pulse of Brussels in policy issues, to supply the authorities in Stockholm with enough information in order for the ministries in Stockholm to formulate preferences. France, on the other hand, uses its agents in Brussels mostly to tweak the preferences hammered out in Paris so as to shape a European solution that maximises French interests. Though both roles are evidently important to each country’s agents, I still emphasise these differences. In all, this is one of the most important differences between Sweden and France. This difference is partly an effect of each country’s policy ambitions. Sweden has clearly being viewed by all (both internal and external “spectators”) as a rather reluctant member, often acting as a brake. This picture is no longer homogenous. Still, Sweden cannot ignore the fact that a large part of its population is negative to the EU; this invariably has effects on the way national EU policies are established both within the chancery but also among other important political actors, such as parties. France on the other side plays a dominant role in EU politics and harbours high (excessive?) policy ambitions in nearly all issues. The French opinion (notwithstanding the last referendum) is to a large extent positive towards the EU.

Other differences include the discrepancy with regards to the role played by both countries’ parliamentary EU committees as well as general political and constitutional traditions, France with its presidential and Sweden with its parliamentarian traditions. However, it should be observed that, in looking at the two countries’ parliamentary EU committees, some similarities exist. None of the committees are regular standing committees, and both lack the formal power to bind the government to a mandate (though, in the case of Sweden, defying the EU committee’s majority could be very hazardous). Furthermore, similarities exist as to the extent to
which the EU triggered national reforms of individual ministries. Though some reforms of individual ministries were made, this study can neither substantiate nor refute the findings of Europeanization researchers who argue that EU membership can “…provoke sudden, dramatic shift in a ministry’s culture.” (Jordan 2003:281). The same applies to “extreme” assessment of Europeanization going hand in hand with losses national political autonomy (cf. Aberbach 2003:318).

I have noted above some differences and similarities in PR agents’ behaviour. Evidently, there exist many more such comparisons, including the fact that the writing of instructions in France is much more explicit (and less open for interpretation) than those written in Sweden. We also find implied support of lower stringent preferences formation amongst Swedish principals and/or a more efficient coordination of EU issues in Paris. However, PR officials from both France and Sweden find common ground in their attitude towards their impact on policy and the contents of instructions, both believe that it is high or very high. Another, perhaps minor, but somewhat compelling, comparison is the amount of time employed on different tasks at each country’s permanent representations. Swedish Brussels-based bureaucrats put down approximately 145 hours per month in certain tasks, while French permanent representation officials spend on average 179 hours each month. Whether these differences depend on the fact that French officials are involved in more negotiations, because of France’s status (being a large founding father member state) within the EU or whether these figures are representative of structural divergence in ambitions (or even of working environment and/or employment statutes regulating office times) will remain unknown. With regards to another tradition of research based on a different dimension of comparison, i.e. the size of EU member states, this study has no clear implications. Some researchers (e.g. Thorhallsson 2000, Meerts 1997) have concentrated their research on small states’ roles and behaviours within the EU. They argue that significant differences exist between large and small member states. Thus, according to Thorhallsson’s findings on the administrative working of small EU member states (2000:74-108), France would be expected to have a much more formal system than Sweden. While I cannot either directly corroborate or categorically refute this inference, I remain sceptical in the light of this study that major differences exist between the ways in which national administrations, both in Brussels and at home, handle national EU policy. In fact, it could be argued that, for example, the French permanent representation displays unequivocal evidences of an informal and flexible organisation, even compared to Sweden. Surely enough some of the processes in the French case are more formal, such as the monitoring and reporting requirements (notably the TD system), though these are too few to warrant a general conclusion. Another conclusion which Thorhallsson (2000:106) makes is that Swedish (small member states’) instructions to the permanent representation should be more like guidelines than instructions. The answers given by permanent representation staffs was that Swedish instructions resemble framework instructions (or guidelines in Thorhallsson’s
Another interesting similarity is the propensity (or lack thereof) in both Sweden and France to reform their administrative structures. Even though Sweden clearly seems less prone to administrative sclerosis than France, the Swedish adaptation to the EU has been slow and restricted. France displays an even more alarming lack of capability to reform. This could constitute a potential for future problems. For now the direct risks are low since bureaucratic capacity is still high (though some have argued that in the case of the SGCI this might be questioned), but what happens if bureaucratic capacity decreases? Delegation researchers (cf. Huber and McCarty 2004) have demonstrated that low bureaucratic capacity could both deteriorate the incentive for politicians to undertake reforms and the positive effects of delegation.

These last comparative observations are may perhaps be of limited interest since they are based on previous research not explicitly mined before now. Still I state them because they deserved to be highlighted and, according to my opinion, further researched. Future research is also one of the topics of the next chapter.
Though, according to Baldwin (2004) the notion of “the decline of legislatures” is overly simplistic. Duina and Oliver (2005) also argue that, while the general assessment that EU weakens national parliaments is accurate, nevertheless, it neglects to pay heed to positive effects, such as precedent setting and policy transfer amongst national legislative chambers. Holzhacker (2002) stresses party interactions within parliaments when assessing the strength or weakness of national parliaments in their scrutiny of governments in EU affairs. Benz (2004:896) points out that “...the EU does not inevitably turn national parliaments into institutions without power, as proponents of the ‘de-parliamentarisation’ hypothesis have assumed...”, a view shared to some extent by Hegeland (2002).

In fact some researchers are even convinced that reform in France is impossible without a revolutionary crisis, as Crozier (1963:287) remarks: “…to obtain a limited reform in France, you are always obliged to attack the whole “system which is thus constantly called into question...”, this quote was also broached by Percy Allum (1995:106). Other French researchers confirm the rarity of reforms in French society. One is Olivier Duhamel (1980), who presented his theorem in his book La Gauche et la Ve République, there he states that the willingness and doctrinaire substance in an actor’s stance in constitutional revision is inversely proportional to the actor’s distance to power. Hence, when a party is in power, the smaller propensity it has to initiate changes. Another French political scientist Carcassonne argues (1995:174) that “…there is a right moment for important amendments - straight after a presidential election - and often there is a willingness to accept such changes. Unhappily, so far, the willingness vanishes when the right moment has come, while the right moment has usually gone by the time the willingness reappears”.

Furthermore, the continued high French implementation deficit of EU directives shows that the SGCI and its personnel (and other parts of the French bureaucracy, e.g. Falkner et al. 2004 claims that non-compliance is due to, amongst other things, administrative shortcomings) have not fulfilled its main tasks in a satisfactory manner. It is a fact that France has large problems with the implementation of EU directives and proposals, cf. Tallberg (2002:618) or Bursens (2002:177-178). Indeed the problem is of such a magnitude that the French prime minister decided in 2004 to issue a new memorandum (Circulaire du 27 septembre 2004) reminding his ministers of the European Council’s two implementation objectives: (1) to bring the “implementation deficit” of common market directives down below 1.5% and (2) to successfully incorporate all directives into domestic law whose implementation has been delayed more than two years (cf. JORF 2004:16920-24).

For an especially poignant description of politicized Swedish bureaucratic structures, see Levin (1983). In the Swedish case, some evidence points towards a growing political recruitment to the bureaucracy (Ehn 1998:158). This does not however automatically imply an increasing politicization of bureaucracy according to Ehn (1998:159-168).

A malignant and somewhat cynical assessor would also comment that the post of French European minister has often been delegated to women. This supports (to some extent) theoretical propositions (or variants thereof) advanced by several Scandinavian researchers on women’s marginalised role in politics, cf. Hernes (1982) or Holter (1996).

As one of my interviewees stated: “...I’m quite confident that the present IGC will breathe new life into the Landahl report. Of course, this is a personal judgment; we’ll have to wait to see...” (see interview 59).

The interviewee also reveals that, in fact, a seventh country (Denmark) was initially involved into the letter, though the Danish prime minister was forced by either the Danish MEPs or members of the Mødeudvalget (the interviewee is somewhat unclear over this) not to sign the letter because the information concerning the shaping of the letter was so scarce. As it happens three weeks before interview 63, I actually was in the middle of another interview with one of the officials who was involved in the composition of the letter (interview 55), when the phone of the second official’s (i.e. interview 55) telephone rang and he had a long conversation on the 1-percent letter which was a Swedish initiative (that the letter was a Swedish initiative is also supported by interview 50).
According to this interviewee, not only Denmark’s, but also Finland’s and Italy’s prime ministers were initially contacted to sign the letter, but they could not (due to different reasons) put their name on the final version. It should also be said that though the 1 percent letter was perceived by many as a form of retaliation for the failed Brussels summit which preceded the publication of the said letter, though this is categorically denied by central actors, (cf. interview 50).

This is something which some interviewees voiced concern over, (see e.g. interview 53), or thought it natural that the institutional home of the PR would soon change, (cf. interview 18).

Though it should be pointed out that the Swedish case diverges from the other foremost because of the fact that the permanent representative (and head of the PR) and the ambassador to the PSC have a long collegial professional past together. Still personal chemistry cannot be ignored, in the case of Italy (in 2003), the COREPER II ambassador and the PSC ambassador had opposite party affiliation (which of course led to serious coordination troubles).

The fact that the creation of EU units or departments within French ministries led to substantive opposition and intra-ministerial strife within certain administrative services (cf. Potocki 1992:465) just serves to underscore this point.

This fact seems to be truer in the case of the French than in the Swedish case.

If one would be so inclined, it is possible to find evidences of institutional checks to the agents in place in Brussels, but this is highly speculative. One example is that it is feasible to have a conceptual view of the EP as an institutional check of government officials in co-decision legislation.

Though delegation as a way of shifting blame has mostly been used in connection to non-majoritarian institutions, see Smith (1997) or Majone (1999).

And two questionnaire respondents (or 10%) actually chose the fourth and last possible answer: “stimulating”, see appendix for the questionnaire form.

Though the Swedish opinion towards the EU is slowly becoming more positive, i.e. “Neither Good or Bad” attitude towards the EU has risen slightly from 21% in 1996 to 29% in 2004, “EU Good” has risen from approximately 27% to 37% and “EU Bad” has gone down from 45% to 33% for the same years, see European Commission (1996:B13) and European Commission (2004:T21). Readers interested in information and analyses of how the EU and popular opinion towards the EU, even after 10 years of membership, cause significant internal difficulties for political parties are referred to Aylott (2005b) for an exceptional discussion on the subject using the 2003 Swedish referendum on the EMU as an illustrative case.

Question XXV (How are your instructions drafted? Are they general and open (thus giving you some latitude in its execution) or meticulous and precise? Grade the nature of a typical instruction from 1 to 6, where 1 means that the instructions are open and general and 6 that the instructions are precise and detailed.) The score on the questionnaire was an average of 3.2 when answered by Swedish PR officials and an average of 4.8 when answered by French PR bureaucrats.

Question XXIII (Do you think that you have any influence on the instructions that are sent to you, if so how much? with (1) none, (2) some, (3) quite strong, and (4) very strong given as possible answers) gave the following response rate: Swedish PR officials (out of a total of 19 responses to this question): (1) none, (2) one, (3) eight, and (4) ten. French PR officials (out of seven responses to this question): (1) none, (2) none, (3) five, and (4) two. An interesting difference between French and Swedish PR officials is that they the former believe that they have a smaller impact on the final contents of their instructions than they actually did and the latter (Swedish officials) who tend to believe that they have a bigger impact than they actually had (all of this according to the PR bureaucrats themselves), since Question XXIV (To which extent does the instructions from home take heed of your suggestions? with (1) none, (2) some, (3) quite large, and (4) very large given as possible answers) was replied as follow: Swedish PR officials (out of a total of 19 responses to this question): (1) none, (2) none, (3) eleven, and (4) eight. French PR officials (out of seven responses to this question): (1) none, (2) none, (3) two, and (4) five.

These tasks are covered by questions VII (a-d) through XI in my questionnaire (see appendix).
Answer XXV (see appendix) in the questionnaire asked the permanent representation officials to rank the nature of an “average” instruction from Stockholm/Paris according to a scale going from 1 to 6, where 1 meant that the instruction was open-ended or much like a framework instruction [ramnstruktion or ouverte et générales] and 6 meant that the instructions were rigid or more like directives with very little interpretation room [detaljinstruktion or précises et détaillées]. The average of the answers from Swedish PR bureaucrats was 3.2 and the French PR bureaucrats’ average was 4.8.
CONCLUSIONS AND FUTURE RESEARCH

In the previous chapter, I presented the main empirical findings of this study. This chapter’s primary aim is to link the evidence presented in chapters five, six, seven and eight as well as the concluding inferences made in the previous chapter into one final discussion on both key concepts and the answers to the overarching research questions presented at the outset of this academic venture. Here I return to the issue of preference formation. The chapter also examines and assesses the theoretical framework that was employed in this study. It is also less strict and more speculative than previous chapters. I explore and seek answers to open-ended questions. Did my analytical approach help or hinder me to gain a comprehensive understanding of the relationships between member state capitals and their permanent representations in Brussels? Can principal-agent theory be improved or is it adequate for the analyzing tasks I have performed here? Finally yet importantly, I discuss the potential fruits that can be harvested from this research in terms of future studies or research projects and ask what are the new research endeavours suggested by this dissertation.

On a more practical note, I will use the observations and inferences made in previous chapters to formulate some suggestions about possible solutions and changes that could apply both to the institutional structures and to the standard operating procedures, which together constitute the link between member states capitals and their PRs in Brussels as well as the domestic coordination mechanisms and procedures. These suggestions should be seen as logical prolongations of the reasoning that has characterized this dissertation. I begin, however by returning to the key concepts with which I started this study: delegation (including accountability), democracy and bureaucracy.

Delegation and Accountability

This study shows that, relative to an ideal-typical design, the actual delegation and accountability design is weak in the two case studies (France and Sweden) of national EU policymaking, but in practical terms, and judging from the limited available literature on other countries, both the French and the Swedish system of national EU policy function adequately. A number of interesting factors concerning delegation were also revealed by this study; one is that the classical definition of delegation as a form of controlled transmission of powers is still a valid conceptual description. Nonetheless, delegation can be seen in a more “holistic” light.
Indeed, the EU affairs delegation in place between member states’ governments and their permanent representations in Brussels shows that delegation can sometimes be used to acquire knowledge, and not only to disseminate power and authority to agents. In the case of both the Swedish and the French delegation to bureaucrats it is clear that a main function (in Sweden’s case perhaps the main function), among others, is to inform and report back to the principals about important issues so that they can shape their preferences. Similar to MEPs who act as EU ambassadors at the national level (Blomgren 2003), Brussels-based agents sometimes “shirk” from their task as appointed representatives and concentrate on influencing capitals. This is very important because formal principal-agent (PA) theory would not readily acquiesce to such a description of the relationship between agents and principals, yet it must be acknowledged that with reference to the formation of preferences, Brussels-based agents play a crucial role. Whether this role is inappropriate or not is a question of judgment. Based on the assumption made within the framework of PA theory, this role can be problematic. While the bureaucrats representing member countries in Brussels should be given some latitude in negotiations, this should not amount to allowing the bureaucrats to contribute or determine, in an unimpeded manner, the principal’s preferences. That delegation and accountability design appears weak in most of its aspects (see table 9.1 in previous chapter) and that the delegation, contrary to the ideal model implied in PA theory (i.e. that better and more efficient controls mechanisms help diminish agency loss and thus improves delegation), still functions efficiently is worthy of reflection.

A metaphorical classification of the delegation analyzed in my research would be to characterize the control mechanisms (i.e. the concept of delegation and accountability design) studied in this dissertation as providing the principals with thought forcing rather than action forcing tools. To elaborate what I mean by these two concepts I draw the reader’s attention to Gormley and his description of the case of the National Environmental Policy Act (NEPA), which was the first US federal statute signed into law in 1970. As Gormley (1989) points out, the most innovative (and controversial) feature of the act was the requirement for environmental impact statements that entailed a new approach to bureaucratic policy analysis:

[The] approach has sometimes been described as “action-forcing” or as an effort to promote “comprehensive rationality”. Yet NEPA is not so much action-forcing as it is thought-forcing (the bureaucracy need not act, but when it does act, it must think about certain questions). (Gormley 1989:148, my remark and emphasis added)

Perhaps the same could be said concerning the delegation and accountability design in place to ensure good delegation between member states’ capitals and their permanent representations. In other words, the control mechanisms available to the principals are not of the same strength inherent in principal-agent theory. Still, the importance of establishing strong and democratic (action-forcing) delegation design cannot be stressed enough. It is especially important to assure that Brussels-
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based agents are accountable because of the importance and potential effects of their actions, which are further amplified by the environment within which they work:

...you have, to use one of the prime minister’s saying, to constantly be ready to “nail your colours to the mast”.../...so the most striking thing [with the EU] is that it is a relentless ongoing machine of negotiation where you are in a permanent state of commitment... (interview 50)

This emphasises that agents in Brussels indeed are influential policy-makers living in a lawmaking environment where little room for errors exists. But holding Brussels-based bureaucrats accountable is critical for a number of other reasons. One reason is that national parliaments have limited abilities to stop package-deals from being voted through the Council once having been agreed upon. Another is that bureaucrats bind their governments to specific standpoints in negotiations. If national parliaments have a hard time reversing or stopping package-deals, it is nothing compared to the political costs of having a minister reverse earlier positions taken by negotiating civil servants in Brussels. I believe that it is the widespread (and dare I say insidious) proliferation of informal procedures which lies at the heart of the problem implicit in delegation (cf. Eberlein and Grande 2005). Informal procedures obfuscate delegation chains and render the task of holding agents accountable more onerous. Strengthening the delegation and accountability design and reforming formal institutional and procedural practices would improve delegation substantially.

Learning how and when to establish strong and sustainable delegation design is also in accordance with the increased demand for delegation witnessed in modern societies. As mentioned at the inception of this dissertation when discussing democracy, the increased use of delegation in common daily life in more issues and fields requires that we pay much more attention to how delegations are set up and institutionalised. In this respect, it is important to put emphasis on the institutional checks of delegation. Institutional checks are the mechanisms through which principals defend themselves against gross forms of agency loss. The operationalisation of institutional checks being that “...when authority has been delegated to an agent, there is at least one other agent with the authority to veto or block the actions of that agent” (Kiewiet and McCubbins 1991:34). This would imply some form of veto group or veto point alongside the process of sending instructions to the bureaucrats at the PR. This creation of interlocking and conflicting powers (this requires that agents have opposite incentives/intentions) is now largely missing, but could constitute a way to minimize the risk for further institutionalized agency loss. On the other hand, pitting agents against agents in an intricate system of institutional checks might debilitate the efficiency of the executive beyond what is reasonable.

In our earlier discussion of preference formation and policy formulation (throughout the dissertation, but especially in chapters two and nine), I have briefly commented on the different levels of formation and the ways in which (exogenous/endogenous) preference formations are produced. The formation and/or exis-
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318 tence of actor preferences are important because it goes to the heart of the assumptions made by PA theorists. As I hinted in the beginning of this section, motives and goals with specific delegations can and indeed do vary. Indeed, it seems as if instances of delegation can vary between cases when principals are equipped with an exogenous preference and cases when principals seek such information so as to establish their preferences. While this may be seen as a normal and perfectly acceptable way for the principal to solve problems of information asymmetry, it entails a rupture of the assumptions made by PA theory. I will return to this issue when discussing the evaluation and enrichment of PA theory in the section below.

Democracy and Bureaucracy

On the first pages of this study, I referred to an old presidential address from Charles O. Jones, at the time president of the American Political Science Association. I claim that his appeal for increased study of lawmaking is more valid now than it ever was. European lawmaking is hastily becoming a very important factor in the way in which democracy works in all member states. This is not an assessment only based on the qualitative, but still very incisive, judgment of the chairperson of the Swedish parliament:

Our Swedish constitution has thus been profoundly altered after 1990, and this is to large extent due to the EU membership. (von Sydow 2005:49)

Others in more quantitative manner have also described, but unfortunately not evaluated, the scope of European legislation and the way in which it has had an impact on national legislation. Johannesson (2005) reviews all Swedish national legislation for the years 1998-2003 and finds that 30 percent is directly or indirectly governed by the EU. This is only the national legislation. If one were to take into account the total amount of Swedish and European legislation the picture becomes even more striking. For example, in 2003 the Swedish parliament voted through 534 laws and amendments (of which approximately a third, or 160 laws according to Johannesson herself, is directly or indirectly prompted by the EU). The EU adopted for the same period no less than 837 new and directly applicable regulations (Johannesson 2005:77; 81). It would mean that for one single year (in this example 2003) 997 out of 1371 new legislative documents applicable in Sweden had a direct or indirect explicit link to the EU. In the Swedish case this would amount to almost 73% of all legislative activity. Since EU laws are directly applicable in Sweden and actually have higher juridical priority than national laws, cf. Warnling-Neret (2001:77), they must logically be considered as part of national legislation. In any case, European lawmaking is of utmost importance for all national lawmaking since it is rapidly becoming harder to tell the two apart. Consequently, studying lawmaking and processes of statutes and law drafting both at the EU and national levels becomes of the highest priority if we want to understand how democracy works in EU member states. The common understanding amongst citizens as to how laws
are made is that the process involves lawmakers and, even more prevalently, lawmakers are assumed to be political representatives. Elected officials, whether at the local, regional, national or in some rare cases international levels are supposed to be the ones approving laws. These political trustees are assumed to embody the preferences of their constituents and take decisions on legislative proposals, which the bureaucrats later on implement. However, things are seldom that uncomplicated. Indeed reality teaches us that bureaucrats are not just restricted to implementing decisions made by policymakers.

Two essential problems have emerged throughout this study. The first problem refers to the degree of politicization of technical issues and of bureaucratizing of political issues. What is a political and what is a technical issue? This is, in fact, just another way to describe Farazmand’s dilemma of administrative governance and democracy as a form of government. Indeed, one facet of the core of the problem described at the inception of the dissertation by Farazmand (see chapter one) is that bureaucracy and democracy have different governing rationales and thus tension develops. One aspect of this tension, I argue, is that some policy issues are treated as technical and others as political. Identifying an issue as political or technical gives precedence to politicians or respectively to bureaucrats in solving and deciding on the subject.

There is a worrisome propensity in many of my interviewees, and many other actors involved in the process of decision-making at the European level, to try to simplify the distinction between political and technical issues. This is important because it can be used, consciously or unconsciously, as a way to “conceal” or fail to appreciate the lack of democratic accountability. For instance, if an issue is “written off” as technical, then no serious harm can be done if the same issue is dealt with by bureaucrats. A good example of the aforementioned can be found in the racial discrimination directive (for an overview of this directive see e.g. Geddes and Guiraudon 2004), where several countries were involved in a heated debate over the definition of “discrimination”. The interesting thing “…in this example is that when discussing this issue with a civil servant from one of the permanent representations, he began be telling us: ‘It was political…so it must have been solved in COREPER’, before recognizing (having reread his notes) that a solution had in fact been reached within the group.” (Fouilleux et al. 2005:613). This example illustrates the typical way in which confusion about what is to be considered as technical or political is so widespread and the dangers inherent to this dilemma. Should technical issues be considered as less important and therefore something which can be left to unelected civil servants? Indeed Fouilleux et al.’s conclusion that working groups within the Council do not operate solely on the technical level is important. The “classical” compartmentalization of technical issues to working groups and political issues to COREPER or the Council meetings may be flawed.

Even so the dilemma still stands unanswered. Is there a way of separating technical and political issues? This problem is more specifically linked to the issues of preference formation. How and who should form the political preferences of the
executives? The relationship between politicians and administrators has become more and more blurred to the disadvantage of the former. As stated above, we are referred back to our original dilemma of the tension between bureaucracy as a form of administrative governance (the bureaucrats) and democracy as a mode of government (the politicians). Modern democracies are in this regard flawed with a rampaging propensity to define more and more issues as technical. Increasingly issues and crucial social tasks are being delegated to experts, bureaucrats, researchers, interest organizations and private enterprises. This, in turn, should imply a higher focus on and stringent demands for effective delegation and accountability designs in order to guarantee democratic values. How and why? In the case of the agents in Brussels, the argument is crystal clear. When the government delegates the responsibility of negotiating in Brussels, it also partly delegates the power of definition over which issues are to be treated as technical (i.e. to be solved in working groups where no package bargain deals are possible) or political (i.e. to be solved at the COREPER or ministerial level, where package bargain deals are possible).

The second problem of this study with regards to the working of democracy is the concept of the formal and informal processes. Throughout the dissertation I have come across examples of agents and principals who clearly and daily are involved in lawmaking processes with minimal formal access. Many of the institutional mechanisms that I have presented in this study are semi-formal and in some cases informal. Assessing these mechanisms and processes also reveals that informal processes are by far the most influential ones. This is somewhat problematic since informal relations are harder to assess than formal ones. In my opinion, delegation and accountability design and PA theory manages to include both formal and informal delegations. Nevertheless, there exist a certain number of arguments for restricting the existence and the influence of informal political processes and/or institutions. Unquestionably, the proliferation of informal political processes and institutions could create problems of both accountability and legitimacy.

First, informal procedures or institutions are easily disrupted by changes and amendments in the constellation of political actors and/or institutions. Since they are not sanctioned or, in any other way, protected by institutional rules, they can vanish or be altered without any further notice. This could be dangerous because it might lead to the disappearance of functional procedures (even though they are informal). This means that informal procedures are effective but that their efficiency is hampered by the fact that functioning informal procedures are frail especially compared to formal procedures.

Second and most importantly, the existence of informal procedures is detrimental to representative democracy. These procedures dilute the ability of principals to hold their agents accountable, thereby disrupting the natural chain of delegation central to all strong democracies. Of course, informal processes exist everywhere in our societies, for example, the EU has both formal and informal Council of Ministers meetings. Still, one can see why informal and more or less concealed policy-making processes can damage the democratic society and its actors. If procedures of
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lawmaking are installed informally, chances are that principals preceding this link of the chain will be unaware of these. For example, the informal dealings of high-level bureaucrats from the PR and elected officials (ministers) are generally unknown to the voters. Given their lack of knowledge about prevailing procedures and institutions in the formulating of policy and ultimately law, the people are clearly put in an awkward situation when trying to (a) understand how their representatives (MPs, ministers, MEPs, et cetera) and their government work and represent their interests and (b) which information to look for when holding agents accountable (i.e. to vote or not to vote for them). As Stenelo (1996:249) points out when discussing political accountability in internationalized bargaining: “The ability of the citizenry to penalize those political authorities who have actually dominated decision-making is...weakened”. This is important because it could ultimately contribute to what can be labelled as political silence (Stenelo 1990:292). This discussion could also be linked to Wockelberg’s reasonable inferences regarding the value of having a living constitution, in the sense that we constantly should adapt the formal constitutional rules to our own informal practices and rules. It is crucial that power is clearly defined, because “citizens must know whether an agency, the government or an individual minister has the power on a specific issue” (Wockelberg 2003:349).

As portrayed below, one of the most important repercussions of an EU membership for a member state is the development of new politico-administrative tensions and opportunity structures. Maybe we have come a long way from the days when a high-ranking representative at the Swedish PR exclaimed:

It is harder to work back home with Rosenbad [name of the building in central Stockholm housing, amongst other, the Prime Minister’s Office and other chancery functions] than to work towards the institutions here in Brussels. (Beckman and Johansson 1999:125, my remark)

But then again many interviewees, both in France and in Sweden, clearly state that their role is as much to report back to and formally represent national positions, as it is to convince the capitals. Yet, as shown above, EU legislation is not considered a normal part of national politics. This is, to different degrees, a conclusion that holds for all member states including this dissertation’s two case studies. It was clear in the case of the Bolkestein directive, which some people claim caused or allowed for (depending on one’s inclination) the French no-vote in the referendum on the European constitution in 2005.

What does this study tell us about bureaucracy as a utensil of democracy? It is clear that bureaucracy in general is shaped in ways and riddled with procedures that promote other values than those inherent to democracy. Administrative services are foremost efficiency seeking, routines abiding and prone to norm preserving. Even in democracies, this is perfectly in order if bureaucrats fulfil their part of the democratic processes; i.e. if they supply governments with an institutional memory and work in order to implement the political will of elected politicians to their utmost of their competences. In most cases, bureaucrats are faced with simple choices. They
receive their assignments from the government and proceed to their execution. They are part of one undivided national chain of delegation. This dissertation reveals that the atypical or special status of EU legislation has given existence to a subfield of domestic governance where the influence of bureaucrats and (in PA rhetoric) agents increases dramatically. This study demonstrates the disruptive effects of placing bureaucratic agents in a European setting and to holding them in check by simply prolonging the line of accountability built into the national chain of delegation. This only strengthens the case against the pantomime verisimilitude argued by bureaucrats, who “desperately [hold] to the pretense that they have no initiative of their own, that they are instruments only, wholly passive, in the hands of some master-minding minister” (Shonfield 1965:94).

This relates especially to the degree of politicization of the administration (or is it the bureaucratization of politics?). It has been argued by some that the natural evolution of the relationship between bureaucrats and politicians is one of increased convergence (Aberbach et al. 1981). One symptom of this could be a higher degree of political activity amongst senior career bureaucrats and some evidence point to the fact that exactly this is occurring (Ehn et al. 2003:443-44 or Wallin et al. 1999:97). This politicization of the higher echelons of Swedish administration and existing cabinet structures in France supports the notion of a reality, described by either Image III or IV (see figure 10:1 below), of the roles of both bureaucrats and politicians. However, are we really there? Have politicians’ and bureaucrats’ roles become so mixed and blended that they are almost indistinguishable?

Figure 10.1: Politicians’ and bureaucrats’ roles and responsibilities (revisited)

<table>
<thead>
<tr>
<th>Implementing policy</th>
<th>Image I</th>
<th>Image II</th>
<th>Image III</th>
<th>Image IV</th>
<th>Image V</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>B</td>
<td>B</td>
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<tr>
<td>Formulating policy</td>
<td>P</td>
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<td>S</td>
<td>S</td>
<td>B</td>
</tr>
<tr>
<td>Broker interests</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Articulating ideals</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

Source: Aberbach et al. (1981:239), though the actual figure here has been modified.

Note: B = Bureaucrats’ responsibility, P = Politicians’ responsibility, S = Shared responsibility.

This figure above is a simplification of politicians and bureaucrats’ role and the way in which administration scholars have portrayed and analysed their relationship, but it is, nevertheless, perceptive. The Weberian/Wilsonian ideal of relations between politicians and bureaucrats reside in Image I, while subsequent images (ranked in a sequential order) have been argued by notable researchers of administration (see section Bureaucracy and principal agency theory in chapter two). The trend clearly point towards a situation where responsibilities and tasks between politicians and bureaucrats are blurred. Our case of delegation from EU member state governments
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to their permanent representations in Brussels is a blend of Image III and IV. The question is: To what extent does it manage to answer the description of an eventual fifth image (see above)? While this study does not have any results, measurement or empirical facts which directly point towards the self-attribution of roles amongst politicians and civil servants (such as e.g. Derlien 2003) nevertheless it addresses topics closely linked to the subject. As stated above, it is clear that this study corroborates both the third image and (especially during the last decade) the transition to the fourth image. In fact another, a fifth, image appears perhaps even more plausible. If anything, the interviews and other data sources point towards a fifth picture where the bureaucrats seem responsible not only for implementing but also for formulating policy. Though I am not prepared, at this stage, to claim the existence of this fifth image as an empirical certainty, nevertheless, I present it as a challenge to future researchers (whilst also remaining honest to the empirical material I have unearthed through this research project). The question is not whether or not bureaucrats that have a hegemonic influence on the formulation of policy exist – that much is confirmed in this study – rather the question is to what extent they exist. This should be our next step and something that I will pay attention to in my next research project entitled the Fifth Icon of Bureaucracy.

Theoretical inferences

One of the most important inferences I have drawn from this long and arduous study is that investigation into formal design of political processes only tell half the story. I remain convinced that the discrepancy between formal and informal actions, rules, and behaviour in all political processes (indeed, in all human activity) is something which should be acknowledged and incorporated into future research. As the principal-agent theory applied in this project might be classified as both formal and intuitive, I argue that this helps us reach an acceptable degree of understanding of the ways in which delegation is conceived and played out in practice, i.e. both in formal and informal processes and structures. Some critics of rational institutionalist literature have argued that the level of formalism, which characterizes the principal-agent school’s models and analytical designs, hampers the theory’s ability to produce useful research. Indeed, some argue that empirical evidence rescinds rational institutionalism claims. This is, according to Heisenberg (2005), especially true in studies of the European Union’s Council of Ministers. Even though she concentrates her criticism on studies which use power indexes (cf. Aleskerov et al. 2002, Lane and Maeland 2000, Leech 2002, Laruelle and Valenciano 2002) she concludes by stating that:

In a skilfully handled Council, the chair may attenuate existing information asymmetries and obtain a vote in favour of a legislative act even if a blocking minority existed. In the Council, a decision to go along with the Council’s consensus despite reservations must not even be justified to the voters. It is not difficult to see why any models of democratic process that rest on a notion of agent control break down in the context of the Council. (Heisenberg 2005:84, emphasis added)
While Heisenberg makes an important and valid point, nevertheless, I would retort that while PA does not fit all research topics, studies of democratic processes using a theory based on agent control are very often very useful. Brevity being the soul of wit, I will point to only two of several arguments.

First, democratic processes and democracy can, as noted at the very beginning of this book, be viewed and conceptualized in many ways. One of these ways rests on the notion of delegation, highlighting principals and agents, their roles as well as the measures and actions available to both in order to pursue their wishes. Heisenberg’s critique would have been more detrimental if I would have assessed to which exact level the agent shirked from the principal’s wish. Given that I concentrate on the propensity of agent control (or lack thereof), Heisenberg contention is less impressive.

Second, cases in which member states openly challenge the norm of consensus (and cases when they do not) are important in our understanding of the way in which democracy is spelled out at the European level. A member state can very well harbour the overarching preference that it wants to follow the Council’s consensus decision but act in the opposite way. If a government was to stand down in the final decision and abstain or even vote in favour of a legislative act to which it lacks the parliamentary mandate to agree, does not that constitute an interesting case of agent shirking? These examples point to the importance of examining and evaluating the mechanisms and safeguards against democracy losses of this nature.

What is even more important is this study’s contribution to the theoretical sphere of principal-agent theory. One theoretical distinction that PA theory makes is the difference between \textit{ex post} and \textit{ex ante} instruments and control devices. The theoretical literature on the subject of delegation and control of delegation presents these two divergent temporal properties. Thus control can either be \textit{ex ante} (contract design or screening and selection mechanisms), which operate before delegation, or \textit{ex post} (monitoring and reporting requirements and institutional checks), which take place after delegation. However, this specific conceptualization of time reduces the analytical potential of the theory, as it does not contemplate the possibility of \textit{in process} control mechanisms. In other words, I claim that there might be a way to develop a third temporal view of the way in which delegation control actually takes place. Even more important are the adverse effects of such a strict temporal definition, when it comes to issues of preference formation. I thus return to the discussion on the formation of preferences of the principal. Orthodox PA theory assumptions conceptualize preference formation as a “snapshot” of reality: What is the principal’s preference on this issue right now (i.e. when the agent acts)? However, relaxing the temporal assumptions to include a more dynamic and broader time-span in the analysis of delegation would allow for a better understanding of preference formation, and would thus make it possible to trace changes. This is even more important giving that PA argues that the relationship between agent and principal is characterized by information asymmetry. This asymmetry might induce an inability of the principal to shape preferences. Consequently, I argue that the presupposi-
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Ations often made in PA theory on information asymmetry and its repercussions should be fully incorporated into the theoretical and analytical models of PA theorists. This would allow theorists to shape new theories on how and when information asymmetries are overcome enough to allow a principal to formulate a preference, a threshold level of information asymmetry (enough information to form a preference, but not enough to take a decision). The most optimal way of reaching this level would be to argue for an ex ante adversarial acquisition of information process. Using institutional checks in information acquisition would alleviate information asymmetry and help the principal form a clear preference without clogging the actual delegation with innumerable veto points.

Even though I was initially positively inclined to PA theory’s ability to make power and power relations visible (see chapter two), I must acknowledge that principal-agent theory’s vernacular perhaps is, at times, too implicit on issues of power. While I argue that PA concepts such as agent and principal are bearer of different forms and degrees of power, I must admit that sometimes power is excluded from the main scene of analysis. Furthermore, it could be argued that principal-agent theory always assumes a certain power (hierarchical) relationship between two or more individuals, and thus, in some versions, could be prone to deterministic analysis or at least restricted by its focused approach.

As shown above, no single theory or analytical perspective stands free of criticism. Another cause for censure of principal-agent theory is linked to the problem of testing hypotheses of agent autonomy (shirking). Agents may anticipate the reactions of their principals and adjust their behaviour so as to escape the principals’ sanctions. This implies that studies of agent shirking that rely too heavily on a measurement or assessment of the frequency of sanctions are bound to encounter methodological problems of observational equivalence (Pollack 2003a:202), i.e. that any observed absence of sanctions is consistent with both the so-called “runaway-bureaucracy” and “congressional-dominance” hypotheses (see chapter two).

While this dissertation does not have as its primary goal and aim to produce new theoretical models or guidelines, the very fact that Wood and Walton’s and Shively’s concepts of good theory are not peripheral in my understanding of theory nullifies the possibility of an unreflective view and negligible ambition at the theoretical level. Defining theoretical excellence as, among other features, theoretical responsiveness, i.e. that theory should evolve and learn from encounters with empirical facts, should amount to something. Several interesting theoretical assumptions, which have been highlighted and discussed in this study, are of special interest. In an article by Miller (2005), the political evolution of the principal-agent theory is traced from the days of Weber (1958) to the writings of Shiban (2004) and Whifford (2002). Miller’s interesting article addresses themes and discussions similar to those highlighted in this study. Foremost I will discuss two subjects (indirectly linked to Miller’s article): (1) preference (and preference formation), and (2) preference asymmetry and the assumptions derived from it.
First, the concept of stable and, to some extent, exogenous preferences are again interesting. This interest is actually viable both in the case of endogenous and exogenous preferences (depending on how one wants to stress the concept of preference stability). Whereas Jupille and Caporaso (1999) categorizes rational institutional research as requiring exogenous preferences (and endogenous institutions, see Jupille and Caporaso 1999:433, 435-436), Hug (2003) discusses the possibility of adopting a rational of endogenous preferences in the study of delegation aspects within the EU. Hug’s (2003) concludes that the endogenous preferences of supranational agents are related to their principals and that the choices of agents (as well as choices whether to delegate or not) are partially influenced by differences (or lack thereof) in preferences. As stated above, orthodox PA theory presupposes that the principals arrive at their preferences before delegation. Depending on the situation they would know what their preferences were either at the inception of the delegation process (i.e. before actually initiating the screening and selection process or contract design) or before the principal communicates to an already chosen agent the principle’s intentions (i.e. preference(s) on a certain policy). Even if, as is the case in most delegation models using principal-agent theory, PA models are constructed so that the agent proposes and the principal accepts or refuses the agent’s proposal, the above-mentioned truism on preferences holds (as it is assumed in the models). The agent just proposes a solution or policy outcome and the principal, mindful of his/her preferences, makes a decision. However, I remain mildly sceptical to this premise, since it all too strenuously implies that preferences are either exogenous or are too rigidly constructed and that additional information provided, for example, by the agent or others (third party agents) cannot be translated into new preferences (or alter the principal’s preferences).

What also becomes crucial is the formation of preferences. Under what circumstances are preferences formed? Among others, Druckman and Lupia (2000) discuss this issue and conclude that cognitive tendencies in individual must be studied in the light of political situations that affect individuals and their preferences. Political actors do not form preferences in the same way as non-political actors do. Druckman and Lupia maintain a nuanced scepticism towards categorical definitions of preferences, and recognize, to a certain extent, the value of studies where transitivity and/or invariance assumptions are falsified through experiments (such as Tversky and Kahneman 1987, Tversky and Thaler 1990, and Rabin 1998). Nevertheless, Druckman and Lupia (2000:13, my remark) clearly state that “...such demonstrations [studies with similar results to Tversky and Kahneman] do not imply that people cannot, or do not regularly, hold transitive and invariant preferences in many political contexts...”. Thereby, the views promoted by e.g. Sniderman (2000), who maintains that stable and reasonably lucid preferences can be held by actors, are endorsed. Preferences of both principal and agent are important in that aspect, even if for the sake of the analysis the preferences of the principal are instrumental, since they constitute the yardstick against which one controls whether or not agency loss has occurred. It strikes me as if the formation of preferences is one of the PA the-
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ory’s murky patches in need of further illumination. Most importantly, the assumption of preference formation remains problematic. What if the principal has no preference? What if the principal’s preference is shaped ex post delegation by the agent him/herself? This study has shown that preference formation is not as straightforward as was first assumed.

Second, Miller argues in his article (2005:205-206) that another main assumptions of canonical PA theory is asymmetry in preferences, i.e. that the agent’s preferences are assumed to differ from the principal’s, and perhaps more importantly is that canonical PA theory assumes that the agent is more risk-averse. I remain critical to the assumption that agents are more risk-averse. Though it may certainly be true in some cases that agents are risk-averse, I would not have gone as far as to codify this fact into a general assumption. However logical it is to assume that agents are more risk-averse than principals, most principals in actual principal-agent relations are also agents themselves, e.g. parliamentarians or executive officials (ministers, state secretaries and senior bureaucrats); are they just suppose to switch between risk-adversity levels? Most importantly, this study shows that agents are not irreversibly more risk-averse than their principles: They make full use of the information asymmetry which they enjoy, when making ad referendum package deals.

Assuming asymmetry in preferences is completely different from assuming asymmetry in information or situations of ultimatum bargaining, where the principal is assumed to have the possibility to make a “take-it-or-leave-it” deal to the agent (Sappington 1991:47). Furthermore, stating that assumption on preferences asymmetry is part of canonical PA theory excludes in one swift blow principal-agent theoretical literature that argues that effective screening and selection mechanisms can be used to combat adverse selection problems. Waterman and Meier (1998) claim and skilfully argue that two of the general assumptions made in PA theory are inconclusive: (1) the assumption that principals and agent(s) have inherent opposite goals and (2) the assumption that agents profit from information asymmetry (i.e. that they know more than principals do). Furthermore, the effects of diverging preferences are seldom discussed. Gailmard (2002) argues that diverging preferences between agents and principals have the indirect effect of reducing the scope of delegation. Making his argument based on a model of the legislature behaviour, he claims that divergence between agencies and legislature compels the latter to gain expertise, which consequently leads to less delegation from the legislature. This seems obvious, i.e. that differences between principals and agents in preferences would make delegation less likely and/or more hazardous. Perhaps these differences in preferences should be empirically assessed rather than theoretically assumed. This study has shown that principals seldom have purely exogenous preferences and that in the case they are capable of shaping their own preferences free from help or interference of agents, they often need the agents’ help in order to articulate and/or formulate these preferences.
Giovanni Sartori writes astutely when he claims that: "A democratic system is established as a result of deontological pressures. What democracy is cannot be separated from what democracy should be" (Sartori 1987:7, emphasis in original). Irrespective of my own aspirations of scientific objectivity, Sartori is right and deserves credit for making this point explicit. Thus, it is perfectly normal for me to respond to this dissertation’s second “implicit” goal (see chapter one) and to impart practical suggestions on how the delegation and accountability designs examined in this study could be improved. Furthermore, it follows from Alchian’s hypothesis on institutional structures and inherent imperfection (i.e. that good institutional design is imitated and copied, consequently giving life to better institutions) that I should identify ways to improve the institutional structures of the delegation and accountability design studied in this dissertation or as Bawn (1997:120) states “different control strategies produce different benefits and costs for society”.

How can we thus increase the chances that delegation will be efficiently designed in the future and that democracy or at least accountability of senior bureaucrats be strengthened? Some argue that simply holding an individual minister responsible is inadequate in terms of accountability. Complex and large ministries within government structures populated by powerful senior civil servants circumscribe the minister’s ability to hold their bureaucrats accountable. Instead, researchers argue that making senior bureaucrats directly accountable to the legislative power (i.e. the parliament) would decrease bureaucratic drift. Others (cf. Kam 2000) argue to the contrary, stating that individual ministerial responsibility works effectively, both through the threat of ministerial resignation as well as the opportunity offered to the opposition parties.

These arguments can be assessed differently depending on which political system, the French or the Swedish, one is referring to. For instance, the Swedish system lacks a tradition of individual ministerial accountability, as the government shields, to some extent, individual ministers through its constitutionally sanctioned collective-responsibility. In the light of this study, I am prepared to suggest two types of reforms. The first type of reform aims at increasing the national parliaments’ ability to hold the government and its bureaucrats accountable. The second aspires to the improvement of the delegation and accountability design of the delegation studied herein.

The Swedish parliament’s involvement should increase. This is important, especially from the viewpoint of legitimacy seeking reforms. One reform would be to instigate regular and recurring meeting/discussions between the Riksdag’s EU committee and Sweden’s highest representatives in Brussels on different issues. Here both COREPER and PSC or other high committee officials stationed in Brussels should be answerable to invitations from the parliament’s EU committee. These hearings could take place behind closed doors (allowing the Brussels representatives to be more open). The items on the meeting’s agenda should be chosen by the
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members of the committee. Not only would this force the MPs who are members of the EU Committee to behave more proactively in their scrutiny of EU legislation, and thereby engender a less reactive commitment to EU affairs amongst the parliament’s members. This would also answer the accurate criticism (cf. Hegeland 2001:393) that no routines exist to transfer the parliament’s preferences and views on matters before the specific EU proposal reaches the ministerial level of negotiation within the Council of Ministers. Why is this important? One reason is because the Swedish citizens are “confirmed Eurosceptical” (Johansson 2003:370), and this is something that impacts both Swedish political actors at all levels (national and European) as well as the domestic political debate over EU issues. Oscarsson (1998) shows that European integration has appeared on the stage of Swedish political cleavages – refusing to acknowledge and actively deal with this issue will be harmful to Swedish democracy in the long run. Another area of interest is the functioning of Swedish domestic administration in relation to the European administration (including the Commission and other institutions administrative structures). Here the urgency for reforms and further examination has been noted by the Swedish Agency for Public Management (Statskontoret) in several reports. Most notable is the suggestion to make the national bureaucrats at the PR more attentive to effects of secondary law on domestic administrative law and practices (Statskontoret 2004:9). Returning to the issue of political preferences and preference formation, I would reiterate the demands for a political coordination made in an old report (Statskontoret 1996:13). This would amount to the setting up of a group of ministers (ideally this group would include most, if not all, ministers, see e.g. the Finnish example briefly described in chapter five) to deal with/discuss important EU issues.

In France, the situation of the European minister is untenable. Since the minister for European affairs lacks his/her own ministry and must work at the “mercy” of either the prime minister (and his/her advisors on European affairs) and/or the foreign minister, an efficient handling of long term EU politics is not probable. One way to solve this would be to replace this function:

...in the future.../...it is my opinion, and it is also Pascale Andréani’s, that we will surely have a system with one high level representative member of the government which mission it is to coordinate his/her country’s politics /.../ many people consider that we will have a deputy prime minister for European affairs who would be posted in Brussels more or less permanently and who could represent the government in a more efficient manner...(interview 15)

It remains to be seen, however, if and how this is executed, as such a reform is not only dependent of French policy makers (cf. Lanxade 2003:44). Such a reform would indeed stimulate the debate on EU issues. Increasing the scope of the French parliamentary influence in EU policymaking appears difficult, given the constitutional preconditions. Another reform which has been discussed by the Lanxade report (and which this study supports) is the diffusion from amongst other Sweden of weekly Friday meetings in Paris for the permanent representative (cf. Lanxade
This would increase the reporting and monitoring requirements identified in chapter nine.

An interesting reform for both countries would be the creation of one or several institutional checks. This would be especially interesting with reference to information acquisition. As stated above (see section Theoretical inferences), this provides a way for the principals in their capital to gain information in an adversarial fashion. The virtue of delegating to multiple agents (with heterogeneous preferences) in cases when agents are supposed to supply the principal with information is solidly anchored in the theoretical literature (cf. Gilligan and Krehbiel 1989, Krishna and Morgan 2001). There are several practical ways by which this could be implemented. One would be to set up a separate “antenna” or small office at the Council, which could monitor and report on the activities within the working groups and committees. This would be best if such a reform could be instigated by the EU itself so that all member states could enjoy this institutional check. PRs would still exist and they would continue to negotiate and represent their countries, concentrating on representing the national view, without worrying about relaying the Brussels perspective back home. This reform would guarantee an independent source of information for the government, and as Ahlbäck (1999) has pointed out: democracy requires accountability [demokrati kräver ansvarighet] and accountability requires independent knowledge [ansvarighet kräver oberoende kunskap]. I concur with Ahlbäck when she denounces Friedrich’s (1940) concept of the bureaucrat’s inner check (i.e. the responsive bureaucrat’s own appreciation of ‘popular will’) as the sole accountability mechanism.

When it comes to the other two control mechanisms discussed in this dissertation, contract design and screening and selection mechanisms, I would also here recommend a common reform for both countries. First, each national permanent representation should acquire a common and unified code (i.e. not a unified European code, but a scheme which is adapted to national circumstances) of screening and selection mechanisms. The screening and selection procedures should not be left to the individual ministries but rather they should be led by the head of the permanent representative and additional recruitment officials from the domestic coordination unit as well as additional personnel from different ministries. Contract design should also be reformed in order gradually to include incentive based remunerations. This new system could include (1) that salaries levels and other compensations be paid and decided by the head of the permanent representation, (2) that a small amount of the PR’s budget be set aside for recompenses to efficient PR officials according to a supplementary incentive financial scheme that would be given to bureaucrats stationed in Brussels. In order to determine the amounts of incentive based compensation, an evaluation of each individual official would be executed by an independent party (e.g. the suggested independent Council office above) and would follow criteria for effective negotiation skills and attained results. The technical details of these new financial schemes should be shaped with the full assistance of the PR bureaucrats (in order to create a legitimate internal system). The last point
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is important because it emphasise the practical implementation of such a reform, and as Eccles (1985:154) unfortunately notes “...practical viability is too often ignored in agency theory”. Another improvement of contract design is linked to the return of bureaucrats to their capital. The domestic administration should have efficient routines for both reinserting the civil servant into the administration and disseminating the experiences accumulated during the official’s term in Brussels.

Future research

The possibilities for future research are almost endless: One seemingly fruitful future research project, amongst others, would be to test more theoretically advanced hypotheses concerning causal links to the size, structures and institutionalized standard operating procedures of permanent representations. Such a study could advantageously be designed in a similar way as the study of “regional mobilization” carried out by Marks, Nielsen, Ray and Salk (Marks et al. 1996) and aim at answering Beyers’ (1998:403) call for increased transnational disciplinary cooperation.

I have above identified a number of difficulties coupled to the use of PA theory when studying public administration or the public sector. One is the determination of a preferable outcome. In the private sector these measures are easier, since they can often be quantified (in money or market shares or equivalent), whereas in the public sector performances (the agent’s performance), this is harder in some cases (cf. Boston 1994). Yet another problem advanced by Peters is the fact that delegation relationship may be altered but not explicitly through the patterns of interaction between principals and agents. As shown earlier, the courts are one source of change in PA relationship although they are not to be principals per se:

Many of the major changes in the behavior of agencies in the United States have been the result of changes in the administrative law doctrines applied by the courts rather than institutional design of the principal-agent relationship. In the early 1970s the courts substituted the ‘hard look’ doctrine for the previous lenient interpretation of the latitude permitted to agencies to construct their own interpretation of congressional statutes. (Peters 1999:51)

The very fact that the ‘hard look’ doctrine was abandoned earlier (see section Delegation and principal-agent theory in chapter two) only strengthens the observation that changes, originating from the judicial branch of separated power societies, affecting delegation are more and more common. Indeed the judicial branch’s role in lawmaking and its discretionary powers should be probed deeper. Courts and judicial actors have increasingly become powerful actors of their own right and have gained an accrued influence, whether or not this newly found authority is a result of politicians’ increased propensity to shirk political responsibility by voting through laws open to legal interpretation remains to be examined. Still there exists a project and field of research which draws my attention like no other and it is the case of cross-pressure, and perhaps most importantly cross-pressure in European legislation.
Lastly, an interesting fact, which must be brought to bear in this line of arguments regarding the choice of theory and of specific modelling of the analysis, is linked to a conceptualisation of the role and situation in which the agents in this dissertation are positioned. An agent in our case refers to a civil servant and national bureaucrat employed at the permanent representation performing his/her duties as a national representative within any committee or working group situated within the framework of the Council. To make my point more explicit I refer, however, to an insight drawn from the experience of the committee of permanent representatives. The picture that David Bostock (former English COREPER I ambassador between 1995 and 1998) draws gives us an insight on a theoretical issue:

Members of Coreper describe themselves as being bound by a ‘dual loyalty’. It is their responsibility faithfully to represent their Member States; but it is also their responsibility to reach agreement. The Roman god Janus, facing in two directions, is thus Coreper’s patron saint, mascot or role model. (Bostock 2002:217)

The above-mentioned can, in a more theoretical and principal manner, be treated as a pattern of dual and conflicting delegation. National delegation between the government offices and their representatives in Brussels entails that bureaucrats should follow their principal’s wishes. However, those same agents also have “European principals” in the shape of the Councils, which delegate the responsibility to find astute and stable solutions to policy problems to the COREPER. Thus, members of committees are exercising their functions through a dual delegation. They are both the Council’s and their respective government’s agent. This is extremely well exemplified by the following two extracts from my interviews:

...we hammered out a solution which we then accepted ad referendum, on our own we all [all of the national negotiators] went beyond the mandate of our instructions, but we also knew that we had to find a solution. We knew that both our ministers and, above all, the Council of Ministers demanded that we find a solution... (interview 40 my remark)

...COREPER has this so called obligation de résultat, and to some extent one can say that there is a moment where Brussels can sometimes be independent towards the capitals. When you’re in negotiations, drafting texts and finally finding a compromise which everyone at the table can agree on which is subsequently accepted ad referendum, when you are selling it back home, then it takes a lot for someone in any capital to refuse... (interview 30)

Strangely enough, most interviewees when faced with a direct question aiming at this theoretical concept of cross-pressure in delegation often answers negatively, claiming that such a problem does not exists. At the same time, they give irrevocable examples of exactly these kinds of problems with multiple principals in delegation. This cross-pressure is also a topic discussed in recent literature, for example in Blomgren and Bergman (2005) but also in, for example, Beyers and Trondal (2004:926): “...the embeddedness of actors in multiple institutional settings con-
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strains their information processing capacities. Bureaucrats are faced with dual allegiances; they are national officials working part-time at the European level. /.../

Bureaucrats are expected to represent their member state, to take care of the functional domain to which they belong, and to consider the views expressed by other member state representatives”. In fact I would argue that this so called cross-pressure existing under sometimes extreme levels of dual loyalties or, if one would be inclined to use this volume’s rhetoric, dual delegation chains is one of the most under-researched phenomenon in our modern democracies. This is even more peculiar since, in our case (i.e. the case of member states’ agents to the EU in Brussels); the notion of dual loyalties has been around for some time now. Even Hayes-Renshaw, as early as 1990, did briefly comment on the issue when describing the COREPER:

Articulating the national interest at the preparatory stages of the decision-making process, the members of the Committee are also well-placed to determine the interest of the Community as a whole, frequently giving rise to dual loyalties. (Hayes-Renshaw 1990:6-7)

She is not alone in that remark, Kassim and Peters (2001:299) concisely describe the permanent representation in the following sentence: “It serves two ‘masters’ and is ‘Janus faced’.” (cf. Lewis 2005a). The same is true with the working groups as well as other agents in society that we seldom think of. What of doctors employed at the hospital, to whom do they owe loyalty – to their patients, to the hospital management, or to their closest superiors? If we delegate the responsibility to repair our car to the local mechanic, to what extent does this act of delegation take precedence over the act of delegation that the owner of the garage has made? What happens when the owner’s specific demands for cost-effective repairs meets that of the customer? Future research should take as one of its starting points this concept of cross-pressure that is perhaps best understood as pictured by principal-agent approaches. This is important because of the virtue of principal-agent theory (despite the criticism delivered above) of taking research beyond complex yet analytically meagre inferences of “…patterns of symbiosis between national and collective identities /.../ [and] the concept of ‘double-hatting’.” (Lewis 2005a:967, cf. Laffan 2004:90-4 on ‘double-hatting’). Principal-agent theory delivers insights into effects of institutions on actor behaviour and as such nuances and enhances explanations of multiple identities such as Risse’s (2004) marble cake. Thus I contend (in polemic with e.g. Lewis (2003a:120) who states that that “rationalists...miss the Janus-like nature of Coreper officials...”) that PA theory is strictly apt to capture problems of cross-pressure. Within political science, focus should concentrate on the apparent cross-pressures in European lawmaking, either in a comparative manner or through the study of single cases (member states).

Another future project within this dissertation’s interesting field of research would be to link the interest for national bureaucrats stationed in the member countries’ permanent representations and expand the assessment of their horizontal
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334 roles within the whole EU system of policymaking in Brussels. Several researchers (Andersson and Bergman 2005:159, Wessels 1998:223) have already remarked that the role of omnipotent Eurocrats (whether it is in Comitology or in expert groups) should be analysed. By omnipotent Eurocrats I allude to national civil servants who are present in all three different key positions for one and the same piece of legislation: (1) as national experts within an expert group under the Commission, at this stage the national bureaucrat can articulate ideals, discuss ideas and suggestions from interests groups, and contribute to the formulation of policy, (2) as national representatives within a working group in the Council, at this stage the bureaucrat can amend and work with others to change the legislation and reformulate specific details of the legislation, and finally actually decide on whether or not to adopt this legislation and (3) as national representative within a Comitology committee (or based at home as a national bureaucrat within the national administration which is responsible for implementing European legislation), the civil servant gets to implement the legislation. Looking back at figure 10.1, this would (unfortunately) indicate the existence of a “sixth image” that does not even requires the shared participation of politicians.

A final word

Why are then delegation aspects important to study and why is this important concerning the democratic aspects of our societies? The main answer here is that with the appearance of the EU and its present way of law-making, democracy – and most evidently representative democracy – faces a new and dangerous challenge. While one can argue over the risks and virtues of delegation to bureaucrats, most people would agree that it is beneficial to use some degree of delegation in the processes of self-governing. If the principals, whether they are positioned on our chain of delegation (voters, members of parliament or ministers), are not satisfied with the outcome of the delegation, they can with some reasonable costs alter the delegation (through the next elections, by passing a vote of no confidence or by appointing a new agency or new guidelines to the agencies or even through changes in budget allocations). Nevertheless, in the case of lawmaking at the EU level, back-pedalling is extremely costly. In fact, one could easily use the parable of “killing a mosquito with a nuclear bomb”. Since EU legislation stands above national laws, neither national parliaments nor national governments and much less nation state citizens can change the adopted rules that were negotiated and agreed by the delegated bureaucrats. The only two options would be to place oneself in flagrant denial (eventually attracting the wrath of the ECJ and/or other member states) or to withdraw from the EU all together. Both options seem somewhat unrealistic for most member states (though the former is practised by most member states at a tolerable level). Thus, I contend that the delegation of lawmaking powers to national bureaucrats based in Brussels has irreversible consequences, and that this makes the institutional design of the said delegation one of the most crucial aspects of our modern
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democracy. This constitutes, in my opinion, the only required motive to focus both future research and our intellectual faculties on the delegation of de facto lawmaking powers to bureaucrats stationed in Brussels. If possible, reforms aiming at strengthening the chain of delegation from the national level to the European level should be implemented as soon as possible. Why? Because, as the European people’s latest bellow of refusal echoes in the towns and villages of France and the Netherlands, we should ask ourselves to what degree we see the EU as a normal part of our national democracies? To what extent should it be a part and what are we prepared to do to ensure this? Perhaps the answer to these questions represent what we must do in order to create a new and better fit between the practice and the written word of the constitution. Even if no major breach of democratic values inherent in the delegation I have studied in this volume is evident, we must ask ourselves if it is not worthwhile to act pre-emptively instead of facing aggravated cases of democratic deficit further down the road. Indeed, even today every EU member state and its society is changing and being deeply influenced by the EU membership.

We must acquiesce that the national bureaucrats stationed in Brussels are an important and intrinsic part of our democracies. Making them accountable and stressing their importance should not be considered as a hindrance to modern efficient governance but rather as a central requirement for future democracy.
It should be noted that while I have chosen to identify lawmaking as one of the most important facets of democracy, I am aware that other important governing tools exist. One of them is the way in which the state spends its money (budget) and redistributes wealth through taxes and fees.

Although a comparison to the French case would be in order, it is a little harder to deliver because of the different definitions and categories of legislative procedures and documents in France. Still such a study would yield approximately the same as I argue. For example, for the 2002/2003 ordinary session (i.e. between October 2002 and September 2003) a total of 100 laws (projets de loi, propositions de loi, et projets d’approbation de traités) or equivalents were accepted; see Assemblée Nationale (2003:22). Furthermore, it should be acknowledged that I take a different stance than the one Johannesson (2005) argues in her article. I’m aware that some of the 160 Swedish laws (i.e. 1/3 of the 514 laws which the Riksdag voted through in 2003) may in fact be legislation originated by any of the 837 regulations taken at the European level, but I nevertheless stand firm by the standpoint that valid legislation in EU member states, to a larger extent than proved by existing literature, emanates, directly or indirectly, from the EU. In fact to further argue for my position, I would like to remind the reader that my calculations have not even included EU directives and decisions (which are, to various degrees, especially in the case of decisions, to be considered as EU legislation). As a matter of reference, Hegeland (2005) argues that about 6.3% of the Swedish legislation (which he defines as laws [lagar] and governmental edicts [förordningar] as well amendments to existing paragraphs [grund- och ändringsförfattningar] during the period 1995-2004, emanates directly from the EU. Be that as it may, reality is seldom black and white, and in this case I remain convinced that the impact of the EU on national legislation is important. Hegeland’s own statistics shows that in the category of new laws adopted by the Swedish parliament and for the period 2001-2004 the percentage of legislation originating from the EU, i.e. which displays a Celex number, is 25% (cf. Hegeland 2005:398).


Beckman and Johansson’s quote is taken from an article in Finanstidningen August 12th, 1998.

The Bolkestein directive was named after the Commissioner Frits Bolkestein and is basically a profound attempt at realizing an internal market for services, thus deregulating national and proposing reforms such as freedom of establishment and introducing the “country of origin principle” to services and not only products.

Image II represents thus an additional nuance to Weber’s simple dichotomy, and argues that both “...politicians and bureaucrats...exert political influence...” as pointed out by Jacobsen (1996:50).

Image III problematizes this even further and argues that politicians and bureaucrats have different interests with whom they are dealing.

I’m grateful to Eva Mineur for drawing my attention to this critical discussion.

Sartori is not alone in his observation. Lane and Ersson (2003:2) manages to, in a positive manner, paraphrase Sartori, when claiming that: “Democracy is both a real regime and a political ideal”.

Individual ministerial accountability is covered by amongst other Woodhouse (1994). Of course the Swedish parliament is bestowed with the ability of holding a vote of no-confidence for individual ministers but they are rare. In fact, only five votes of no-confidence have been carried out throughout history, and of those only one was aimed at a minister. In February 1985, the right wing parties ask for a vote of no-confidence on Lennart Bodström, Foreign minister for the social democrat government following his statements concerning the suspected violation of Swedish territorial waters by submarines. In all other cases no-confidence votes were aimed at prime ministers (against Prime Minister Fallström in 1980, Prime Minister Persson in 1996 and 1998) or the government (2002) as a whole. In all cases the vote was turned down. However this does not mean that no-confidence votes in Swedish politics are without influence: In two cases did the threat of a successful no-confidence vote have clear effects: 1981, when a right wing government coalition was splintered and 1988 when the social democrat minister of Justice left her office (see Holmberg and Stjernquist 2003:224-225).
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10 For a good analysis of the classical debate between Friedrich (1940) and Finer (1941) on the ways in which accountability of bureaucracy could be achieved, see Ahlbäck (1999:282-285).

11 The future of the European Union also points and reinforces the case for a further enhanced and pursued research on the link between the different parts of each member states’ diplomatic channels. As the Union grows so does the need and the difficulty for each and everyone member state to analyze and prepare its negotiating position in order to maximize the defence of its interests. This puts a new focus not only on the way in which member states chose to structure the interaction between PR and capitals but also in which way the nation states manage to canalize the information which are gathered by individual member states’ bilateral embassies to other member states. The last bit is namely very important as it allows for the member states to be even more efficient in their negotiations without weighting down the PRs. Several, albeit almost outdated, research studies (de Boisdefre 1996 and Carnelutti 1992) show that bilateral embassies were seriously neglected as a source of information before negotiations.

12 Peters (1999:51), as Peters I also refer to Gormley for a closer description of the courts behaviour, see Gormley (1989).

13 The same is true of working groups, except that in that case the closest principal is the COREPER.
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APPENDIX

Interview template

The interview should be conducted more like a conversation rather than a strictly structured interview. This is especially important with key actors who do not usually respond well to structured and clearly defined interviews. The questions below are intended as guidelines for a discussion between the interviewee and the interviewer. Although the dialogue should be free, it must stay within reasonable distance from the main subject of the conversation, namely the link between permanent representations and their executive counterpart in the member states capitals. For my own use (to remind me of the five important sets of general questions asked to the interviewees, each interview is also complemented with specific questions, depending on the interviewee) I have “painted” a broad picture of the different parts of the interview and afterwards go into details, such as specific questions that could be asked and/or used to introduce a topic.

1. Who is the interviewee? What is his/hers background, under what circumstances did (s)he participate in the link?
2. What is the interviewee’s perception of his environment? Does (s)he have any specific arguments concerning either aspects of the delegation? Is the delegation perceived as positive/negative? How is the domestic coordination of EU proposals viewed?
3. What is the interviewee’s perception of other actors involved into the process of delegating law-making power from the capital to the permanent representation and of EU coordination at home? Who does he/she perceive as an important actor and who is not? How does he/she perceive her/his agents/principals?
4. What is the interviewee’s own perception about him/herself? How does (s)he see her/himself in the process surrounding the delegation between national representations and member state capitals? What is the interviewee’s role?
5. Does the interviewee have any idea/suggestion of how the delegation and accountability design should be altered or completely changed to establish what he/she conceives as a “perfect delegation”? E.g. what is the normative picture of the interviewee of a “perfect agent/principal”?

A more detailed account of examples of specific questions and queries is given below. Although not essential, a more or less precise answer to each of the following is preferable. Should the interviewee avoid altogether the question or query, then the interviewer should return to it if possible during the course of the interview and emphasise the importance of a thorough interview. The concepts written between brackets refer to the four analytical variables with which principals can control agents and the two background variables (see chapter two).

1a. How long has the interviewee been involved in the process of linking permanent representations and capital executives and in what role(s)?
1b. What is the interviewee’s previous experience(s) in professional life? Which ministry(ies), state agency(ies), or company(ies) if any, did the agent belong to before coming to the permanent representation/or before being assigned to the coordination of EU issues within the government?
1c. How was the appointment made, i.e. what was the nature of the contract design between the principal and the agent? Did the contract design between agent and principal resemble the ordinary design found in the “regular” executive-administration relationship or was it of exclusive nature? [contract design]
1d. Was the agent chosen directly by the principal or through intermediaries? Did the principal get directly involved in the nomination process of the agent(s) or were there any intermediaries (i.e. did he/she delegate the task of closing the contract)? [screening and selection mechanisms]
AGENTS IN BRUSSELS

1e. Are there any special reasons why the agent is or was assigned to the permanent representation? Was it an active choice from the agent or did another actor pick him/her? [screening and selection mechanisms]

2a. What does the normal procedure of an “average” proposal through the different coordination processes and finally the transmission of instructions to the permanent representation look like? Can the interviewee give an example of a proposal, which did not follow the “normal” procedure? How often does this occur? [domestic coordination]

2b. Can the interviewee give an assessment of the work within the permanent representation/executive coordination bodies/ministries compared to other similar work environment? Is it different, and if so: how? [domestic coordination]

2c. How does the agent/principal chooses to characterises the delegation between the executive at home and the PRs in Brussels? Is it efficient or are there many examples of “failures”? Does he/she see the delegation as a process belonging to the sphere of foreign affairs or merely an “internal process”, like the domestic law making practice?

2d. To which extent do agents/principals have clear preferences on EU issues? To which extent does the agent/the principal take into consideration other parties (including principals/agents) views to establish their preferences? [preferences]

3a. What actors does the interviewee interact on a regular basis in reference to the delegation between the national and European level? What are the nature (intensity) and the frequency of these meetings? [monitoring and reporting requirements]

3b. Are there actors who are formally outside the process but that yet hold some clout in dealings pertaining to the link between member states executives and permanent representation? If so, who are they and in what way do they influence the process of delegation? [monitoring and reporting requirements and institutional checks]

3c. How often does he/she meet with his/hers agents/principals? How does (s)he perceive them? Does the agent/principal send/receive any reports about the execution of the delegated tasks? How often and what are the nature (intensity) of these reports? [monitoring and reporting requirements]

3d. Are they any clearly defined supervisors or other (third party) controllers of the linkage? If so, who appoints them and what are their authorities? [monitoring and reporting requirements, to some extent institutional checks]

4a. What is/was the agent/principal’s role according to the interviewee? How does it relate to the whole process of delegation between the domestic executive at the capital and the administrative representation at Brussels? [preferences]

4b. Is the agent/principal him/herself free to define its role in the delegation process or are they constraining regulations and definitions that clarifies the definition of their role? Is the aforementioned role well defined or rather hazy (independent of whether it is mainly individually or institutionally defined)? [institutional checks]

4c. Does the interviewee’s role differ when he/she was involved in the link, compared to other experienced similar policy-making processes and delegations? [general internal comparison of delegation design]

5a. Does the interviewee have any definition of a perfect delegation? E.g. what is the normative picture of the interviewee of a “perfect agent/principal”?

5b. What of the future? Does the principal/agent see any foreseeable changes that may alter the delegation’s prerequisites and/or the delegation itself?
APPENDIX

5c. Does the interviewee have any idea/suggestion of how the relationship and delegation between capitals and permanent representations should be altered or completely changed to establish what he/she conceives as a "better link"?
ENKÄTUNDERSOÖKNING AV SVERIGES PERMANENTA REPRESENTATION


När du har svarat på alla frågorna klicka på fältet ”Skicka mitt svar” längst ned.

Personuppgifter

Av vetenskapliga metodskäl behöver jag få ditt namn och din e-postadress så att jag kan registrera svarsfrekvensen. Dessa uppgifter kommer inte under några omständigheter att lagras eller användas i annat syfte än för att verifiera svarsfrekvensen.

Jag ger mitt samtycke till att mina personuppgifter används på ovan nämnda vis (här fanns i den elektroniska enkäten en knapp som man var tvungen att fylla i för att kunna svara på enkäten.)

E-postadress
Svarsalternativ: (ruta)

Namn
Svarsalternativ: (ruta)

1. Bakgrund

I - Är Du Kvinnan eller Man?
Svarsalternativ: (knapp)

II - Vilket år är Du född?
Svarsalternativ: (ruta)

III - Ange antal månader (avrunda uppåt till närmaste hel månad) Du har tjänstgjort vid PR?
Svarsalternativ: (ruta)

IV - Har Du tidigare tjänstgjort vid Regeringskansliet (ange departement) eller annan central myndighet? I så fall vilka och hur länge var Du där (anges även i antal månader)?
Svarsalternativ: (ruta)
APPENDIX

2. Rekrytering och anställningen

V - Sökte Du din nuvarande tjänst eller blev Du "erhjuden" den inom ramen för personalomflyttningar?
Svarsalternativ: (ruta)

VI - Inom vilket "policy område" skulle Du vilja säga att Dina arbetsuppgifter hör hemma? (Det är möjligt att göra flera val)
Svarsalternativ: (flervalsknapp) med följande svarsalternativ: Miljö, Jordbruk, Försvar och utrikespolitik (inkl. Bistånd), Rättsliga, Finans, Social and Arbetsmarknad + en text ruta markerat med "Annat (ange själv)".

3. Det vardagliga arbetet vid PR

VII - Ange antalet timmar per månad som Du sitter i möte med representanter från departement/myndigheter som är direkt relaterade till Dina arbetsuppgifter vid PR. Specifiera arten av mötena och antalet timmar enligt följande schema:
Svarsalternativ: (4 textrutor) med följande svarsalternativ:
1. Personliga möten (Ange antalet mötestimmar då Du är i Stockholm respektive i Bryssel)
2. Telefonmöten
3. Videokonferenser
4. Email. (Ange antal timmar/månad du sitter och redigerar dina mail)

VIII - Ange antalet timmar per månad Du sitter i möte med Dina arbetsgrupper/kommittéer (inom rådet)/COREPER.
Svarsalternativ: (ruta)
IX - Ange antalet timmar per månad Du sitter i möte med övrig personal och handläggare vid PR.
Svarsalternativ: (ruta)
X - Ange antalet timmar per månad Du sitter i möte med representanter för Kommissionen.
Svarsalternativ: (ruta)
XI - Ange antalet timmar per månad Du sitter i möte med andra PR.
Svarsalternativ: (ruta)

4. Förhandlingar och instruktionsgivningen

XII - Ange vilka medlemsländer Du oftast samarbetar med för att ta fram en gemensam ståndpunkt inom din(a) arbetsgrupp(er). (Försök att ange åtminstone tre medlemsländer)
Svarsalternativ: (ruta)

XIII - Hur ofta (antal gånger per månad) stöter Du på problem i förhandlingar som kräver att Du återkommer till Stockholm för vidare instruktioner (utöver första instruktionen)?
Svarsalternativ: (ruta)

XIV - Hur många gånger (antal gånger per månad) kan inte den instruktion Du fått från nationell nivå genomföras (sålunda att Du upplever att den inte "går att använda" inom arbetet med arbetsgruppens/COREPER:s/kommitténs förhandlingar)?
Svarsalternativ: (ruta)

XV - Vad gör Du i dessa fall? Ange i procent hur ofta Du använder dig av de fem nedanstående "alternativ" vid de tillfällen då en användbar instruktion saknas (Kommentera gärna!):
Svarsalternativ: (5 textrutor) med följande svarsalternativ:
1. Återkommer till Stockholm och föreslår "aktivt" att få en ny instruktion.
2. Återkommer till Stockholm och förklarar att läget är sådan att instruktion riskerar att vara kontra-produktiv i arbetsgruppens/COREPER’s/kommitténs arbete.
3. Presenterar formellt instruktionen vid förhandlingarna, och jobbar s.a.s. konstruktivt vid sidan om (inom arbetsgruppen/kommittén/COREPER) för att nå en kompromiss som ligger närmare Din egen ståndpunkt.
4. Ignorerar instruktionen och i ljuset av tidigare beslut (som t.ex. allmänna riktlinjer utfästa i regeringens propositioner/instruktioner) ”skapar” egen instruktion.
5. Annat (Beskriv själv!)

XVI - Hur ofta går olösta frågor i Din(a) arbetsgrupp(er) upp till COREPER nivån? (Ange i antalet gånger per månad)
Svarsalternativ: (ruta)

XVII - Hur ofta (antal gånger per månad) tar Du kontakt med din COREPER I/COREPER II ambassadör för att lösa ett problem (t.ex. för att utverka en bättre instruktion från Stockholm)? I vilken utsträckning används COREPER ambassadörens uppgifter för att lösa problem som är förknippade med instruktionens ärende och i vilken utsträckning sker detta direkt mellan Dig och handläggare hemma i Stockholm?
Svarsalternativ: (ruta)

XVIII - Under förhandlingarna inom Din arbetsgrupp/COREPER/kommitté, i vilken utsträckning kan Du att antalet röster det egna landet har i ministerrådet påverka utgången av förhandlingarna?
Svarsalternativ: (knapp) Ingen, Liten, Ganska stor, och Stor

XIX - Händer det att Du saknar instruktioner inför ett möte, i så fall hur ofta (antalet gånger per månad)?
Svarsalternativ: (ruta) + 3 textrutor med följdfrågan ”Precisera orsakerna (antalet gånger per månad)”, med följande svarsalternativ:
1. Instruktionen är felaktig, så tillvida att den berör fel uppgifter/möte.
2. Mötet har sammankallats på kort tids varsel.
3. Annan (ange själv vad det rör sig om)

XX - Hur upplever Du att det är för Dig att i ditt arbete sakna instruktioner?
Svarsalternativ: (knapp) Inte jobbigt alls, Lite jobbigt, Jobbigt, och Ut manande + textruta med följdfrågan ”Vilken blir den huvudsakliga konsekvensen när sådana saknas?”.

XXI - Förekommer det att Du själv får ”tillverka” Dina egna instruktioner (p.g.a. att en instruktion av någon anledning inte har nått dig)? I vilken utsträckning är det något som Du känner att Du klarar av och i vilken utsträckning är det något som Dina kollegor på PR klarar av att göra? (Kommentera i löpande text)
Svarsalternativ: (ruta)

XXII - När en instruktion väl ges, i vilken utsträckning kommer den (efter Din bedömning) i god tid eller ej? Brukar instruktionen komma i god tid vilket lämnar Dig i en bra position för att tidigt kunna ta dig an frågan (knypa till sig de bundsföranter man vill ha inför förhandlingarna) eller kommer den för sent med konsekvensen att förhandlingarna kanske redan har hunnit ”cementeraats” och att möjligheten att påverka är begränsad? Ange i procent (fördelad över nedanstående fyra kategorier) hur alla de instruktioner du har tagit emot kan klassas.
Svarsalternativ: (ruta) I mycket god tid, I tid, Ganska sent, och Mycket sent
APPENDIX

XXIII - Då en instruktion ges: Hur pass mycket inflytande känner Du att Du har över instruktionsgivningen?
Svarsalternativ: (knapp) Inget, Lite, Ganska Mycket, och Mycket + textruta med uppmaningen "Precisera gärna nedan".

Får Du ge förslag till instruktion (via måndagsnoter eller andra kontakter med Stockholm)?
Svarsalternativ: (knapp) Ja och Nej

XXIV - Hur pass mycket av instruktionens innehåll brukar senare visa sig stämma överens med Dina förslag?
Svarsalternativ: (knapp) Inget, Lite, Ganska Mycket, och Mycket + textruta med uppmaningen "Precisera gärna med exempel eller annan kommentar ifall du känner att det behövs".

XXV - Hur är instruktionerna vanligtvis utformade? Har de mer en karaktär av ”raminstruktioner” där Du ges ett visst handlingsutrymme eller återfinns det ofta en viss detaljstyrning i de förhandlingsinstruktioner ni får från Stockholm? Ange den ”genomsnittliga instruktionens” karaktär på en skala mellan 1 och 6 där 1 betyder att instruktionen är av typen raminstruktion och 6 att den är av typen detaljinstruktion:
Svarsalternativ: (ruta) + textruta med "Precisera gärna med exempel eller kommentarer ifall du känner att det behövs".

XXVI- Sker instruktionsgivningen alltid i formell mening (skriftlig) eller sker den även mer ”informell” (muntligt eller via e-post)? Försök att ange i procent hur ofta instruktionsgivningen sker formellt.
Svarsalternativ: (ruta)

Har du funderingar, ytterligare synpunkter, eller frågor som du skulle vilja rikta till mig så tar jag mer än gärna emot dem nedan.
ENQUÊTE SUR LA REPRÉSENTATION PERMANENTE FRANÇAISE


Grâce à vos réponses à cette enquête, il sera possible d’obtenir une image réaliste du climat de travail au sein de la RP, ce qui guidera l’analyse. Il est donc très important que vous répondiez à ce questionnaire, nous comptons sur vous et nous vous remercions vivement pour votre contribution. L’anonymat complet est garanti.

Les réponses n’auront de valeur que si elles reflètent la réalité “courante”. Merci d’éviter les situations extrêmes et les périodes de haute (ou de faible) activité. De plus, des commentaires de votre part seraient très appréciés, chaque fois que vous le jugez utile. Plus vos réponses seront complètes, mieux cela sera.

Données personnelles

Pour des raisons scientifiques, je dois obtenir votre nom et votre adresse email pour pouvoir vérifier le taux de réponse. Ses données ne seront sous aucun prétexte archivées ou utilisées pour un autre but que la vérification du taux de réponse.

Je donne mon consentement pour que mes données personnelles soient utilisées uniquement pour vérifier le taux de réponse. (Ici, la version du questionnaire étant publier sur le web avait un “bouton” qui devait être cocher pour que la réponse au questionnaire soit accepter, valider et me soit renvoyer)

Adresse email
Réponse: (case de texte)

Nom
Réponse: (case de texte)

1. Renseignements personnels

I - Êtes-vous une femme ou un homme?
Réponse: (bouton)

II - Quelle est votre année de naissance?
Réponse: (case de texte)

III - Depuis combien de temps faites-vous partie de la RP (indiquez le nombre de mois)?
Réponse: (case de texte)

IV - Avait vous déjà été employé(e) au sein d’un ou plusieurs ministères ou agence(s) centrale(s) du Gouvernement ? Si oui, quels ont été vos emplois et leur durée (indiquez le nombre d’années ou de mois).
Réponse: (case de texte)
APPENDIX

2. Recrutement et emploi
V - Avez-vous obtenu votre emploi à la RP par concours (ou autre processus de recrutement) ou vous a-t-il été proposé par des services d'administration internes?
Réponse: (case de texte)

VI - A quel domaine se rattache votre emploi (vous pouvez cocher plusieurs cases)?
Réponse: (6 bouton) Environnement, Agriculture, Défense and Affaires Étrangères, Affaires Judiciaires, Finances et Affaires sociales + (case de texte) marquez "Autre (précisez)".

3. La vie quotidienne à la RP
VII - Combien de temps passez-vous en rendez-vous (nombre d'heures approximatif par mois) avec des représentants des ministères ou des agences centrales concernées par vos fonctions ? Essayez de qualifier ces rendez-vous en utilisant les quatre propositions ci-dessous, c'est-à-dire notez le nombre d'heures par mois où ces propositions sont valables et préciser avec vos commentaires si possible.
Réponse: (4 cases de texte) pour chaque alternative de réponse:
1. Rendez-vous personnels (donnez le nombre de rendez-vous à Paris et le nombre de rendez-vous à Bruxelles)
2. Rendez-vous téléphoniques
3. Visioconférences
4. Courriels/Email (nombre approximatif d'heures/mois ou vous rédiger vos e-mails)

VIII - Combien de temps passez-vous en rendez-vous (nombre d'heures par mois) avec des représentants de vos groupes de travail/comités (au sein du Conseil des Ministres)/COREPER?
Réponse: (case de texte)

IX - Combien de temps passez-vous en rendez-vous avec vos collègues de la RP (nombre d'heures par mois)?
Réponse: (case de texte)

X - Combien de temps passez-vous en rendez-vous avec des représentants de la Commission Européenne (nombre d'heures par mois)?
Réponse: (case de texte)

XI - Combien de temps passez-vous en rendez-vous avec vos homologues d'autres représentations permanentes (nombre d'heures par mois)?
Réponse: (case de texte)

4. Négociations et Donner d'instructions
XII - Quels pays membres coopèrent vous le plus souvent pour produire une position commune au sein de votre (vos) groupe(s) de travail/comité(s)? (Nommer au minimum trois pays membre)
Réponse: (case de texte)

XIII - Pouvez-vous estimer le nombre de fois où vous rencontrez des difficultés dans les négociations qui vous oblige à reprendre contact avec Paris pour des instructions supplémentaires (nombre de fois par mois)?
Réponse: (case de texte)
XIV - Pouvez-vous estimer le nombre de fois que vous ne pouvez pas utiliser l'instruction qui vous a été donnée par Paris (cette instruction ne correspond pas à votre contexte de travail et aux négociations qui sont menées au sein de votre groupe de travail/comité/COREPER) - (nombre de fois par mois)?
Réponse: (case de texte)

XV - Que faites-vous dans ces cas là? Examinez les alternatives suivantes et notez (en pourcentage) combien de fois vous avez recours à chaque lorsqu'une instruction vous manque. (Précisez volontiers!):
1. Vous prenez contact avec Paris pour demander une nouvelle instruction.
2. Vous prenez contact avec Paris et expliquez que la situation est telle que l'instruction risque d'être contre-productive compte tenu des discussions actuelles au sein de votre groupe de travail/comité/COREPER.
3. Vous présentez formellement votre instruction durant les négociations, et travaillez d'une façon constructive en marge de cette instruction (dans votre groupe de travail/comité/COREPER) pour atteindre un compromis plus proche de votre propre point de vue personnel.
5. Autre cas (précisez).

XVI - Combien de fois (par mois) des dossiers ou questions vont-ils irrésolus au COREPER depuis votre (vos) groupe(s) de travail? (Nommez en pourcentage)
Réponse: (case de texte)

XVII - Combien de fois (par mois) prenez-vous contact avec votre ambassadeur COREPER II ou ambassadeur adjoint pour résoudre un problème (par exemple pour obtenir une instruction plus pertinente)? Les ambassadeurs du COREPER (I et II) sont-ils souvent "utilisés" pour résoudre des problèmes liés aux instructions ou parvenez-vous à résoudre vous-même les problèmes en dialoguant avec les conseillers du SGCI et des ministères à Paris?
Réponse: (case de texte)

XVIII - Durant les négociations au sein votre groupe de travail/comité/COREPER, quelle importance a, selon vous, le nombre de voix que votre pays détient dans le Conseil des Ministres?
Réponse : (bouton) aucune, petite, assez grande at grande

XIX - Est ce que vous manquez, de temps en temps, d'instructions pour une session? Combien de fois par mois vous trouvez-vous dans cette situation?:
Réponse: (case de texte) suivit d'une question "Quelles sont les raisons (nombre de fois par mois)?" avec trois case de texte pour chaque alternative de réponse :
1. L'instruction n'est pas la bonne car elle concerne une autre session (de groupe de travail/comité/COREPER) ou d'autres questions que vont être discutées.
2. La session requérant l'instruction a été demandée trop peu de temps à l'avance.
3. Autre cas (précisez).

XX - Comment vivez-vous le fait de ne pas avoir toujours avoir d'instructions (cochez une case et précisez)?
Réponse: (bouton) sans aucun problème, un peu difficile, difficile, ou motivant suivit d'une case de texte accompagnant de la question "Quelle est, selon vous, la conséquence principale de ce manque d'instructions?"
APPENDIX

XXI - Si vous créez vos propres instructions, à quel point vous sentez-vous apte a le faire et à quel point estimez-vous que vos collègues à la RP sont capables de le faire?
Réponse: (case de texte)

XXII - Quand une instruction est donnée, est ce que -selon vous- elle arrive à temps ou non, par rapport au processus de décision au sein du Conseil des Ministres ? Le délai vous permet-il d’aborder un sujet délicat avec beaucoup d’avance (pour établir des alliances avec d’autres pays) ou est-il trop court quand la négociation préliminaire est déjà entamée et la possibilité d’influence est réduite?
Classez en pourcentage (dans les quatre différentes catégories ci-dessous) toutes les instructions que vous avez reçu.
Réponse: (4 case de texte) A très bon temps, A temps, Assez tard, et Très tard.

XXIII - Pensez-vous que vous pouvez avoir une influence sur les instructions qui sont données?
Réponse: (bouton) aucune, peu, assez grande et grande + une autre case de texte accompagner de la demande "Précisez volontiers!", suivit de la question "Pouvez-vous faire des suggestions à Paris? (par commentaire dans les TDs ou autres contacts avec Paris)?” avec la possibilité de répondre oui ou non (bouton).

XXIV - A quel point l'instruction finale de Paris tient-elle compte de vos suggestions?
Réponse: (bouton) rien, peu, moyen et beaucoup + une autre case de texte accompagner de la demande "Merci de donner un ou plusieurs exemples avec commentaires si possible”.

XXV - Comment les instructions sont-elles rédigées? Sont-elles écrites de façon générale pour orienter la négociation (vous donnant une certaine marge de liberté dans l’exécution) ou sont-elles précises et très détaillées? Notez le caractère d’une instruction “typique” sur l’échelle de 1 à 6, ou 1 signifie que les instructions sont “ouvertes” et “générales” et 6 que les instructions sont très précises et détaillées):
Réponse: (case de texte) + une autre case de texte accompagner de la demande "Précisez avec un exemple ou un commentaire si possible”.

XXVI - Les instructions vous sont-elles transmises formellement (par écrit) et sont-elles parfois transmises de façon informelle (oralement ou par e-mail ou autre moyen)? Estimez et notez en pourcentage le nombre d'instructions qui sont transmises formellement.
Réponse: (case de texte)

Si vous avez des suggestions, idées ou questions dont vous voulez me faire part n’hésitez surtout pas à les formuler ici.
Réponse: (case de texte)
### Table 5.1: Swedish governments (1945-2005)

<table>
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<th>Min.II</th>
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<td>14</td>
<td>5</td>
<td>18</td>
<td>37</td>
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<tr>
<td>Ullsten</td>
<td>11:30</td>
<td>13</td>
<td>5</td>
<td>18</td>
<td>36</td>
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<tr>
<td>Fälldin II</td>
<td>19:08</td>
<td>14</td>
<td>5</td>
<td>20</td>
<td>39</td>
</tr>
<tr>
<td>Fälldin III</td>
<td>16:18</td>
<td>12</td>
<td>5</td>
<td>17</td>
<td>34</td>
</tr>
<tr>
<td>Palme IV</td>
<td>35:08</td>
<td>12</td>
<td>7</td>
<td>24</td>
<td>43</td>
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<tr>
<td>Palme V</td>
<td>05:25</td>
<td>12</td>
<td>7</td>
<td>26</td>
<td>45</td>
</tr>
<tr>
<td>Carlsson I</td>
<td>30:06</td>
<td>13</td>
<td>7</td>
<td>22</td>
<td>42</td>
</tr>
<tr>
<td>Carlsson II</td>
<td>36:35</td>
<td>13</td>
<td>7</td>
<td>22</td>
<td>42</td>
</tr>
<tr>
<td>Bildt</td>
<td>36:02</td>
<td>13</td>
<td>7</td>
<td>25</td>
<td>45</td>
</tr>
<tr>
<td>Carlsson III</td>
<td>17:14</td>
<td>13</td>
<td>8</td>
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<tr>
<td>Persson I</td>
<td>29:28</td>
<td>12</td>
<td>9</td>
<td>27</td>
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<tr>
<td>Persson II</td>
<td>47:25</td>
<td>10</td>
<td>9</td>
<td>28</td>
<td>47</td>
</tr>
<tr>
<td>Persson III*</td>
<td>na</td>
<td>10</td>
<td>11</td>
<td>28</td>
<td>49</td>
</tr>
</tbody>
</table>


* Duration is measured in months and days, i.e. 12:04 means that the government lasted for 12 months and 04 days.

* This data was taken from the government’s investiture (as with all other governments in the table above). According to the Swedish government’s website (checked on November 19th 2005), the number of Min.II (se below) has grown to 12 and the numbers of state secretaries to 52 bringing the total up to 52 for the Persson III government.

**Note:** In this table I have excluded one specific post: deputy state secretary to the ministry of foreign affairs [biträdande kabinettsekreterare] and one specific category of state secretaries: deputy state secretaries [biträdande statssekreterare] from all calculations of state secretaries. These posts do exist but their use is quite restricted.
APPENDIX

Extract from UD PM (1999:21-3) or Circular 2 “Early information for both the standing committees and the Parliament’s Advisory Committee on EU Affairs” regarding explanatory memoranda

The responsible ministry shall write a statement with the essence of the Commission’s proposal to important legal bills and how Swedish regulations will be influenced. Green- and White books and declarations with proposals for important new set of laws or principally significant amendments in present laws shall also be presented in explanatory memoranda.

Explanatory memoranda shall contain information about the proposal’s substance and a description of how it relates to current Swedish rules on the subject. The consequences for Sweden in case the proposal becomes real shall be analysed. The ministry shall also state, in the memorandum, if the proposal in earlier drafting work (e.g. within the Commission) was submitted to Swedish interested parties and, if so, what the given viewpoints were. If possible shall the date for the start of the working group be included. Other relevant dates concerning drafting and preparation of the proposal shall also be stated. If the government has, when the explanatory memorandum is written, a drafted and declared position it shall be included in the memorandum. Otherwise the government’s preliminary position shall still be presented. The government can also present its viewpoint in another document or orally through the regular contacts with the standing committees.

In cases of so-called important legal bills shall, if substantial changes have occurred, the explanatory memorandum be revised and transferred to the parliament’s chancery when the Commission has presented a revised proposal after the European Parliament’s first declaration. It should also be clear what the European Parliament’s position in this issue is.

/.../

Explanatory memoranda shall be drafted jointly according to the guidelines in Statsrådsberedningen PM 1997:4, Samrådsformer i Regeringskanålet, and the UD-EU unit’s Circular 3 “Guidelines for drafting within the chancery of Swedish positions regarding EU issues”.

Explanatory memoranda shall be delivered to the parliament’s chancery within five weeks after the Commission’s actual proposal has been transferred to the Council in a Swedish version. The memorandum shall be delivered both in paper and electronically to the chancery. Delays caused by translation problems should however not lead to the explanatory memoranda being delivered later than the date for the start of the actual Council working group. A copy of the memorandum must always be handed to the Prime Minister’s Office, the UD-EU unit, Fi/BA as well as the PR in Brussels.

Explanatory memoranda are published on the Riksdag’s internet site www.riksdagen.se. The responsible ministry shall send a copy of the explanatory memorandum as a paper copy and in electronic form (email or disk) to Information Rosenbad (the government’s own information office).
Table 7.1: French governments (1959-2005)

<table>
<thead>
<tr>
<th>Duration*</th>
<th>Min.I</th>
<th>Min.II</th>
<th>Min.III</th>
<th>Sec.I</th>
<th>Sec.II</th>
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<tbody>
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<tr>
<td>Pompidou I</td>
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<td>14</td>
<td>2</td>
<td></td>
<td>29</td>
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<tr>
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</tr>
<tr>
<td>Couve de Murville</td>
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<td>4</td>
<td>12</td>
<td>2</td>
<td>7</td>
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<tr>
<td>Chaban-Delmas</td>
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<td>14</td>
<td>1</td>
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<tr>
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<td>26:29</td>
<td>1</td>
<td>15</td>
<td></td>
<td>7</td>
<td>33</td>
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<td>1</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
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<td></td>
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<td>21</td>
<td>40</td>
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<tr>
<td>Barre III</td>
<td>37:10</td>
<td>19</td>
<td></td>
<td>3</td>
<td>15</td>
<td>38</td>
</tr>
<tr>
<td>Mauroy I</td>
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<td>5</td>
<td>23</td>
<td>2</td>
<td>12</td>
<td>43</td>
</tr>
<tr>
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<td>21</td>
<td>8</td>
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<td>44</td>
</tr>
<tr>
<td>Mauroy III</td>
<td>15:26</td>
<td>14</td>
<td>8</td>
<td>1</td>
<td>19</td>
<td>43</td>
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<tr>
<td>Fabius</td>
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<td>15</td>
<td>6</td>
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<td>Chirac II</td>
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<td>13</td>
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<td>Rocard I</td>
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<td>14</td>
</tr>
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<td>Rocard II</td>
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<td>17</td>
<td>11</td>
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<td>14</td>
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<tr>
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<td>14</td>
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<tr>
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<td>17</td>
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<td>14</td>
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<td>Balladur</td>
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<td>18</td>
<td>6</td>
<td></td>
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<tr>
<td>Juppé I</td>
<td>05:21</td>
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<td>16</td>
<td>11</td>
<td>5</td>
<td>31</td>
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<tr>
<td>Juppé II</td>
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<td>11</td>
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<td>2</td>
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<tr>
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<td>15</td>
<td>6</td>
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</table>

Source: Jan (2002:18) except Raffarin II and Raffarin III which were collected by the author using the prime minister’s web site (http://www.premier-ministre.gouv.fr, the site was checked on September 27th 2003 and April 20th 2005) and its presentation of the government.

* Duration of the government is measured in months and days, i.e. 37:11 means that (in this special case the second government of Georges Pompidou under the presidency of Charles de Gaulle) the government lasted for 37 months and 11 days.

Note: Min.I specifies the number of Ministers of State, Min.II represents the number of Ministers, Min.III indicates the number of Ministers Delegate, Sec.I designates the number of autonomous state secretaries, and Sec.II denotes the number of state secretaries. The prime ministers are not included in the table above.

ª Under Villepin’s first government no state secretaries exist.
<table>
<thead>
<tr>
<th>Deputies of the chair &quot;Ministry of Finance&quot;</th>
<th>Deputies of the chair &quot;Ministry of Industry&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948 – 1974</td>
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</tr>
<tr>
<td>Georges Elgozy</td>
<td>Pierre Alby</td>
</tr>
<tr>
<td>(Inspecteur Général de l’Economie Nationale)*</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1958 – 1963</td>
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</tr>
<tr>
<td>Jacques Mayoux</td>
<td>Jean Dromer°</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Inspecteur des Finances)</td>
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<tr>
<td>1958 – 1964</td>
<td></td>
</tr>
<tr>
<td>Jacques Friedman</td>
<td>François Morin°</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1963 – 1966</td>
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</tr>
<tr>
<td>Jean Dromer°</td>
<td>Jean-Claude Sore</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1966 – 1967</td>
<td></td>
</tr>
<tr>
<td>Yann Guillaud</td>
<td>Michel Vaillaud</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1969 – 1972</td>
<td></td>
</tr>
<tr>
<td>François Heilbronner</td>
<td>Romain Zalecki</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1972 – 1976</td>
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<tr>
<td>Pierre Achard°</td>
<td>Jean-Pierre Souviron</td>
</tr>
<tr>
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<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1976 – 1978</td>
<td></td>
</tr>
<tr>
<td>Bertrand Schneider</td>
<td>Albert Costa de Beauregard</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1978 – 1979</td>
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</tr>
<tr>
<td>Denis Gautier-Sauvagnac</td>
<td>Yves Cousin</td>
</tr>
<tr>
<td>(Inspecteur des Finances)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1980 – 1982</td>
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<tr>
<td>Guy Legras</td>
<td>François Bersani</td>
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<tr>
<td>(Conseiller des Affaires étrangères)</td>
<td>(Ingénieur en chef des Mines)</td>
</tr>
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<td>1982 – 1985</td>
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<tr>
<td>Claude Blanchemaison</td>
<td>Pierre Sellal</td>
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<td>Pierre Vimont</td>
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<td>(Conseiller des Affaires étrangères)</td>
</tr>
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<td>1989 – 1992</td>
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<tr>
<td>Thierry Bert</td>
<td>Pascale Andréani°</td>
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<td>(Conseiller des Affaires étrangères)</td>
</tr>
<tr>
<td>1992 – 1996</td>
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<td>Pierre Lepetit</td>
<td>François Soulagnon</td>
</tr>
<tr>
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<td>(Ingénieur en chef des Mines)</td>
</tr>
<tr>
<td>1996 – 2000</td>
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<tr>
<td>Ralph Dassa</td>
<td>Jean-Luc Delpeach</td>
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<td>(Ingénieur en chef des Mines)</td>
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<tr>
<td>2000 –</td>
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</tr>
<tr>
<td>Serge Guillou</td>
<td>Michel Gaublau</td>
</tr>
<tr>
<td>(Administrateur hors classe)</td>
<td>(Ingénieur en chef des Mines)</td>
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</table>

Source: Hardouin (1999:15 -16) and own research. Inspecteur Général de l’Economie Nationale can be translated to General Inspectors of Finance, Inspecteur des Finances to National auditor, Ingénieur en chef des Mines to Chief Engineer, Conseiller des Affaires étrangères to Counsellor of Foreign Affairs, Administrateur hors classe to Senior Administrator. * This position was cancelled 1974 ° Indicates that this person later becomes secretary-general of the SGCI.

Note: Deputy secretaries-general were (beginning after 1958), as made obvious above in the table, earlier drafted from the Ministry of Finance and the Ministry of Industry and Trade. Traditionally there have been two deputy secretaries-general, one from each of those ministries. Later certain ministries’ monopolies on the posts of secretaries-general were broken and the Ministry of Foreign Affairs was allowed to place “its people” in the seats of deputy secretaries-general of the SGCI.
Table 7.7: Number of the Lower House EU Committee hearings (1995-2005)

<table>
<thead>
<tr>
<th>Parliamentary session</th>
<th>Ministerial hearings</th>
<th>Other hearings</th>
<th>Total</th>
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<tbody>
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<td>2002</td>
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<td>22</td>
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<td>6</td>
<td>18</td>
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<td>2004</td>
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<td>8</td>
<td>15</td>
</tr>
<tr>
<td>2005*</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
</tbody>
</table>

Source: Poli (2005)  
*Until July 31 2005

Note: Ministerial hearings denote hearings with ministers or delegated ministers (often the delegated minister of European Affairs). Other hearings include hearings with the French permanent representative and head of the PR in Brussels, Commissioners (both French and others) or other guests (such as e.g. Louis Gallois, president of the SNCF [Société Nationale des Chemins de fer Français], the National French Railroad Company.

Table 7.8: Number of the Lower House EU Committee reports (1991-2003)

<table>
<thead>
<tr>
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<th>Number of reports</th>
<th>&quot;European&quot; reports</th>
<th>Total</th>
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<tr>
<td>2005*</td>
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<td>4</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: Poli (2005)  
*Until July 31 2005

Note: The so-called "European" reports refer to reports which examine European texts (decisions, propositions, drafts...). Each report contains a number of different texts, and the number of these texts included in each report has actually risen during the years (which would explain to some extent the trend of fewer reports).
Figure 2.1. Organization of the SCT (2003)