Playing for the same team? The trio Presidency and agenda-management in European Union sport policy

By

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To my parents, for showing me the world
And my sister, for teaching me how to embrace it

Abstract

In 2007 the rotating Presidency of the Council of the European Union (EU) was reformed by the introduction of the so-called 'trio Presidency'. The trio mechanism encourages policy continuity by grouping incumbent Presidencies in teams of three and inviting them to coordinate. This thesis seeks to contribute original knowledge on EU policy-making by mapping how trio practices are established, exploring which factors explain how Member States coordinate, and by assessing how the trio arrangement affects the EU agenda.

Empirically, the trio function is examined through its implementation in the policy area of sport, focusing on the three trios to assume office after the coming into force of the Lisbon Treaty in 2009. The analysis is structured around a number of carefully selected dossiers adopted between 2010 and 2013. Guided by a conceptual framework based on agenda-setting and new institutionalism, these decisions are submitted to in depth process-tracing. The analysis draws on qualitative research, primarily official documents and 37 semi-structured interviews.

The findings reveal that actors approach the trio with differing preferences and expectations, leading to much variation in how the arrangement is performed. The thesis identifies a number of factors that explain variation. Thus, a fixed agenda supports trios in coordinating priorities and activities *ex ante*. Moreover, coordination is conditioned by trio composition, as federal and new Member States are more inclined to cooperate. Further, trio practices are shaped by factors such as multiannual planning and focusing events, with the intenseness of trio coordination reflecting whether the agenda includes issues that demand sustained attention.

The thesis concludes that the introduction of the trio mechanism has preserved the ability of Member States to use the Council Presidency to prioritise national priorities whilst also encouraging and facilitating EU policy continuity. By extending agenda-management beyond a six month spell, the trio can strengthen the agenda-setting powers of incumbent Member States, particularly on issues that concern establishing urgent responses or developing Council procedures. Moreover, evidence suggests that the arrangement can produce a specific spirit of collegiality, trio solidarity, which sees trio Member States support each other during negotiations, thus affecting EU policy-making beyond agenda-management.

Key words: European Union; sport policy; agenda-setting; institutional theory; Presidency; policy-making; punctuated equilibrium theory.

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List of acronyms

ADAMS	Anti-Doping Administration & Management System
Cahama	Ad hoc European Committee for the World Anti-Doping Agency
CJEU	Court of Justice of the European Union
CoE	Council of Europe
Commission	European Commission
COREPER	Committee of Permanent Representatives
Council	Council of the European Union
DG	Directorate General
DG EAC	Directorate General Education and Culture
EHFA	European Health and Fitness Association
ENGSO	European Non-Governmental Sports Organisation
EOC	European Olympic Committee
EP	European Parliament
EPAS	Enlarged Partial Agreement on Sport
EPC	European Paralympic Committee
EPFL	European Professional Football Leagues
ETS	European Team Sports
EU	European Union
EUPEA	European Physical Education Association
EUSP	EU Sports Platform
EWoS	European Week of Sport
EYCS	Education, Youth, Culture and Sport
FB	Foundation Board
FESI	Federation of the European Sporting goods Industry
FIFA	Fédération Internationale de Football Association
HEPA	Health-Enhancing Physical Activity
ICANN	Internet Corporation for Assigned Names and Numbers
IOC	International Olympic Committee
IRE-LIT-GRE	Ireland-Lithuania-Greece
ISPPPI	International Standard for the Protection of Privacy and Personal

	Information
ISCA	International Sport and Culture Association
ISF	International Ski Federation
ISSF	International School Sport Federation
MEP	Member of European Parliament
NI	New Institutionalism
POL-DK-CY	Poland-Denmark-Cyprus
PET	Punctuated Equilibrium Theory
QMV	Qualified majority voting
RCI	Rational Choice Institutionalism
SI	Sociological institutionalism
SPA-BE-HUN	Spain-Belgium-Hungary
TAFISA	The Association For International Sport for All
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UCI	Union Cycliste Internationale
UEFA	Union of European Football Associations
USADA	United States Anti-Doping Agency
WADA	World Anti-Doping Agency
WADC	World Anti-Doping Code
WPS	Working Party on Sport

I thought I could organise freedom
How Scandinavian of me

(Björk 1997)

Chapter 1.   Introduction

The procedure of the rotating Presidency has been part of the design of the European Union (EU) since the establishment of the European Coal and Steel Community. It has also been a continuously contentious subject among practitioners and academics alike. While debates on the rotating Presidency have been constant since the dawn of European integration, they were never more dominant than during the Convention on the Future of Europe in 2003 (Bunse *et al.* 2005; Bunse 2009: 2). When discussing future organisational solutions for an enlarged EU, big Member States favoured efficiency and continuity in the form of permanent chairs whilst smaller Member States favoured the *status quo* of the rotating Presidency (Tallberg 2010: 642).

The compromise encapsulated in the Lisbon Treaty is ambiguous. On the one hand, large states 'won' permanent chairs in the European Council and the Foreign Affairs Council. On the other, small states preserved the principle of rotation in all other formations in the Council of the European Union (Council), albeit in a modified form of a 'trio Presidency'. This thesis focuses on the trio arrangement, which merits serious attention due to the central role played by the Council in the everyday policy-making in the EU. This thesis aims to contribute to original knowledge by furthering our understanding of the reformed Council Presidency in the post-Lisbon era.

1.1.   Presenting the trio

The 'trio' arrangement was formally introduced in 2006 as the Council changed its rules of procedure (Council 2006b). Two trios thus operated prior to the coming into force of the Lisbon Treaty, the first group being made up of Germany, Slovenia and Portugal (see Table 1, p. 2). This mechanism was later formalised though a declaration annexed to the Lisbon Treaty[1] and finally implemented though a European Council decision:

> 1. The Presidency of the Council, with the exception of the Foreign Affairs configuration, shall be held by pre-established groups of three Member States for a period of 18 months. The groups shall be made up on a basis of equal rotation among the Member States, taking into account their diversity and geographical balance within the Union.
>
> 2. Each member of the group shall in turn chair for a six-month period all configurations of the Council, with the exception of the Foreign Affairs configuration. The other members of the group shall assist the Chair in all its responsibilities on the basis of a common programme.

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[1] Specifically declaration 9 of the Declarations Annexed to the Final Act of the Intergovernmental Conference which Adopted the Treaty of Lisbon, signed on 13 December 2007, annexed to the Lisbon Treaty.

Members of the team may decide alternative arrangements among themselves (European Council 2009a).

The term 'trio' is, then, the colloquial shorthand for "pre-established groups of three", widely used by academics and practitioners (Jensen and Nedergaard 2014: 1038). In implementing this decision, the Council scheduled a list of nine successive trios that would operate from 2007 to 2020 (Council 2009b). A review of the scheduled trios suggests that, aside from geography, "diversity" refers to aspects like size and relative length of EU membership. The trio of Germany, Slovenia and Portugal is illustrative of the mixture of old and new, big and small, as well as, geographical diversity (see Table 1, below).

Table 1: Order of Presidencies and trios 2007-2020

Trio	Term
Germany-Portugal-Slovenia	January 2007 to June 2008
France-Czech Republic-Sweden	July 2008 to December 2009
Spain-Belgium-Hungary	January 2010 to June 2011
Poland-Denmark-Cyprus	July 2011 to December 2012
Ireland-Lithuania-Greece	January 2013 to June 2014
Italy-Latvia-Luxembourg	July 2014 to December 2015
Netherlands-Slovakia-Malta	January 2016 to June 2017
United Kingdom-Estonia-Bulgaria	July 2017 to December 2018
Austria-Romania-Finland	January 2019 to June 2020

Source: Adapted from Council (2009b: 30)

In terms of practical organisation, the Lisbon Treaty and related provisions leave the arrangement loosely defined. The only formal requirement is that the incumbent Member States adopt a joint 18-month programme. Moreover, the provisions allow for the possibility that chairing functions at working group level, excluding the Committee of Permanent Representative (COREPER), may be delegated amongst trio members as the provisions vaguely declare that "the team may decide alternative arrangements among themselves" (European Council 2009: Art 2). This potentially leaves room for the division of chairing responsibilities across the three Member States. Nevertheless, since the trio arrangement is so loosely defined it is largely up to the incumbent Member States to sort out the "practical arrangements for their collaboration" (Council 2009b: 29).

Taken together, the Lisbon Treaty's changes to the rotating Presidency indicate how the Council

Presidency has taken on a bigger 'communitarian' function (Fernández 2008; Hayes-Renshaw 2007). The creation of the trio mechanism should be seen as part of a larger trend towards easing problems brought on by the system of rotation and the EU's enlargement; a solution towards securing the "elusive goal of continuity" (Warntjen 2013: 1239; see chapter 2). Since the Presidency is crucial for ensuring the smooth running of the Council and considering the Council remains responsible for all legislative activity in the post-Lisbon era (Batory & Puetter 2013: 96), research into this 'new' Council Presidency and the trio arrangement is warranted and important for our understanding of EU policy-making. The next section discusses how this thesis contributes to the literature on the Council Presidency.

1.2. The Council Presidency: state of the art and contribution

The last decade has witnessed a great academic interest in the EU Presidency. This body of literature is usually grouped in four categories (e.g. Elgström 2003c: 4; Niemann and Mak 2010: 729–730). First, there are the comprehensive, mostly descriptive accounts of the Presidency as a part of the EU's political system (e.g. Hayes-Renshaw and Wallace 1997; Westlake and Galloway 2004). Second, there is a large and ever-growing group consisting of case-studies of specific Presidency spells (e.g. Schout and Vanhoonacker 2006; Wurzel 2000). Third, a body of literature has emerged which takes a comparative approach by comparing multiple Presidency spells or comparing the EU Presidency with chairs in other international organisations (Bunse 2009; Crum 2007; Elgström 2003b; Quaglia and Moxon-Browne 2006; Tallberg 2006b; Vandecasteele *et al.* 2015). Four, the field has been complemented by more conceptually informed studies that engage in mainstream theoretical debates, mainly from the perspective of new institutionalism (e.g. Batory and Puetter 2013; Bunse 2009; Elgström 2003b; Fernández 2008; Niemann and Mak 2010; Tallberg 2003; Tallberg 2006b). In addition, the field has been supplemented by quantitative studies, with findings suggesting that the Presidency allows incumbent Member States to steer decisions closer to their preferences (e.g. Schalk *et al.* 2007; Thomson 2008; Warntjen 2008).

Recently, the first steps towards understanding the Lisbon innovations to the Presidency have been taken. Researchers have thus started assessing the general changes in the Council brought about by the Lisbon Treaty (e.g. Warntjen 2013). Moreover, the creation of permanent posts for the President of the European Council (e.g. Blavoukos *et al.* 2007; Dinan 2013) and the High Representative for Foreign Affairs and Security Policy have received significant attention (e.g. Juncos and Pomorska 2013; Vanhoonacker and Pomorska 2013).

However, this thesis inscribes itself the nascent literature that explores the trio arrangement (e.g. Batory and Puetter 2013; Jensen and Nedergaard 2014; Mazzucelli 2008; Raik 2015; Udovič and Svetličič 2012; Vieira and Lange 2012). It is worth engaging with some of these studies to accentuate how this thesis contributes to this ongoing research agenda. Here, it is useful to compare this new wave of research on the trio with some of the influential studies of the pre-Lisbon Presidency. These studies and their research designs are summarised in Table 2 (see page 5).

While all the studies mapped in Table 2 explore the Presidency, they are not exactly 'about' the same thing. Thus, if all the examples base their analysis on multiple 'cases', the underlying rationale differs. The monographs of Bunse (2009) and Tallberg (2006b) on the pre-Lisbon Presidency can best be described as multiple case-studies where the idea behind studying multiple Presidencies is to compare and increase the validity of the findings on the Presidency's scope for influence. In these studies the trio, as expected, plays no part in the analysis. On the other hand, the articles of Batory and Puetter (2013) and Vieira and Lange (2012) represent single case-studies of the practices of a single trio formation (which by definition includes multiple Presidencies). Conversely, the studies of Jensen and Nedergaard (2014) and Raik (2015) represent more broad investigations into trio practices. This indicates the second difference between pre and post-Lisbon studies: a move from focusing on Presidency *influence* on political outcomes in pre-Lisbon studies to an emphasis on the *practice* of horizontal cooperation between Member States involved in trios in the post-Lisbon studies of the Presidency.

As Table 2 suggests, this thesis provides a link between the two approaches. Similar to the literature on the trio arrangement, this thesis aspires to deepen our understanding of how Member States organise themselves in trios. However, it also goes beyond these studies by undertaking concrete, in-depth, conceptually guided process-tracing of specific dossiers. By drawing on a combined conceptual framework of agenda-setting and new institutionalism, the thesis analyses a number of dossiers to inquire into the role of the trio arrangement in shaping the agenda, that is to say, its influence on policy outcomes. This thesis empirically focuses on the policy area of sport, exploring the first three trio formations to assume office after the Lisbon Treaty (2010-2014). Sport became an official EU competence with the ratification of the Lisbon Treaty. Chapter 2 explores the development of EU sport policy whereas the choice of studying the trio arrangement through sport policy is justified in chapter 4.

Table 2: Research designs on the EU Presidency

Study	Case of	Case(s)	Research objectives
Bunse (2009)	Pre-Lisbon Presidency	Three Presidencies: Finland 1999, Belgium 2001, Greece 2003	The influence of the Presidency in promoting its priorities in six dossiers in Internal Market and Foreign Policy
Tallberg (2006b)	Pre-Lisbon Presidency	Five presidencies, six dossiers: Germany 1999 (Agenda 2000 reforms; car recycling directive), Finland 1999 (Northern Dimension initiative), France 2000 (IGC 2000 Reforms), Sweden 2001 (EU transparency rules), Denmark 2002 (EU enlargement talks).	Each 'case' exemplify elements of a theoretical model of a chair's formal leadership potential in terms of agenda-management, brokerage and representation
Batory & Puetter (2013)	Post-Lisbon Presidency	Spain, Belgium and Hungary trio (2010-11)	Overall trio practice, especially the drafting of the trio programme
Vieira and Lange (2012)	Post-Lisbon Presidency	Germany, Portugal and Slovenia trio (2007-8).	Cooperation patterns on promoting the principle of Policy Coherence for Development in Global Action
Jensen and Nedergaard (2014)	Post-Lisbon Presidency	The first four trio formations: Germany, Portugal-Slovenia; France-Czech Republic-Sweden; Spain-Belgium-Hungary; Poland-Denmark-Cyprus	Variation in the level of trio coordination assessed by the degree to which trios follow same objectives (scope) and level of coordination (depth)
Raik (2015)	post-Lisbon Presidency	Preparatory processes of the trio programme during the years 2007–2012	The effect of the trio programme on the continuity in the decision-making process of the Council
This thesis	Post-Lisbon Presidency	Three trios: Spain-Belgium-Hungary; Poland-Denmark-Cyprus and Ireland-Lithuania-Greece	Process-tracing a range of diverse dossiers in EU sport policy, studying the practice of trio coordination and agenda-management role of the trio Presidency.

Beyond this overarching contribution to knowledge, the thesis takes up a number of empirical and theoretical elements which have yet to receive attention in the trio literature (see Jensen and Nedergaard 2014: 1050–1051). Methodologically and empirically, the research examines proposed explanatory determinants for trio diversity in light of new evidence (Jensen and Nedergaard 2014: 1048–1050). Innovatively, the thesis also examines how the trio arrangement interacts with other sources of policy steering in the EU, focusing especially on multiannual planning. Moreover, this thesis makes a valuable contribution to the study of EU sport policy. Sport became an official competence of the EU with the ratification of Article 165 of the Treaty on the Functioning of the European Union (TFEU). If the 'story' of how sport came to achieve treaty basis has been subject to a great deal of scrutiny (García and Weatherill 2012; Parrish 2003b), then less work has addressed what has transpired following this landmark agreement. In studying both minor and major decisions in sport since the ratification of the Lisbon Treaty, the thesis makes a novel contribution to this field of research, in particular by exploring the role of the Council and the Member States in developing this new EU competence.

1.3. Research questions

The preceding sections have justified the trio arrangement as an important subject of research and shown how this thesis aims to contribute to this promising research agenda. It is now time to consider the concrete aims and objectives of this research. Three research questions will be answered:

>RQ1: How do trios coordinate and cooperate in order to achieve their priorities?
>RQ2: How can trio practices be explained?
>RQ3: How does the trio arrangement affect the agenda?

RQ1 outlines the research objective of exploring the horizontal patterns of coordination and cooperation in trios. It thus establishes the aim of investigating how actors in trios agree on a common programme and how they structure the agenda over 18 months. It further defines the research aim of exploring how Member States delegate responsibilities within trios and the degree to which they cooperate and follow the same objectives. This research question, it should be noted, is designed to correspond to Jensen and Nedergaard's (2014) distinction between a trio's relative scope of coordination and the relative depth of coordination in terms of activities (see chapter 3).

RQ2 investigates how the arrangement is perceived and practised. It enquires into how actors

interpret the trio arrangement. It further indicates the thesis' goal of identifying and examining factors that may explain variance in how the trio arrangement is performed.

RQ3 establishes the aim of exploring the role of the trio. In more abstract terms, this means using concepts drawn from agenda-setting and new institutionalism to explore the ways in which the trio arrangement affects EU policy-making in sport. The objective here is to investigate the constraining and empowering 'trio effects' (Vieira and Lange 2012) on the incumbent Council Presidency and the EU agenda.

Thus, the objective of this thesis is to explore how the trio is practised; the factors which explain how Member States coordinate in trios; and to examine how the trio arrangement affects EU policy-making. Empirically this is studied through a number of diverse dossiers from EU sport policy. The next section elaborates how the thesis is structured to realise these research objectives.

1.4.   Structure of thesis

Following this general introduction, **chapter 2** is designed to provide the necessary contextual information for appreciating the remainder of this thesis. It starts by giving a concise introduction to the role of the Member States within the EU's political system following the ratification of the Lisbon Treaty. It further outlines the evolution of the Council Presidency and its key functions in the EU system. The chapter then describes the genesis and evolution of EU sport policy. Finally, the chapter concludes by discussing Article 165 TFEU and sport's nature as an EU competence.

Chapter 3 introduces the conceptual framework which will guide the analysis of the empirical evidence presented in this thesis. This is not to be understood as a fully-fledged theory, but rather represents two separate yet complementary schools of concepts used to structure the analysis. In particular, the chapter develops a conceptual framework by drawing on agenda-setting and new institutionalism.

Chapter 4 outlines the thesis' methodology and research design. In light of the research questions, a qualitative case-study approach is adopted where EU sport policy is chosen as a potentially information rich case. The main period of enquiry is demarcated to the period 2010-2013 where, according to a number of conceptually guided criteria, a number of diverse dossiers are chosen for further analysis. Empirical evidence is drawn from semi-structured interviews with policy-makers and official documents of the EU institutions. Analytically, these two sources

of information are then used to process-trace the dossiers and where the conceptual framework is used to identify intervening processes.

Accordingly, **chapter 5** marks the start of the empirical part of the thesis. The chapter starts by exploring the drafting of the resolution on 'EU structured dialogue on sport' (Council 2010d) which seeks to institutionalise the Council's stakeholder relations, followed by an analysis of its implementation. Next, the chapter explores the drafting by the Council of a mechanism for multiannual planning, the EU Work Plan on Sport 2011-2014 (Council 2011r), again followed by an examination of its implementation. Through these dossiers, the chapter focuses especially on EU sport policy's transition from informal to formal policy area.

Chapter 6 explores the gradual rise of the economic dimension of sport. The economic dimension of EU sport policy has mainly been framed in terms of sport's contribution to the economy and building an evidence-base to justify EU sport policy. The chapter then explores how 'physical activity' came to be included in the European Statistical Programme 2013-2017 and how sport secured inclusion in the Erasmus+ programme.

Chapter 7 focuses on dossiers relating to the integrity of sport. The chapter analyses how the EU and its Member States have established formal procedures for the coordination and representation of common positions when negotiating in two external fora: the World Anti-Doping Agency and the drafting group of a new match-fixing convention under the auspices of the Council of Europe. The patterns of delegation in these instances vary and the chapter seeks to explain these divergent outcomes.

Chapter 8 explores questions relating to the social dimension of sport. It focuses on two dossiers which have travelled different paths through the EU system: promoting health enhancing physical activity and combating doping in recreational sport. Where the former became the first issue on which the Council adopted a recommendation, the latter has not commanded as much attention.

Finally, **chapter 9** concludes the thesis by discussing the findings presented in chapters 5, 6, 7 and 8. This general conclusion is structured around the three research questions outlined in this introduction.

Chapter 2.   The EU, the Council, and sport

This chapter provides the necessary contextual information required for understanding the remainder of this thesis. It starts by giving a concise introduction to the Council's role in the EU political system, with specific attention to the functions of the Council Presidency. The chapter then elaborates the genesis and evolution of EU sport policy. It concludes by bringing these two topics together – the EU system and sport's position within it – by discussing Article 165 TFEU.

2.1.   Situating the Presidency in the EU's political system

The EU's institutional architecture and system of governance is widely considered complex (Nugent 2001: 5). Whereas the broad pattern in the Member States is that responsibilities are separated between a political executive (government) and a legislature (parliament), the EU has no such neat separation. While the European Commission (Commission) is generally considered the executive, the Council of Ministers (i.e. Council) and the European Council each have some executive claims. Similarly, legislative powers are shared between three institutions: the Commission usually has the right of legislative initiative whilst the Council and the European Parliament (EP) are the decision-takers (Buonanno and Nugent 2013: 39). While the EU defies classical categorisations it nevertheless needs to be approached as a particular type of political system (Hix and Høyland 2011: 12). This section therefore serves to briefly introduce Council and the Presidency's role in the EU's political system.

2.1.1.   The Treaties and legislation in the EU

A useful way of approaching the EU's political system is to consider its foundational treaties. The post-Lisbon framework is governed by two main consolidated treaties: the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). The TEU contains the general principles and provisions on which the Union is based and establishes the legality of the EU and its institutions. The TFEU goes in greater detail and elaborates the responsibilities of the various institutions and the remit and competencies that fall under the EU, such as the principles underlying the Single European Market, but also the 'smaller' policies such as social policy, transport, energy, sport and many others. The TFEU also establishes the fundamental freedoms underlying the Single European Market, i.e. the freedom of movement of workers and capital, freedom of establishment, and freedom to provide services. Though the Treaties do not form a constitution in a traditional sense, incremental developments

have forged some constitutional features, making it possible to distinguish between primary and secondary legislation (Nugent 2010: 208–209). Primary legislation mainly refers to the Treaties signed by Member States. The Treaties are primary law in the sense that all subsequent 'secondary' (or ordinary) law must have a treaty base (Nugent 2010: 208). Quite un-constitutionally, however, the Treaties also concern policy in that they do not just set out general principles of the EU but also identify its policy sectors, its 'competences' (Nugent 2010: 208).

Secondary law is justified and specified under Article 288 TFEU and concerns the following distinguishable types of legislation: regulations, directives and decisions, all of which are legally binding in some shape. Article 288 TFEU states *regulations* are of "general application" and "binding in its entirety" whilst *directives* are only binding in "the result to be achieved". 288 TFEU further clarifies that *decisions* are binding "upon those to whom it is addressed" and are usually administrative rather than legislative (Nugent 2010: 211). Lastly, Article 288 TFEU also legitimises recommendations and opinions which, while legally non-binding, can still have legal effect (Nugent 2010: 211). In practice, a plethora of 'soft' instruments are used in the EU such as conclusions, communications, conventions, declarations and resolutions. Such measures can serve to float policy ideas, to start a legislative process and to promote coordination and/or encourage harmonisation (Nugent 2010: 211). As detailed below, with the ratification of the Lisbon Treaty sport policy has entered what we could term the 'stage of regulations' in which funds can be allocated to sporting actions directly, though directives and other harmonising measures remain legally excluded.

2.1.2. The Member States in the European Union

The Member States have two channels of representation in the EU: the European Council and the Council of the European Union (i.e. Council). The European Council is the most visible of the EU's institutions (Buonanno and Nugent 2013: 45) and refers to meetings between the respective EU heads of state or government along with its appointed President and the President of the Commission (Article 15.2 TEU). Prior to the coming into force of the Lisbon Treaty, the European Council was chaired by the Member State holding the rotating Presidency but meetings are now prepared and chaired by a permanent President (Nugent 2010: 165–166). The European Council can best be thought of as the EU's 'board of directors' in that it determines, or at least approves, the EU's broad strategic direction, but leaves the details and specifics to be executed by others (Buonanno and Nugent 2013: 46). Indeed, it shall explicitly "not exercise any legislative functions" but rather "provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof" (Article 15.1

TEU). While the European Council then takes major strategic decisions (Nugent 2010: 171–176) the impetus it gives is inherently political; its decisions only receive legal form *ex post* (de Schoutheete 2006: 55).

The Council is the second element of national representation in the EU system. The Council is the main meeting place of the national governments (Nugent 2010: 139) and represents the forum in which "member-state representatives with diverse policy objectives come together and negotiate" (Sherrington 2000: 1). While legally there is only one Council, in practice there are numerous in the sense that the Council meets in different configurations to deal with various policy areas (Nugent 2010: 142). Hence, agricultural ministers meet in the Agriculture and Fisheries configuration and sport ministers meet in the Education, Youth, Culture and Sport (EYCS) configuration.

The Council is a hierarchical institution. Ministerial meetings form the most visible manifestation of the Council's work, but below there is a large, complex bureaucratic machinery of preparatory bodies. First is the Committee of Permanent Representatives (COREPER) which prepares Council meetings. In COREPER II national delegations are headed by Permanent Representatives and its agendas are more political than COREPER I, which are headed by Deputy Permanent Representatives, which in turn tends to deal with more technical matters (Nugent 2010: 144). Much work has often gone on before being referred to the COREPER in various Council committees, such as Working Parties, whose main job is to carry out detailed analyses of formally tabled Commission or Presidency proposals and to deal with various *ad-hoc* tasks (Nugent 2010: 145). The main administrative support for the Council is provided by the General Secretariat, whose job is to service the entire Council machinery, to liaise, and provide assistance to the incumbent Council Presidency (Hayes-Renshaw 2006: 62ff; Sherrington 2000: 34ff). In 2010 the Council (2010e) established the Working Party on Sport (WPS) during the Spanish Presidency (see chapter 5). As the forthcoming chapters will show, the WPS has become a key actor within EU sport policy.

Together with the EP, the Council forms the EU's legislative arm (Nugent 2010: 139). The Council's power over legislation relative to the Commission and the EP varies and depends on the policy area in question and according to the type of decisions being made. It is the most restricted under the 'ordinary legislative procedure', where it must act on the basis of a Commission proposal and reach agreement with the EP. It is less restricted when it can adopt decisions by itself without the support of the EP, such as Council recommendations (acting on

the basis of a Commission proposal). Accordingly, it is even less restricted on decisions it can put forward and adopt itself, such as Council resolutions or conclusions (Nugent 2010: 139–140).

2.1.3. The functions of the Council Presidency and the trio

This finally brings us to the Council Presidency and its various roles in the EU machinery. The Council Presidency rotates on a six-monthly basis. Up until the entry into force of the Lisbon Treaty, this rotation was done in alphabetical order but, as described in the introduction, rotation now follows a specified order into separate trios (Nugent 2010: 147).

The Council Presidency has usually been described as having four main functions (e.g. Elgström 2003c: 4–7; Niemann and Mak 2010: 729). They are: administrator, leader, broker, and representative. However, Nugent (2010: 149–150) rightfully adds a fifth function, which relates to ensuring continuity and consistency of policy development, which he connects to the creation of trio arrangement. This function is here termed as 'team member'. These five functions are now introduced.

First, the Council Presidency is an *administrator*, responsible for arranging and preparing, in tandem with the Council Secretariat, all the Council's meetings from the ministerial level downwards, which involves compiling and distributing documents, drawing up agendas, convening meetings etc. In addition, the Presidency also chairs all Council meetings, excluding the Foreign Affairs Council (Nugent 2010: 148). This constitutes the core, traditional function of the Presidency (Elgström 2003c: 5). The 2013 Irish Presidency, for instance, estimates it chaired 2477 meetings across Europe and conducted 374 trilogues with the Commission and EP along the way to reaching agreement on 200 policy agreements, 80 of them legislative (Irish Presidency 2013a). As the facilitator and chair of meetings, the Presidency gains control of the frequency of meetings, agendas and proceedings (Nugent 2010: 148).

Second, the Presidency is expected to be a *leader*. This involves setting the Council's political priorities and advancing proposals (Niemann and Mak 2010: 729). 6-month Presidency programmes and 18-month trio programmes are instruments for this. In addition, the Presidency may be expected to quickly respond to unforeseen events (Nugent 2010: 149).

Third, and closely related, the Presidency is expected to build consensus for initiatives. The Presidency's function is then to act as a *broker* or mediator of compromises in the Council and is expected to take the lead in brokering agreements between Member States (Niemann and Mak 2010: 729; Nugent 2010: 148–149). As noted in the introduction, the new rules allow trios to

alter arrangements amongst themselves in relation to the chairing of preparatory bodies, however, excluding the COREPER (European Council 2009a).

Four, it is the Presidency's task to *represent* the Council. This mostly means towards other EU institutions, such as trilogue negotiations with the Commission and the EP (see chapter 6). The Council Presidency's role in external representation with non-EU bodies is smaller following the Lisbon Treaty and the introduction of the High Representative for Foreign Affairs and Security Policy but remains important in some areas (Nugent 2010: 150). This includes sport, where the trio is involved in representing the Council within the World Anti-Doping Agency (see chapter 7) and with regard to stakeholder meetings (see chapter 5).

Lastly, the rotating Council Presidency makes incumbent Member States *team members*. As noted by Batory and Puetter (2013: 96) the trio arrangement "seeks to preserve individual country leadership while complementing it with incentives to co-operate more closely among a group of three and thus enhancing continuity". The Presidency, encouraged by the trio arrangement, is charged with ensuring continuity and consistency in the Council's work. Prior to the Lisbon Treaty, the Council Secretariat was the main mechanism for ensuring consistency between individual Presidencies (Christiansen and Vanhoonacker 2008: 757). Now the trio constitutes the main coordinating mechanism. As described below, the establishment of the trio mechanism reflects broader EU developments, specifically the increasing attention to medium-term planning such multiannual Council work programmes (Nugent 2010: 149–150). While trios may delegate certain responsibilities between them in terms of sharing responsibilities as to chairing, this is an option and not a requirement. The three Member States forming a trio are, however, formally obliged to adopt an 18-month programme of the Council before commencing. These programmes have two components: a preliminary 'strategic framework' and the more specific 'operational programme', which describes priorities in various policy areas like sport (e.g. Council 2009a; Council 2011a; Council 2012a).

What, then, should be made of these Presidency functions? The following section briefly sketches the historical development of the Presidency whilst also outlining the changing scholarly conceptions of the office.

2.1.4.   The Presidency in historical perspective

EU scholarship tends to mirror the rhythms and developments of European integration more generally (e.g. Nugent 2010: 430ff). It is therefore useful to briefly consider the Council Presidency and the introduction of the trio in historical context.

The procedure of the rotating Presidency has been part of the EU's institutional design from the beginning (Bunse *et al.* 2005; Tallberg 2006b). Whether it started out as an "administrative chore" (Hayes-Renshaw 2007: 121) or rather served a symbolic intergovernmental counterweight to the Commission (Fernández 2008: 622–23), there is a general agreement that the Presidency started out as mainly an administrative task which evolved into an important political function. A range of factors contributed to the Presidency being entrusted a range of functions from the late 1960s and onwards (Tallberg 2006b: chapter 3). These included a growing scepticism towards the Commission; a demand for Council representation *vis-à-vis* other EU institutions and externally (Tallberg 2010: 641); the introduction of majority voting rules increasing the need for mediation; and the increased complexity of negotiations brought on by enlargement (Hayes-Renshaw 2007: 121). Member States ultimately realised the potential power that these functions carried with them, with the result that the presidential office became viewed as an opportunity to promote national interests (Hayes-Renshaw 2007: 121). Insofar as this lead to a certain amount of incoherence and discontinuity between Presidencies, the Member States in recent years have imposed a range of constraints on the office. These included an increased role for the Council Secretariat, the introduction of permanent chairs in the European Council and foreign policy, greater use of multiannual planning, and the introduction of the trio mechanism (Hayes-Renshaw 2007: 121; Tallberg 2010: 641).

Moreover, the trio was not the first attempt to address the problem of continuity. For instance, the Tindemans report of 1975 proposed the Presidency term to be extended from six to twelve months which should "lend more continuity to its activity" (Tindemans 1975: 31). However, the system of rotation has persisted since the original switch from 3-monthly terms in the European Coal and Steel Community to 6-monthly terms in the European Economic Community in 1958. The 2002 Seville European Council proved a turning point (Vieira and Lange 2012: 5). The prospect of a big wave of enlargement in 2004, including ten Central and Eastern European states, as well as Malta and Cyprus, brought the need for reform to the forefront of debates, with the Presidency Conclusions from the Seville European Council summit urging cooperation between Presidencies in light of the "unprecedented increase in number of Member States of the Union" (European Council 2002: 1). The European Council requested Presidencies work closer together and as a result saw the adoption of in 2003 of a triennial programme, prepared jointly by the six Presidencies assuming office between 2004 and 2006, during which the two Presidencies of each calendar year operated under the label of 'team Presidency' (Vieira and Lange 2012: 5). Nevertheless, a new system of cooperation between Presidencies was deemed necessary and the 'trio' arrangement was formally introduced in 2006 as the Council changed its

rules of procedure (Council 2006b).

Hence, three stages can be observed: (i) a gradual entrusting of functions to the Presidency; (ii) on-going discussions on increasing mechanisms of continuity between Presidencies; (iii) and a major reform process in the early 2000s and onwards to the Lisbon Treaty. The following summarises how academic conceptions of the Presidency have changed over time.

For a long time the rotating Presidency was conceived mostly as an 'honest broker' or "neutral arbitrator" (Wallace 1985b: 16) who facilitates agreement by impartially fulfilling its tasks. Famously, Jean-Louis Dewost characterised the Presidency as "*responsabilité sans pouvoir*" (cited in Tallberg 2003: 3). When conceived as an honest broker, the Presidency's core functions are seen as constraining to the Presidency's ability to exert national influence. The central argument was that the Presidency is heavily constrained because it is expected to be neutral; has a heavy burden of organisational, administrative and representative tasks; it has a weak legal base and lacks formal powers of legislative initiative. These constraints are now introduced.

First, the principle of 'the neutral Presidency' actually exists in writing. *The Presidency Handbook,* issued by the Council Secretariat, states that "[t]he Presidency must, by definition, be neutral and impartial. It is the moderator for discussions and cannot therefore favour either its own preferences or those of a particular Member State" (Council 2011n: 10). Though an informal document that has "no legal force" (ibid.: 5) it was often taken at face value in early literature on the Presidency (Tallberg 2003: 4). Thus, even *if* a Presidency holder had the means to pursue national priorities, Member States were long said to refrain from such behaviour because they have been socialised to behave neutrally or for fear of being punished for such behaviour (Tallberg 2003: 4).

Second, each Presidency is charged with organising and chairing thousands of meetings at all levels, which becomes an administrative and representative burden. Similarly, the Presidency's representative task is considered a further burden, and individual room for manoeuvrability and goal-chasing is dismissed (Bunse 2009: 46).

The third constraint rests on the Presidency's restricted formal powers and weak legal foundation. Formally, the Commission enjoys a monopoly on legislative initiative, with no special privileges for the Presidency, which leads Hayes-Renshaw and Wallace (1997: 146) to argue that the Presidency's "opportunity to promote initiatives or to deliver to domestic expectations is heavily constrained". The argument then runs that the Presidency should not be misinterpreted as an executive position (Tallberg 2003: 3). A related argument concerns the degree to which the Presidency inherits the agenda. Guy de Bassompierre's 'insider' assertion has been influential amongst scholars: "any

Presidency, however worthy and able, can only influence, at best, 5-10 per cent of the issues" (Bassompierre 1988: 103). Hence, the Presidency, it is said, must primarily tend to issues already on the agenda (Bunse 2009: 44; Tallberg 2003: 3). Moreover, the Presidency's ability to promote national priorities is reduced by unexpected events that require immediate attention (Hayes-Renshaw and Wallace 1997: 146). Further, the short time-span constitutes a formal constraint (Tallberg 2003: 4).

A further argument behind the 'honest broker' conception was the largely un-reformed existence of the rotating Presidency, which was seen as evidence that sanctions for pursuing national interests have not been needed (Bunse 2009: 43–44). However, as reviewed in the introduction, over the last 10-15 years scholars have increasingly started nuancing our understanding of the Presidency, thus mirroring the time in which the Presidency was reformed. This research, which generally draws on new institutionalism, started questioning the conception of the 'honest broker' by considering the Presidency's informal powers and scope for influence (Bunse 2009; Elgström 2003a; Tallberg 2003; Tallberg 2006b). More recently, researchers have started exploring how Presidencies coordinate through the trio arrangement, thus exploring continuity (Batory and Puetter 2013; Jensen and Nedergaard 2014; Vieira and Lange 2012). Chapter 3, which develops this thesis' conceptual framework, draws on this newer wave of literature on the Presidency.

The thesis has hereby clarified the EU's institutional machinery and discussed the Council Presidency's role therein. The next section elaborates the evolution of EU sport policy, the development of which elucidates the dynamics of the EU as a political system.

2.2.   The emergence of EU sport policy

As established above, the EU operates under a system of conferred competences. Hence, the EU "shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein" (TFEU 2010: article 5.2). Until the ratification of the Lisbon Treaty in 2009 no article cited sport as a competence of the EU. Accordingly, no direct sport competence existed. It is a paradox, then, that since the 1970s the EU has dealt, quite regularly, with sport related issues. Analyses of the emergence and evolution of EU sport policy all try to explain this paradox (Barani 2005; Barani 2007; García 2007a; García 2008; García and Weatherill 2012; Parrish 2003a; Parrish 2003b). Drawing on this literature, this section (succinctly) describes the genesis and evolution of EU sport policy.

2.2.1.   Pre-*Bosman*

According to García (2007a), EU sport policy has been shaped by two different groups of decisions. Firstly, there has been an overarching debate on how sport should be treated by the European institutions. Secondly, EU sport policy has been shaped by various Commission decisions and rulings of the Court of Justice of the European Union (CJEU). From the 1970's and onwards European institutions were required to assess, usually at the request of third parties, whether certain rules adopted by sport governing bodies were in line with EU law. In its first ruling on sport, *Walrave and Koch* (CJEU 1974), the Court set the precedence for 'the specificity of sport' by making it clear that the "practice of sport is subject to Community law only in so far as it constitutes an economic activity" (CJEU 1974: paragraph 4). Despite such rulings, before the mid-1990s the EU institutions showed little interest in sport. The Commission took a "contradictory" approach (Parrish 2003b: 252) in the sense that it did not pursue action against football governing bodies despite claiming that the restrictions highlighted by the Court in cases like *Donà* (CJEU 1976) should be lifted. Rather, the Commission preferred to reach a negotiated solution (García 2007a: 5). Nor were the Member States particularly interested in sport except for the issue of doping (Council 1990; Council 1991; Council 1992). The European Parliament (1994) too was interested in doping but, in general, was more interested in locating a European dimension to sport than safeguarding the freedom of movement (García 2007a: 5).

2.2.2.   Bosman changes everything

The notorious 1995 *Bosman* ruling (CJEU 1995), however, changed everything. In *Bosman*, the Court found in favour of the plaintiff, football player Jean-Marc Bosman, who raised a case on the basis of the provisions on freedom of movement within the EU, in particular, restrictions and contracts which prevented football players from moving to a new club at the end of their contracts (García 2007b: 208–209). *Bosman* gave impetus to the Commission, specifically Directorate General (DG) Competition, which in the aftermath of *Bosman* took a tougher regulatory approach against sporting bodies. DG Competition started legal proceedings in a number of high profile cases against governing bodies such as Union of European Football Associations (UEFA) and Fédération Internationale de Football Association (FIFA). All cases were settled after negotiations, and hence no sanctions or formal decisions by the Commission were necessary (García 2007a: 6).

The most obvious and, indeed, notorious consequence of the *Bosman* ruling was that it led to the abolition of the old football transfer system and the existence of (intra-EU) nationality quotas in

European club competitions (García 2007b). This largely economic framing of sport by the Commission and the CJEU also led to a politicisation of EU sport policy; it became a source of political conflict and a permanent fixture on the EU agenda. García (2007a) and Parrish (2003b) highlight different elements in order to explain this.

For Parrish (2003b: 253), this initial post-*Bosman* period between EU competition law and sport was characterised by "confusion and legal uncertainty". The fact that the EU only seemed to acknowledge sport in economic terms attracted wide criticism. Parrish relates this to the larger developments within the EU, namely the EU's attempt to present a more 'human face' to citizens:

> The essentially economic approach to sport adopted by the EU sat uncomfortably with the general theme of a people's Europe [...] Accordingly, a body of opinion emerged within the EU seeking to give the socio-cultural and integrationist qualities of sport a higher priority and for sport to be afforded a higher level of protection from EU law" (Parrish 2003b: 253).

García (2007a: 6) highlights contextual factors when explaining why *Bosman* provoked such a different response than earlier cases. Thus, the state of football was vastly different in 1995 than the 1970's owing to the influx of money from television broadcasting. The commercialisation of sport contributed to the Commission's taking up the issue. Further, *Bosman* commanded attention owing to the popularity of the affected sport (football), which hence saw the media, the public and policy-makers take notice.

2.2.3.   Convention on the Future of Europe and the Treaty of Lisbon

The *Bosman* ruling and the Commission's investigations came as a shock to the governing bodies of sport (García 2007a: 6). As Chappelet (2010) notes, sporting bodies in Europe emerged as non-profit organisations in the late 19th century and claimed responsibility for codifying sporting rules and organising competitions. Due to national legislation guaranteeing the freedom of association, sport's governing bodies, clubs and Olympic committees were allowed to develop independently of public authorities and "operated in virtually complete independence of local and national government and were self-regulating, while sport itself was becoming an increasingly important sociocultural and economic sector" (Chappelet 2010: 7). It is within this context that the historical significance of the Commission's assertive post-*Bosman* regulatory activity stands out: sporting bodies perceived this as an intrusion on their autonomy (Chappelet 2010: 7).

Sport governing bodies felt obliged to engage with the EU to "redress the situation created after Bosman and the high-profile Commission investigations" (García 2007a: 6). Specifically, they wanted to scale back the regulatory activity of the Commission and, by way of Treaty revision, introduce provisions enabling a softer application of EU law to sport and ideally a complete exemption from it (García 2007a: 6–7). Achieving these goals, however, proved difficult. As García and Weatherill (2012: 242) point out, judgments of the Court which interpret the provisions laid down in the Treaties are difficult to alter for formal and temporal reasons, e.g. how such political agreements must be reached unanimously by the Member States and how such consensus must be reached at a specific time, namely during times of Treaty revision. Court judgements have yet to be set aside in this manner.

Having failed to convince the Court and the Commission of their case for complete exemption from the application of EU law in the immediate aftermath of *Bosman*, the governing bodies of sport resorted to a different form of influence by way of politicising an issue which had, thus far, been a legal and regulatory affair (García and Weatherill 2012: 242; Parrish 2003a: Chap. 6). Thus the sporting movement began a lobbying campaign aimed at sport gaining Treaty recognition or, as aptly put by García & Weatherill (2012: 238), began "engaging with the EU in order to minimise its impact".

The lobbying campaign of the sporting movement has generally been structured around two main concepts: specificity and autonomy (García 2007a: 7). *Specificity,* broadly speaking, refers to sport having inherent characteristics as a social and economic activity which justify and require a tailored application (and ideally exemption) to EU law and policies. One example would be the necessity for 'balanced competition', as recognised in *Bosman* , i.e. that rules aimed at maintaining sporting balance should be deemed compatible with EU law (CJEU 1995: 103). *Autonomy*, on the other hand, has been more clearly defined and refers to the idea that sport, as a civil society movement, emerged on the margins of public regulation and, therefore, should remain self-governed.

As García & Weatherill (2012: 242–243) show, the sporting bodies initiated an intensive lobbying strategy to promote these two ideas which took account of (a) the multi-level nature of the EU, (b) their resources in Brussels and especially (c) their contacts at the national level through federations and national Olympic committees. The impact of the lobbying campaign became clear as the European Council took an interest in sport and decided to intervene on the sporting bodies' behalf. The result was a series of 'soft' declarations that affected how sport was framed on the EU agenda. The European Council thus attached a legally non-binding but no less politically

important Declaration 29 on Sport to the Amsterdam Treaty (European Council 1997). In the brief Declaration the Member States emphasised "the social significance of sport, in particular its role in forging identity and bringing people together" and called on "the bodies of the European Union to listen to sport associations when important questions affecting sport are at issue".

In the aftermath of the Amsterdam Declaration on Sport, the newly established Commission Sport Unit, set up within the Commission's Directorate General Education and Culture (DG EAC), emerged as the key actor in striking a balance between the commercial aspects of sport and showing more attention to the specificity of sport (García 2007a: 7; Parrish 2003a: 178). The Sport Unit initiated a process of dialogue and consultation with the sport world and, at the behest of the European Council, adopted the so-called Helsinki Report on Sport in 1999 (European Commission 1999b). The Report presents a general view of a suitable EU sport policy, the key concept of which is "partnership" between the various levels (García 2007a: 7).

Following this Report, the European Council adopted the Treaty of Nice in 2000, which included a Declaration on Sport in the Presidency Conclusions of the summit (European Council 2000b). The Declaration is symptomatic of the rising importance of sport on the EU political agenda, and in which the EU institutions are invited to "take account of the social, educational and cultural functions inherent in sport" (European Council 2000b). As non-binding declarations, these declarations of the European Council did not subvert the application of the fundamental treaty rules to sport, but nevertheless helped re-frame the issue of sport from being seen (by EU institutions) as a primarily economic activity to being considered as a socio-cultural activity. The actors crucial to this were the European Council, the Commission's DG EAC and various sport governing bodies (García 2007a: 7).

Sporting bodies played an important, if largely hidden and informal, role through the negotiation stages of the Convention on the Future of Europe to the eventual Lisbon Treaty. In this process the sport bodies were *successful* in securing a recognition of sport's special character yet *failed* to secure a full legal exemption for sport (García and Weatherill 2012: 246). A number of García and Weatherill's (2012) findings should be emphasised. Firstly, sport's inclusion was not a 'given' thing and at certain stages sport was not included in initial drafts. Thus, the sport organisations were complemented by European sport ministers lobbying their own governments for sport acquiring a treaty base, supported by the European Commission's Sport Unit and the efforts of then Education and Culture Commissioner Vivienne Reding (in charge of sport). Secondly, García and Weatherill (2012) highlight the role played by various Presidencies in the process. Indeed, the recognition of 'the specificity of sport' was largely a result of the sporting movement

having an 'insider' in the Italian Presidency of 2003, which supports the important role played by the Presidency in EU policy-making in general (Tallberg 2006b) and especially during times of Treaty revision (Beach 2005).

Article 165 TFEU ultimately reflects a typical EU compromise between, on the one hand, the text agreed by the EU sport ministers with the sporting bodies and, on the other, the text as envisioned by the Commission, who felt that an initial draft of the text "gave too much space to sports organizations" (Commission official, cited in García and Weatherill 2012: 246). While the Commission was formally powerless to resist a Treaty amendment, there was also no political desire amongst Member States to pursue a radical modification of the Treaty, and hence the Commission's legal and political preferences carried a lot of weight with the sport ministers. The text was eventually re-drafted to a wording more in tune with the Commission's preferences. Accordingly, the next section concludes this chapter by taking a closer look at EU sport policy's foundational article, Article 165 TFEU.

2.3.   Conclusions

By ratifying the Lisbon Treaty in 2009 the Member States have formalised a policy activity which had for decades been carried out informally, mostly through regulatory activity and occasional 'positive' measures initiated on the basis of other competences. This concluding section serves three functions. First, it sets out the basic wording of Article 165 TFEU. Second, it dissects the formal features of Article 165 TFEU. By doing so, it brings forth the key insights of this chapter by considering EU sport policy's foundational article in relation to the larger EU system. Three, these observations will inform the methodology of this thesis in terms guiding the selection of dossiers to be analysed (see chapter 4).

The first thing to notice about Article 165 TFEU is that it explicitly recognises the 'specificity of sport' by inviting the EU to "contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function" (TFEU 165:1). Whilst the explicit recognition of sport's specificity is interesting from a regulatory perspective (see García and Weatherill 2012: 251), it also carries with it political implications, namely that policies should be sensitive to sporting stakeholders. This ties together with one of the few specific goals stated in Article 165 TFEU, namely the obligation to promote "cooperation between bodies responsible for sports" (TFEU 165:2). The Council's stakeholder relations are studied in chapter 5.

The next thing to note is that, within the EU's system of conferred competences, Article 165 TFEU represents the lowest possible level. In policy areas like sport, education and public health, EU actions should (only) "support, coordinate or supplement the actions of the Member States" (TFEU: Article 6), hence "excluding any harmonisation of the laws and regulations of the Member States" (TFEU: Article 19:2). In other words certain types of decisions are legally excluded in sport, specifically harmonising regulations and directives.

If harmonisation is excluded, what does Article 165 TFEU permit? Article 165 (4) TFEU formally allows the EU take two specific kinds of actions:

- creates a legislative competence allowing for "incentive measures" following the ordinary legislative procedure;
- allows for the Council to adopt recommendations, adopted by the Council via qualified majority voting (QMV) based on a proposal from the Commission;

In other words, Article 165 TFEU creates a legislative competence in sport and allows for a budget to be dedicated to sport. In the past the Commission has had to make creative use of EU competencies in order to justify actions in sport (Bogaert and Vermeersch 2006: 2). For instance, when the EP and the Council established 2004 as the 'European Year of Education through Sport' this was justified on the basis of the EU's education competence (European Parliament & Council 2003). Because there is now a formal competence there is less need to be as imaginative when trying to find an appropriate legal base for actions; sporting actions can be *direct*. The dynamics of adopting "incentive measures" in sport are studied in chapter 6, whereas chapter 8 focuses on Council recommendations. As noted above, the EU makes use of a number of different kinds of legislation, not all which directly relate to the process of adopting those two types of dossiers. As will become clear in the empirical chapters that follow, EU sport policy cannot be reduced to these kinds of legislation and activities alone.

Lastly, what should the goals of this 'direct' post-Lisbon sport policy be? Article 165 TFEU provides some relatively vague guidelines. Specifically, EU action shall be aimed at:

> developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen (TFEU 165:2).

Seen in the context of EU sport policy's history this paragraph is loaded with meaning, though a few observations will suffice here. First, "developing" is a modest goal, indicative of sport's

status as supporting competence. Second, sport policy is clearly framed as being concerned with 'grassroots' rather than 'professional' sport by privileging the "youngest sportsmen and sportswomen". It is further important to note that the implementation of sport policy started before Article 165 TFEU came into force. During the mid-2000s a number of Commission working groups were set up, and whose work has shaped post-Lisbon EU sport policy. A further key development has been the Commission's White Paper on Sport (2007b). Released in anticipation of sport acquiring treaty base the White Paper presents a number of 'Preparatory Actions' to be implemented. These actions, and EU sport policy as such, are conceptualised as dealing with three themes, namely: (1) the societal role of sport; (2) its economic dimension; (3) and its organisation. These Preparatory Actions led to the creation of a limited funding scheme centred on 'European Partnership on Sports', which generally aim to "support transnational projects put forward by public bodies or not for profit organisations in order to identify and test suitable networks and good practices in the field of sport" (European Commission 2012a: 1). In most of the dossiers studied in this thesis, these pre-Lisbon initiatives have played an important role in the framing of issues.

Having explained the Council's role in the EU system, how sport historically developed within the EU, and discussed sport policy's foundational article, this chapter has provided the essential information necessary to understand the remainder of this thesis. The next chapter presents this thesis' conceptual framework.

Chapter 3. Conceptualising and theorising EU policy-making

Having laid out the essential contextual information for understanding the remainder of the thesis, this chapter now turns to how EU policy-making can be grasped conceptually. The main theoretical foundations of this thesis are agenda-setting and new institutionalism (NI). From a meta-theoretical standpoint, the thesis adopts a domain-of-application approach (Jupille *et al.* 2003) where the purpose is to provide a comprehensive explanation of an empirical process and/or phenomenon by drawing on theories with different 'home domains' and complementary strengths (Tallberg 2010: 637). Unlike the approach of, say, competitive testing, the domain-of-application approach departs from the assumption that all theories have scope conditions and seeks to specify the respective home domains of theories and to identify the ways in which they may complement each other in explaining the larger empirical picture (Jupille *et al.* 2003: 21–23; Tallberg 2010: 637–638).

In drawing on agenda-setting theory and NI, the goal is therefore not to synthesise these theories to one grand model but to exploit their respective advantages as autonomous, yet complementary, theoretical constructs. As will be argued, agenda-setting serves as a useful framework for analysing EU policy-making as a dynamic inter-institutional process – it provides a 'macro' perspective. However, it is also contended that NI provides complementary insights for understanding the dynamics at play within the Council; its 'internal politics' (Christiansen 2001: 247). NI then helps conceptualise the Presidency's hybrid character and the dynamics at play within trios, and asks how informal and formal institutions may guide behaviour. It thus provides a complementary 'micro' perspective. As elaborated below, this complementarity stems especially from the preeminent role that institutional constraints play in agenda-setting theory (Princen 2007).

Accordingly, this chapter's first section briefly discusses EU sport policy literature in relation to the larger theoretical discussions within EU studies. The second and third sections then outline the conceptual framework based on agenda-setting and new institutionalism, before bringing these together in the concluding fourth section.

3.1. Explaining EU sport policy and European integration

Before elaborating this conceptual framework it is useful to discuss the EU sport policy literature and how this thesis inscribes itself within it. By virtue of being a young academic field, EU sport policy studies do not reflect the traditional theoretical division between intergovernmentalism and neofunctionalism which dominated EU studies until the early 1990s (see Rosamond 2000). Students of EU now tend to apply a broad range of mid-level theories to study certain processes rather than seeking to capture the grand trajectory of European integration (Hix 2007: 142). Scholarship of EU sport policy illustrates these developments. As Meier (2009) argues, both of the 'classical' theoretical orientations within EU studies, neofunctionalism and intergovernmentalism, can account for the development of EU sport policy, but neither does so convincingly.

Classical neofunctionalism (e.g. Haas 1958; Lindberg 1963) understands European integration as a process initiated by political and economic elites who are aware that substantial problems can no longer sufficiently be dealt with at the national level. Hence, these elites pressure for transfer of authority to supranational organisations (like the EU). Once competencies are transferred a self-reinforcing dynamic of spill-over is initiated. In this process supranational institutions become the main political arenas and loyalties will shift to the European level; interest groups, recognising the benefits of integration, become advocates of further integration. Accordingly, Member States are not in complete control of the integration process (Meier 2009: 10–11). EU sport policy seems, superficially at least, a prime example of spill-over of EU law into a policy domain not envisioned or intended by the Member States. Nor did the EU institutions, as García (2007a) argues, get involved in sport on their own volition but rather as a result of the powers conferred to them to regulate the Single Market, just as the *Bosman* ruling led to regulatory spill-over (Meier 2009: 11–13).

Nevertheless, the case of sport also contradicts neofunctionalist claims. It is hard to discern the expected self-reinforcing dynamic as technical spill-over did not necessarily translate into political spill-over; the Member States have continuously tried to limit this 'creeping competence' rather than actively support the development of an expansive EU sport policy (García 2008: 57–58). Further, if sporting bodies have increasingly turned their attention towards the EU-level, their objective has been to limit EU regulation (García and Weatherill 2012). Hence, EU sport policy leaves a "mixed impression" (Meier 2009: 13) from a neofunctionalist perspective.

Indeed, the rise of EU sport policy can also be explained in (liberal) intergovernmental terms (e.g. Moravcsik 1998). Intergovernmentalism stresses how Member States remain in control of the integration process and will only transfer jurisdiction to supranational institutions when it is in their own self-interest. An intergovernmental interpretation of EU sport policy is supported by the fact that even if Member States have not used treaty revision to deal with the implications of technical spill-over, the Member States have largely succeeded in taming further integration of sport by using soft-law to halt DG Competition's deregulatory agenda. Moreover, the fact that sport is only a 'supporting competence' and harmonisation is excluded supports such an interpretation. (Meier 2009: 18). What this rundown illustrates is that there exists no universally accepted theory of European integration. As is the case with most EU policies, it appears that "no single theory of European policy-making can account for the complex dynamics of formation of a European policy of sport" (Meier 2009: 31).

Scholarship on EU sport policy reflects larger tendencies within EU studies by being conceptually eclectic and by adopting a diverse range of mid-range theories. In his analysis of the evolution of EU football policy García (2008) combines multi-level governance and agenda-setting theory. Similarly, Parrish (2003a; 2003b) develops a framework which combines insights from multi-level governance, actor-centred institutionalism (Scharpf 1997) and the advocacy-coalition framework (Sabatier 1998; Sabatier and Weible 2007). EU sport policy has also been studied through frameworks such as globalisation (Boyes 2000), veto player theory (Meier and García 2013), principal-agent theory (Geeraert and Drieskens 2015), and the Comparative Institutional Framework (Barani 2007). Moreover, the field has recently been enriched by a number of studies that inscribe themselves in the "academic growth industry" (Olsen 2002: 921) of Europeanisation by exploring the impact of European integration on sport at the domestic level (e.g. Brand *et al.* 2012; Niemann *et al.* 2011; Sakka and Chatzigianni 2012). Considering the notoriety of the *Bosman* ruling and the largely regulatory nature of EU sport policy, the field has also been extensively studied by legal scholars who have examined, for instance, the 'sporting exception' in EU law (e.g. Bogusz *et al.* 2007; Caiger and Gardiner 2000; Parrish and Miettinen 2008).

Mapped in this diverse conceptual matrix, the approach adopted here can best be considered a continuation of the work done by Parrish (2003a; 2003b) and García (2007a; 2008) in the sense that this thesis' appropriation of agenda-setting as the way of conceptualising the EU's policy process is inspired by García but, like Parrish, the thesis strengthens this framework by way of further (new) institutional awareness. Parrish and García's studies convincingly explain the

emergence of EU sport policy and investigate the puzzle of European integration and policy area formation. Their studies provide invaluable insight into the dynamics and conflicts at play in the policy area of sport. Nevertheless the objective, focus and research questions informing this thesis are fundamentally different.

This re-orientation is temporal in nature. This thesis represents a move from Parrish (2003a; 2003b) and García's (2007a; 2008) long-term temporal studies of 'competence creeping' to a focus on short-term policy-making. Consequently, the conceptual approach adopted here differs. As noted above, Parrish (2003b: 247) develops a conceptual framework based on a combination of actor-centred institutionalism and the advocacy-coalition framework. While broadly sharing Parrish's institutionalist perspective, this thesis opts for EU agenda-setting theory (e.g. Princen 2007) as the way of conceptualising the policy process. Chiefly, this is a consequence of research design. One of the major tenets of the advocacy-coalition framework is that policy change must be studied over a time-frame of at least a decade (Sabatier 1998: 99; Sabatier and Weible 2007: 192). While not a-historical or averse to contextualisation, this thesis does not intend the sort of longitudinal study inherent in the advocacy-coalition framework. Here it is posited that agenda-setting provides a more flexible framework. Secondly, as argued by García (2007a: 3), agenda-setting allows for more flexibility in the analysis of actor behaviour and preferences as each actor is considered individually. This is particularly important considering this thesis focuses on the trio arrangement in which, on the one hand, Member States take the 'lead' of the Council and how, on the other hand, the trio mechanism makes each Member State part of a team.

In conclusion, if studies on EU and sport have mainly attempted to show *how* and *why* the EU became involved in sport, the outlook of the present research is different as it takes EU involvement in sport as a starting point, which is not to say that the research is disinterested in the past. Rather, by focusing on EU sport policy in the aftermath of the coming into force of the Lisbon Treaty, this research will explore the process of policy-area formalisation; that is, it will study the process of how the policies, rules and norms developed pre-Lisbon are either continued or re-thought in the aftermath of becoming an formal competence. Below this thesis' utilisation of agenda-setting and NI is elaborated, starting with agenda-setting.

3.2. Agenda-setting

Agenda-setting is the conceptual framework used to grasp the EU's policy process. As argued in the following section on NI, one of the Council Presidency's main sources of potential power lies in shaping the Council's agenda. The Council, however, is not the only actor involved in EU

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policy-making, and agenda-setting provides a useful conceptual framework to capture the EU's broader policy process. Accordingly, this section describes the theoretical and conceptual underpinnings of agenda-setting theory.

Agenda-setting theory and concepts were primarily developed in the context of US politics and have only recently been incorporated into EU studies. The main theoretical engine behind this research agenda has been Sebastiaan Princen, who has endeavoured to develop this framework through a monograph (Princen 2009) and a number of articles (Princen 2007; Princen 2011a; Princen 2011b; Princen 2012; Princen 2013; Princen and Rhinard 2006). Simultaneously, an ever rising number of case studies of how specific issues have come onto the EU's political agenda have emerged (Ackrill and Kay 2011; Bache 2013; García 2007a; Kaunert and Léonard 2012; Moschella 2011; Stephenson 2012; Vanhoonacker and Pomorska 2013), generally working within the tradition of Kingdon (1995) or Baumgartner and Jones (1993).

The term 'agenda' can succinctly be defined as "the set of issues that receive serious consideration in a political system" (Princen 2009: 19). Agenda-setting must be conceived as a highly political process in which political actors seek to bring issues on the agenda or re-define issues already on the agenda, whereas others will fight to defend the status quo (Princen 2007: 21). 'Agenda-setting' then refers to a specific conceptualisation of the policy process rather than merely one stage of it. In particular, the agenda-setting framework presented here draws heavily on the work of Princen, whose main theoretical underpinning is punctuated equilibrium theory (PET) as developed by Baumgartner and Jones (1993).

PET starts from the observation that policy-making is often characterised by long periods of stability punctuated by brief periods of radical change. In the aftermath of radical change, policy-making will revert to a state of equilibrium, albeit a different equilibrium than before the radical instance of change occurred. A basic contention of PET is that equilibrium and change are both part of the same process of policy-making and stem from the same policy dynamics (Princen 2013: 854). This pattern of stability-with-radical-change is explained through the central concept of attention (or 'visibility'), thus building on canonical agenda-setting literature (Cobb *et al.* 1976; Cobb and Elder 1972; Kingdon 1995; Schattschneider 1961). It is hence assumed that policy-makers have limited attentions spans and can only process a limited set of issues (or aspects of issues) at the same time. These cognitive limitations are reinforced by institutional factors, especially how governments tend to be organised according to functional lines, making them slow to respond to indicators beyond their direct institutional remit. Cognitive limitations of policy-makers and institutional factors lend themselves to stability and incremental policy-making.

Yet this pattern is broken when attention invariably shifts from one issue (or aspect of an issue) to another, which may happen because of a 'focusing event' (Kingdon 1995) or if pressure on a policy programme reaches a particularly high threshold level. Accordingly, radical change occurs *because* some issues and negative consequences of existing policies are ignored in periods of policy stability – stability and radical change are linked (Princen 2013: 855).

Building on these general considerations, a range of related concepts have been developed to further elucidate the process of punctuated equilibrium and the way by which actors may seek to change or preserve agenda *status quo*. Before these can be elaborated, however, 'agenda' needs to be more fully defined.

3.2.1. Agenda-setting as a political process

The key move in agenda-setting is identifying 'issues' with 'conflict'. Issues are often identified in terms of topics such as 'unemployment' or 'global warming' but *topics* only become *issues* if political actors disagree on how to deal with them (Princen 2009: 22). "Serious consideration" denotes that agendas are about attention or "visibility", the latter which can be described as the number of political participants that are aware of a problem and its possible consequences (Cobb and Elder 1972: 43; García 2007a: 4; Robinson 2000: 17). The political struggle of agenda-setting concerns pushing issues up or down the agenda (Princen 2009: 21; Tallberg 2003: 6). 'Serious attention' and 'visibility' implies that it is always a matter of degree; 'on' or 'off' the agenda is too simplistic.

One last part of the definition needs explanation, namely the "in a political system". Who gives this attention? The literature usually groups the agenda in three: the public, media, and political agenda (Dearing and Rogers 1996: 5; Princen 2009: 21ff). The *public agenda* consists of issues that are seriously considered by 'the people', i.e. the general electorate. The *media agenda* refers to the issues covered in the media while the *political* agenda concerns the issues that policy makers are talking about and/or working on. US studies of agenda-setting, however, tend not to consider each one individually but try to map "the interrelationships among these three elements" (Dearing and Rogers 1996: 5).

Here, agenda-setting needs to be adapted due the EU's nature as a polity. EU agenda-setting studies tend to empirically focus exclusively on researching the political agenda, as does this thesis. EU agenda-setting is best seen as a covert process taking place away from the public eye. As Princen argues, the lack of a genuine European public sphere makes EU policy dynamics and processes much "less likely to be affected by public mobilisation" (Princen 2007: 31). The result

is that "political-public agenda dynamics [are] therefore less relevant in an EU context than it might be in other polities" (Princen and Rhinard 2006: 1121). The key move in applying agenda-setting to the EU is then to place one's focus firmly on the political agenda when researching agenda dynamics (García 2008: 61).

When studying the political agenda it is, as pointed out by Kingdon (1995: 4) and Peters (1994: 11), analytically useful to distinguish between the 'systemic agenda' and the 'decision agenda'. The *systemic agenda* includes the issues that are being discussed in policy-making institutions. Such issues are being considered but not yet in terms of actual decision-making situations. In the EU, we can conceive elements of the systemic agenda appropriately broadly, ranging from issues being discussed in the EP's parliamentary assembly to 18-month trio programmes (see Table 3).

Table 3: Elements of the systemic and decision agendas

Systemic agenda	*Decision agenda*
Issues discussed in EP committees	Texts up for voiiting in EP
Commission communications	Commission proposals
Council multiannual work programmes	Expert group deliverables
6-month Council Presidency programmes	Presidency draft proposals
18-month trio programmes	Working Party/COREPER drafts

The formal *decision agenda* goes one step further as it includes the issues on which a decision is set to be taken. These include specific proposals up for voting in the EP; Commission proposals; and proposals that move though the Council framework (expert group deliverables, Presidency drafts, working party, COREPER) and ultimately make it all the way to being agenda items at ministerial meetings, all of which can be seen as examples of issues on the decision agenda.

In distinguishing between the systemic agenda and the decision agenda, it is useful to consider Peters' (2001) conceptualisation of EU agenda-setting. Peters (2001: 82ff) points out that EU agenda-setting dynamics are influenced by the characteristics of the EU's political system. Factors such as the EU's fragmented decision-making system, its multiple arenas of influence and the absence of clear coordination and system of multi-level governance make it quite different from national polities. Such institutional features make "the European Union the prospective agenda-setter's paradise" (Peters 2001: 87) because of its multiple independent points of access. This openness means it is fairly easy for an issue to reach the systemic EU agenda but also harder to reach the decision agenda. This open system and hence broad systemic agenda makes EU agenda-setting a very competitive and political process. EU agenda-setting,

then, is much more than the simple decision of whether or not to take up an issue and should be considered a cumulative process (Peters 2001: 78) with a number of sub-processes occurring (García 2008: 61). Again: "on" and "off" the agenda is too simplistic (Princen 2007: 28). How can this process be grasped?

Princen (2007: 29) argues that agenda dynamics in the EU are best understood via the interrelated dynamics of three concepts: conflict expansion, issue definition (framing) and institutional constraints. Though Princen does not say so directly, conflict expansion may be considered as the dependent variable, whereas issue framing and institutional constraints represent the independent variables in the agenda-setting process. These three concepts are now discussed, starting with conflict expansion.

3.2.2. Conflict expansion and high/low politics

In agenda-setting literature the process of agenda-setting tends to be explained through the prism of conflict expansion. The idea behind conflict expansion from a potential agenda-setter's point-of-view is that there is a higher probability of reaching the political agenda if the issue attracts the attention of a large number of participants; if the issue gains visibility and receives *serious consideration* by policy makers. Analytically, conflict expansion concerns the way in which issues reach a high agenda-status by increasing the number of participants who care about a given issue. Getting more people involved may, however, alter the balance of support compared to the initial participants which may be seen as either an advantage or a disadvantage depending on the actor's relationship to the *status quo*. The most traditional route of conflict expansion is from a small circle of experts to the 'public at large' (Princen 2007: 29).

This is generally not the way conflict expansion works in the EU. While conflict expansion is crucial in EU agenda-setting, this does not necessarily entail public mobilisation (Moschella 2011: 255). Instead, conflict expansion in the EU is *possible* and *important* because of the complexity of the EU's institutional structure; that is, Peters' (2001) above mentioned points on the EU's multi-institutional mode of decision-making, its lack of institutional hierarchy, diffused power and multiple access points. Successful agenda-setting onto the EU's formal decision agenda "requires a considerable degree of consensus among important actors" (Princen 2007: 33). The multi-institutional nature of EU and its difficult decision-making rules requires an even larger degree of consensus than in most political systems. Getting an issue high on the EU's agenda (i.e. gaining visibility) revolves around negotiating this complicated institutional landscape and

expanding the conflict to a wider (and the right) circle of participants, as issues considered by a larger number of actors and EU institutions are more likely to reach the formal agenda.

How, then, are conflicts expanded in the EU? Here insights from US agenda-setting literature can be appropriated to the EU. Cobb *et al.* (1976) identify three types of conflict expansion, three 'issue careers'. In the 'outside initiative' model, issues arise outside of decision-making arenas and are then moved on to the formal political agenda. In the 'mobilization model', issues are initiated by decision-makers who then try to expand them to the broader public. Finally, in the 'inside initiative' model issues arise within government and are not expanded beyond the sphere of decision-makers. These models have distinct dynamics and go through four stages: initiation, specification, expansion, and entrance (Cobb *et al.* 1976: 127ff). Following Princen and Rhinard (2006), this model can be adapted to the EU by building on the classical distinction between 'high politics' and 'low politics', creating two different ideal-type 'routes' that can be traced analytically as issues move though the EU agenda. Each of these routes has characteristic processes: one is political, the other technocratic (see Table 4, below).

Table 4: High and low politics in the EU

Stage in issue career	High politics route	Low politics route
Initiation	By political leaders due to politically salient event	Out of professional concerns in epistemic communities
Specification	Formulation of political consensus on an EU response in the European Council	Formulation of specific and technical policy proposals in expert groups and working parties
Expansion	Towards lower levels of decision-making in the EU	Towards higher levels of decision-making in the EU
Entrance	Creating political momentum	Gradually building impetus

Source: Adapted from Princen and Rhinard (2006: 1122)

Issue initiation concerns how issues are created and enter the systemic agenda. In the high politics route issue initiation is driven by high-ranking political figures, typically assembled in the European Council, and is placed on the agenda because of a shared problem, often highlighted by a symbolic 'focusing event'. In the low politics route issues arise out of professional concerns in 'epistemic communities'. *Issue specification* is the elaboration of a general issue into specific demands (i.e. proposals). In the high politics route the European Council will typically limit itself to defining broad outlines of a common approach, leaving details for lower levels. In the low politics route Commission working groups or Council working parties will seek to formulate

specific, technically sound proposals. *Issue expansion* concerns the way issues are moved beyond initial actors in specific venues to a wider set of participants. In the high politics route, issue expansion takes place from the European Council to the lower level institutions that have the power to adopt formal decisions such as the Council of Ministers, the EP and the Commission. In the low politics route it takes place towards higher level institutions that eventually have to decide on proposals. *Issue entrance* occurs when an issue finally gains access to the formal decision agenda of EU decision-makers (Princen and Rhinard 2006: 1120–1122).

Both processes present distinct opportunities and risks. In the high politics route the main opportunity is that political and institutional inertia may be overcome by creating political impetus. The main risk is that inertia may return if attention shifts. The opportunity in the low politics route lies in creating a self-sustaining dynamic, and the risk that issues may be blocked or 'hijacked' afterwards. Regardless, they constitute ideal-typical paths that typically do not occur in pure form. Indeed, an issue may be initiated at the intermediate level, fall down the agenda-ladder for a while only to be taken up the at 'low' level of working group or the 'high' level of political leaders in the face new developments (Princen and Rhinard 2006: 1122–1123).

3.2.3. Framing

Thus, an analysis of EU agenda-setting should identify how issues enter the systemic agenda and the 'route' through which it moves while being promoted or demoted on the agenda. It should be noted, though, that it is seldom useful to trace the exact 'origin' of an issue or proposal since it is almost impossible to identify one prime 'source' to any idea (Kingdon 1995: 71ff). As Princen (2007: 23) argues, it is therefore more useful to look at the factors that can account for the rise of issues on the agenda, specifically the process of how coalitions are formed around certain proposals and how issues are *framed* while being promoted on the agenda.

The key element in conflict expansion is how an issue is defined or 'framed' – how the link between *solutions* and *problems* are made (Princen 2007: 30). Framing refers to the way issues are defined (or re-defined) while being promoted on to the agenda, through which the "line between proponents and opponents of a proposal may be drawn differently" (Princen 2007: 30). Issue definition is important because it may not only impact the possibilities of reaching the agenda – by expanding the conflict and raising visibility – but also because framing an issue a certain way will also influence which "set of decision-making institutions will process the issue" and therefore "to some extent determine its fate" (Peters 2001: 78).

When considering framing, it is further useful to recall Kingdon's distinction between a 'condition' and a 'problem'. Conditions are present in everyday life and can conceivably be anything: "pestilence, poverty, fanaticism" (Kingdon 1995: 109). But *conditions* only become *problems* "when it is believed that something should be done about them" (Kingdon 1995: 109). Problems have two sides: one, their actual social conditions; and two, a perceptual, interpretive element (Kingdon 1995: 109–110). This is echoed by Princen (2007: 30) who argues that successful framing strategies depend on (a) whether the link between *problem* and *solution* can be made convincingly and (b) political 'events' that may shift balance of power in the polity (Princen 2007: 30).

Thus, issues are more likely to gain agenda entrance (or be promoted more highly on the agenda) if there are perceived to be suitable, viable solutions to dealing with the problem available. In other words it is not enough to highlight a problem – that something *should* be done – but also to show that something *can* be done. While actors can argumentatively raise the visibility of an issue through framing, sometimes 'focusing events' may also trigger a change in problem perception, where examples include changes in governments, elections, and external crises or focusing events (Princen 2007: 30). Examples of external crises from EU sport policy include how the 'Festina scandal' in professional road cycling, which raised the profile of the issue of anti-doping in the late 1990s and paved the way for creating an EU anti-doping policy (see chapters 7 and 8). As regards to governmental changes that may shift the balance of power, examples include EU and domestic elections but, more importantly for this thesis, a change of Presidency can also potentially change the political balance insofar as Member States do not necessarily agree on what constitute the most pressing issues.

3.2.4.   Institutional constraints

Aside from issue framing, conflict expansion is also conditioned by institutional factors. Institutional constraints refer to the acknowledgment that "the rise of issues on the political agenda depends on the availability of institutionally favourable conditions within the political system" (Princen 2007: 30). Thus, if frames are important in agenda-setting processes they are only one side of the equation. The other side is formed by what Baumgartner and Jones (1993) call 'venues', the institutional forums in which political decisions are taken. Baumgartner and Jones subscribe to Schattschneider's (1961: 71) phrase that "organisation is the mobilisation of bias", meaning that institutional policy-making units tend to be more receptive to *some* issues than others. Each venue has its own key concerns and an issue is more likely to come on to the agenda if it is tied to those key concerns. The EU can be considered one venue but one can also

distinguish, as this thesis will, between different venues *within* the EU, such as the EP, the European Council, the various Council configurations, the COREPER, working parties, expert groups, the Commission and within the Commission its various compartments (DGs and units etc.) and so on.

The link between framing and institutions is central to Baumgartner and Jones' concept of 'venue shopping', which plays an important part in inducing change within PET. They argue that policy change often occurs when an actor succeeds in shifting debates and decision-making on an issue to new venues which are susceptible to different kinds of ideas. Venue shopping is a form of conflict expansion (see above); a way of 'punctuating the equilibrium'. The motivation behind conflict expansion, again, is that some participants may benefit from involving a wider circle of participants, since the balance of support in a wider circle is likely to be different than initially. The key element in venue shopping is the way the issue is framed: defining or re-defining an issue may draw the line between proponents and opponents of a proposal differently (Baumgartner and Jones 1993: 83ff). Thus, framing concerns how effectively actors link 'problems' and 'solutions'; constructing a frame that associates a given policy issue with certain values and symbols and, then, links to a particular venue (Princen 2007: 30).

So: agenda-setting recognises the importance of institutional bias and constraints. According to Princen (2009: 27–28; 2011b: 932ff), however, the structure of the EU also means its logic of conflict expansion and contraction is different than in 'traditional' (i.e. national) polities. Thus, EU agenda-setting should be seen as a combination of 'vertical' and 'horizontal' venue shopping.

EU sport policy is a prime example of both horizontal and vertical venue shopping. *Vertical* venue shopping is driven by the wish to move issues from the domestic level to the supranational level to find receptiveness to an issue and to widen the set of participants. Ultimately, the attractiveness of the EU as a policy venue depends on the instruments at its disposal, what it can 'do' for the actor. Shifting an issue to the EU level expands the conflict by involving participants from other countries, which may change how the issue is discussed but at the same time a shift from the national to the EU level may lead to a contraction of the conflict since public mobilization is more difficult and, arguably, less relevant (Princen 2007: 31–32). Thus, as described in chapter 2, sport policy initially came onto the EU agenda as a result of domestic actors (e.g. Jean-Marc Bosman) taking their case to the supranational level of the CJEU on the grounds of issues related to the internal market (free movement of professional footballers).

Horizontal venue shopping takes place between EU institutions. Again, EU sport policy exemplifies these dynamics (see chapter 2). Following the *Bosman* ruling, the governing bodies of sport were worried about EU regulation and its impact on their autonomy, and hence fought to shift the focus (i.e. re-frame) the issue to the socio-cultural aspects of sport; seeking a recognition of sport's 'specific characteristics' compared to other fields of economic activity, hoping to shield it from complete application of EU internal market and competition law. In order to bring about this, it venue-shopped, mobilising support from EU venues more susceptible to their concerns than the CJEU and the DG Competition had been, specifically the EP, the Commission's DG Education and Culture, the Commission's Sport Unit, and the European Council (on EU sport policy and venue-shopping, see: García and Meier 2012; Meier and García 2013).

Further, the supranational nature of the EU means that there is a unique tension in EU agenda-setting: issues in the EU have to be framed a certain way. Bringing issues and solutions onto the EU's agenda not only involves the nature of problems and solutions but also the *appropriateness* of the EU as the right level to deal with the issue (Princen 2007: 32). Firstly, there is the formal aspect of legal competence. Because the EU operates under a system of conferred competences (which sport recently gained) this means that the EU can only adopt policies if the EU Treaties explicitly recognise an issue-area. In addition, legal basis defines what types of action the EU may take (binding or non-binding legislation etc.). As discussed above in section 2.3., whilst the EU has been conferred a competence in sport, certain options are still legally excluded, such as harmonising regulation which, in turn, constrain the nature of issues/solutions that can be pursued. Secondly, the EU operates under the political principle of subsidiarity, i.e. that the EU can only deal with an issue if the issue cannot be dealt with (at least) equally well by the Member States. Although the subsidiarity principle is hard to enforce legally, it still constitutes a political hurdle (Princen 2011b: 930).

3.2.5.   Strategies of agenda-setting and agenda-exclusion

Thus, the goal in agenda-setting is to induce conflict expansion (dependent variable), something which is conditioned by issue framing and institutional constraints (independent variables). Based on these theoretical insights, Princen (2011b) developed a typology of agenda-setting strategies (see Table 5, below).

Essentially, this typology takes the concept of 'conflict expansion' and separates it into two challenges faced by agenda-setters, namely 'gaining attention' and 'building credibility'. To negotiate these challenges, actors may employ four generic strategies – mobilising support;

arousing interest; claiming authority; and building capacity – all of which imply affecting the agenda through issue-framing and venue-shopping/modification. Below, these four strategies are described.

Table 5: Agenda-setting strategies

Challenges	*Venue strategies*	*Framing strategies*
Gaining attention	Mobilising supporters	Arousing interest
Building credibility	Capacity-building	Claiming authority

Source: Adapted from Princen (2011b) and Vanhoonacker and Pomorska (2013)

Gaining attention

A key challenge when aiming to put an issue onto the EU agenda is to gain attention for it. The two main strategies concern controlling participation (mobilising support) or framing the topic (arousing interest).

Mobilising support concerns the involvement/exclusion of actors which may be attempted though various strategies, including venue-shopping horizontally (between different EU bodies) or vertically (e.g. national to supranational), as discussed above through the development of EU sport policy.

When mobilising supporters, success often depends on the way a problem is framed. Two options exist for *arousing interest*: a 'big words' or a 'small-step approach'. In the first, agenda-setters can link an issue to values considered central to the EU's purpose or 'identity' or by connecting issues with larger EU priorities (e.g. the Europe 2020 Strategy), a strategy adopted by various actors in EU sport when developing a policy on Health-Enhancing Physical Activity (see chapter 8). In other cases a small-step, technical approach may be preferred, which involves drawing attention to issues by such instruments as presenting studies, organising conferences or informal ministerial meetings. As explored in chapter 6, the issue of evidence-based policy-making in sport entered the agenda through the 2006 Austrian Presidency arousing interest through a study on sport's macroeconomic importance.

Building credibility

Considering there are numerous venues in which sporting issues may be discussed and dealt with – within and beyond the EU – it is paramount that the proposed venue is considered 'credible' in terms of its organisational capacities and legal competence.

Building capacity: capacity-building efforts focus especially on the Commission bureaucracy but does also takes place in other venues, examples including the formation of EP intergroups and Council working parties. Capacity-building, however, does not only take place within EU institutions since the Commission, the Council and interests groups themselves actively try to develop 'European' networks of experts and stakeholders, such as the annual 'EU sport forum' that connects sporting stakeholders and policy-makers.

Claiming authority involves framing an issue in 'EU terms'. For some issues this will require little effort, for instance if an issue has self-evident cross-border dimensions or can be directly tied to a conferred competence. For other issues/policy areas the connection may be more contested. Two general strategies exist: linking an issue to existing EU policies or identifying a 'common ground'. An example of the former is anti-doping which was framed in public health terms when came onto the EU agenda (Vermeersch 2006). An example of the latter is how the Commission launched the concept of a 'European model of sport' (European Commission 1998) as the first step to develop an EU-approach towards sport in the 'post-Bosman era' (García 2009).

These strategies are not mutually exclusive but can be combined. Moreover, the typology may serve an inverted purpose, namely to identify strategies for agenda blocking. For instance, as the mirror image of 'building credibility', actors may undermine (rather than build up) EU action by casting doubts about the EU's authority in a given field, for example by raising subsidiarity concerns (Princen 2011b: 939). This typology will be used to analyse and explain the respective dossiers in forthcoming chapters.

3.2.6. The promise and limitations of agenda-setting

This section has elaborated agenda-setting as a conceptual framework for analysing the EU policy process. In highlighting the inherent bias of various institutional venues within the EU, it has been shown how agenda-setting is institutionally aware. The agenda-setting framework presented here is deeply rooted in PET. A major strength of PET is that it is capable of explaining stability and change, incremental and radical policy-making (Houlihan 2014: 14–18). This is particular crucial in this case study, which takes its empirical starting point in the aftermath of one instance of radical change – sport becoming an official competence – and explores this new state of equilibrium. Another strength is the way it integrates cognitive and institutional factors in one framework; that is, how it combines ideational and institutionalist

accounts of policy-making by seeing them as two sides of the same complex and dynamic process structured around attention and visibility (Princen 2013: 865).

Nevertheless, agenda-setting also operates with a conception of institutional constraints that is too limited for the research aims of this research. Chiefly, this is related to this thesis' goal of exploring the trio arrangement. Considered in terms of relative domains of application, agenda-setting is especially suited to exploring *inter-institutional* policy processes; how issues gain entrance and move through the EU system – horizontally and vertically, from venue to venue – and by clarifying the underlying conditions by which issues may rise to the top of the agenda and the various strategies actors can use to achieve (or stop) this from happening.

Yet, it is argued that agenda-setting is also too limited in terms of explaining the *intra-institutional* politics and dynamics at work in the Council. Specifically, agenda-setting has a tendency to see institutional bias in a somewhat static way; the Sport Council is biased towards certain kinds of issues, the Agricultural Council susceptible to another set of concerns. Moreover, as pointed out by Moschella (2011: 254), Princen's approach to agenda-setting tends to see it as "a strategic choice by political actors to move issues to the EU level" (Princen 2007: 34). Here, new institutionalism can provide a different set of insights in which the Council Presidency is conceptualised as a more hybrid institution and where formal and informal norms shape its capacity to set, shape and structure the agenda. Specifically, new institutional literature on the Presidency, which draws on canonical agenda-setting work (i.e. Kingdon 1995), can provide numerous complementary insights, especially the way informal and formal institutions may shape how the arrangement is practised. The chapter now proceeds with an examination of the second set of concepts of importance for this thesis: those drawn from new institutionalism.

3.3. New institutionalism

This thesis adopts a new institutional perspective to complement the conceptual framework of agenda-setting. "Perspective" is a deliberately vague word in the sense that new institutionalism (NI) is not a theory *per se*. It is a middle-range theoretical approach that offers a more modest starting point: a methodology for research and a of way generating orientations and fresh research questions (Armstrong and Bulmer 1998: 50). If politics is conceived as consisting of three basic components – politics, polity and policy – NI places the analytical focus on the polity, the presumption being that the polity structures the inputs of social, economic and political forces (politics) and has an impact on outcomes (policy) (Armstrong and Bulmer 1998: 52).

Hence, the basic premise of NI is that institutions affect outcomes (Schneider and Aspinwall 2001: 1).

3.3.1. Defining institutions

If the basic tenet of NI is that institutions matter, the term 'institution' needs to be defined. This research draws on Armstrong and Bulmer's (1998: 52) appealingly broad definition of institutions as referring to "formal institutions; informal institutions and conventions; the norms and symbols embedded in them; and policy instruments and procedures". This definition highlights that NI also considers the more informal aspects of politics such as "beliefs, paradigms, codes, cultures and knowledge" (March and Olsen 1989: 22). NI then does not just consider the formal aspects of state and government (Armstrong and Bulmer 1998: 51) as institutions are understood as the sets of 'rules' that guide and constrain behaviour (Lowndes 2010: 67).

According to Lowndes (2010: 73) a useful tool for operationalising the concept of institution is the notion of 'standard operating procedures' (e.g. Hall 1986: 1; March and Olsen 1984: 738):

> Informal institutional rules are, in this formulation, distinct from personal habits or 'rules of thumb': they are specific to a particular political or governmental setting, they are recognized by actors (if not always adhered to), and can be described and explained to the researcher. The usefulness of 'standard operating procedures', then, is that it enables the combination of formal and informal 'rules', yet distinguishes them from much broader customs and habits (Lowndes 2010: 73).

Lowndes' point is that a researcher should aim to identify specific rules of behaviour that are agreed upon and generally followed. 'Standard operating procedures' avoids a pitfall usually found in NI, namely: is locating an institution simply a question of (quantitative) regularity? Yes and no. Peters (2005: 158) points out that while all variants of NI agree that institutions create regularity in life, they also usually fail to spell out how much regularity is sufficient in order to say that an institution exists. While this problem is shared, this theoretical problem only approaches tautology in the variants of NI – specifically some rule-based rational choice approaches – that define institutions by the creation of regularity, i.e. by the acceptance of rules of behaviour (Peters 2005: 159). Defining institutions as standard operating procedures avoids this problem in the sense that institutions are exactly that, standard, not un-negotiable:

> Standard operating procedures may be circumvented or manipulated by certain individuals or groups of actors, but actors in general are still able to identity, and reflect upon, the nature of such 'rules'. At the same time, new rules may be formally agreed upon but take the time to acquire the status of standard operating procedures (Lowndes 2010: 73).

It is further useful to consider Ostrom's (2007: 23) distinction between rules-in-form and rules-in-use, what may also be thought of as 'written' and 'unwritten' rules, where the latter refers to the distinctive dos and don'ts that one learns on the ground. They may or may not be the same and the researcher's challenge is to explore that tension. The analytical space of NI then is to explore the relationship between formal and informal institutions. In considering both formal and informal institutions NI thus makes overt how formal rules only tell part of the story of how the EU works (Armstrong and Bulmer 1998: 51).

In continuation of this, Table 6 presents a typology of institutions and summarises the concepts presented so far:

Table 6: Typology of institutions

Institution	Character	Empirical Type	Identification	Example	
Formal institutions	Rules-in-form (written rules)	Formal rules and procedures	Exists formally in writing	Qualified majority voting	
					Analytical space
Informal institutions	Rules-in-use (unwritten rules)	Standard operating procedures	Actors able to reflect upon informal rules or norms that curb or supplement written rules	Consensus-building norm in Council	

In Table 6 the line between informal and formal institutions is dotted, signifying that these two types of institutions do not exist independently of each other; sometimes formal rules are clear and given, other times informal ones complement or circumvent formal rules. A concrete example is how, despite the increasing availability of QMV in EU decision-making, Member States "generally endorse collective decisions by consensus, even in those cases (some 70 per cent of the total) where they could activate qualified majority voting" (Hayes-Renshaw *et al.* 2006: 161). This thus quantifies how qualitative NI-researchers have uncovered how, in practice, "the Council system rests on a strong normative commitment to operate by consensus" (Lewis 2003: 998). The analytical space, NI's research foci, then lies in exploring the tension between formal and informal rules. As discussed later in this chapter, this thesis is especially concerned with exploring the formal rules outlining the Council Presidency and the trio arrangement and the potential informal rules which guide behaviour in practice.

A number of sub-traditions have been developed within NI. The classical categorisation of Hall and Taylor (1996) distinguishes between historical institutionalism, rational choice

institutionalism (RCI) and sociological institutionalism (SI). Considering that historical institutionalism places itself between the other two and the consideration that this thesis does not take a long-term temporal perspective, this research will focus on the differences between RCI and SI. Scholars from each tradition have shed important light on the EU Presidency. Accordingly, the following introduces these traditions through their application to the study of the Presidency.

3.3.2. Rational choice institutionalism: the Presidency as policy entrepreneur

RCI sees the preferences of individual actors as prior to institutions and relatively stable (Lowndes 2010: 75–76). Institutions, be they formal or informal, influence behaviour by affecting the context in which individuals select strategies for the pursuit of their preferences. Politics is then governed by the 'logic of consequences' in the sense that institutions provide information about the likely behaviour of others and, hence, the incentives and disincentives of various courses of action (Lowndes 2010: 66).

RCI is decidedly functional in explaining institutional change (Tallberg 2002; Tallberg 2010). RCI claims that political institutions are the products of human agency and reflect designer choice (Peters 2005: 163). Institutions are consciously designed to solve collective action problems and such institutions can be 'undone' when they no longer serve the interests of actors sufficiently (Lowndes 2010: 75). How, then, does RCI explain the endurance of institutions? They argue that actors will only change institutions once the likely benefits outweigh the expected costs of change itself; costs like learning to move and operate within a new structure, new sources of uncertainty, and engaging in change (Lowndes 2010: 76). The evolution of the EU Presidency exemplifies such explanations (see chapter 2). If the Presidency started out mainly as an administrative obligation, the institution was later – by conscious design – entrusted a range of political functions due to the functional demand for formal leadership in the Council (Tallberg 2006b). However, "as member states began to recognise the potential power of the chair" in promoting national interests (Hayes-Renshaw 2007: 121), this gave rise to problems of discontinuity. Thus, when problems were perceived to outweigh benefits, EU governments addressed these through strengthening mechanisms of continuity, such as the trio arrangement (Tallberg 2010: 641).

Scholars from the RCI perspective (Bunse 2009; Tallberg 2003; Tallberg 2006b) have taken an interest in the Presidency. In doing this, they question the conception of the Presidency as an 'honest broker' (see chapter 2). RCI studies of the Presidency highlight the impartiality of the chair

by conceptualising the Presidency as a 'policy entrepreneur' (Kingdon 1995) with an ability to influence the agenda (Bunse 2009: 47; Tallberg 2003: 6). As Tallberg (2003: 5) notes, nowhere "in the treaties has the Presidency been delegated specific formal powers to initiate proposals for new EU policy, to structure the agenda according to its own liking, or to exclude it does not consider worth of consideration". Nevertheless, this is exactly what the formally anchored role of the Presidency allows a Member State to do. Thus, Member States holding the Presidency are conceived as "strategic actors, seeking to satisfy national preferences within the confines of their formally delegated role" (Tallberg 2003: 5). Conceptualising the Presidency as a policy entrepreneur is in line with principal agent theory, which assumes that the Presidency will seek a degree of autonomy from other Member States (Bunse 2009: 47). The delegation of authority begets an autonomy problem since the agent to which the authority is delegated has interests which it is likely to pursue (Tallberg 2003: 15).

Hence, Member States will not be purely 'honest brokers' but will, where possible, seek to exploit the office's functions for the pursuit of national preferences. What, then, are the advantages of holding the Presidency? The RCI counter-argument to the 'honest broker' conception found in Bunse (2009) and Tallberg (2003; 2006b) mainly highlights two dimensions: the Presidency's informational advantages and its agenda-shaping powers. These are now discussed.

Informational advantages

When chairing negotiations and brokering agreements, the Presidency is empowered because it possesses informational advantages compared to other Member States. It gains these through a number of channels. It can draw on the Council Secretariat which provides a number of services. Most importantly, the Secretariat tracks the preferences and negotiation positions of all Member States. Furthermore, no one is more familiar with the instruments available to the Presidency than the Secretariat, which acts in a supporting function in terms of legal advice and suggesting possible courses of action (Tallberg 2006b: 114). Further, an informal power resides in the so-called 'confessionals' – that is, bilateral meetings between the Presidency and Member States. These are confidential talks to establish – during or before meetings – where compromise might be found. Such sources of privileged information make it easier for the Presidency to steer compromises closer to its own interests during negotiations (Bunse 2009: 54; Tallberg 2006b: 114–115).

Agenda-management

Aside from possessing informational advantages, the Presidency is also endowed with powers of agenda-management. It is argued that the 'honest broker' operates with a too limited conception

of agenda-setting by viewing it only as a Commission prerogative (Tallberg 2003: 4). While this is true under the ordinary legislative procedure where the Commission is the formal agenda-setter, this is also too simplistic:

> [E]ven though the Commission has to make the eventual formal proposal, the impetus for this proposal may lie outside of the Commission […] Because of their institutional positions in the EU decision-making process, Member States, the Council of Ministers as a whole and the European Parliament try regularly to induce the Commission to come up with a certain proposal (Princen 2007: 23).

Nugent (2010: 140) echoes this by pointing that it would be wrong to assume the Council has no powers of initiative as in practice "ways have been found if not to circumvent the Commission entirely at least to allow the Council a significant policy-initiating role". In this regard Article 241 TFEU is especially important as it states that:

> The Council acting by a simple majority may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals. If the Commission does not submit a proposal, it shall inform the Council of the reasons" (TFEU: Article 241)

Thus, if Council conclusions and resolutions are not legal texts with any formal political weight, they are difficult for the Commission to ignore; the Commission is bound to pay close attention to the wishes of the ministers (Nugent 2010: 140) who, ultimately, have to adopt any initiatives. In this sense Presidency influence – if existent – exists mostly in its capacity to steer and represent the Council at large.

It is with a similar line of argument that Tallberg (2003) develops his concept of 'agenda-shaping'. Similar to agenda-setting theory, Tallberg argues for the need to move to a broader conception of agenda-setting than merely the initiation of *new* initiatives. While initiation may be an appropriate focus if the research question revolves around determining the origin of issues on the political agenda, it is not if "the research challenge instead consists of isolating the influence of a specific political organ over this agenda" (Tallberg 2003: 4). Institutional arrangements like the Council Presidency can affect policy agendas not only through the introduction of new issues but also though their blocking powers its capacity to structure on-going debates (Tallberg 2003: 4). 'Agenda-shaping' is Tallberg's umbrella term for three Presidency instruments: agenda-setting, agenda-structuring and agenda exclusion. These are now introduced.

Agenda-setting refers to the introduction of new issues on the agenda. This can take three forms. One, it can raise awareness on problems thus far neglected by, for instance, including such issue

in its 6-month programme; by organising informal meetings; and, through control over the agenda of actual meetings. That is, by affecting visibility. The Presidency acts as a gate-keeper in the recognition of external and unexpected events, allowing some to be subject to collective debate and deliberation, while excluding others. Two, it can develop concrete proposals for action, for instance through proposing Council conclusions or by presenting discussion papers at informal or formal meetings. Three, the Council Presidency can engage in 'institutional entrepreneurship' by developing new institutional practices that structure future forms of co-operation and decision-making (Tallberg 2003: 6–8).

Two, *agenda-structuring* revolves around emphasising or de-emphasising issues already on the agenda. As noted by Peters (2001), the EU has a potentially broad systemic agenda and a complex, cumbersome legislative process. This is why the 'true' power of the Presidency lies in agenda-structuring:

> The Presidency's emphasizing and de-emphasizing of alternative issues and domains sets the pace in the handling of individual dossiers, and thereby shapes relative policy progress during a six-month period. Influence is not prevented by the pre-existing agenda; rather, influence is possible for the very reason that Presidencies tend to inherit substantial parts of their six-month agenda (Tallberg 2003: 9).

Procedurally the Presidency can emphasise or de-emphasise issues on the agenda by determining the frequency of meetings, by deciding the character (formal or informal) of said meetings, and by structuring actual meeting agendas (Tallberg 2003: 8–11). In other words, the Presidency gains concrete influence in which issues should move from the *systemic* to the *decision* agenda and gains a control over visibility.

Lastly, *agenda exclusion* is an important power that can be exercised by remaining silent on issues, excluding items from the agenda at various Council levels (working groups, COREPER, Ministerial) or by presenting difficult compromise proposals (Tallberg 2003: 8–13). For instance, a Presidency might be in minority position on an issue of national interests and might therefore prefer to keep the issue off the agenda (Elgström 2003a: 50).

According to the RCI conception of the Presidency, agenda-shaping and informational advantages are then the two main elements which enable Member States to influence the EU agenda through the Council Presidency. Moreover, the fact that both Tallberg (2003: 6) and Bunse (2009: 41ff) draw on Kingdon (1995) highlights how these insights are complementary to agenda-setting theory. At the same time, *norms*, particularly the impartiality norm, do matter in this approach: norms are enacted (i.e. followed) by states as a result of cost–benefit calculations

since non-compliance could compromise one's reputation or provoke non-cooperation from other Member States (Elgström and Tallberg 2003; Verhoeff and Niemann 2011). However, SI provides a different conception of the Presidency which further foregrounds the importance of norms. Accordingly, the SI conception of the Presidency is now elaborated.

3.3.3.   Sociological institutionalism: the Council Presidency and norms

Sociological institutionalism argues that political institutions influence actors' behaviour by shaping their "values, norms, interests, identities and beliefs" (March and Olsen 1989: 17). Institutions are internalised by actors and norms/values are seen as explanatory variables. It is argued that seemingly neutral rules and structures actually embody values and power relationships that determine what is considered 'appropriate' behaviour in given settings and situations: "Action is often based more on identifying the normatively appropriate behaviour than on calculating the return expected from alternative choices (March and Olsen 1989: 22). Institutions 'simplify' political life by ensuring that "some things are taken for granted in deciding other things" (March and Olsen 1989: 17). Thus, SI sees politics as governed by the 'logic of appropriateness'. If RCI sees individual preferences as prior to institutions, SI sees preferences as shaped *by* institutions (Lowndes 2010: 75–76).

Unlike RCI, SI has not produced a similar 'answer' for why institutions come into being – SI is, in general, better at describing how institutions persist and exercise on-going influence (Lowndes 2010: 75). But SI allows for reflection and human agency – of actors both *influencing* and being influenced by institutions – as they expect institutions to continually evolve (Peters 2005: 163). Rules are considered to produce variation and deviation because of the *ambiguity* in the interpretation and application of rules. SI does not rule out intentional design, but argues that institutional reform is messy (Lowndes 2010: 75–76). SI at large thus challenges RCI claims that institutions are created in response to specific functional needs and subsequently adapt (efficiently) to changing demands in the environment. Rather, SI perceives institutional creation and development as a process where *legitimacy* matters more than *efficiency*: institutional arrangements are adopted because they are widely accepted as legitimate and appropriate, not because they are the most efficient (Tallberg 2006a: 138). This is encapsulated in the phenomenon of isomorphism: the spread of organisational models across diverse functional domains through emulation and diffusion (DiMaggio and Powell 1983). Institutional change involves experimentation:

> Seldom are institutions created from scratch. Most often they are the outcomes of the recombination and reshuffling of pre-existing components or other institutional materials that

happen to be at hand and that, even when depleted, can serve new purposes (Lanzara 1998: 26–27)

SI then emphasises how institutional design is not purely efficient and functional, because it is costly and occasionally impossible to dismiss "the capital stock of existing institutions" (Lanzara 1998: 29). Hence, in explaining the evolution of the Presidency, SI (and historical institutionalism) would highlight how permanent chairs were not introduced throughout the entire Council because of the perceived legitimacy and stickiness of the system of rotation (e.g. Fernández 2008).

SI research on the Council Presidency focuses on the 'neutrality norm' governing the office (Elgström 2003a; Niemann and Mak 2010). This research exemplifies how SI arguments generally comes in two shapes: 'thick' and 'thin' (Tallberg 2010: 635–6). These two schools of SI thought mainly differ as to the mechanisms emphasised: where thick SI emphasises socialisation, thin SI emphasises mechanisms such as bricolage. These are now introduced.

Socialisation

SI emphasises how norms and ideas work through processes of socialisation and internalisation and is, in many ways, reflective of the traditional 'honest broker' conception of the Council Presidency (see chapter 2). Thus, the conduct of the Presidency is conditioned by deeply socialised norms that lead incumbent Member States to not use the Presidency to promote national interests. Norms are then followed not because of instrumental cost-benefit calculations, but rather because they are internalised and 'taken for granted'. Thus, the prevalence of Council norms such as impartiality and consensus-building means that Presidencies are unlikely to pursue national interests where these differ from the EU mainstream (Verhoeff and Niemann 2011: 1276–1277). Thus, norms do not just 'constrain' but rather 'constitute' behaviour (Hall and Taylor 1996: 948).

However, this should not be construed to mean that all actors interpret the Presidency the same. For instance, Niemann and Mak (2010: 735–736) conceive Presidency norms as developmental, meaning that the internalisation of norms is reinforced by time and experience through processes of adaptation and institutionalisation. This produces the expectation that:

1. Member States with a longer history of membership will be more likely to have accepted or internalised the norm of impartiality;
2. Norm internalisation is more likely in less politicised, more insulated settings. This suggests more tendency towards impartiality at the bureaucratic (working party and

COREPER) level than political (ministerial) level;

In other words time, experience, and socialisation will, to varying degrees, produce partial and impartial behaviour amongst Member States in carrying out the Presidency functions. At the same time, other elements may produce *especially* impartial behaviour if, for instance, a Member State wants to establish or re-establish its 'European' credentials through the Presidency (Elgström and Tallberg 2003: 201; Niemann and Mak 2010: 734).

Bricolage and ambiguity

'Thin' SI suggests actors pragmatically adapt to broadly known norms and ideas (Tallberg 2010: 635–6). Such arguments start from the view of a messy, complicated world of overlapping social constructs, and that actors develop ideas, norms and practices to suit rather discrete problems and goals. While this complexity of norms defines many actions as illegitimate, they overlap and the result is a creative space for actors to 'tinker' with available constructs and combine them in new ways: bricolage (Parsons 2010: 96). Innovative instants of bricolage then alter the 'tool-kit' of possible 'strategies of actions' available to other actors, hence changing the limits and possibilities for further action (Swidler 1986). The result is an incremental mechanism of change that is similar to socialisation, but the bricolage perspective of ideas and norms is different since actors are seen as confronting the political landscape as a heterogeneous and incoherent set of ideas rather than consensual, collective identities. Unlike thick SI arguments, where the general idea is that collective norms are internalised through socialisation, institutional bricolage sees ideas/norms as external to actors; as a tool-kit of the way things are done (Parsons 2010: 96). This means that norms like the 'impartiality norm' or an institutional arrangement like the trio arrangement are up for continuous re-interpretation considering the political task at hand. Thus, if thick SI stresses how actors become conditioned by norms, thin SI emphasise how actors can also use norms to their advantage.

This strand of thought is evident in Elgström (2003a: 38), who criticizes the 'honest broker' conception by highlighting the Presidency's inherently biased nature. Drawing on negotiation theory, he points out that neutrality (meaning no stake in a matter) is problematic as chairs can rarely be strictly neutral, nor is neutrality even necessarily considered a good thing for the conduct of the Presidency – the norms governing the Presidency are *ambiguous*. He argues that the Presidency is always an 'insider' in negotiations and that any given chair will bring with it certain relationships and biases towards fellow actors and decisions, and hence relational impartiality is impossible. Hence, in EU negotiation processes, a slight bias in favour of a solid

majority position is often the best strategy for an EU mediator. Blatant, overt advocacy of self-interests is, however, not tolerated (Elgström 2003a: 39ff).

This means Presidency behaviour is constrained by two competing norms: the 'effectiveness norm' and the 'impartiality norm'. Since the goal of the Presidency is to reach goals and act as a leader, the effectiveness norm promotes Presidency partiality; the chair is expected to use its privileges to steer debates and formulate new proposals and compromises so as to get reluctant Member States to agree. In practice, then, mediation efforts will "entail a bias in favour of majority positions or even of minority proposals that the Presidency believes it will be able to persuade others to accept" (Elgström 2003a: 45). The impartiality norm is tempered by the 'spirit of consensus' which permeates the Council. Because Member States prefer to reach a negotiated agreement – even in cases of QMV – this facilitates the Presidency to act partially, that is, to help the Council reach solutions 'yesable' to everyone (Elgström 2003a: 45). Hence, the ambiguity of the political landscape – of norms – can be a resource for the Presidency. Thus, Elgström (2003a) argues that while the impartiality constraint remains important, it varies depending on the situation. Firstly, the distribution of preferences in the Council influences Presidency behaviour. Bias is expected when the Presidency is in favour of a majority position, sometimes even minority positions, if it is believed to be possible to reach a 'yesable' solution. The effectiveness norm contributes to partiality in the sense that it sanctions the Presidency to 'get results'. This produces the expectation that Presidencies are more likely to act impartially when there are solid majorities in favour of a decision – when an issue or dossier is commending much visibility. Secondly, it matters whether or not a Presidency truly has a stake in the matter.

Thus, a SI perspective does not mean "individuals are not purposive, goal-oriented or rational" (Hall and Taylor 1996: 949), but ontologically SI and RCI do differ. SI does not consider actors completely rational but rather a-rational. In SI, the ambiguity of the political landscape means the 'rational' way forward may not be directly clear, meaning that even "rational people depend to some degree on interpretive filters to organize their preferences, priorities, and problems" (Parsons 2007: 98). This is different from RCI claims because it is the actor's individual *interpretation* of the situation, not the situation itself – not direct institutional structures or rules – that indicates the way forward (Parsons 2007: 99). SI rather suggests that "people narrow their choices as they take on a certain subjective way of interpreting things" (Parsons 2007: 99). However, 'thin' SI does share the RCI conception of institutions/norms as external to actors (Parsons 2010: 96–97). However, rather than conceiving actors as purely strategic and calculating operating within a polity structured by tangible, clear-cut rules, institutions are seen as ambiguous.

3.3.4. Towards complementarity

The key point gleaned from the both the SI and RCI literature is that the Council Presidency cannot be expected to be wholly impartial nor wholly partial. While Tallberg, Bunse and Elgström do perhaps exaggerate[2] in their criticism of the 'honest broker' literature (see chapter 2), such polemics serve a purpose: re-orienting the debate and developing new research questions. Thus, the point is that the Presidency's informal powers have perhaps been under-theorised and under-researched, and it then becomes a question of understanding how and when the Presidency *may* potentially exert influence and when 'rule-following' can be expected.

Both SI and RCI accounts see the Council Presidency as constrained; the differences are ontological rather than empirical. While many scholars insist on strict distinctions, a growing trend has been to see the strands of NI as complementary (Elgström and Tallberg 2003; Mühlböck and Rittberger 2015; Niemann and Mak 2010; Schneider and Aspinwall 2001; Tallberg 2010). If theoreticians emphasise the distinctive features of each variant, Schmidt (2006: 116) notes how "problem-oriented scholars tend to mix approaches all the time, using whichever approaches seem the most appropriate to explaining their object of study" (see also Jupille *et al.* 2003: 16). This implies bracketing a 'either/or' view of the rationalist-sociological claims in favour of a 'both/and' approach. It then becomes more of a question understanding of why, when and where the different 'logics of action' prevail (Lewis 2010: 650). By drawing on both SI and RCI, this thesis aims to contribute in this 'complementary' research agenda. It does so in a number of ways.

First, as argued by Niemann and Mak (2010), empirical research on the Presidency has mainly been done from the perspective of RCI. Thus, if the role of Presidency norms like that of 'impartiality' have been conceptualised, they have not been sufficiently studied empirically. By expanding the research agenda to include a focus on Presidency norms "the rationalist research agenda would be broadened and enriched [and would] enable conversation between the two sides of the rationalist–sociological divide and may contribute to further bridge-building" (Niemann and Mak 2010: 728). As Verhoeff and Niemann (2011) demonstrate in a study of the German 2007 Presidency energy policy towards Russia, RCI only explains *parts* of the case. While RCI explains the formation of German preferences, they also find that both 'logics' where at play during the subsequent reprioritisation of objectives; that is, they also found a very 'taken-

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[2] That is, the 'old' Presidency literature did not necessarily consider the Presidency exclusively as an 'honest broker'. For instance, Wallace (1985a: 272) noted how it would be "unrealistic to expect governments to act out of character for the six months duration of the Presidency".

for-grantedness' of internalised Presidency norms of impartial behaviour *as well* as strategic calculation drove the ultimate reprioritisation. What this underlines, of course, is that the world is not necessarily either/or when comes to rationalist-sociological claims and that complementarity rest on contextualilty (Verhoeff and Niemann 2011: 1290). Thus, from a problem-driven perspective, the question is not whether the behaviour of actors is strategic or normatively based, but rather to enquire into which of the two 'logics' is likely to prevail under certain conditions (Niemann and Mak 2010: 735). Drawing on Elgström (2003a) and Niemann and Mak (2010) the above has outlined certain scope conditions for when partial and impartial behaviour can be expected, which will be drawn upon during the forthcoming chapters.

Second, RCI and SI will be used in a complementary fashion to explain the process of institutional design in relevant dossiers. As suggested by Tallberg (2010) RCI is especially suited to explaining why institutions are created – functional demand – whereas SI, through highlighting institutional isomorphism – is better suited to explaining why certain institutional designs are adopted. Such insights are especially useful considering a number of the forthcoming dossiers deal with creating or formalising institutional procedures *for* EU sport policy.

Third, this thesis goes beyond this literature by considering the introduction of the trio in a 'complementary' fashion. For instance, Niemann and Mak (2010: 731) mainly conceptualise the 'troika', i.e. the pre-Lisbon and more loosely coordinated version of the trio, as a mechanism which stimulates compliance with the impartiality norm. Equally, Tallberg (2003; 2006b) and Bunse's (2009) studies pre-date the Lisbon Treaty and hence the formalisation of the trio arrangement. Accordingly, the trio has not yet been sufficiently conceptualised. Thus, this research does not deductively assume that the trio arrangement is a mechanism that stimulates impartial behaviour. Rather, it is also assumed that the trio mechanism may generate the "*ability to violate*" (Niemann and Mak 2010: 734).

The next step is to conceptualise how the trio mechanism can be expected to influence the practice of the Council Presidency. Accordingly, the next concluding section outlines the main insights drawn from new institutionalism and agenda-setting so as to set up the analysis in chapters 5 through 8. In doing so, particular emphasis will be placed on establishing scope conditions for how the trio arrangement can be expected to impact the Council Presidency's function of agenda-management.

3.4.   Conclusions: agenda-setting and new institutionalism in practice

Drawing on NI, the Council Presidency has been conceptualised as a hybrid institution that serves both communitarian and intergovernmental functions, making it a particular *kind* of agenda-setter. The system of rotation governing the Council Presidency means a scheduled 'window of opportunity' (Kingdon 1995) opens for the incumbent Member States to pursue their interests through this arrangement. This means that "member states holding the Presidency are conceived of as strategic actors, seeking to satisfy national preferences within the confines of their formally delegated role" (Tallberg 2003: 6). The Council Presidency is, however, constrained by informal norms about appropriate behaviour (Elgström 2003a; Niemann and Mak 2010), one of which is to further the Council's "elusive goal of continuity" (Warntjen 2013), to which the trio arrangement is designed to contribute. Taken to the extreme, this suggests that Presidency norms relating to impartiality or consensus-building mean the Council Presidency is unlikely to pursue national interests where these differ from the EU mainstream (Verhoeff and Niemann 2011: 1277–1278).

The Council Presidency has a range of agenda-shaping powers and procedural advantages compared to other Member States in the Council: agenda-setting, agenda-structuring and agenda-exclusion (Tallberg 2003). Agenda-setting theory accentuates how, when putting issues on the decision agenda, success depends on a range of factors, in particular the Council Presidency's ability to *mobilise supporters* within and beyond the Council and *frame* the issue to raise the visibility of the issue to expand the conflict. However, conflict expansion is also conditioned by *institutional constraints* (Princen 2007). Agenda-setting theory specifies a number of different 'routes' an issue may take (Princen and Rhinard 2006) and varies strategies that may be used to raise (or block) an issue on the agenda (Princen 2011b).

While Princen (2007) defines institutional constraints rather broadly, Tallberg (2006b: 87–90) suggests formal agenda-setting and decision-making rules structure the Presidency's agenda-setting powers. Essentially, Tallberg argues that Presidency will have the biggest role in agenda-setting the less cumbersome the formal features are, i.e. how many other actors there are to consider. In the case of sport policy under Article 165 TFEU one needs to distinguish between the EU's competence to adopt regulations, recommendations and resolutions/conclusions, which then represent an increasing order or influence for the Presidency in agenda-setting. The first formally 'harder' measure refers to the Council's shared right with the EP to adopt incentive measures in accordance with the ordinary legislative procedure, done on the basis of a Commission proposal. The second refers to the Council's right to adopt recommendations on the basis of a proposal

by the Commission. Lastly, it follows that the Presidency's agenda-setting powers will be greater on dossiers that the Council may adopt unilaterally, specifically resolutions and conclusions. On the other hand, while resolutions and conclusions are easier to put on the agenda through the Council Presidency than decisions which require a Commission output, the fact that resolutions and conclusions require unanimity amongst the Member States to be adopted (unlike decisions adopted via QMV) mean that the Presidency may expect a watering down of its proposal.

At the same time, the Council Presidency is affected by the introduction of the trio arrangement. Accordingly, it is now time to outline the ways in which the trio arrangement may affect the Council Presidency. Following Vieira and Lange (2012: 3) one should distinguish between the interpretations and decision-making of each trio Member State and discernible 'trio effects'. In this regard, it is crucial to consider the institutional design of the trio mechanism itself, namely that the drafting of an 18-month programme of the Council is the only formal requirement, as there is no obligation that trios delegate responsibilities of chairing. A focus on trio practices is crucial in light of the arrangement's weak formal rules (Batory and Puetter 2013: 96–97). Thus, 'trio effects' will depend on specific trio's implementation of their mandate – how trios decide coordinate and cooperate.

Here, SI and RCI outline two generic ways actors will interpret the arrangement. RCI would expect actors to quickly and efficiently adapt to working under a new system. SI, in turn, would expect that institutional development is inefficient and slow (Tallberg 2006a: 139), not least owing to the *ambiguity* in the interpretation and application of rules (Lowndes 2010: 75–76). Following this logic, SI would expect Council Presidencies to be guided by widely held conceptions of appropriate behaviour rather than perceived strategic gains. RCI would expect opportunistic chairs to immediately adapt to the new demands of the office – and the trio – and on the basis of cost-benefit calculations seek to exploit the office for their own rational benefit, i.e. being partial. SI would, in turn, expect Member States to act impartially, and that trio arrangement be used to strengthen the continuity of the Council's agenda with limited regard to national interests, i.e. being impartial. These, then, are the more generic institutional claims which will be interrogated going forward.

Based on these considerations it is time to consider how the trio arrangement can be expected to impact the Council Presidency's agenda-shaping instruments and the conditions under which partial and impartial behaviour might be expected. The introduction of the trio arrangement indicates that individual trio members are more constrained when it comes to its powers of agenda-shaping. This is because the individual Presidency's agenda for the Council now needs to

be agreed, at least to a degree, within the confines of the 18-month trio programme. Hence, the individual trio member will need to successfully justify the inclusion of specific issues in the 18-month programme through persuasive framing and, in addition, mobilise support within the trio. Insofar as the implicit 'goal' of any trio is to strengthen the continuity of the Council's policy-making (Jensen and Nedergaard 2014: 1038), this informal norm could be conceived as a possible constraint for individual Member States Presidencies to launch new issues, hence becoming a mechanism stimulating compliance with the impartiality norm.

At the same it can be considered that the trio mechanism may lead to the opposite under certain conditions – that is, a more partial behaviour. This is because if the Member State is successful in defining a certain issue as a trio priority – either one drawn from the systemic agenda or an entirely new initiative – this carries with it a certain 'protection' from accusations of promoting 'purely' national interests. Hence, the trio arrangement may conceivably lead to both partial and impartial agenda-management behaviour under certain conditions. At the same time 'trio effects' may extend beyond the drafting of a common programme. For instance, trios can choose to submit joint proposals. Here, the trio arrangement – if common priorities are established – can facilitate agenda-setting through the Council Presidency by extending the time-frame in which a Member State is charged with agenda-management beyond its 6-month terms as Council Presidency. In short, agenda-setting through the Council Presidency can be empowered through the trio arrangement by facilitating, for instance, that one trio partner 'softens up' (Kingdon 1995) an issue by putting it on the informal agenda, thus paving the way for the subsequent trio member to put the issue on the formal agenda.

In extension of this, the trio arrangement may strengthen the chair's position as a broker and mediator if acting on the basis of a common trio position. Vieira and Lange (2012: 14) thus located the emergence of an idea of 'speaking with one voice' during trio consultations which carried over into wider Council negotiations. This, in turn, can facilitate either impartial behaviour in the name of the 'common' European good or, conversely, strategic use of the trio arrangement. Depending on the situation at hand, 'partial' or biased mediation behaviour can then be expected if the chair has succeeded at advancing its own proposal to be carried out in the 'name' of the trio.

In order to evaluate and compare the findings on trio practices in relation to partiality and impartiality, this thesis draws upon the typology developed by Jensen and Nedergaard (2014). This typology suggests analysing trios along two continuums according to the degree to which trio members follow the same objectives – scope of coordination – and how much they coordinate to achieve those objectives, i.e. depth of coordination (see Figure 1). By being

based on in-depth process-tracing of dossiers, the concrete operationalisation of this research goes beyond Jensen and Nedergaard's (2014: 1038–1039) proposed indicators by also considering concrete cooperation and negotiation behaviour. Thus, *scope of coordination* is evaluated by the relative degree to which trios define common priorities, with the main indicators being trio programmes, interviews, and the dossiers put forward over 18 months (i.e. the decision agenda). Conversely, *depth of coordination* is evaluated based on the degree to which trios coordinate and cooperate, indicated by whether the Member States sequence their activities to promote common priorities, administrative support, policy development (e.g. co-drafting proposals), and whether trio members support each other during negotiations.

Figure 1: Types of trio Presidencies
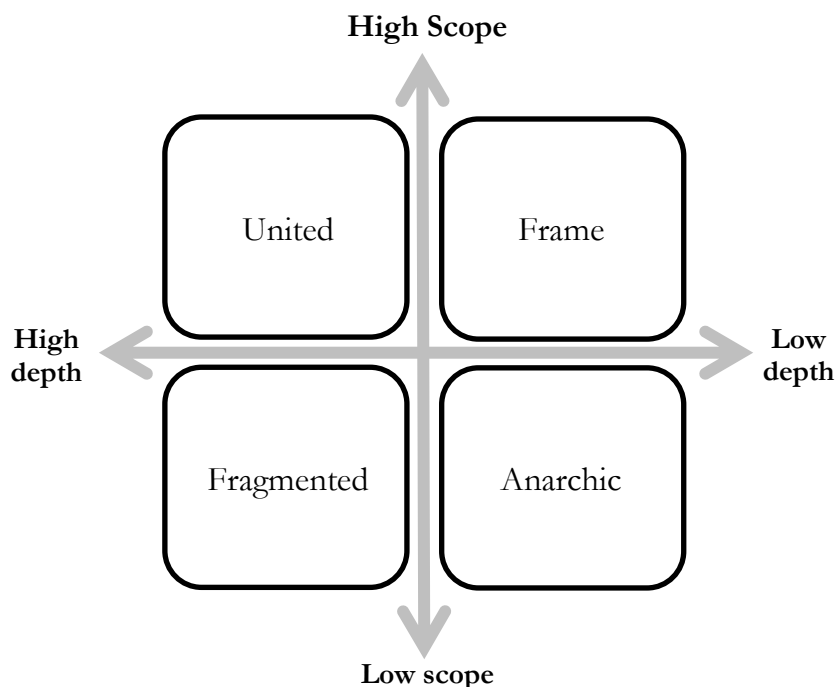
Source: Re-drawn from Jensen and Nedergaard (2014)

This classificatory typology represents the thus far most advanced theoretical exploration of the trio. This thesis seeks to develop its explanatory value by drawing more extensively on NI and agenda-setting. Nedergaard and Jensen (2014) propose a number of preliminary determinants which may explain patters of coordination. Thus, they propose that depth of coordination is conditioned by the degree to which the agenda is 'fixed' – in agenda-setting terms, the amount of issues commanding a high degree of visibility. Further, Nedergaard and Jensen (2014: 1050) propose linking the typology to NI theory, for instance by examining the relationship between depth of coordination and socialisation. In this thesis, this typology is then used as a basis for analysis and comparison, whilst this research also seeks to develop the typology's explanatory

value by examining the findings in relation to NI and agenda-setting theory. Based on the evidence and analysis presented in chapters 5 through 8, this thesis' general conclusion explores which theoretical determinants best explain observed patterns of trio coordination.

Hence, this chapter has outlined the main 'trio effects' when it comes to the Council Presidency's agenda-shaping powers and considered the ways in which the arrangement facilitates and discourages compliance with the impartiality norm. This concludes the extrapolation of this thesis' conceptual framework which will be used in the forthcoming empirical chapters. The next chapter, in turn, outlines the methodological considerations that underline this research.

Chapter 4.   Methodology and research design

As noted by Macpherson *et al.* (2000: 49), the world of research "can be understood as a set of multiple approaches to investigating empirical reality where there are often borders (if not barriers) between the major philosophical traditions and methodological perspectives". The goal of this chapter is to explain how this thesis settled on a particular design and how it relates to the methodological orientations that make up its near and far 'borders'.

The chapter proceeds in two steps. First, it shows how the thesis negotiates the various philosophical and methodological 'borders' and evaluates the level of fit between the principal components of research design: research questions, philosophy of science, methodology, methods, and theoretical inferences. Second, the chapter sketches the operationalisation of the research by elaborating the strategy of data-collection and analysis that inform the subsequent empirical chapters. However, before we can assess the merit and suitability of a particular methodological approach certain general philosophical issues need to be discussed.

4.1.   Philosophical considerations

As implied above, 'methodology' is distinct from 'methods'. Methods refer to the numerous techniques or procedures that can be employed in generating empirical data (Sparkes and Smith 2014: 83ff). Methodology, on the other hand, can be defined as a particular social scientific discourse that occupies a middle ground between discussions of method and those relating to discussions in the philosophy of the social sciences (Schwandt 2001: 161). The philosophical questions that inform methodology primarily concern 'ontology' and 'epistemology'. As neatly summarised by Hay (2002: 63), "[o]ntology relates to the nature of the social and political world, epistemology to what we can know about it and methodology to how we might go about acquiring that knowledge". It hence follows that before it is possible to engage in research designs and choice of specific methods, researchers must confront the question of what is the nature and purpose of science (Burnham *et al.* 2008: 332; Hay 2002: 64).

It should be noted that the relation between these concepts is contested. For instance Schwandt (2001: 162) asserts that there is no "direct, unbroken, logically necessary link" between philosophical positions, methodologies, and methods. Others argue that there should be a strong correspondence between ontology, epistemology and research methodology (Burnham *et al.* 2008: 331–332; see also Furlong and Marsh 2010). While it is beyond the scope of this thesis to settle

such debates, it is obvious that any specific methodological justification needs to reflect on questions relating to the philosophy of science.

Ontology refers to the very nature of 'being' and key ontological questions concern the nature of social reality. Epistemology, on the other hand, is a theory of knowledge, and an epistemological position reflects a researcher's views about what we can know about the world (Furlong and Marsh 2010: 185). Epistemology concerns what should be regarded as acceptable knowledge in a discipline (Bryman 2008: 13ff). In social science, positions as to these questions are usually grouped in two contrasting 'paradigms': positivist and interpretivist. Paradigm here means a philosophical framework sharing a broad, abstract set of epistemological, ontological and methodological premises that, however, get increasingly specific and complicated at the level of specific academic communities (Denzin and Lincoln 2003: 33).

Table 7: One view of the relationship between ontology, epistemology and methodology

Ontology	Foundationalism	Anti-foundationalism
	↓	↓
Epistemology	Positivism	Interpretivism
	↓	↓
Methodology	Quantitatively privileged	Qualitatively privileged

Source: Adapted from Furlong and Marsh (2010: 186)

In terms of ontology, the central point of paradigmatic orientation is whether social entities are considered as objective entities that have a 'reality' external to social actors or, conversely, whether they should be considered social constructions built up from the perceptions and actions of social actors (Bryman 2008: 18). These two ontological positions are termed objectivism/foundationalism, which posits a 'real world'; and constructionism/anti-foundationalism, which sees the world as continuously socially constructed (Furlong and Marsh 2010: 185). The key epistemological positions in social science revolve around the degree to which the social world can be studied according to the same principles and logic as the natural sciences. Positivists answer in the affirmative; interpretivists do not (Bryman 2008: 13ff). These two paradigms can be summarised as follows:

> [T]he positivist approach, with its goal of discerning the statistical regularities of behaviour, is oriented toward counting the occurrences and measuring the extent of the behaviours being studied. By contrast, the interpretative approach, with its goal of understanding the social world from the viewpoint of the actors within it, is oriented toward detailed description of the actors' cognitive and symbolic actions, that is, the meanings associated with observable behaviour (Wildemuth 1993: 451).

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The key word here is "oriented" since paradigmatic orientation cannot simply be determined by the presence or absence of quantification (Bryman 2008: 22). While interpretivism may certainly be "privileged" towards qualitative methodologies, as Table 7 above suggests, this is not a universal rule.

4.2. Modern interpretivism

Located within this binary framework of paradigms, this thesis represents the 'modern' interpretivist position in relation to ontology and, consequently, epistemology in the sense described by Parsons (2007: Chapter 4; 2010).[3] Broadly speaking, an interpretivist position implies an anti-foundational ontology, which insists there is no 'real' world that exists independently of the meanings that actors attach to their actions. The world is actively constructed and action is structured by the meanings that people develop to interpret and organise their identities, relationships and environment (Parsons 2010: 80). This does not mean a dismissal of the natural world as such but merely that the natural world is meaningless for people until they "begin to socially construct some shared meaning about it" (Parsons 2010: 87). An interpretivist ontology also implies overtly recognising the 'double hermeneutic'; that the social world is interpreted by actors and these interpretations are then interpreted by the academic observer (Furlong & Marsh 2010: 199). There is arguably a third level of interpretation insofar as the researcher's interpretation is then related to the concepts and theories of a particular discipline (Bryman 2008: 17).

It is in relation to epistemology that the distinction between 'modern' and 'post-modern' interpretivism enters the equation. As Parsons (2010: 90ff) argues, 'postmodern' and 'modern' interpretivist positions differ in terms of how they relate to epistemology. Postmodernists argue that if actors are bound by interpretations, so too must academics be just as subjective. It follows that *any* objective knowledge is unobtainable. The 'postmodern' strand essentially follows the reasoning laid out by Winch (1990), namely that the social 'sciences' should be considered studies of rule-following unlike the abstract 'laws' of natural science. Since any "behaviour is behaviour to which there is an alternative" (Winch 1990: 91), and rule-following involves interpretation and the possibility of a mistake, 'prediction' in the sense of the natural sciences should be ruled out in the social sciences. Accordingly, it is impossible to develop a causal analysis of action because the act of command and obedience (i.e. rule-following) is

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[3] For similar arguments, see Hopf (1998) who distinguishes between 'conventional constructivism' and 'critical constructivism' or Saurugger's (2013) extrapolation of actor-centred constructivism (or 'strategic constructivism').

different from the relationship between thunder and electrical storms (Burnham *et al.* 2008: 34).

'Modern' interpretivists have a different view of epistemology:

> 'Modern' constructivists, on the other hand, tend to think we can posit social construction among actors but still manage to make some acceptable (if modestly tentative) claims about how the socially constructed world 'really' works. The core of their position is usually quite simple (and is also a standard position on non-constructivist scholarship): just being aware of our inclination to interpretative bias helps us solve the problem. If we set up careful research designs and submit our arguments to open debate among a wider range of people with different views, then we can arrive at pragmatically acceptable claims about how the world really works (Parsons 2010: 90–91; see also: Sparkes and Smith 2014: 186–187).

In other words, the modern interpretivist position does not break with 'science' or 'causality' as such, but rather represents a different set of claims about what drives social action and how society is to be studied. The 'modern' interpretivist position can be further explained by the (i) kinds of questions asked and (ii) the way it overtly interacts with positivist work.

First, as argued by Wendt (1998), one can distinguish between 'causal' and 'constitutive' arguments and theories. The former, more causal-explanatory school of scholarships tends to ask 'why' questions about how one set of conditions dynamically produced another set of conditions. It seeks to 'explain'. On the other hand he argues that interpretivist scholarship tends to ask 'how' or 'what' questions about the static properties that *constitute* things. Thus, for Wendt, constructivists "abstract away from these [dynamic] processes and take 'snapshots' instead, in an effort to explain how systems are constituted" (Wendt 1998: 105). Thus, for Wendt, interpretivism tries not to explain but to understand.

Two, while Parsons notes that Wendt does not insist that all interpretivist work is constitutive/static as opposed to causal/dynamic, Parsons argues that Wendt overlooks that interpretivism is about more than constitutiveness; it is also about *process*. 'Modern' interpretivists also want to explain: "As the phrase 'social construction' directly suggests, we also make a claim about a *process* by which people constructed themselves into those ideas and norms. And those claims about the process of social construction can engage in direct debates with non-constructivist explanations (and must, to be persuasive)" (Parsons 2010: 87).

What further distinguishes these variants of interpretivism is how directly they engage with alternative explanations. Postmodernists tend to not engage too directly, whereas 'moderns' would be more interested in showing and arguing that their explanations for certain developments are superior to those of positivists (Parsons 2010: 91). This last aspect is what makes the 'modern interpretivist' position especially suited to problem-driven research. That is,

where most postmodern interpretivists (and positivists) tend not to engage very directly with alternative schools of thought, the inclination amongst 'modern' interpretivists is not just to provide a different analysis, but one that engages with alternative explanations directly.

The 'problem' with the modern interpretivist position is that it comes with a basic methodological issue that can be termed the 'how much problem'. That is: how *much* do ideas/norms, socially constructed and upheld, actually matter in politics? This problem has two levels. One, ideas/norms are inherently Janus-faced: in some cases beliefs may guide actions; in others apparent beliefs may simply rationalise strategies chosen for other reasons, and telling the difference is difficult. Two, causal 'ideational' arguments must empirically separate such ideational filters from the context, in other words "isolating the subjective components of actors' 'interests' from their direct responses to the environment" (Parsons 2003: 10).

Postmodern interpretivists, as noted above, meet this challenge by denying it; the notion of an accessible objective context is rejected, making interpretation of ideas the entire goal of the researcher's exercise. 'Modern' interpretivists take the challenge head on, using "fairly standard social science methods", the most common of which is some version of process-tracing and cross-case comparisons (Parsons 2003: 10; Parsons 2010: 92–93). Because modern interpretivists are critical of methodological individualism yet operate with a loosely causal epistemology, it is perhaps ideally placed to seize the middle ground between positivist (e.g. agent-centred rational choice) on the one hand and interpretative and structure-based approaches on the other (Checkel 2001: 20). As outlined in chapter 3, the relevant theoretical claims to be interrogated relate to how various NI hypotheses about the Council Presidency and the trio arrangement can be used in a complementary way in accounting for observed empirical phenomena.

In conclusion, this research represents a modern interpretivist position in relationship to epistemology and ontology. This implies seeing the world as socially structured and overtly acknowledging the researcher's active part in the construction of knowledge. While remaining critical of social science's potential to uncover universal 'truths', it is submitted that by being aware of potential bias and by making one's methodology, operationalisation and methods explicit, researchers can make some tentative inferences as to how the socially constructed political world works, which requires an open perspective in terms of positivist and non-positivist assumptions. Making such elements explicit is exactly the focus of the following sections, which turns to more practical considerations about methodology.

4.3. Case-study research

While philosophical questions are certainly important, one should not forget the that the choice of research strategy should dove-tail with the specific research questions under investigation (Bryman 2008: 26). This is especially true in the case of problem-driven research, which tends not to be guided by theoretical or methodological concerns but rather that "methods are employed that for a given problematic best help answer the research questions at hand" (Flyvbjerg 2011: 313).

Considering this thesis' research questions (see chapter 1), the central argument here is that a qualitative case-study based methodology is the most appropriate strategy. Schwandt (2001: 23), summarising Yin's (1994) description of case-study design, points out that the case-study approach is to be preferred when:

1. the inquirer seeks answers to 'how' or 'why' questions
2. the inquirer has little control over events being studied
3. the object of study is a contemporary phenomenon in a real-life context
4. the boundaries between phenomenon being studied and the context are not clear
5. it is desirable to use multiple sources of evidence

The point of these five points is that the case-study strategy is methodologically distinct and only appropriate for *some* enquiries. "How" and "why" questions are of the 'explanatory' sort where the focus is on operational links that need to be traced over time, thus distinguishing it from survey questions in the vein of "how much" and "how many". The case-study is further appropriate when the focus is on contemporary events, thereby distinguishing it from histories; and lastly when there is little or no control of the events being studied because the subject is a 'real life context', which distinguishes case-studies from experiments. In this sense, points 1-3 of the case-study's defining features clearly fit the aims, nature and research questions of this thesis. We, however, need to dig deeper to fully justify the appropriateness of this particular strategy.

Thus, point 4 relates to case-studies being appropriate for studying phenomena of great complexity; when it is hard to initially identify the forces, tensions and mechanisms at play. Case-studies are thus different from 'variable studies' in that it is the *case* that takes centre-stage (Schwandt 2001: 23). Indeed, Macpherson *et al.* (2000: 52) describe the case-study "as a research strategy designed to investigate the rich complexities of social phenomena and the social environments in which they are situated", which is achieved by producing 'thick' contextual descriptions. It is also in this sense that point 5, on the use of multiple sources of evidence – or

'triangulation' – must be understood. Triangulation in case-study research is not to be entirely understood as a strategy of validation. Rather, the "combination of multiple methodological practices, empirical materials, perspectives and observers in a single study is best understood, then, as a strategy that adds rigor, breadth, complexity, richness, and depth to any inquiry" (Denzin and Lincoln 2003: 8). In light of these considerations, it seems clear that the problem and research questions that inform this thesis are, indeed, very 'complex', qualitative and exploratory in nature, hence lending them to a case-study approach.

Nevertheless, the case-study approach is not without its problems and critics. As highlighted by Flyvbjerg (2006; 2011), some of the major critiques about case-studies is that it is easily attacked on account of its seemingly limited generalisability. Two of the major related critiques can be stated as such:

> Misunderstanding No. 2: One cannot generalize on the basis of an individual case; therefore, the case study cannot contribute to scientific development
>
> Misunderstanding No. 3: The case study is most useful for generating hypothesss, while other methods are more suitable for hypothesis testing and theory building (Flyvbjerg 2011: 304, 306)

It is certainly true, statistically speaking, that it is difficult to generalise on the basis of one or a few cases. However, as Flyvbjerg's (2006; 2011) 'corrections' to the major misunderstandings about the case-study suggest, case-studies *are* generalisable and useful for theory development if certain strategic criteria are met. Essentially, there are two critical questions that decisions on case-study design must address. First, by which criteria should cases be chosen'? This question, crucially, must be related to the issue of representativeness, by which we mean how the specific study deals with the case-study design's inherent, inescapable tension, namely that in case-studies the "search for particularity competes with the search for generalizability" (Stake 2003: 140). In other words, the relationship between case-specific findings and larger inferences need to be discussed. These are now discussed, starting with the criteria that inform case-selection.

4.4. Case selection

When designing a case-study it should be clearly defined what the research is 'about', i.e. the research questions need to indicate what this is a case study *of*, the phenomenon or problem of interest, and the specific case used to explore this phenomenon. Moreover, research questions should tie in with what constitutes the case-studies' unit(s) of analysis and whether one is doing single or multiple case studies (Yin 1994: 38ff). While such distinctions may appear semantic, they do force one to consider whether one's research questions reflect what one

wants to explore.

This thesis essentially originates in two empirical observations, namely the introduction of sport as a formal competence and the formalisation of the 'trio' arrangement in the Council. There is an unstated hierarchy: the 'trio' is the phenomenon of interest here, the *problem*. The policy area of sport, in turn, represents the case, the specific instance used to explore this problem. So: of all the potential policy areas, this research chose to focus on sport. Why? While the fact that sport is a new policy area makes it 'intrinsically' interesting (Stake 2003: 136–7), the main rationale for studying the trio through the case of sport policy is that it can be considered as a potential 'extreme' and information rich case.

This requires elaboration. First, the rationale informing case selection in case-study research is different from the ideas governing sampling in quantitative research, where sampling serves to generate a random and 'representative' sample that enables the researcher to make inferences about the general population (Silverman 2001: 248). In qualitative research this kind of sampling is often neither possible to duplicate nor necessarily advisable. Yet this does not mean that case-studies cannot contribute to theory development. Here the key is basing case-selection not on random sampling but on 'purposive' or 'theoretical' sampling (Bryman 2008: 414–5; Flyvbjerg 2011: 306; Silverman 2001: 248ff; Sparkes and Smith 2014: 184). That is, qualitative researchers actively seek out "groups, settings and individuals where […] the processes being studied are most likely to occur" (Denzin & Lincoln 1994 in Silverman 2001: 250). Case-studies are then not just useful for generating hypotheses but also testing them (Eckstein 2000: 119; Flyvbjerg 2011: 306; George and Bennett 2005: 6–9).

The main difference between theoretical and purposive sampling is that the strategy informing purposive sampling is not theoretically defined (Silverman 2001: 251). The basic point, however, is that case-selection is not random but information-oriented, i.e. that the underlying rationale when picking cases is to "maximize the utility of information from small samples and single cases", in which a number of different information-oriented strategies informing case-selection can be outlined (Flyvbjerg 2011: 307):

1. *Extreme/deviant cases*, i.e. cases that are especially problematic or especially good in a specifically defined sense. Such cases may enable the understanding of limits of existing theories and/or to develop new concepts, variables, and theories to account for such cases;
2. *Maximum variation cases*, i.e. where the goal is to obtain information about the significance of various circumstances for case process and outcomes, e.g. three or four different cases

that are different except on one dimension: size, location, budget etc.;

3. *Critical cases*, where the goal is to obtain information that permits logical deductions (hypothesis testing) of the type: 'if not valid for this case, then it applies to all (no) cases";

4. *Paradigmatic cases*, where the goal is to develop a metaphor or to establish a school for the domain that the case concerns;

It should be pointed out that these strategies of case-selection are neither mutually exclusive nor necessarily distinguishable from the outset since, as Flyvbjerg (2011: 309) recalls, in the course of research one may unwittingly go from having hypothesised a critical case to realising that one has an extreme case at hand.

This then leads us back to the question above: why EU sport policy? The choice of sport relates to the assertion that sport policy can be considered a potentially 'extreme' case in terms of how RCI and SI claim institutional actors respond and adapt to institutional change *precisely* because it is a formally-speaking new policy area. As elaborated in chapter 3, RCI would expect change to be efficient and quick, and that actors are blessed with perfect information as to the new 'rules'. In other words actors will be fully aware of what is expected of 'trio arrangement' in any given situation and will act accordingly – no 'interpretation' of role is necessary. SI, on the other hand, would expect the process of change to be inefficient, with actors adapting slowly to changed 'environmental' demands. In other words, the 'rules' governing the trio arrangement will appear ambiguous to actors, who will be somewhat bewildered as to what exactly is expected of them. Sport policy, of course, is not exactly 'new' in the context of the EU, yet it can be expected to be a possibly extreme case insofar as sport policy has so far operated less 'formally' at Council level than older, more developed policy areas. In other words, sport policy represents a potentially information rich case for exploring the trio arrangement.

4.5.   Units of analysis

With this in mind, this thesis empirically focuses on the trio arrangement in the policy area of sport from the beginning of 2010 and until the adoption of the recommendation on health-enhancing physical activity (HEPA) in the end of 2013 (Council 2013c). It hence covers three successive trio formations: the first trio of Spain, Belgium and Hungary (SPA-BE-HUN) which operated in 2010-11; the next formation composed of Poland, Denmark and Cyprus (POL-DK-CY), which concluded its tenure in December 2012; and finally the 2013-14 trio of Ireland, Lithuania and Greece (IRE-LI-GRE). The logic behind choosing this specific timeframe of enquiry is that these were the first trios to operate following the coming into force of the Lisbon

Treaty.

The enquiry is structured around four 'units of analysis', which refer to a number of thematically grouped dossiers. Such criteria were needed, as it was neither possible nor desirable to analyse all dossiers worked on during the first three trio formations in sport. Hence there was a need to develop criteria for the inclusion and exclusion of which dossiers to trace in depth. Accordingly, dossiers were chosen not on the basis of similarity but *difference*. Hence, the sampling logic is best described as 'maximum variation' where the idea is to "obtain information about the significance of various circumstances for case process and outcome" (Flyvbjerg 2011: 307). In other words, dossiers were strategically chosen in a way that permits the analysis to look at the importance of various factors when promoting issues on the agenda. Thus dossier selection is purposive and strategic and guided by the conceptual framework of NI and agenda-setting (see chapter 3). Ultimately, the criteria informing dossier selection were as follows:

- Dossiers should be formally diverse in terms of the competence acquired by Article 165 TFEU;
- Both 'old' and 'new' issues should be represented;

Thus, one important criterion when choosing dossiers was the formal rules in relation to the competence acquired by Article 165 TFEU (see chapter 2). As suggested by agenda-setting theory, the formal rules governing various policy areas matter a great deal (Princen 2007). Further, Tallberg (2006b: 34ff) highlights the importance of formal institutional rules as to the Presidency's potential to shape the agenda. Hence, an important criterion was to ensure diversity of dossiers in terms of the formal decision-making and agenda-setting rules in place in the policy area. Operationalised, this meant identifying dossiers that cover instants of 'incentive measures' where the Council shares co-decision with Parliament, acting on Commission proposals; Council recommendations and decisions adopted by the Council on the basis of Commission proposals; resolutions and conclusions that the Council may adopt unilaterally; and lastly, Presidency conclusions which may be adopted by the Presidency.

Further, Princen (2011b: 930) highlights the importance of issue institutionalisation, i.e. whether one is looking at a 'new' or 'old' issue on the EU agenda. In other words, on some issues EU involvement is more self-evident because the issue has been a long-standing concern in which the EU has developed a whole (formal or informal) machinery to deal with such issues, whilst on others this may not be the case. It is thus useful to include both types of issues when selecting cases: 'new' issues mainly face the challenge of building credibility, whereas 'older'

issues mainly face the challenge of gaining attention (Princen 2009: 53ff). Therefore another criterion identified was to have dossiers with varying degrees of history and institutionalisation in the context of the EU sport policy.

These two criteria were used to define four units of analysis: four analytical groups of dossiers with distinct temporal and formal features. Table 8 below summarises these four units of analysis, which correspond to the sequence of empirical chapters that follow. In addition, the table shows how dossiers are almost impossible to demarcate temporally; just because a decision is taken does not mean the 'end' of an issue. Accordingly, "time frame" is mainly used to highlight which issues are more recent to the EU sport agenda.

Table 8: Units of analysis and dossier selection

Units of analysis	*Dossier*	*Time frame*	*Formal character*
Formalising EU sport policy (chapter 5)	1. Structured dialogue	2010-ongoing	Council Resolution
	2. European Union Work Plan for Sport for 2011-2014	2011-2014	Council Resolution
The economic dimension of sport (chapter 6)	3. Strengthening the evidence-base for sport policy making	2006-2012	Council Conclusions
	4. Physical activity's inclusion in 2013-2017 Statistical Programme	2011-2012	Regulation
	5. Sport's inclusion in Erasmus+	2010-2013	Regulation
The integrity of sport (chapter 7)	6. Reform of the EU's coordination for and representation in the World Anti-Doping Agency	(2000-) 2010-2011	Council Conclusions; Council Resolution
	7. Match-fixing	2011-2013	Presidency Conclusions; Council Conclusions; Council Decision
The social dimension of sport (chapter 8)	8. Combating doping in recreational sport	2012	Council Conclusions
	9. Promotion of health-enhancing physical activity	2004-2013	Council Conclusions; Council Recommendation

The first unit of analysis (chapter 5) refers to dossiers that deal with formalising Council procedures, a category developed inductively. Conversely, the economic dimension of sport (chapter 6), the integrity of sport (chapter 7) and the societal dimension of sport (chapter 8) draw on the Council's conceptualisation of EU sport policy as per the 2011-2014 European Union Work Plan for Sport (Council 2011r). These four units of analysis each provide different insights into the role of the trio arrangement and the Council Presidency owing to their temporal and

formal particularities. The 2013 Erasmus+ programme (chapter 6) and the 2013 HEPA recommendation (chapter 8) are natural stopping points as they represent two watershed moments in the history EU sport policy.

4.6. Process-tracing and theory development in case-study research

Through these four units of analysis this thesis aspires to draw tentative inferences as to the dynamics of the EU; to 'improve theory', one of the main goals of social research (King et al. 1994: 19). But how do theory and research relate to each other in this thesis? It has been pointed out that this thesis originates in two key observations: the reform of the rotating Council Presidency and the introduction of sport as a formal competence. This research can then be described as inductive considering it originates in empirical observation and moves to theory whereas deductive research operates in the opposite direction (Bryman 2008: 693-694). As argued by Berg (2001: 18), however, these standard models of the research process are somewhat false insofar as research projects generally start with some vague 'idea' before theory is studied or research is conducted. Nevertheless, induction and deduction represent the two classical models of the research process: deductive research operates in a sequence of 'theory-before-research' and inductive research follows a 'research-before-theory' path (Berg 2001: 17–18). Insofar as this thesis does not initially build a fully-fledged theory to be tested by way of research, this thesis is clearly closest to the 'research-before-theory' model.

With this in mind, a more accurate model for the case-study approach is the 'research wheel' where the research process starts with empirical observation which leads to the development of research questions and a conceptual framework which then guides the analysis (Burnham et al. 2004: 45). Figure 2 (see page 69) shows the relation between empirical observation, conceptual framework and data, keeping in mind that research "is a complicated process [...] complex, uncertain and never as straightforward as these ideal typical models of the research process suggest" (ibid.: 45):

It can be argued that the case-study approach occupies a middle ground between the 'pure' models of inductive/deductive research. As with other 'flexible designs' (e.g. grounded theory), the case-study strategy is characterised by starting with a "problem that the researcher seeks to understand, not a causal relationship of variables" (Robson 2011: 132). Unlike grounded theory, however, scholars working within the case-study approach typically *do* consult theory prior to data collection. However, within the case-study approach the theoretical aims vary a great deal because case-studies can be used to accomplish such different things: providing rich descriptions,

testing theory or generating theory (Eisenhardt 1989: 535; Flyvbjerg 2011: 306). For instance, Yin (1994: 13) argues that case-studies "benefit from the prior development of theoretical propositions to guide data collection and analysis". Where Yin propagates building quite elaborate theoretical hypotheses before data collection and analysis, the approach to theory-building from case-studies adopted here is closer to that of Eisenhardt (1989: 547), which represents more of a inductive "bottom up approach" to theory building and generalisation.

Figure 2: The research wheel model of the research process
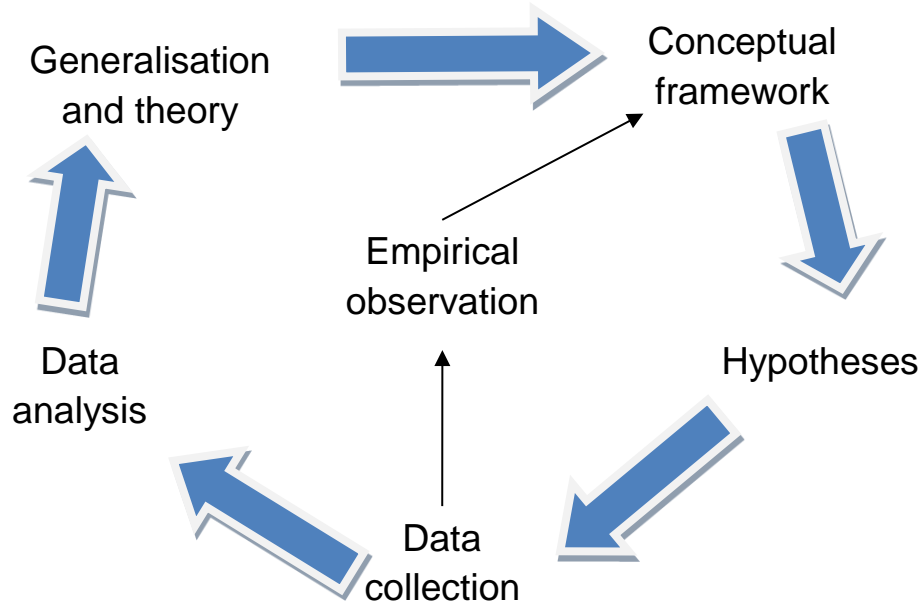
As Figure 2 suggests, 'theory' – i.e. the thesis' conceptual framework – performs a different role throughout the research process than the two 'classical' models suggest. First, from the initial empirical observations we then reviewed literature on the subject to structure and focus them, resulting in research questions. This led to the development of a conceptual framework based on agenda-setting and new institutionalism and certain guiding propositions, or what Eisenhardt (1989: 533) refers to as "possible a priori constructs". Moreover, the conceptual framework has informed the choice of which dossiers to analyse. Lastly, the conceptual framework provides the *apparatus* for a conceptually informed analysis of the collected empirical data. Indeed, this conceptual framework is by design "neither theory nor hypotheses" (Eisenhardt 1989: 533). Rather, a looser conceptual framework allows us to retain theoretical flexibility in relation to the problem at hand. While this thesis presents a theoretically informed conceptual framework to drive observations and structure the analysis, the objective of the present piece of research is inherently problem-driven rather than theoretically driven.

In other words the goal is not to confirm or disprove any one theory, but to explain an empirical *problem*, namely the role of the trio, from whence this research hopes to draw theoretical inferences by way of inductive reasoning. Here the conceptual-analytical procedure refers thus very loosely to theory-guided process-tracing (George and Bennett 2005: 206–207). That is, the conceptual framework of agenda-setting and new institutionalism allows the analysis to identify intervening causal processes in explaining outcomes in the dossiers under scrutiny. Through careful case descriptions, these categories and their relations are then examined (Mahoney 2010: 125–131). This might be termed analytical generalisation in that the thesis examines "relationships between the findings derived from the cases and a theory or theories [and] then consider relationships between this theory, or theories, and other cases not directly studied" (Sparkes and Smith 2014: 186). With this in mind, it now time to outline the sources of information, which will form the basis of this process-tracing.

4.7.   Research methods

The case-study approach is defined by relying on multiple types of evidence "with data needing to converge in a triangulating fashion" (Yin 1994: 13). This thesis draws on two data collection instruments: semi-structured interviews and documentary sources. This, it should be noted, is the standard approach in case-studies of agenda-setting (e.g. García 2007a; Grugel and Iusmen 2013; Littoz-Monnet 2012), explicitly endorsed by Princen (2011a), and also the norm in qualitative studies of the Presidency (e.g. Batory and Puetter 2013; Bunse 2009; Tallberg 2006b; Vieira and Lange 2012). These types of qualitative evidence reinforce each other in a triangulating way, by which we mean using "more than one method or source of data in the study of a social phenomenon so that findings may be cross-checked" (Bryman 2008: 700).

Triangulation thus concerns going back and forth from various types of data. Nevertheless, there was a sequential logic to the research. Essentially, the approach to triangulation in this thesis follows the heed of Niemann and Mak (2010: 736) in using 'external' and 'internal' methodical approaches in a two-step process. Essentially, the 'external' approach avoids getting into individual minds, whereas the 'internal' one tries to deconstruct, as far as possible, the cognitions of actors (Goertz and Diehl 1992: 643; Niemann and Mak 2010: 736). For the purposes of this thesis, this two-step process means beginning externally by observing behaviour through a documentary review, followed by the use of the 'internal' methods – specifically semi-structured interviews – that may further illuminate the process.

Earlier on it was argued that the choice of EU sport policy in terms of case-selection was based

on theoretical sampling. The operationalised strategy of data-sampling, however, is both purposive and loosely theoretical. Essentially, purposive sampling requires that one thinks critically about the parameters of the specific study (Silverman 2001: 250). As elaborated above, this thesis' conceptual framework guided the choice of which dossiers to study and hence the whole data-collection process, especially the documentary review, has been conceptually guided. When identifying potential interview participants, however, the strategy has been more purposive, in that the researcher has pragmatically identified "members of a subculture or community who have knowledge of the setting or phenomenon that is of interest" (Smith and Caddick 2012: 61). In other words, the research questions, policy area, dossiers and time-frame indicated which individuals would be knowledgeable about the dossiers this thesis wanted to explore. These two methods and the specific rationale informing data collection are now discussed.

4.7.1. Documentary sources

In most political research the review and analysis of official documents functions, at the very least, as the research's "essential outer framework" (Burnham *et al.* 2008: 194). This thesis draws on both primary and secondary sources. Secondary sources – such as academic studies and journalistic articles – provided initial insights. Scholarship on EU sport policy has provided understandings into some of the dominant debates in the policy area, and previous studies of the (trio) Presidency have provided invaluable information. Similarly news reports of EU summits have provided some useful evidence. As is always the case with second-hand sources, however, one must be critical; neither academic studies nor journalistic reports are neutral but always written from a certain point-of-view (Princen 2011a: 123). Therefore these kinds of evidence have only been used as starting points for further exploration.

While secondary sources have proved useful, the core of the documentary review concerned official EU documents. This documentary analysis was done in two stages. First, an initial 'broad' review was conducted in which all the 'sporting' dossiers worked on by the Council between 2010 and 2014 were mapped. This was achieved by a careful researching of the relevant databases of the Commission, EP and Council, and various official websites of Presidencies. Many documents were retrieved by writing to the General Secretariat of the Council with reference to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents (European Parliament & Council 2001). This 'broad' documentary review then formed the bases for choosing which dossiers to trace and analyse in further depth (see above).

The second part of the review consisted in a detailed tracing and analysis of each selected dossier's agenda-process focusing on (a) how the issues were framed at various stages by various actors/institutions (b) and how issues travelled though the EU polity. In addition, various documents issued by stakeholders have been reviewed, such as position papers, press releases and websites. Table 9 below summarises the main types of documents reviewed:

Table 9: Documentary data

Secondary sources	*Documents*
• Press reports • Academic accounts	• 18 month trio programmes • 6 month Presidency programmes • Presidency papers and non-papers • Presidency websites • Council conclusions, resolutions, recommendation and decisions and preparatory drafts by the Working Party on Sport and COREPER • Presidency conclusions • Official documents and press releases of the European Commission • Expert group reports and deliverables • European Parliament resolutions, reports, working papers • Position papers, press releases and websites of stakeholders

Summing up, the review of documents served a number of purposes, especially to map the activities of the trios following the coming into force of the Lisbon Treaty. Moreover, having mapped these activities and singled out of number of dossiers and themes during the review, a more in-depth review of these official documents has also provided insight into the development of the various dossiers.

4.7.2.   Semi-structured interviews

Like all methods, the analysis of documents has certain limitations, and it is therefore sensible to consider other types of evidence may be complimentary (Burnham *et al.* 2008: 208). In this thesis, this evidence is provided by semi-structured elite interviews. Interviews are generally regarded as "essential sources of case study information" (Yin 1994: 84). The most common interviews used in case-studies are open-ended (Yin 1994: 84). These are conducted in-depth rather than through formal mechanisms, and tend to be exploratory and qualitative in that they concentrate on distinctive features of situations or events as well the beliefs and personal experiences of individuals (Vromen 2010: 258). In this case, the open-ended technique opted for was the 'semi-structured interview'. By semi-structured we refer to a *fairly* flexible interview process. Thus, a

list of fairly specific questions and topics was prepared, but in the process of the interview respondents had relatively much leeway in how to reply; and improvised questions were asked as a consequence of the interview rather as part of the guide (Bryman 2008: 438). Technically, these were semi-structured *elite* interviews. Elite interviews indicate that it is the respondent who is the true expert in the matter at hand, not the researcher (Burnham *et al.* 2008: 231).

37 semi-structured interviews were conducted between February 2014 and August 2014. The majority of these were conducted face-to-face in Brussels (n=26) and Copenhagen (n=3) while some were conducted via phone or Skype due to logistical restrictions (n=8). In addition, two interviewees preferred providing written responses, bringing the final respondent number to 39.

Table 10: Interviews

Interviewees (n=39)
Member State representatives involved in Presidencies (11)
European Commission officials (5)
Representatives from non-trio Member States (6)
Members of European Parliament (2)
Stakeholders (11)
Miscellaneous: independent consultants, EPAS official, EP advisor (3)
Anonymous (1)

These semi-structured interviews were used to gain insight into the debates and events that are not officially recorded but nevertheless shape the agenda-setting process of the dossiers under scrutiny (Princen 2011: 122). The principal focus as to interview-subjects was 'trio actors'. In this sense the criteria for selecting interviewees were simple: had the interviewee been involved in (a) trio coordination and (b) policy development in the policy area of sport? National representatives were identified on the basis of official Presidency websites and/or Permanent Representation websites and, in some cases, by writing to central administrations in order to identify and contact correct individuals. The interviews centred firstly on the development of various dossiers, thoughts and experiences on trio coordination and questions relating to exploring the importance of the 'impartiality norm'.

Interviews with non-trio subjects served a slightly different purpose. Essentially, interviews with

these actors were used to get perceptions of the trio Presidency from the point-of-view of 'outsiders'. The goal was thus to enquire into the same processes from the perspective of actors *not* involved in trios, and whether such actors gauged the same processes and dossier developments similarly or differently. Less easily identifiable from the outset, these types of actors were recruited by purposive sampling and, in certain cases, the snowball method. A few examples illustrate the procedure:

- Relevant individuals from the Commission were identified by writing them directly on the basis of their officially listed responsibilities;
- In analysing the dossier of match-fixing (chapter 7), it was natural to approach representatives of Malta, which official documents had identified as 'blockers' (Council 2012y);
- In analysing the negotiations between the Council, the Commission and the EP on the Erasmus+-programme (see chapter 6), it was natural to approach the EP's key representatives in the negotiations, e.g. the rapporteur;
- In examining how trios interpret their obligation to further 'structured dialogue' (see chapter 5), it was natural to approach the invited stakeholders to get their views as to the arrangement;

As these examples indicate, interview subjects intended to give 'outsider' insight were very much identified and targeted on the basis of practical reasoning in the face of the specific dossier at hand; that is, on the basis of an assessment of the individual's perceived knowledge, expertise and proximity to the issues and dossiers under scrutiny. Moreover, it should be noted that the inclusion criteria governing the selection of stakeholder representatives was steered by formal recognition; that is, whether or not the particular organisation had been accepted to attend Council expert groups or structured dialogue meetings. Thus, the term 'stakeholder' is used exclusively because that is the term generally used in EU documents (as opposed to, say, interest group). The rationale behind targeting officially recognised stakeholders was guided by the fact that this thesis is mostly interested in the engagement of stakeholders with the Council and the Presidency through formal mechanisms rather than more generally (see chapter 5).

4.7.3.   Data limitations

During the course of data-collection, a number of obstacles were confronted. First, a number of official Presidency websites (e.g. pl2011.eu) went offline before information could be collected. Amongst targeted interviewees, the main problematic data limitation is that it was not possible

to arrange any interviews with actors from the Spanish and Greek administrations. This information shortage is, however, mitigated by (a) multiple interviews from trio partners; (b) the thesis not focusing on dossiers adopted during these Presidencies. The limitations of the present research are further discussed in the concluding chapter.

4.7.4. Ethical notes

Considering this research includes human participants, briefly addressing ethical implications are in order. The present research followed standard ethical guidelines when dealing with human participants such as the guidelines informing political and social scientific research in general (e.g. Bryman 2008: 112–135; Burnham *et al.* 2008: 282; Christians 2011: 61–80) and Loughborough University in particular (Loughborough University 2013b; Loughborough University 2013c; Loughborough University 2013d). Accordingly, Loughborough University's Ethical Clearance Checklist (Loughborough University 2013a) was filled out, submitted and approved by in accordance with standard Loughborough University procedures. Prior to the interview, the participants were informed of their rights concerning matters such as confidentiality, consent and data storage through an information sheet, which also informed of the context, subject and objectives of the research. Interviews were generally digitally recorded, which the participants were informed of prior to the actual interview, and where two respondents opted not to be recorded. Before interviews, participants were informed that requests to keep things 'off the record' would be respected.

4.8. Conclusions

This chapter has shown show how this thesis navigates the intricate labyrinth of methodology and research design. In doing so, the ontological, epistemological and methodical issues have been discussed in relation to the alternative or 'bordering' approaches to the study of politics. It was argued that the world is socially structured, the researcher is part of the active construction of knowledge, yet by making methodology, operationalisation of concepts and the methods employed explicit, researchers can attempt to map how the socially constructed political world works.

In light of these considerations, the thesis settled on a qualitative case-study approach because it is ideally suited to capture and explain complex political phenomena through rich, conceptually informed descriptions and case-specific explanations. In terms of operationalisation, EU sport policy was chosen as the case through which to explore the phenomena of the trio arrangement,

a potentially extreme case because of the policy area's recent formalisation. This analysis will combine 'thick' analysis of the organisational practice of the trio with a wish to explain the role of this institutional arrangement in moving forward policy; it tries to understand and to explain. The compromise in terms of case-selection is that by focusing only on *one* policy area the thesis brackets the ambition of expansive generalisability, a practical compromise which will hopefully be outweighed by an equally detailed and rich analysis of this new institutional arrangement, and from which the research will draw tentative inferences. The parameters of this enquiry were demarcated to a certain time period, and the chapter has also outlined the 'units of analysis' that will to be traced over time in the empirical chapters that now follow.

Chapter 5.   Formalising EU sport policy

This chapter analyses the development of two dossiers that transcend single issues by dealing with operationalising and formalising EU sport policy. These represent decisions whereby the Council has asserted its role in EU sport policy. The chapter starts by examining the drafting of the Council's resolution on 'EU structured dialogue on sport' (Council 2010d). This resolution seeks to institutionalise the Council's stakeholder relations. The section explores how and why this particular mechanism was adopted and finally how 'structured dialogue' has been implemented. The second part of the chapter adopts a similar structure by focusing first on the drafting by the Council of its 2011-2014 EU Work Plan on Sport (Council 2011r), followed by an examination of how this mechanism has been implemented and its impact on the wider framing of post-Lisbon sport policy.

5.1.   Structured dialogue

As described in chapter 2, EU sport policy has been shaped by interactions with stakeholders and the governing bodies of sport in particular. Taking the case of UEFA and the EU, García (2007b) describes how this relationship has gone from 'confrontation to co-operation', reflecting both sport governing bodies' reluctant acceptance of the supremacy of EU law and their later proactive engagement during the negotiations on Article 165 TFEU (García and Weatherill 2012). One of the few explicit goals stated in Article 165 TFEU is to promote "cooperation between bodies responsible for sports" (TFEU 165:2). The question explored in this section is how the Council has sought to facilitate this cooperation and the role of the Trio arrangement in this process.

5.1.1.   Genesis of structured dialogue

The concept of 'structured dialogue' was introduced in the White Paper on Sport (European Commission 2007b), where the Commission argued that one added value of EU action in sport was to provide a platform for dialogue on sport. Two actions were outlined. First, organising an EU Sport Forum, defined as "an annual gathering of all sport stakeholders" (ibid.: 18). This was a repackaging of an old idea, since the Commission has organised forums between public authorities and the sporting world since the early 1990s (Bogaert and Vermeersch 2006: 2). Officially labelled the 'European Sport Forum' from 2000, this practice was, however, discontinued after 2003 as "the efficiency of the Forum in terms of concrete outcomes was

increasingly called into question" (European Commission 2007a: 57). Attendance patterns have not always been the same at these Forums, as noted by a Commission official:

> [T]he Forum has grown in breadth and depth over the years to include sport-for-all organisations, to include some organisations that are highly critical of the practices of the established governing bodies […] We do usually not take sides. We just say that A and B both have a right to be here (Interview 38).

Secondly, the White Paper proposed organising "Thematic discussions with limited participants" (European Commission 2007b: 18). While both these actions are framed in terms of facilitating structured dialogue, their inclusion criteria differ: if the EU Sport Forum is framed as inclusive by envisioning inviting "all sport stakeholders", the thematic discussions were only intended for "limited participants". Hence, if the Commission has deliberately sought to make the EU Sport Forum more diverse, this principle of inclusion was not set to guide all its stakeholder-related activities.

The issue of EU-level dialogue with the sport movement received encouragement by the European Council in its 'Declaration on sport', annexed to Presidency Conclusions from the summit on 11-12 October 2008, which stressed "the need to take account of the specific characteristics of sport, over and above its economic dimension" (European Council 2009b: 21). In order for this to be achieved, it welcomed the establishment of the EU Sport Forum by the Commission, yet called "for the strengthening of that dialogue with the International Olympic Committee and representatives of the world of sport" (European Council 2009b: 21).

As a response, the Commission implemented its idea of "thematic discussions with limited participants". The result was two meetings between the International Olympic Committee (IOC) and the Commission in 2009; the first held in Lausanne on 26 January and the second in Brussels on 8 June, which press releases from the meetings framed as direct responses to the European Council's call (European Commission 2009a; IOC 2009). As noted by a representative of the Olympic Movement present at one of those meetings:

> The Olympic Movement with other international federations started with Commissioner Figel a so-called 'dialogue'. We had two meetings, one in Lausanne, one in Brussels, where we really had the top representatives of international, European sport at the table. On the other hand the Commissioner and some others representing the EU on the side. So that was really a high-ranking, top-level, and that was very helpful, because then both sides could already decide, because they had the power to agree on things. So our hope was that this would continue. But then, under the Spanish Presidency, the Council decided it should be more formalised (Interview 22).

This quotation highlights some important things. First, that 'sport movement' was equated with the Olympic Movement. Second, these meetings are seen as forerunners to a later arrangement ("the Council decided it should be more formalised"). Third, the meetings were 'high-level', with the Commission represented by the Commissioner and senior officials, and the Olympic Movement represented by prominent officials such as then IOC President Jacques Rogge and then FIFA President Joseph Blatter (European Commission 2009a; IOC 2009). Lastly, Member State governments were not represented.

As noted by the interviewee above, the 'high-level' nature of the meetings meant "decisions" could be taken. While this may be true from the outlook of the IOC, it also represents a misconception of EU policy-making: while informal agreements may be reached here, such 'political' decisions still have to be implemented at lower levels. 'Structured dialogue' itself exemplifies these dynamics, outlined in Princen & Rhinard's (2006) model of the high-politics 'route' of EU agenda-setting (see Figure 3, below).

Figure 3: High/Low trajectory of 'structured dialogue' 2007-2010
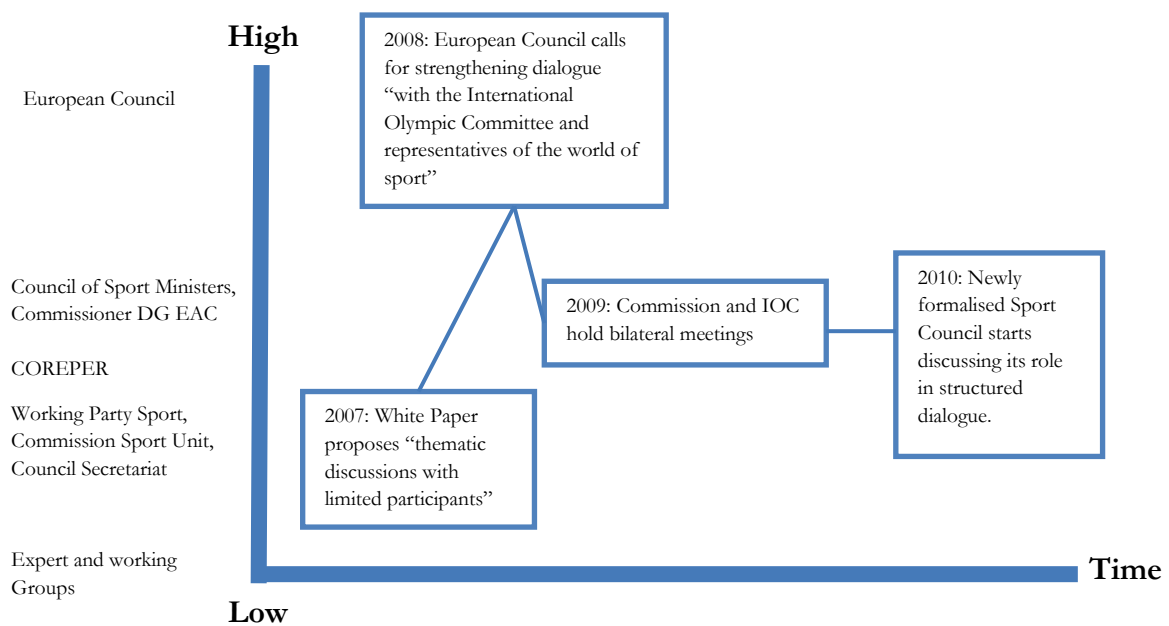
Hence, the issue of structured dialogue was outlined but not fully defined by the White Paper (2007) at the 'mid' level of the Commission Sport Unit. The issue was later given high-political impetus by the European Council in 2008, which, however, only defined "the broad outlines of a common approach" (Princen and Rhinard 2006: 1121). Structured dialogue was then further specified in the shape of bilateral meetings between DG EAC and the IOC during 2009. Yet, this did not mean the 'end' of this issue, which was later picked up at another 'mid-level' position: the Sport Council.

As now explored, the question of Council involvement in structured dialogue featured heavily on the agenda during the first post-Lisbon Presidencies. The formalisation of EU sport policy saw the Council asserting its role in structured dialogue. As analysed below, the Council was dissatisfied with the on-going framing of 'structured dialogue' and, post-Lisbon, sought to secure a change in issue definition and a new venue in which structured dialogue would take place. Thus, rather than organised by the Commission, the Council would take charge of organising 'structured dialogue'.

5.1.2. Conflict expansion as structured dialogue is taken up by the Council

On 2 October 2009 the Republic of Ireland held its second referendum on the Lisbon Treaty, and the Treaty ultimately came into force on December 1 2009. Spain took over the Council Presidency in January 2010. As noted by a representative from the Belgian Presidency, this uncertainty made trio preparations complicated, especially for Spain:

> Spain didn't have the personnel to work on the Presidency, and also for them it was really the start of the competence – I think it was in December – so there was one formal Council, and that was it. And they only knew it in December, [just] before their Presidency, so for them it was not a very easy situation (Interview 24).

This impacted trio cooperation. Would sport be an official competence? How much effort should national officials put into sport? The administrations in charge of sport from Spain, Belgium and Hungary knew they would have to agree on a sport section for the overall trio programme:

> It was very short, very brief, it was very basic priorities, but it gave us already some good basis to start the work on. I have the impression now that the trio Presidencies are more discussing before the Presidency. We just had one meeting in Brussels when there was – no, there was no Council working party back then. I think it was during an informal meeting of directors of sport and that was it. About the trio Presidency, I have to say that we didn't have that much… we did have quite good relationship with the two other Member States, but it's not that we had a very broad programme that we worked on together (Interview 24).

> [W]e had good interpersonal cooperation, but in the end it was still each Presidency with its own priorities. Of course we tried to put it together in a greater programme but it was rather just bringing together three different lists of priorities (Interview 1).

Thus, the trio's preparatory phase was brief and informal. The trio programme (Council 2009a) was sent out to delegations on 27 November 2009 featuring a section on sport which declared that the "three Presidencies will focus on the societal role of sport" (Council 2009a: 58). Agenda items included HEPA and anti-doping, and that they envisioned starting defining the "strategic principles, objectives and criteria of the future Sport Programme" (Council 2009a: 58).

Nonetheless, the SPA-BE-HUN trio programme on sport was much more expansive and detailed than the two earlier trio programmes (Council 2006a: 45; Council 2008: 48), where, for instance, the German, Portuguese and Slovenian Presidencies over four lines had listed how "various issues of common interest may be brought to the attention of the Council" (Council 2006a: 45), signifying Member State governments were already approaching EU sport policy more seriously. Interestingly, the issue of 'structured dialogue' appears nowhere in the SPA-BE-HUN trio programme, or even the Spanish Programme (see Spanish Presidency 2010a: 43) even though, as shown below, the Spanish Presidency put 'structured dialogue' on the Council's agenda at all meetings under its tenure. This indicates how the preparations and coordination within the trio had been relatively brief, informal and unstructured.

The Spanish Presidency first put 'structured dialogue' on the agenda at an informal meeting of Sport Directors held in Barcelona 25-26 February 2010. Seemingly inspired by the previous Commission-IOC meetings, the Spanish Presidency proposed establishing "a regular schedule of meetings of a select consultative group at the highest level" (Spanish Presidency 2010c: 2). The Spanish Presidency justified the mechanism on the basis of the Article 165 TFEU's explicit goal of facilitating cooperation between bodies of sport, whilst noting that sport is now subject to "inter-institutional work at EU level", implying a formal role for the Council. More specifically, the Spanish Presidency proposed that meetings would take place every six months "in the margins of the new formal EU Sport Council", and that "Public authorities and the sport movement could designate a limited and representative number of persons to act in representation of each side" (Spanish Presidency 2010c: 3). The sport directors at the meeting expressed general support for the proposal, however requesting further details on the format, composition and scope, agreeing that a revised proposal should be submitted (Spanish Presidency 2010c: 3). The Commission supported the idea but stressed that such "dialogue should be efficient and as inclusive as possible to represent the whole sport movement" (Spanish Presidency 2010c: 2). Hence, the Commission suggested that the 'new' structured dialogue should be broader than its own IOC-focused arrangement.

At the initiative of the Spanish Presidency, the Council on 24 February 2010 approved the creation of a Working Party on Sport (WPS) to assist the Council of Ministers and the COREPER in daily work and, more pressingly, so as to enable the preparation of the first EU Sport Council meeting in May 2010 (Council 2010e; Spanish Presidency 2010c). The WPS met for its first and only meeting during the Spanish Presidency on 6 April 2010 (Council 2010h).

Structured dialogue was once again put on the agenda, though no formal dossiers had been transmitted (Interviews 1 & 19):

> It was just I think an informal meeting, even if it was formal, but we did not discuss on any document in detail. We tried to get used to the setting, the building, the whole thing. So at that time, we did not know what to do with the sport field, and the Spanish Presidency itself didn't know (Interview 19).

This quotation reveals how the whole exercise on meeting formally in sport was new which, coupled with the fact the meeting did not revolve around any concrete documents, made the 'feel' of the meeting more informal. At this meeting, the WPS generally supported the Spanish Presidency's idea but, like the Sport Directors, requested further technical details and deciding it should be dealt with at a later time (Council 2010h).

Structured dialogue was also discussed at informal ministerial meeting at the EU Sport Forum held on 20 April in Madrid. After this meeting, the Spanish Minister of sport, Jaime Lissavetzky, concluded that there was unanimous agreement on the "need to create the 'structured dialogue' group" (Spanish Presidency 2010b). However, the specifics remained vague. It was suggested that this "group" should exist alongside initiatives such as the EU Sport Forum with its "greater participation" but would still be broader than the Olympic Movement and sporting federations (Spanish Presidency 2010b). In conjunction, the Spanish Presidency had co-organised with the Commission a panel where structured dialogue was one of two topics. Observers present noted that governing bodies "recognized the opportunity and quickly made their case to be a driving force of that structured dialogue" (Meier and García 2013). This is evident from the Commission's report where, expectedly, non-IOC organisations argued for broader representation (European Commission 2010e: 8–11). Regardless, the agreements reached on structured dialogue during the Spanish Presidency did not have a strong political backing. As noted by a trio member, the Spanish Presidency was unlucky with external events which interfered with the organisation of this ministerial meeting: "At that time we had this Icelandic volcano, so it was really bad timing for them, because half of the ministers couldn't attend" (Interview 19).

Thus, 'structured dialogue' was not fully developed during the Spanish Presidency. Nevertheless, by putting a Council-driven 'structured dialogue' mechanism on the table, the Spanish Presidency was embarking on a particular form of agenda-setting, namely 'institutional entrepreneurship', i.e. developing new practices, thus structuring future forms of cooperation (Tallberg 2003: 8). It thus reframed the issue of structured dialogue, highlighting the need to recognise the Council's new

formal role in EU sport policy, whilst proposing a new Council-driven mechanism. This proposed mechanism would be different than what had been developed by Commission the presence of the Member States and by having a broader representation than the Olympic Movement. However, the actual format was yet to be decided.

5.1.3.   Formalising structured dialogue

As the previous discussions had made clear, there was appetite among Member States for setting up a stakeholder mechanism, this despite caveats concerning the scope and composition of the proposed "group". It fell to the Belgian Presidency to formulate a formal proposal. As a representative of the Belgian Presidency recalled, the exact definition of 'structured dialogue' remained vague, and that *they* were expected to deal with it:

> The Spanish made some discussions about it, but then it was we who should set up a 'structured dialogue', but no one could really see very clearly what structured dialogue was. And then we had to start talking with the Commission and with the Council Secretariat, and then it was becoming clearer that there was a need to set up a structured dialogue, but from the side of the sport movement with the Member States, and not so much with the Commission (Interview 24).

The Commission was in favour of the initiative but insisted any Council document explicitly mention the EU Sport Forum. Once the Member States consented to this, it meant that "for the Commission at that time it was ok" (Interview 24). Through consultations, the Belgian Presidency became convinced that representation should not be handed over purely to the Olympic Movement:

> Yeah, so from our point-of-view, not only Belgium but also the Council Secretariat and Hungary and Spain, with whom were talking about these topics, and the Commission as well: it's not the Olympic Movement who has to decide about the whole sport movement who should come to a structured dialogue meeting or not. And we wanted to insure that there would be a good balance of representation, not only from the Olympic Movement but also from others (Interview 24).

Prior to a meeting in the WPS the Belgian Presidency issued a background paper, which sought to gather feedback on the outstanding issues on structured dialogue from the Spanish Presidency where "discussions demonstrated a high level of support" (Council 2010k: 3). Three questions were outlined:

> First, what is their nature? Are they formal or informal and what is the status of the results of such meetings? […] Second, what should be discussed during these meetings? How should it be decided what will appear on the agenda? […] Third is the question of composition. Who should participate in the high-level meeting? (Council 2010k: 3–4)

As to the first question, the Belgian Presidency made it clear that the meetings would be informal, hence not allowing for any formal output:

> The fact that the high-level structured dialogue would be established by virtue of a Council resolution gives it a certain status, but the Presidency nevertheless considers that such meetings, notwithstanding their real significance, are primarily a means of exchanging opinions where both public authorities and sport stakeholders maintain their responsibility and autonomy. The EU process of decision making does not allow these meetings to bring forth any formal "output" (Council 2010k: 4)

As to the second question, the Belgian Presidency proposed that "one purpose of these meetings should be the debriefing of the sport movement on the outcome of the formal Council proceedings" (Council 2010k: 4). Thus, the topic of the structured dialogue meeting "would very much mirror the agenda of the Council" (Council 2010k: 4). It further proposed that Presidencies *could* consult with the sport movement about including certain agenda items or, alternatively, borrow the practice from the Youth field where a list of standing topics were established (Council 2010k: 4) in accordance with that field's multiannual planning (see Council 2009c), i.e. institutional isomorphism (DiMaggio and Powell 1983).

As for the third question, the Belgian Presidency argued that the EU should be represented by the trio, Commission, EP and Council Secretariat (Council 2010k: 5). However, the sport movement was less easy to define:

> [r]egarding the sport movement's participation, the situation is less clear, given the complexity of European sport structures. The Presidency considers that, while the number of participants should be limited, the aim should be to achieve representative, broad and balanced participation (Council 2010k: 5).

Here, the Belgian Presidency is indirectly arguing that the world of sport is different from that of 'youth', therefore requiring a different and broader scheme of representation. In the youth field's structured dialogue, participants are explicitly defined and combined in a standing group, a 'European Steering Committee', where for each 18-month trio cycle representatives are drawn from "the trio Presidency countries' Ministries for Youth Affairs, National Youth Councils and National Agencies for the Youth in Action Programme, as well as representatives of the European Commission and the European Youth Forum" (Council 2009c: Annex III). One umbrella organisation, the European Youth Forum, is thus specified as an exclusive stakeholder. However, as seen above, the Belgian Presidency argued that a similar model would be inappropriate for the sport field given the "complexity of European sport structures" – the Olympic Movement is not entirely representative.

The Belgian Presidency then outlines three options (Council 2010k: 5). First, that the Council designate a set list of stakeholders to be invited for *every* meeting, i.e. like in Youth. Two, that the Presidency be given a mandate to "to invite participants at its discretion" depending on specific agenda items or Presidency priorities (Council 2010k: 5), i.e. an ad-hoc option. The third option was a combination of the two other, with some stakeholders given permanent places whilst reserving a number of seats to be invited by the Presidency.

Following this meeting, draft resolutions (Council 2010l; Council 2010m) reveal the Council supported the Belgian Presidency's proposal to stress the *informality* of the arrangement and securing *broad representation*, while settling on the second, Presidency-driven option of picking participants. Thus, rather than a standing "consultative group" as proposed by the Spanish Presidency (and outlined as an option by the Belgian Presidency), similar to the from the Youth Field, the Council designed something particular for sport, namely that meetings were to be *ad-hoc* in nature, with topics chosen by the incumbent Presidency and participants by explicit invitation. Thus, the Council agreed on the option that would give autonomy to future Presidencies, as well securing a broad representation:

> [W]e wanted to ensure that there was [representatives] from the sport movement, from Paralympic, Olympic as well, but also the non-governmental organisations – ENGSO, ISCA[4] etc. – so that every Presidency has the liberty, the freedom, to choose who they want to invite […] we wanted to give each Presidency the possibility to choose who they wanted to invite and not hand it over 100% to the Olympic Movement (Interview 24).

The adopted resolution on 'the EU structured dialogue on sport' (Council 2010d) reflects these themes. First, the recitals link to the coming into force of Article 165 TFEU and the European Council's call for strengthening dialogue with stakeholders. Second, it recognised existing structures, "in particular the annual EU Sport Forum" (Council 2010d: 3:iii), and specified that the goal was to add a "high-level component" (ibid.: 3:iv) to existing dialogue. Responsibility is placed in the hands of Presidencies to "convene, on a regular basis, generally in the margin of the Council meeting, an informal meeting of leading representatives of the EU public authorities and the sports movement" (ibid.: 4:i). Hence, informality is specified. The public representatives are spelled out in concrete terms: trio representatives; a member of the future trio; the Council Secretariat; the European Commission; and the EP. The principle guiding invitees of the sporting movement are steered by a number of criteria. Invitations should reflect the agenda of the Council meeting; the trio Presidency priorities; and/or particular topical issues. While not a 'standing group', the incumbent Presidency should be mindful of "[c]ontinuity of representation

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[4] European Non-Governmental Sports Organisation (ENGSO); International Sport and Culture Association (ISCA)

when appropriate" (ibid.: 4). Invitations should further reflect "the diversity of the world of sport" by considering "Olympic and non-Olympic sports; professional sports and amateur sports; competitive sports and recreational sports as well as grassroots sports and sports for people with disabilities" (ibid.: 4, p. 2). Hence, the spectrum of sport is defined more broadly than the Olympic Movement.

Negotiations on the resolution turned out to be a "difficult exercise" (Interview 24) for the Belgian Presidency, mainly due to pressure from the Olympic Movement, which during consultations made its objections clear. The Olympic Movement preferred a continuation of the procedure at place during the 'high-level' meetings organised with the Commission: "They wanted just – they asked us explicitly, 'just ask us, the Olympic Movement, to send representatives to the structured dialogue" (Interview 24). Once it became clear that the WPS had settled on different format, the Olympic Movement was not pleased:

> [T]he Council decided it should be more formalised, and then they decided – and that was our major concern – that only the Council decides who will represent the sport, not the sport itself, and that was from my perspective one of the big weaknesses of the new structured dialogue […] that the Presidency, each Presidency, decides on their own who should be there, and if you look on the invitations who has been invited, you have completely different levels. You have actors that are only representing professional athletes in some sports, and you have governing bodies, international ones, then you have other organisations that are only dealing with one sport (Interview 22).

As indicated by this quotation, the Olympic Movement disapproved of the Council's definition of 'sport movement', and what they perceive to be the *ad-hoc* nature of sending out invitations. While the fundamental mechanisms of this resolution were not subject to any revision at various Council levels (Council 2010d; Council 2010l; Council 2010m), according to one interviewee from the Belgian Presidency, the Olympic Movement did try to get the text changed at the last minute. However, such efforts proved unsuccessful, not least due to the Olympic Movement's lack of understanding about how the Council operates:

> At that time, the Olympic Movement said, [acerbically] "ok fine, if you want do it this way…" They even tried to change the resolution the day of the Council through the French, through France, but luckily, at that time [they] didn't get it right at that moment how the whole Council structure works. […] The Permanent Representative of France, his Minister was being contacted, I think – it was not Jacques Rogge, I think it was even by UEFA, who was being contacted by European Olympic Committee – and they wanted the Minister to change the text, but the Permanent Representative said, "no, you cannot do it, it has already passed at COREPER, so there is no way you still can make that point during the Council meeting". I think now they've learned and they try to contact the Member States already in the process

before, but during our Presidency, as it was the first real Presidency, they were too late (Interview 24).

Once adopted at the COREPER, the adoption by the Sport Ministers in the Council of this Resolution was 'pro forma': as per common practice in the Council, the resolution had been included in the agenda as an 'A item', meaning that it was not going to be subject to any further discussion by the ministers and had effectively been adopted. While it has not been possible to directly verify this version of events with members of the Olympic Movement, the narrative seems plausible in light of the comments of the interviewee from the Olympic Movement presented above. Regardless, what is especially interesting about this is how it suggests misunderstandings between the sport movement and the Council in these early days of post-Lisbon sport policy, something that impacted how the structured dialogue mechanism was ultimately implemented, which is now analysed.

5.1.4. Implementing structured dialogue

This section explores the implementation of the structured dialogue mechanism in three steps. First, it unravels what 'structured dialogue' implies in practice. Secondly, it explores the guiding criteria for Presidencies selecting topics and invitees. Third, it analyses recent discussions on reforming the mechanism.

Structured dialogue in practice[5]

It is first necessary to untie what it practically encompasses when the resolution declares that Presidencies shall "convene, on a regular basis, generally in the margin of the Council meeting, an informal meeting of leading representatives of the EU public authorities and the sports movement" (Council 2010d: 4:i). In practice, this refers to a one hour 'working lunch' held before the convening of the last ministerial Council meeting in Brussels of a Presidency term[6]. At these meetings it is customary for the sport ministers to formally adopt the majority of dossiers that have been prepared in the WPS and the COREPER in the preceding months. The current trio, accompanied by a member of the incoming trio; the Commissioner responsible for sport; the Council Secretariat; and occasionally a member of the European Parliament (MEP), represents public authorities. The lunch directly precedes the convening of the formal Council

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[5] This paragraph draws information from numerous interviews, as well as the documents listed in Table 11, p. 91.
[6] Except for the first meeting. The Resolution was adopted on November 18 2010, after which the Belgian Presidency elected to arrange a structured dialogue meeting at an informal ministerial meeting on 6 December 2010 (Belgian Presidency 2010a; Interview 1 & 24).

meeting which, after formal procedures, is followed by a policy debate between ministers, generally on the same topic as had been discussed during stakeholder meeting.

Crucially, organising a structured dialogue meeting is not perceived as a 'choice' – i.e. one of the things a Presidency *can* do with its agenda-structuring powers – but is perceived as a formal obligation. However, this rule is anchored in a legally non-binding text (i.e. a resolution). Resolutions are typically political in nature and non-binding for Member States at national level and described as such in the literature (e.g. Nugent 2010: 209–211). However, a finding in this research is that resolutions can take a *de facto* legal status under certain conditions: when they establish practices and rules for future Council cooperation. Here, this 'written rule' refers to how Presidencies should organise structured dialogue meetings before Council meetings, as per the resolution adopted unanimously by the Member States (i.e. Council 2010d). As described by an interviewee from the Hungarian Presidency:

> It was also a new system, adopted during the Belgian Presidency. At the very beginning we were not even sure we would organise it, but it turned out – and that was also one of the pushes of the Council Secretariat – that we have to (Interview 19).

We here see how the 'written rule' that a Presidency should organise a structured dialogue meeting was not initially apparent to the Hungarian Presidency; it required enforcing by the Council Secretariat to define it as a formal obligation. The interpretation of this written rule as obligatory is manifested in how all Presidencies in sport have organised these meetings (see Table 11, p. 91). This shows that even if resolutions are considered a 'lower' form of agreement compared to Council decisions/recommendations (or regulations/directives), they can carry consequences.

Guiding criteria

Interviews and attendance lists indicate a number of criteria guiding the organisation of these meetings, linked to design of the resolution (Council 2010d), namely topic, diversity and high-level representation. The first and most basic criteria relates to the topic of the meeting:

> And then we were thinking, when we chose the topic, we were thinking which sport organisations would be the most interesting (Interview 37).

> First of all it has to depend on the topic itself, and you have to invite the participants according to the topic (interview 19).

Beyond topic, two other sub-criteria emerge: diversity and high-level representation. First, Presidencies have sought to ensure that the representation is diverse. Second, the mechanism

serves to "develop the high-level component" (Council 2010d: 3:iv) of the Council's dialogue. Interviewees framed this as the ideal of convening representatives that were at the highest possible level, meaning the most senior officials, e.g. Michel Platini (the UEFA president). Interestingly, interviews also suggest that these two criteria – high-level and diversity – exist in tension with each other:

> We tried to cover as many fields as we could. Like SportForAll also, and of course the big actors who are involved in that specific topic, in our case betting, and it was logical that football is the most touched sport […] There was this problem that some organisations are not really friendly with each other. I will be concrete. ISCA is not accepted as a real sport organisation, so other sport federations are not very much in favour of discussing with somebody who is not from the 'real sport', in their point-of-view. At the same time, ISCA is doing very much on the sport for all, for the SportForAll field, so these problems happen, and you have to be careful with the set of participants in order to get the high representation (interview 19)

Hence, the criteria of diversity and high-level representation need to be juggled. As shown above, the Olympic Movement sees itself as representing the entire sporting movement. Moreover, representatives of the Olympic Movement are open about objecting to being forced to sit at the same table with some organisations, referred to as the "Flower Arranging Society" (Interview 22). Indeed, non-IOC organisations like ISCA, Play The Game and EU Athletes are aware of the resentment from governing bodies, which occasionally manifests itself openly (Interview 2, 3 and 7).

Selecting topics

If topics are the main criteria for choosing participants, the picking of topics is not entirely open to Presidencies, who have to juggle some unwritten, if weak, rules. As noted above, these meetings are by design 'informal'. Yet, structured dialogue has been implemented as part of the *formal* Council meetings. However, the Council Secretariat has been keen on introducing a broader unwritten Council rule of separating 'informal' and 'formal' topics:

> [W]e had some problems, because we were sad, quite concretely, that we couldn't put the topics that are discussed in the Working Party in the Council on the agenda of the informal meetings. [The Council Secretariat told us] that we shouldn't mix up the formal and the informal topics. Nowadays, the situation has changed, I think, because, and it is also logical that you use the informal setting to prepare the formal (Interview 19).

Thus, the Council Secretariat has been pushing for Presidencies – in this case the Hungarian Presidency – to keep 'formal' and 'informal' topics apart. The idea is that informal meetings (ministerial, sport director, structured dialogue) should revolve around different topics than the

ones being developed formally in the WPS. However, the appropriateness of this practice is contested in sport insofar as not all Presidencies abide by this unwritten rule. The Polish Presidency, for instance, dealt both formally and informally with match-fixing (Council 2011b; Polish Ministry of Sport and Tourism 2011a; Polish Ministry of Sport and Tourism 2011b). As remembered by the Hungarian Presidency:

> I think during our Presidency it became clear that it makes sense to have the same topic on the structured dialogue lunch as the Council [meeting], because then the stakeholders can also add comments, and express their views on that (interview 19).

Following the Hungarian Presidency, structured dialogue meetings have *usually* been framed towards the Council's formal agenda, i.e. a particular dossier or an aspect of a dossier up for adoption (see Table 11, p. 91).

This general framing towards the Council's decision agenda, however, is not directly evident in Table 11, hence this requires some explanation and contextualisation. Poland organised its structured dialogue meeting on the topic of good governance in sport, whereas later that day the Council adopted a set of conclusions on combating match-fixing (Council 2011b), with reports, however, indicating both issues were discussed at the structured dialogue lunch (Council 2011q: 26–27). Indeed, the Polish Presidency had intended the topics to complement each other:

> [W]e just wanted to connect the topic with the debate, though it was under good governance. We decided to do this; we wanted to show another side to integrity. That there are threats to sport but that we can fight them by introducing the rules, the principles of good governance (Interview 37).

Similarly, Denmark organised a discussion on the "future challenges in the fight against doping, including in recreational sport" (Council 2012x: 16) which thus tied together with its conclusions on combating doping in recreational sport (Council 2012c, see chapter 8). Cyprus focused on the possible European Week of Sport, and later adopted conclusions on health-enhancing physical activity (i.e. HEPA) which asked the Commission to "[c]onsider establishing an annual European Week of Sport" (Council 2012d: 6:4, see chapter 8). Greece held its structured dialogue and Council debate on 'the economic, social and environmental sustainability of major sport evens'. This topic was later highlighted as a future priority as the Council adopted its 2014-2017 Work Plan on Sport (Council 2014h: Annex). Similarly, the Hungarian Presidency organised its stakeholder meeting on a future priority recognised by the 2011-2014 Work Plan, namely sport betting/match-fixing (Council 2011r). Arguably, the thematic broadness of multiannual programmes such as Work Plans suggests an element of path dependency: Presidencies in charge of said dossiers have thematically more room to manoeuvre in topics for stakeholder meetings.

Table 11: Implementation of structured dialogue

Presidency	Belgium	Hungary	Poland	Denmark	Cyprus	Ireland	Lithuania	Greece
Structured dialogue theme	Results of the Council, future of structured dialogue, topical issues	Sport-related aspects of on-line betting	Good Governance in sport	Future challenges in the fight against doping, including recreational doping	European Week of Sport	The role of public authorities in combating increased sophistication of doping in sport	Good Governance in sport	The economic, social and environmental sustainability of major sports events
Topics of formal dossiers up for adoption at Council meeting	Informal ministerial meeting, nothing up for adoption	• *2011-14 EU Work Plan for Sport*	• WADA • Voluntary activities in sport • *Match-fixing*	• *Combating doping in recreational sport* • Partial general approach: Erasmus For All	• Evidence base for sport policy-making • Manipulation of sports results • *HEPA*	• Convention of the Council of Europe to combat the manipulation of sports results • Dual careers for athletes	• Contribution of sport to the economy • HEPA	• *2014-17 EU Work Plan for Sport* • Gender equality in sport
Invitees	EOC, ETS-UEFA, EPC, ENGSO, ISCA	IOC, EOC, FIFA, UEFA, ENGSO, European Lotteries	UEFA, EPFL, EU Athletes, EOC, Recreation and sport Alliance	IOC, WADA, EU Athletes, EHFA, ENGSO, ISCA	ISCA, EHFA, UEFA, EUSP, EUPEA, TAFISA, ISSF, FESI.	USADA, UCI, EOC, WADA, ISF, EU Athletes	EU Athletes, FIFpro, UEFA, Transparency International	[No information available]
Sources	Belgian Presidency (2010a)	Hungarian Presidency (2011b); Council (2011p)	Council (2011q)	Council (2012x)	Council (2012y)	Irish Presidency (2013b); Council (2013m)	Interview 20; Council (2013o)	Council (2014f); Greek Presidency (2014)
Abbreviations	European Health and Fitness Association (EHFA), European Non-Governmental Sports Organisation (ENGSO), European Paralympic Committee (EPC), European Physical Education Association (EUPEA), European Olympic Committee (EOC), European Professional Football Leagues (EPFL), European Team Sports (ETS), EU Sports Platform (EUSP), Federation of the European Sporting goods Industry (FESI), Fédération Internationale de Football Association (FIFA), International Olympic Committee (IOC), International Sport and Culture Association (ISCA), International Ski Federation (ISF) International School Sport Federation(ISSF), The Association For International Sport for All (TAFISA), Union Cycliste Internationale (UCI), Union of European Football Associations (UEFA), US Anti-Doping Agency (USADA), World Anti-Doping Agency (WADA)							

Explanation: Italics (i.e. *italics*) indicate the formal dossier to which the structured dialogue theme is framed

There are two 'outliers' illustrated in Table 11, namely Ireland and Lithuania. The Lithuanian Presidency had not planned to deviate from this unwritten rule, insofar as it had initially planned to adopt Council conclusions on 'good governance'. However, since an expert group deliverable was late, Lithuania dealt with the issue informally through its structured dialogue and the ministerial debate (Interview 20). Ireland is a telling example, with an interviewee describing the arrangement as "just difficult, and you are very much limited by the topic, and it has to be linked back to Council" (Interview 18). The 'difficultness' refers both to a perceived poorness in the format and highlights the unwritten rule that the topic "has to be linked back to Council", suggesting how the new informal rule (explained by the Hungarian interviewee above) has now become a 'standard operating procedure' (Hall 1986). Ireland, who was an EU representative in World Anti-Doping Agency at the time, negotiated this 'unwritten rule' by updating the ministers on the EU's on-going negotiations on the new World Anti-Doping Code (Council 2013m), an issue with high visibility at the time (see chapter 7). Hence, if the existence of a 'standard operating procedure' can be identified by actors, this particular rule remains relatively adjustable and flexible – it can be 'manipulated' (Lowndes 2010: 73) .

Thus, this unwritten rule seems to be particularly negotiable if and when an issue commands a high degree of visibility. This should be seen in relation to how the resolution had initially specified that the Presidency, in organising structured dialogue meetings, should take into account "any urgent or topical issues"(Council 2010d: 2). Interviews conducted during the spring and summer 2014 in Brussels suggested that the issue of 'good governance' in sport's governing bodies featured very high on the Council's systemic agenda during the Lithuanian and Greek Presidencies in the wake of scandals and investigations into corruption in the Olympic Movement. We can moreover observe that beyond the temporal focus of this thesis, the two subsequent Presidencies, Italy and Latvia, have framed their debates directly towards the formal dossier of the day (Council 2014a; Council 2014g; Council 2015a; Council 2015b). This suggests that while structured dialogue meeting agendas should normally be framed towards the Council's formal agenda, this 'standard operating procedure' is particularly negotiable in the aftermath of focusing events (Kingdon 1995).

Summing up, structured dialogue has been implemented in two main ways. First, as an opportunity to discuss specific topical issues which *may* require further action in the future (Hungary, Ireland, Lithuania, Poland). Second, to facilitate input on topics *already* set to move forward in the EU in the near future (Belgium, Cyprus, Greece, Denmark). A Presidency is expected to organise such meetings; the resolution makes it a rule. However, more negotiable

rules govern the Presidency's scope for agenda composition; while the topic *should* be framed with regard to the formal Council meeting, the arrangement is rather elastic. Crucially, if the Belgian Presidency had originally argued that the structured dialogue should serve two purposes – debriefing of Council outcomes, and dialogue on specific issues – the mechanism seems to have been implemented with a focus on *debriefing* of Council outcomes, strongly limiting the potential of stakeholders to re-frame EU sport policy through this mechanism. Thus, the mechanism is more 'top down' in direction.

Two further elements need to be discussed: trio coordination and impact. First, despite trios being charged with duties of representation and the resolution calling for a link between structured dialogue and trio priorities, interviews and documentary evidence suggest very little trio coordination on the choice of structured dialogue topics. This is interesting since trio coordination would seemingly 'fit' structured dialogue mechanism; if a trio had a long term vision and a specific list of priorities, the mechanism would allow Presidencies to start discussions with stakeholders before their six month tenure. Secondly, the mechanism has not had any concrete impact on the composition of the agenda, nor any formal decisions, which was pointed out by a wide majority of interviewees, regardless of affiliation. Thus, the next section, looks at how debates on reforming the arrangement have unfolded and discusses potential reasons why the mechanism has yet to be reformed.

Reconsidering structured dialogue

Wishing to reform the mechanism was an almost universal theme amongst interviewees. One of the perceived problems with the mechanism, as felt by Presidencies, has been the relatively low level of representation from big governing bodies, as here expressed by a representative from the Polish Presidency:

> Of course there was a problem with the level of representation. Because even if they have ministers, if there is a Commissioner, they are not really eager. Like Platini would never come, or someone like this. We had a bit of problems with this, but I think all the Presidencies are going through this (Interview 37).

Some fault probably here lies with Presidencies, who have been late in sending out invitations, as highlighted by representatives of the Olympic Movement (Interview 22). Mainly, however, Member State interviewees tended to connect the need for reform with dissatisfaction with the practical format:

> I have fairly strong views on the structured dialogue, and my view is that it's not the best way in achieving a desired outcome. It's nearly too formal, too structured in a way, and then to try and have a very structured setting in an unstructured lunch, it just doesn't work. So people are trying to eat, they are trying to listen, speak […] there isn't really a debate, people kind of read pre-scripted things (Interview 18).

> I'm not sure whether it's useful or not, because we are already adopting a document or doing something with that topic during the Council – like two hours after – so they [stakeholders] cannot influence the core text at all. But at least this is a gesture for them, to be involved, and meet high-level people (interview 19).

Hence, Member State representatives highlight two problems: the format, which is not conducive to 'dialogue', and to a lesser degree timing, which means the Member States cannot take the views expressed into consideration. However, this last identified problem seems half-hearted, insofar as this lack of potential input from stakeholders seems to have been by design, as suggested here by the Belgian Presidency:

> Because the Presidency has no mandate of the Council, it will be a very informal talk. It's more informing the Sports Movement what is happening and not really consulting and having a dialogue with the sport movement. I think our ambition was to have a dialogue, to learn from the sport movement (Interview 24).

The implicit regret (evident in the quotation above) about the mechanism is related to the format, which is not conducive to "learning" from the sport movement. This quotation also points out how, as explored above, the arrangement is by design "informal". This is related to how trios, while representing the Council, do not have a concrete mandate to 'speak' for the Council since no common Council positions are formally agreed beforehand,[7] meaning the stakeholder consultations and its outcomes are informal.

Interviewees from the Olympic Movement were not just critical of the format but the entire mechanism:

> Then you have the format, you have only a one-hour lunch, and they are sitting 25 people there, and everybody has more or less the same time, which means you have one minute to speak. And could you imagine you get major presidents of international, European federations in such a format? No […] So, for us, the structured dialogue completely failed. Completely, because there is no way to discuss anything in one hour, and the timing is ridiculous, because they meet at a lunch just before the Sport Ministers meet, so there is no impact! […] If they took it more serious, then you would say okay, three weeks before, four weeks before we have a dialogue with relevant actors on the policy field. […] Then we discuss, then we have an outcome, this can be integrated in the preparation of the sport minister Council, so everything is ridiculous. It's the form, the way they invite, it's the participants (Interview 22).

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[7] The issue of establishing common EU positions in 'external' negotiations is explored extensively in chapter 7.

This quotation reveals a lack of understanding between the actors who seem to be expecting different things from the arrangement. The mechanism, as implemented, seems designed to mainly inform the sporting movement of Council outcomes whilst soliciting feedback on certain aspect of a file set to move forward, whilst the Olympic Movement views the mechanism as failed because of its lack of providing concrete outcomes in the files up for adoption.

Regardless, the Commission in 2014 put reforming structured dialogue format on the agenda. In its evaluation of the Council's 2011-2014 Work Plan, the Commission stated that it "shares the views expressed in consultations that the structured dialogue lunch organised in the margins of the EYCS Council could be further improved, as it is considered that it has not reached the objectives" (European Commission 2014c: 9). To solve this problem, the Commission suggested three options (ibid.: 11): (1) Two high-level meetings per year, at the start of each Presidency term; (2) Two high-level meetings per year, one focusing on topical issues with relevance for professional sport, one on topical issues with relevance for grassroots sport; (3) An annual high-level meeting, preceding the Council or as part of an informal meeting of EU Sport Ministers. The first two options seem designed to remedy the problems identified above by the Olympic Movement interviewee: by creating opportunities for the sport movement to give input *before* the formal Council meetings, whilst the second (with no timing defined) would create a vehicle for separating 'high' and 'low' level sport actors. The third, in turn, would decrease the number of meetings.

However, if Member States generally seem to agree that the structured dialogue mechanism needs to be reformed, they decided not to deal with the issue when adopting their new work plan (Council 2014h), to the great regret of the Olympic Movement and affiliated organisations (e.g. ENGSO 2014; Interview 22). As explained by a member of the WPS:

> [We] pushed to put the reference on the 2nd Work Plan on the need to restructure that practice, because we are not too satisfied with that practice. In our view it doesn't add very much value […] We also gave text proposals but I think the Council did not want to take that responsibility, that we adopt something and then we have to re-structure it again. It's a bad message. If you write it down then you have to re-structure it. I would dare to write it, because we have to improve our procedures, but right now was not the place for this (Interview 19)

Hence, while some countries had supported putting the reform of structured dialogue in the 2014-2017 Work Plan (Council 2014h), there was resistance to doing so, first because (a) it would be to publically admit the arrangement's failure, which would be a bad "message", and (b) that it would actually commit Member States to formally change the mechanism in the near

future. This indicates that the mechanism is not sufficiently recognised as a problem among the Member States; the need for reform does not command enough visibility. Rather, Member States have continued discussions on reform informally amongst themselves, thus 'softening up' (Kingdon 1995) the issue for later consideration whilst they seek out an appropriate solution:

> [I]n the last number of sport directors meetings there has been an effort to involve more from the sport movement […] And we had a discussion about it in fact in relation to the next EU Work Plan for sport. Now in the end there is nothing in the text about necessarily reforming the structured dialogue, but I think it is something that Presidencies will take into account. One of the things we discussed was whether you might need to have a more formal engagement with the sport movement, maybe in advance of your Presidency, halfway through, and at the end, something like that might work better. So there's definitely an awareness out there that that needs to change (Interview 17).

Overall, the evidence presented here suggests the Member States prefer to keep structured dialogue informal, with stakeholders kept at some length. It can be speculated that the need for reforming the mechanism will increase over time as more Presidencies are entrusted the obligation of organising structured dialogue, as the interviewed representatives from Presidencies were generally more critical of the mechanism than other Member State representatives.

In summation, this section has explored how the Council, led by the Spanish and since the Belgian Presidency, used the coming into force of the Lisbon Treaty to reframe the terms of 'structured dialogue', seeking to put the mechanism in the hands of the Council and broaden the definition of sport movement. The Spanish Presidency argued that, with the ratification of Article 165 TFEU and the establishment of the Sport Council, there was now another 'formal' actor to take into account in structured dialogue. While an agreement was not reached during the Spanish Presidency, support for the initiative amongst the Member States meant the Belgian Presidency was expected to follow up on the issue. The format ultimately agreed at the Council evolved from what was initially proposed by the Spanish Presidency and especially the bilateral implementation of the Commission's IOC meetings. In particular, the design of the mechanism moved from the idea of a "select consultative group" (the model from the Youth field) into something more vague, giving more flexibility to individual Presidencies, specifically topic-specific meetings convened on an *ad-hoc* basis, with participants invited by the incumbent Presidency (rather than the Olympic Movement), with representation of the Council entrusted to the trio. Despite facing criticism from the Olympic Movement and (later) the Commission, the Council has been unwilling to reform the arrangement. The next section turns to exploring a formally similar dossier, namely how multiannual planning was introduced in the EU sport policy.

5.2. Adopting and implementing the 2011-2014 Work Plan in sport

This section explores the drafting of the Council's EU Work Plan for Sport 2011-2014 (Council 2011r). The section also analyses how this mechanism of multiannual planning has been implemented and its effect on trios, Presidencies and the Commission.

5.2.1. Developing a Work Plan

The Council had been awaiting a political proposal from the Commission on the priorities of post-Lisbon sport policy, initially as a 'sport mini programme' (see chapter 6). To that end, the Spanish Presidency organised a ministerial debate on the priorities of post-Lisbon sport policy, intended to guide the Commission in drafting said communication (Council 2010g; Council 2010i). The Belgian Presidency had been expecting to deal with this proposal but, when none arrived in time, developed alternative priorities (Interview 1 & 24, see chapter 7). On 18 January 2011, a couple of weeks after Hungary took over the Presidency, the Commission finally released a Communication on 'Developing the European Dimension on Sport' (European Commission 2011a). It thus fell to the Hungarian Presidency to draft the Council's response. Due to its status as a new Member State, Hungary elected only to put one formal dossier on the table:

> Our priorities, let's say, they were given because we knew the Commission Communication is coming. The problem was that we expected it during the Belgian Presidency […] We really hoped it would be published in the beginning of our Presidency term, and it happened, so we were kind of lucky and happy because it was a big package, we had to work on that, so we really didn't want to add more priorities, because you know we are quite new in the EU, the sport policy was also quite new, so one big file is enough; just do it on a good level, and not exaggerate and overload the agenda (Interview 19).

That adopting a 'Work Plan' was the appropriate way to deal with the Commission's communication largely came out of discussions with the Council Secretariat, with the goal being to assert the Council's enhanced role in EU sport policy *vis-à-vis* the Commission.

> The main point of the Work Plan, and that was also one of the arguments of the Council Secretariat, was that so far until the Work Plan, the Commission set their own agenda, organised everything on its own, but now it's room for the Member States, now we have to decide what priorities we are choosing, now we have to be also part of procedural things. That was the reason we re-structured this old working group system, to give the opportunity of Member State experts to lead expert groups and to have their own role. It was kind of, like, putting the emphasis on the Member State side (Interview 19).

Thus, with sport now being a formal policy area, there was a need to make procedures in sport policy more structured, that "we shouldn't just go and discuss The Rolling Agenda on and on"

(Interview 19), i.e. the informal way the Member States had guided the Commission pre-Lisbon. Thus, procedures in sport had to be formalised to reflect the new status as an official competence. Like with structured dialogue, the goal was, then, to assert the Council's enhanced role in setting the agenda in EU sport policy.

Hence, the Council Secretariat and the Hungarian Presidency agreed to adopt an institutional arrangement known from other fields – multiannual programming. In designing the broader contours of what a Work Plan on sport was 'supposed' to look like, the Hungarian Presidency drew inspiration from other policy areas:

> We tried to prepare and I read all the work plans from the other fields. Youth Work Plan, Culture Work Plan, and Education Work Plan, trying to see how long they last and everything. We identified that maybe the Youth field is the most similar to us because of the nature of the competence. But at that time the Youth Work Plan was for 8 years, I think it was for between 2010 and 2018, and then we discussed it with the Secretariat and the Commission and we said: OK, it is the first Work Plan, it shouldn't be too long, so let's aim, let's say 3 years. It seems to be reasonable. And that was the reason why we had it 2011 and 2014 (Interview 19).

In developing the Work Plan, the Hungarian Presidency thus drew inspiration from previous institutional templates, especially from the Youth Field (Council 2009c). This suggests a process of 'institutional isomorphism' (DiMaggio and Powell 1983), that is the process whereby organisational structures 'travel' into new fields, providing homogeneity horizontally across the EU.

However, while suggesting 'institutional isomorphism', the 2011-2014 Work Plan does not represent a case of pure institutional borrowing, but also a process of pragmatic, goal-oriented institutional bricolage, that is a "recombination and reshuffling of pre-existing components or other institutional materials that happen to be at hand" (Lanzara 1998: 26–27). This means that in bringing the 'standard operating procedure' (Hall 1986) of multiannual planning to the sport field required 'tinkering' and adaptation to suit the needs of EU sport policy.

The clearest manifestation of this, indicated by the interview above, is how the Hungarian Presidency proposed a shorter timescale of three years, which felt more appropriate for this new policy area. The rationale behind the timescale is similar to one presented by the Hungarian Presidency in a background paper, which also connected it to the trio arrangement: "it might be reasonable to start with a relatively short period as this is a new area. The Hungarian Presidency considers that three years would be ideal as it would cover two successive 18 month Team Presidency cycles" (Council 2011e: 5). The period was also, to a lesser degree, informed by the

timescale for the start of the upcoming Multiannual Financial Framework and, hence, linked to a potential sport programme (Interview 19, see chapter 6).

While this process of 'institutional bricolage' is reflected in the time-scale, it was also reflected in other aspects of the 2011-2014 Work Plan's institutional design. Thus, the quotation above points out that the Hungarian Presidency drew especially on the multiannual work plan in Youth policy (Council 2009c). This is also reflected in the background document for a WPS meeting on 25 January 2011 where the Hungarian Presidency noted that:

> As to the degree of detail and the number of the priorities, the Presidency would like to hear the views of the delegations. Inspiration might be taken from the approaches used in other related policy fields, or delegations may have new ideas and approaches that they wish to suggest. For example in the youth sector, an overall thematic priority, which is supported by several specific and more detailed priorities, is set for the duration of each 18 months (Council 2011e: 5).

Accordingly, the Presidency's first draft of the 2011-2014 Work Plan (Council 2011d) followed the Youth field's blueprint (Council 2009c). It did so by first outlining the broad agenda issues in sport – identified in the Commission's White Paper and Communication (see Table 12, p. 100) – and by having an appendix where the incoming trio of Poland, Denmark and Cyprus would complete by putting in their priorities for the next 18 months (Council 2011d: 10). Thus, the "first Trio Presidency covered by the period of this work plan should focus on a limited number of priority areas of action, related to one or more of the general objectives", with the next trio scheduled to do something similar (Council 2011d: 5). However, by the time of the next WPS meeting in March, the Member States had agreed on a different design: rather than lay down concrete plans for the 18-month cycles spanning the first trio, a more limited number of Council priorities (drawn and adjusted from the Commission's documents) would be defined, and from which the Council's work was expected to focus on in the coming years (again, see Table 12, p. 100).

What this indicates is that the Council opted against formalising a model which would require a great deal of Trio coordination – but would perhaps give a great deal of individual flexibility to the trio versus the Council at large – in favour of a looser model, giving more flexibility to an individual Presidency in choosing priorities from a specified set of priorities. Ultimately, the adopted resolution invites Presidencies to "take into account, in the context of the Team Presidency, the EU Work Plan priority themes when developing their programme" (Council 2011r: 3). At the same time, the Work Plan is designed to be 'open' insofar as it also underlines

that it "should be a flexible framework which is capable of responding when appropriate to developments in the field of sport" (Council 2011r: 1).

Table 12: Sporting priorities of the Council and Commission 2011-2014

'General objectives' of the Council identified in Commission White Paper (2007b) and Communication (2011a) by Hungarian Presidency in draft Work Plan (Council 2011d)	'Priority themes', Draft European Union Work Plan for Sport 2011-2014 (Council 2011g)

❖ **The societal role of sport**
  ➤ fight against doping
  ➤ education, training and qualifications in sport
  ➤ prevention of and fight against violence and intolerance
  ➤ enhancing health through sport
  ➤ social inclusion in and through sport
  ➤ promoting voluntary activities
  ➤ cooperation with third countries and international organizations
  ➤ supporting sustainable development in sport-related projects
❖ **The economic dimension of sport**
  ➤ evidence-based policy-making in sport
  ➤ sustainable financing of sport
  ➤ application of EU State aid rules to sport
  ➤ regional development and employability
❖ **The organisation of sport**
  ➤ promotion of good governance in sport
  ➤ the specific nature of sport
  ➤ free movement and nationality of sportspeople
  ➤ transfer rules and activities of sport agents
  ➤ integrity of sporting competitions
  ➤ European social dialogue in sport sector
  ➤ protection of minors
  ➤ corruption, money-laundering and other forms of financial crime[8]
  ➤ licensing systems for clubs.
  ➤ media
	❖ **Integrity of sport**
	  ➤ fight against doping
	  ➤ fight against match-fixing
	❖ **social values of sport**
	  ➤ health
	  ➤ social inclusion
	  ➤ education
	❖ **economic aspects of sport**
	  ➤ sustainable financing of sports
	  ➤ evidence-based policy making in sport
	
	'Priority themes', European Union Work Plan for Sport 2011-2014 (Council 2011r) – adopted
	❖ **Integrity of sport**
	  ➤ fight against doping
	  ➤ fight against match-fixing
	  ➤ promotion of good governance
	❖ **social values of sport**
	  ➤ health
	  ➤ social inclusion
	  ➤ education
	  ➤ volunteering
	❖ **economic aspects of sport**
	  ➤ sustainable financing of grassroots sports
	  ➤ evidence-based policy making in sport

The problem faced by the Hungarian Presidency was to limit the broad systemic agenda, identified by the Commission, to a smaller set of common Council 'priority themes'. On the one hand, most Member States had certain topics they would like to see included, but on the other hand "everybody agreed that we need a limited number of expert groups and limited number of priorities" (Interview 19). The Hungarian Presidency's initial draft ultimately identifies 21 issues in the Commission's Communication (2011a) and White Paper (2007b) and selects seven priorities (Council 2011g: 5). During negotiations, this grew to nine priorities with the inclusion of 'volunteering' and 'good governance in sport', just as the 'sustainable financing of sport' was specified to 'sustainable financing of grassroots sport'.

The resolution gradually became more assertive *vis-à-vis* the Commission. Thus, whereas the Hungarian Presidency had merely proposed that these seven (ultimately nine) themes "should be

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[8] Notably, match-fixing was later included in this listing by the Council (2011r).

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given priority by Member States for the period covered by the present work plan" (Council 2011g: 5), the final resolution states that the "following themes should be given priority by Member States *and the Commission* for the period covered by the present work plan" (Council 2011r: 2, my emphasis). This was a learning exercise for the Hungarian Presidency:

> In my point of view, at that time, I thought that we really should follow the Commission's communication […] but then we moved a little bit further, which I learned is OK too, because the Council can say: "It will be another way" (Interview 19).

Another example of the Council asserting its prerogative over EU sport policy is to be found in the organisation of the priorities. An idea had appeared during the consultation phase: restructuring the Commission's thematic framework. Accordingly, the Presidency draft proposed adjusting the Commission's three-part thematic framework in a way more suited to the Council's immediate priorities, especially with regard to the expert groups:

> You always have to find a good – kind of – umbrella word which covers different topics, which are priorities for certain Member States. And it turned out that there are some priorities such as match-fixing, like doping, and also sport agents and transfers of minors, and these issues all belong to the integrity of sport, so it was a good word to put together in one expert group (Interview 19).

As Table 12 shows, in the Council's 2011-2014 Work Plan, the Commission's concept of the 'organisation of sport' is replaced with the 'integrity of sport', a category which draws both from the Commission's social (anti-doping) and the organisation of sport (good governance; match-fixing) themes, a format which appears in all drafts of the resolution (e.g. Council 2011g; Council 2011r). The Work Plan thus reorganises the thematic framework of EU sport policy (as previously defined by the Commission since the 2007 White Paper). More importantly, the Work Plan represents a 'trimming' and shaping of the wider EU agenda in sport. At the same time, where the Hungarian Presidency's initial drafts had explicitly set goals for the adoption of future Council documents, such as a recommendation on HEPA (Council 2011g: 9; see chapter 8), the final design of the Work Plan merely set explicit goals for the Council expert groups, not the Council at large, thus being a more flexible document (Council 2011r).

Where the Council was thus most assertive was with regard to the creation of expert groups. In the Presidency's initial draft, the Hungarian Presidency had proposed that the existing Commission-led working groups continue their work for another year and provide a report with "recommendations for future work" (Council 2011g: 5), for then to be replaced by new expert groups from 2013. During the negotiations in the Council, it was agreed to immediately replace these six working groups with six newly established expert groups, chaired by Member State

experts rather than the Commission, and these expert groups would provide deliverables according to specific deadlines, supported by external stakeholders (Council 2011r).

As a reflection of the general priorities mushrooming during the negotiations, so did the number of requested expert group deliverables, moving from six to nine as deliverables were added on topics such as good governance, match-fixing, sport agents and strengthening of financial solidarity mechanisms within sport, whilst a proposed issue – standards for accessibility of events and venues for disabled people – was cut at an early stage (Council 2011g; Council 2011h; Council 2011r).

Asked whether it was able use its Presidency to promote its own priorities, interviewees from the Hungarian Presidency were dismissive:

> We tried, but we didn't really manage. At the beginning I think we tried that we could include Presidency priorities into the text, but afterwards we realised that the bigger challenge is to coordinate all the Member State inputs and Member State priorities, so after a while we gave up on personal and Presidency priorities, and tried just to have a consensus on the text. I think in a text which is for example a Council Conclusions, I think it is easier to include Presidency priorities, but in that document [the 2011-2014 Work Plan] – because of its nature – we really needed the consensus, and we were very busy to put it together, and we didn't really have neither the energy or the time for pushing our priorities […] So I think after all, the Presidency priorities didn't really appear concretely in the text (Interview 19).

Evident from the above, the Hungarian Presidency opted not to push personal priorities not because of an explicit alignment with the 'impartiality norm' – it had wanted to – but rather out of sheer pragmatism, namely that it was more important to have a result, i.e. a resolution and a Work Plan every country could get behind. Hence the 'effectiveness norm' (Elgström 2003a) seems to have been the main mechanism, with this re-prioritisation of Presidency priorities expressed more as a strategic decision so as to comply with Council norms. These were consistent themes throughout the interview, not just in negotiating with Member States, but when working with the Council Secretariat:

> [I]f the Presidency doesn't have hard priorities, like in our case – we didn't say "we want to do something with doping" exactly or "we want to have a Council document on this and this". We were following the agenda that was given, let's say, we had to deal with the Work Plan and with the Commission's Communication. For these Presidencies who are not that determined, let's say, the Secretariat has a bit more space to influence. So they tried, and on the one hand we were grateful and we said "thank you" because it was very helpful as freshmen, on the other hand sometimes we fought with them, like "ok, let us do it like how we imagined it". And I see that after our Presidency, there were other Presidencies who were a bit more tough, they said "ok we want to deal with that" – for instance the Cypriots were in my opinion more determined – and in that case the Secretariat couldn't play that strong role. In our case I would say they

played a quite strong role […] not only wording, but also a little bit content wise, and that was also a lesson to learn, because we thought everything that the Presidency says is so, but it was not the case (Interview 19).

As illustrated above, the interviewee self-identifies as "freshmen" as an explanation for not asserting themselves too much against the Council Secretariat. At the same time, the quotation indirectly reveals that it was more of a strategic choice *not* to be "determined" and have "hard priorities", since the counter example, the Cyprus Presidency, was just as much a 'freshman'. This self-characterisation is consistent with other interviewees, none of which highlighted the Hungarian Presidency as being particularly assertive. The Council Secretariat's role is further discussed in chapter 6 and 7, whereas the role of Cypriot Presidency is analysed in all the remaining chapters.

The Hungarian Presidency was successful in getting the Work Plan adopted. The following section examines how the Work Plan was implemented and its effect on EU sport policy, not least in guiding the behaviour of subsequent trios and Presidencies.

5.2.2. Implementing the 2011-2014 Work Plan

The EU Work Plan has been a key document in formalising and structuring EU sport policy in the post-Lisbon era. This section serves to outline some general findings about the Work Plan's implementation which are further elaborated in the forthcoming chapters.

First, the Council Work Plan has become a key document in terms of guiding the activities of the Commission. Thus, whilst the dissolving of the six Commission-led working groups meant that the Commission was no longer chairing these expert groups, the Commission still has to provide secretarial functions:

> I would say that for about two years most of my work was determined by the Work Plan […] So I would say the Work Plan has been tremendously important. And I also think that it has provided a much needed discipline in relationship to what could be done and not be done. There were discussions within my expert group as to whether it should take own initiative decisions, and we – being the Secretariat – were always rather relieved when we could say "no folks, it's not possible, the Council has asked for this particular deliverable, it has to be delivered on time" (Interview 38).

According to this, Commission officials have also sought to keep experts 'on track', effectively becoming 'guardians' of the Work Plan. At a more political level rather than the practical level, the Work Plan also seems to have steered the Commission's decisions with regard to policy initiation. Thus, the Commission has only formally proposed actions on subjects covered by the

Work Plan, namely HEPA (European Commission 2013b) and match-fixing (European Commission 2012c). These were both topics where expert group deliverables were used in the drafting phase and, ultimately, picked up by the Council who then explicitly asked for said recommendations to be proposed by the Commission (Council 2011b; Council 2012d; Council 2012w). This suggests either a relatively 'direct' steering of the Commission's work and/or the Commission sharing these priorities. These dynamics are more fully explored in chapter 7 (match-fixing) and chapter 8 (HEPA).

Moreover, the Work Plan has impacted the work of the Council and especially the work of Presidencies. Table 13 (see p. 105) shows the formal dossiers tabled in the period covered by the 2011-2014 Work Plan. At the most basic level it can be observed that, with but one exception, all the Council's formal dossiers during the period have 'fit' the priority themes outlined in 2011-2014 Work Plan. The outlier here is the Greek Presidency, in charge of adopting the new 2014-2017 Work Plan, which opted to highlight two issues outside the 2011-2014 Work Plan priorities – and successfully so, in the sense that these topics were included in the new Work Plan's priorities and its designated expert group-level work (Council 2014h). Furthermore, the period covered has been especially concerned with 'integrity'. The social dimension of sport, especially HEPA, has received some attention; and the economic dimension of sport has received the least attention. The reason for this focus on 'integrity', as explored in chapter 7, can be explained, on the one hand, by the first trio's focus on formalising procedures *vis-à-vis* the World Anti-Doping Agency, and secondly, match-fixing rising to the top of the EU's agenda as a response to a series of focusing events (Kingdon 1995).

Ultimately, interviews and documentary data suggest that the 2011-2014 Work Plan has had a differential impact on Presidencies, in which three groups can be defined. The first group, which covers the first trio of Spain, Belgium and Hungary, focused on formalising the work of the Council in sport and, in doing so, shaped the agenda of the following Presidencies.

Table 13: Formal dossiers of the Sport Council since the adoption of 2011-2014 Work Plan

Agenda Item	Poland Jul-Dec 2011	Denmark Jan-Jun 2012	Cyprus Jul-Dec 2012	Ireland Jan-Jun 2013	Lithuania Jul-Dec 2013	Greece Jan-Jun 2014
(1) Integrity						
Fight against doping	XX	OXXX	XXX	OXXX	XX	X
Match-fixing	X		X	<u>X</u>	<u>X</u>	
Good governance	O				O	
(2) Social						
Health			XO		<u>X</u>	
Social inclusion					X	
Education				X	∧	
Volunteering	X				┊	
(3) Economic						
Sustainable financing of grassroots sport					∨	
Evidence-based policy making in sport			X		X[9]	
(4) Non-Work Plan Items						
Erasmus+		X				
Work Plan 2014-2017						X
Gender Equality in sport						X
Sustainability of major sport events						O
Sources	Council (2011b; 2011c; 2011f; 2011s; 2011w)	Council (2012c; 2012r; 2012t; 2012v; 2012af)	Council (2012b; 2012d; 2012s; 2012u; 2012w; 2012ad)	Council (2013a; 2013b; 2013d; 2013g; 2013j; 2013u)	Council (2013c; 2013e; 2013h; 2013i; 2013k; 2014c)	Council (2014b; 2014d; 2014e; 2014h)

Explanation: 'X' refer to dossiers formally tabled and negotiated at various Council levels (e.g. conclusions, resolutions). Underlined 'X' represents QMV dossiers (decisions, recommendations). 'O' represents questionnaire topics drawn up for Council ministerial debates. The latter are included since they are formally adopted at WP and COREPER level (e.g. Council 2010j).

[9] This refers to a set of conclusions (Council 2014c) framed both in terms of evidence based policy-making in sport and social inclusion (see chapter 6).

The second group, which covers Poland and Denmark, were only loosely constrained by the Work Plan; both were deep in their planning stages when the resolution was adopted, and only one incoming deliverable being requested for this period (Council 2011r), namely the first EU contribution to the new World Anti-Doping Code (Council 2012r). For these Presidencies, the exercise revolved around 'tailoring' their already-prepared priorities to the Work Plan, which was possible because the Work Plan had been broadly defined (Interview 9 and 37). A Polish official illustrates this in the following quotation:

> [O]ur ministry for foreign affairs were really pushing us to get started as early as possible, so we already started and the priorities had already been chosen, without the Work Plan even existing. […] But the Work Plan was useful of course, because somehow we wanted to direct it, but the Work Plan is so broad that we could get everything we had planned into it. But the Work Plan is not really for the Presidency. It's for sport policy in general. It's more for the institutions, it's for the Member States itself, but not really for the Presidency. We are not really taking into account the priorities of the Presidency, they have to be somewhere, but if the one Presidency wants to take something that is not even mentioned in that document, fine, they can do whatever they want (Interview 37).

The last group, covering the Cypriot, Irish, Lithuanian and Greek Presidencies, has been impacted to a much stronger degree by the planning mechanisms of the 2011-2014 Work Plan, especially the influx of expert group deliverables. At the same time, per design, it automatically fell to Greece to adopt a new Work Plan for 2014-2017 (Council 2014h). The experiences of the third group can be illustrated by the following quotations from the Irish and Lithuanian Presidencies respectively:

> Well, the EU works on the basis of the Sports Work Plan, you know that. So we had a few topics coming after this Plan, because expert groups have to present their deliverables, and some were coming before or at the beginning of our Presidency. So we oriented ourselves firstly on this (Interview 20).

> We were very much influenced by the expert groups and the timing of when they would finish. (Interview 18).

Summing up, this section explored how the Council was anticipating a political proposal from the Commission. It finally arrived in time for the Hungarian Presidency, who focused its Presidency on developing the Council's Work Plan on sport for 2011-2014 (Council 2011r). The 2011-2014 Work Plan was designed to serve numerous interrelated goals: assert the Council's role in EU sport policy, specifying the EU's immediate priorities in sport and outlining the responsibilities of the Commission, the (trio) Presidency and expert groups. In designing the mechanism, the Hungarian Presidency drew on institutional templates from adjacent EU-fields whilst, however, adapting these to the particularities of the EU sport policy and Member State

preferences, resulting in a shorter timeframe and a smaller role for trio coordination. This Work Plan has had a tremendous importance for (a) guiding the activities of the Commission (b) and bringing structure and continuity to the Council's work, especially through steering of subsequent Presidencies and trios, though differentially so; later Presidencies have been *more* steered by this Work Plan.

5.3. Conclusions

This chapter has provided a number of intriguing insights with regard to the trio arrangement. The following discusses these findings but also considers what these dossiers reveal about EU agenda-setting dynamics and the process of institutional design.

As analysed in this chapter, the SPA-BE-HUN trio did not define many explicit, collective priorities. Due to contextual factors – especially uncertainty around the ratification of the Lisbon Treaty and hence Article 165 TFEU – the trio's preparation phase was short and informal, with only one preparatory meeting held in conjunction with a Sport Directors meeting. Accordingly, the process of drafting a trio programme on sport was "rather just bringing together three different lists of priorities" (Interview 1). Nonetheless, the Presidencies comprising this trio complemented each other's work by pursuing the same objectives. As noted by a Polish interviewee, work in this period focused on "structuralising" [sic.] the policy area of sport (Interview 37). The Presidencies largely focused on dossiers that would accomplish this: structured dialogue, the 2011-2014 Work Plan and coordination for the World Anti-Doping Agency (see chapter 7). Hence, this trio generally[10] focused on 'institutional entrepreneurship', i.e. developing new institutional practices so as to structure future co-operation (Tallberg 2003: 8). Considering the coming into force of Article 165 TFEU, this is expected – there was a need to 'formalise' or even 'normalise' the policy area.

Intriguingly, in laying down these mechanisms for multiannual planning and structured dialogue, the Council has discarded organisational models that would require *more* trio cooperation and coordination. Thus, in both instances the Council decided to give more flexibility to individual Presidencies rather than setting in stone *concrete* priorities. Thus, in designing the Work Plan, the Council did not pursue the Hungarian Presidency's suggestion for trio priorities to be directly inscribed in the Work Plan (as in the Youth field). Instead, the Council opted for a more flexible arrangement which would require less alignment of trio priorities, but perhaps requiring more

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[10] The exception being the Belgian Presidency, who also sought to raise the visibility of sport as a vehicle for social inclusion (Council 2010c)

overall Council consensus on the broader sporting priorities. Relatedly, whilst the resolution on structured dialogue grants the trio responsibilities of representation, and notes that trio priorities should be taken into consideration (amongst other guiding criteria), the Council opted for a model allowing individual Presidencies to highlight *particular* issues, related to the overall Council agenda. Relatedly, there was observed no effort to use the mechanism in terms of achieving trio priorities, i.e. starting dialogue ahead of time; to use the mechanism to 'soften up' particular issues (Kingdon 1995). Hence, the Member States have deliberately opted out of institutionalising mechanisms that would encourage trio coordination.

In terms of agenda dynamics, these dossiers share certain characteristics. Thus, in both cases, it could be said that the equilibrium was punctuated (Baumgartner and Jones 1993) due to a change in institutional constraints (Princen 2007). Thus, conflict expansion took place due to the entering into force of Article 165 TFEU, through which the Council sought to change the framing and *modus operandi* of existing informal practices. This, then, is similar to how RCI conceptualises how institutions and organisational structures are established in response to functional demands for establishing long-term solutions that will reduce future transaction costs (Tallberg 2010: 635). As explored in these two dossiers, the desire on account of the Council to reframe structured dialogue and introduce multiannual planning was functionalist in nature (Stacey and Rittberger 2003: 869) insofar as reform happened at this point in time due to an exogenous change in the environment – the ratification of the Lisbon Treaty – with a resultant need to update procedures; to make 'credible commitments' in lieu of implementing Article 165 TFEU.

Thus, in the case of introducing multiannual planning in EU sport policy, the Council sought to introduce a more direct way of steering the Commission than the earlier practice of the 'rolling agenda'. That is to say, 'standard operating procedures' (Hall 1986) from other policy areas, i.e. multiannual planning, were introduced so as to mainstream EU sport policy and thereby secure the Member States could more directly control the activities of the Commission and low-level expert groups. As described in agenda-setting literature, conflict expansion usually happens when currents participants in a policy process seek to "benefit from involving a wider circle of participants (Princen 2007: 29). However, on structured dialogue, conflict expansion did not take place at the request of existing actors, i.e. the Commission and the IOC. Nonetheless, the outcome was the same as the Council took advantage of the new state of play in EU sport policy to insist on reframing structured dialogue, leading to a change in venue: structured dialogue became a Council-driven mechanism with procedures mirroring the preferences of the Member

States. Ultimately, this reflects power dynamics in the field: as per Article 165 TFEU, sport is *supporting* competence of the Member States.

In process-tracing these dossiers, the analysis above has also found it useful to draw on sociological institutionalism, in particular the concept of institutional isomorphism (DiMaggio and Powell 1983). Thus, in terms of institutional design, these new mechanisms for structured dialogue and multiannual planning were "modelled on pre-existing institutional templates" (Tallberg 2010: 36). In particular, it was observed how Presidencies drew direct inspiration from especially youth policy. However, if through these mechanisms procedures in EU sport policy have thereby become more formalised and normalised, this is not to say was a case of pure institutional 'copying'. Thus, in both instances there was a process of 'institutional bricolage' (Lanzara 1998), meaning actors have 'tinkered' so as to adopt these broader institutional models to the particulars of EU sport policy. It is through this process of 'tinkering' that the particular power dynamics of EU sport policy are revealed.

Thus, in introducing multiannual planning to the Council, the Hungarian Presidency drew on institutional templates from adjacent EU-fields, particularly Youth. However, in doing so the Council also adapted so as to suit the particularities of the EU sport policy and Member State preferences, resulting in a shorter timeframe and a smaller role for trio coordination. As analysed, the 2011-2014 Work Plan has had a tremendous importance for guiding the activities of the Commission and expert groups, thus steering the direction of EU sport policy as such, as further analysed in the subsequent chapters. Further, by bringing structure and continuity to the Council's work, the 2011-2014 Work Plan has influenced the work of subsequent Presidencies and trios, though differentially so; later Presidencies have been *more* steered by this Work Plan. This design, in particular the 3-year cycle, seems to have become a new unwritten rule (Council 2014h) which suggests that future trios/Presidencies will be impacted in terms of how this mechanism structures the 'EU timescape' and their place in this 3-year cycle (Meyer-Sahling and Goetz 2009). Thus evidence suggests that Presidencies in the field of sport *increasingly* look to the Work Plan when moving forward the Council's work. Indeed, this suggests that Council's sport agenda has become increasingly programmed. It also suggests that similar dynamics can be expected under the new Work Plan for 2014-2017, i.e. that the first Presidencies will be less restricted with no deliverables on the table, whilst later Presidencies can be expected to be more restricted and, perhaps, dealing with more 'heavy' documents such as recommendations, which generally have to go through all stages at the Council level, as examined in chapter 8.

Similarly, the design of structured dialogue moved from the idea of a "select consultative group" (the model from the Youth field) into something more vague, giving more flexibility to incumbent Presidencies, specifically topic-specific meetings convened on an *ad-hoc* basis, with participants invited by the incumbent Presidency (rather than the Olympic Movement). Ultimately, the design of structured dialogue and its implementation can best be explained in the wider context of EU sport policy. Thus, this research compliments and deepens earlier studies on EU-stakeholder relations in sport. In particular, Meier and García (2013: 437), drawing on veto player theory, argued that:

> At the time of writing it seems fair to affirm that it will be extremely difficult for sport governing bodies or stakeholders to achieve a status similar to a partisan [veto player] through the structured dialogue. [...] In any case let us also remember that such a 'structured dialogue' is not part of the formal legislative process. Therefore, its impact on policymaking will depend on the political game, rather than the institutional structure.

The findings of this chapter deepen and qualify these assertions. Thus, as predicted by Meier and García (2013), the "political game" has seen the Member States deliberately not concede any particular status to the Olympic Movement, just as they have tried to limet their influence by keeping structured dialogue informal. Indeed, the Olympic Movement actively pursued an exclusive role in structured dialogue dialogue. The analysis revealed how and why the Council agreed that the sport movement was too complex to designate special status to any particular organisations in a 'standing group' – in particular the Olympic Movement – with the Council preferring an *ad-hoc* mechanism. Departing from practices in the youth field, the Sport Council has been insistent on not giving *any* organisation 'special' status. By design and implementation, the mechanism was informal; while intended to promote dialogue with the sport movement, it also seems to have been designed this way so as to keep sporting stakeholders at arm's length from the Council's decision-making, with the seeming impact of the mechanism on policy output minimal. This also explains the Council's lack of will in reforming the mechanism.

The findings on this dossier thus mirror the earlier dynamics described by García and Weatherill (2012). The Olympic Movement's dissatisfaction with 'structured dialogue' can thus be explained with reference to earlier precedence, namely how the sporting federations had *some* success in the negotiations leading to Article 165 TFEU and thus perhaps expected a privileged status in the future. While the sporting bodies may be unhappy with the current arrangment, the sporting bodies cannot afford the luxury of refusing invitations entirely, as they have realised the need to 'engage' positivly to shape and limit the EU's intrusion as to their atonomy, but with the Member States not willing to grant sporting bodies legal exemption (García and Weatherill 2012)

or, in the case of structured dialogue, special political status as exclusive stakeholders. In this sense, this dossier represents a continuation of earlier dynamics, with these now inscribing themselves within EU sport policy's formal structures.

Chapter 6.   The economic dimension of sport

As explored in Chapter 5, the Council has devoted the economic dimension of sport the least attention in terms of formal output in the period covered by the 2011-2014 Work Plan. Nonetheless, as shown in this chapter, efforts to define the economic dimension of sport have played a crucial legitimising function (Boswell 2008) in establishing sport as a 'credible' (Princen 2011b) policy area within the EU.

Accordingly, the first section of this chapter explores the gradual rise of the economic dimension of sport on the agenda. Originating in working group cooperation between the Commission and Member States, the economic dimension of sport policy has mainly been framed in terms of sport's contribution to the economy, and especially with how it can be measured. The first tangible outcomes were a pair of conclusions (Council 2012e; Council 2014c) and the section analyses the circumstances which saw the issue emerge at this particular point in time. The section further considers the negotiations which saw 'physical activity' included in the European Statistical Programme 2013-2017 (European Parliament & Council 2013b). Lastly, it discusses the role of the Council Secretariat in EU policy-making.

The second section explores the process which saw sport included in the Erasmus+ programme, a landmark of EU sport policy which makes sport a permanent fixture of the EU budget until, at least, 2020. The low-political developments described in the chapter's first section played a key role in the Commission's efforts to secure support for sport's inclusion in Erasmus+. The section analyses how the Commission drove forward discussions on a funding stream for sport policy, where different options were tabled, considered and blocked, before sport was ultimately proposed as part the Erasmus+ programme. The section then traces the Council's negotiations with the Commission and the EP on the sporting aspects of Erasmus+.

6.1.   Counting sport: quantifying an economic sector

The rise of sport's economic dimension has been gradual and is symptomatic of the 'low politics' route on to the EU agenda as described by Princen and Rhinard (2006). Accordingly, this section is structured around this model's four stages of agenda-setting: initiation, specification, expansion and entrance. The high and low political routes are ideal-types; hence, they generally do not occur in pure forms. Yet, while such models simplify reality for heuristic reasons they remain analytically valuable.

6.1.1.   Issue initiation (2006): calling the experts

Sport framed in terms of 'economics' came on to the agenda during the Austrian Presidency of 2006 which made "Sport and the Economy" its core theme in sport (Austrian Presidency 2006b). As the Austrian minister responsible for sport, Karl Schweitzer, stated at the beginning of the Presidency:

> The importance of sports to the overall economy is unfortunately all too often underestimated. […] We must develop scientific statistics on sports at European level and create standard economic statistics and documentation pools (Austrian Presidency 2006b).

To support this, the Austrian Presidency commissioned a study to be presented at a sport directors meeting (EurActiv 2006). This study outlined the idea of building 'Sports Satellite Accounts'[11] (SSAs) and, using proxy data, analysed the macroeconomic effect of sport in the then 25 Member States (SportsEconAustria 2006). The study found that the sport sector generated an added-value of 407 billion euros in 2004 and accounted for 3.7% of EU GDP and 5.4% of the labour force (SportsEconAustria 2006: 18). At the meeting, the Austrian minister reportedly argued that the aim should be "to establish sport as an integral part of the national political programmes of EU Member States" (Austrian Presidency 2006a). To that end, Schweitzer proposed that all Member States produce SSAs so as to establish "the value creation network of the sports sector in a macro-economic context and documenting the economic importance of sport for the entire EU area" (Austrian Presidency 2006a). Hence, it was argued that the lack of comparative knowledge on sport's macro-economic importance was hindering policy-making at both national and EU level. The Austrian Presidency further proposed establishing a EU working group on 'sports and economics' (SportsEconAustria 2010b). The Austrian Presidency had clear incentives for seeking further recognition of the sport's field as an economic sector, insofar as their own provisional study (and later ones) found Austria to be the EU economy to derive the most of its GDP from sport-related activity (SportsEconAustria 2006; SportsEconAustria 2012).

These Austrian proposals represent two agenda-setting strategies of "building credibility" (Princen 2011b: 935–8). One, the Austrian Presidency is claiming authority for EU sport policy as such by framing sport as an undervalued economic sector, thus linking sport to the EU's "legitimate role in promoting economic development" (Princen 2011b: 937). Two, it is urging

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[11] An SSA can be defined thusly: "A Satellite Account System is aimed at measuring the economic importance of a specific industry which is not observable in the traditional system of National Accounts. This is because the industry does not correspond to a specific statistically delineated economic activity. Sport is one such area of economic activity" (DCMS 2011).

capacity-building by proposing to set-up a working group, which may "contribute to the development of a European-wide consensus on best practices, which can be used as a basis for further discussions at EU-level" (Princen 2011b: 936). Hence, these represent moves to build the credibility *of* EU sport policy by proposing low-political measures documenting sport's importance as an economic sector ('claiming authority') and strengthening the EU's bureaucratic capacity to inform policy-making in this economic sector ('capacity building').

The economic dimension of sport was thus initially framed in terms of strengthening the evidence-base of EU sport policy, particularly its economic value. Ultimately, the Austrian efforts proved successful as the Sport Directors formed a working group on "Sport & Economics", established with three objectives: (a) To measure the sport sector as a percentage of GDP and a percentage of employment in the Member States and in the EU; (b) to measure the dynamics of the sport sector over time; and (c) to collect reliable data as a basis for future decision-making (European Commission 2007a: 126).

6.1.2. Issue specification (2006-2011): policy specification from below

Over the following years, this issue would be further *specified* via low-level work aimed at formulating proposals that could be considered "specific and technical" as defined by Princen and Rhinard (2006: 122). Thus, a common methodology for SSAs was agreed during the fourth meeting of this working group in October 2007 where it reached consensus on a European statistical definition of sport, the so-called 'Vilnius definition of sport'. Three Member States initially volunteered to produce SSAs: Austria, Cyprus and the UK. The working group developed a number of documents which were presented at the Sport Directors meeting in Barcelona under the Spanish Presidency in February 2010, such as a methodology paper (SportsEconAustria 2010b) and a short publication with the first results from the first SSAs (SportsEconAustria 2010a), which were welcomed by the Sport Directors (European Commission 2011d; Spanish Presidency 2010c).

The Commission had clearly been supportive of setting up the working group, whose work it enveloped into its own programmes. In the White Paper, the Commission argued that sport "is a dynamic and fast-growing sector with an underestimated macro-economic impact, and can contribute to the Lisbon objectives of growth and job creation" (European Commission 2007b: 10). It cited the findings of the study presented by the Austrian Presidency (SportsEconAustria 2006) and on this basis argued that the "contribution of sport should be made more visible and promoted in EU policies" (European Commission 2007b: 11). The White Paper proposed a number of actions under the heading "Moving towards evidence-based sport policies", such as

launching a study designed to assess the sport sector's direct contribution (GDP, growth, employment) and indirect contribution (e.g. education, regional development) to the Lisbon Agenda, i.e. the strategy adopted by the European Council for 2000-2010 (European Council 2000a), which was replaced by the Europe 2020 Strategy (European Commission 2010b). The Commission further pledged to cooperate with the Member States on developing "a European statistical method for measuring the economic impact of sport as a basis for national statistical accounts for sport, which could lead in time to a European satellite account for sport" (European Commission 2007b: 10). As promised by the White Paper, the Commission complemented this work in a number of ways, such as organising a conference on sport statistics (European Commission 2011b) and by commissioning a study on the 'Contribution of Sport to Economic Growth and Employment in the EU', using the Vilnius definition (SportsEconAustria 2012). Hence, there was a clear cooperation between the Commission and the Member States in developing this aspect of EU sport policy.

The usefulness of conducting SSAs became increasingly recognised, with the Commission in 2011 reporting that four additional Member States would finalise national SSAs in 2011 (European Commission 2011d) though, by 2013, only Austria, Cyprus, Germany, the Netherlands, Poland and the UK had done so (European Commission 2013c). Regardless, the Member States clearly saw the value of the work, and made 'evidence-based policy making' a priority in the 2011-2014 Sport Work Plan (see chapter 5), which also established an expert group for "Sport Statistics" (Council 2011r: 4).

6.1.3. Issue expansion and entrance (2012): institutional possibilities and constraints

After years of low-political work, the issue of strengthening the evidence base of EU sport policy was primed to begin work at the formal level, with the coming into force of Article 165 TFEU producing new possibilities for taking the issue forward. This forthcoming analysis sees two linked processes unfold simultaneously, ultimately merging: (a) inter-institutional negotiations on the 2013-2017 Statistical Programme, with these negotiations taking place in non-sport venues and (b) efforts within EU sport policy in order to 'colonise' this statistical programme, a process in which the Cypriot Presidency played a key role.

Mobilising support for sport's inclusion in the 2013-2017 Statistical Programme

DG EAC had been keeping DG ESTAT (henceforth Eurostat) informed about the 'low political' developments on sport statistics and, to that end, in 2011 started assessing the possibility of including sport in the Statistical Programme for 2013-2017. However, the Commission also

informed Member States that "for Eurostat to become more involved in the future it was crucial to have strong policy support, including specific requests from the Council" (XG STAT 2011: 6). Hence, the Commission had been working towards exploring 'horizontal' agenda expansion (Princen 2009) within the Commission, urging Member State officials to help facilitate this process. DG EAC was ultimately successful in convincing colleagues in Eurostat to include sport in the Commission's proposal on the 2013-2017 Statistical Programme (European Commission 2011g: 26), framed in terms of calling for "Statistics provided on physical activity". However, no formal support came from the sport ministers before late 2012, which can be related to how the 2011-2014 Work Plan had structured or 'planned' the Sport Council's work.

As noted in chapter 5, the Work Plan represents a shift in the role of 'experts' insofar as the new expert groups were given concrete targets intended to feed into the Council's decision-making process. By mid-2012 the sport statistics expert group was asked to produce recommendations on "ways to promote data collection to measure the economic benefits of the EU sport sector in line with the Vilnius Definition and evaluate the results" (Council 2011r: 4). Hence, at the expert level, the issue of sport statistics remained framed in terms of the economic contribution of sport as a sector. At its first meeting, the expert group decided to meet this request by producing two deliverables (XG STAT 2011: 3). First, it would prepare a manual for national statistics offices on how to set up SSAs. Secondly, it would produce policy recommendations on the contribution of sport to economic growth and employment in the EU, based on the study commissioned by the Commission (i.e. SportsEconAustria 2012).

This lower-level work would hence be ready for the Cypriot Presidency in the second half of 2012, who would prioritise evidence-based policy-making in sport and work towards sport's inclusion in the new statistical programme. However, this 'planning' by the Sport Council proved problematic in terms of mobilising support for sport's inclusion in the 2013-2017 Statistical Programme. The Danish Presidency took on developing the Council's first reading of the Commission's proposal of the Statistical Programme in the first half of 2012. This took place within the venue of the Working Party on Statistics, a cross-sectional body that takes "a general overview of all statistical questions" by receiving "information on statistics-related issues from other working parties" (Council 2015c). The Working Party on Statistics is then a separate venue within the Council, composed of national officials dealing with statistical issues, but particularly the macroeconomic statistics concerning economic and financial affairs, internal market, agriculture and fisheries etc. (Council 2015c). That sport and physical activity was not within its traditional remit became clear when, on 8 June 2012, the Danish Presidency released its final

compromise proposal, which deleted the Commission's proposed reference to 'physical activity' (Council 2012q) and hence any link to sport. How 'physical activity' came to be deleted is revealed in this meeting report of the sport statistics expert group:

> [Cyprus] drew the [expert group's] attention to ongoing discussions in the Council Working Party on Statistics, and notably to the fact that the reference to 'physical activity' was proposed for deletion from the draft Regulation on the European Statistical Programme 2013-2017 upon the request of a single MS. The Cypriot expert, who was also a member of that Working Party, noted that there was a need to better communicate to national statistical offices and experts represented in that Working Party about the good progress achieved in the work on sport statistics, regarding the SSA in particular, and about the need to ensure support from the Statistical Programme for a strengthened evidence-base in the field of sport (XG STAT 2012b).

Accordingly, there had only been one Member State pushing for physical activity's deletion in the Working Party on Statistics, who as a different institutional venue had different 'pet concerns' or bias (Baumgartner and Jones 1993) than the institutional venues within the EU sport policy community.

The Statistical Programme would be adopted under the ordinary legislative procedure, meaning that the Council would have to find agreement with the EP, with trilogue negotiations commencing under the subsequent Cypriot Presidency. Hence, actors within the EU sport policy had further time to convince colleagues in various statistical venues of the merit of including sport in the EU's wider statistical work. On the one hand, the expert group on sport statistics wrote a letter to the Working Party on Statistics informing them about their mandate and work (XG STAT 2012b). However, the Cypriot Presidency was the key actor in mobilising support for the inclusion of sport in the new statistical programme.

Merging of agendas and colonisation

Cyprus, as noted, had taken actively part in the building of SSAs and had decided to make evidence-based policy-making one its main priorities on sport during its Presidency (Interview 6).. By mid-September 2012, Cyprus started work on a set of Council conclusions on "strengthening the evidence-base for sport policy making", based on two expert group deliverables which were transmitted to the Council in September 2012 (XG STAT 2012a; XG STAT 2013a). This shows how, from the Cypriot Presidency and onwards, Presidencies have been looking increasingly to the 2011-2014 Work Plan and its deliverables when choosing priorities (see chapter 5). Cyprus had a particular interest in developing this dossier because:

> Cyprus was one of the 5-6 countries that already completed the satellite accounts for 2004. Dealing with this topic was smooth and easy. We didn't have any reservations, the Member States were all very supportive, and actually we agreed that, yes, we need more evidence based sport policy, and satellite accounts would be a good tool to get this information (Interview 6).

Thus, having already completed its national SSA, encouraging other Member States would only benefit Cyprus' own work.

The conclusions were adopted by the sport ministers in November 2012 (Council 2012e) and acknowledged the 'low-political' work described above measuring sport's macroeconomic importance and potential. They further noted the "current financial and economic crisis is having a major impact on public spending across the EU, which leads many Member States to direct resources to policy areas that generate growth and jobs", which lead to the consideration that "there is growing evidence that sport makes a significant contribution to Europe's economy and is an important driver of growth and employment, while also ensuring social cohesion, well-being and soft skill development, thus making a distinct contribution to achieving the goals of the Europe 2020 strategy" (Council 2012e: 20). Thus, these conclusions frame sport as a growth-generating and labour-intensive sector, a possible 'solution' to the crisis. Yet, in these conclusions, another framing also emerges, one which goes beyond the macroeconomic importance of sport by highlighting the socio-economic benefits of sport, thus strengthening the link to the Europe 2020 strategy of "smart, sustainable and inclusive growth" (European Commission 2010b). Hence, in these conclusions, the Sport Council is seeking to bring visibility to sport as an undervalued economic sector. Yet, in order to *use* sport as a tool, the Sport Council argued there is a need to increase the evidence base of sport policy-making. At the national level, the conclusions encourage further Member States to conduct SSAs, whilst encouraging the Commission to facilitate this through earmarked funds. At the EU level, while noting that special Eurobarometer surveys have been useful (see chapter 8), the Council also considered that such data could not replace "sound statistical data provided through the European statistical system by Eurostat" (Council 2012e: 20). In light of this, the conclusions therefore invite the Presidency, the Member State and the Commission to improve "the evidence base regarding social and economic aspects of sport in the EU and its Member States, such as by including these topics in the European Statistical Programme 2013–2017 and subsequent Annual Statistical Work Programmes (Council 2012e: 21). This request was echoed by the Sport Council in the context of a set of conclusions on HEPA also adopted during the Cypriot Presidency (Council 2012d; see chapter 8).

While only adopted in November 2012, the Cyprus Presidency was still able to point to these draft conclusions in the trilogue negotiations on the Statistical Programme, where support from the EP proved vital. Contrary to the Council's proposal adopted under the Danish Presidency, the EP's report of 27 June 2012 had retained the reference to 'physical activity' (European Parliament 2012b: amd 30 and 67). As reported by the Cypriot Presidency in the sport statistics expert group:

> In the Council Working Party on Statistics the inclusion of physical activity in the European Statistical Programme 2013-2017 was a challenging process; however, thanks to the Cyprus' intervention and finally with the support of the EP and some MS the reference had been reinserted. Eurostat would have to accommodate its work according to that framework (XG STAT 2013b)

Indeed, after the second trilogue meeting on 26 October 2012, the Council and the EP found a compromise on the articles concerning physical activity which, on the Council's insistence, now requested "methodological work on physical activity" rather than, as in the initial proposal, "statistics provided on physical activity" (see: Council 2012aa: 61; European Commission 2011g: 26). This formulation was ultimately retained in the adopted regulation (European Parliament & Council 2013b: 24) which meant sport had been successful in 'colonising' the Statistical Programme, with the Cyprus Presidency and the EP seemingly playing a vital role in this process.

Summing up, this section has explored agenda *expansion* in two ways. First, it explored how the issue of SSAs and sport statistics rose to the top of the Sport Council's agenda, facilitating this agenda expansion, through the upward stream of lower-level expert group deliverables, with the Cypriot Presidency picking up the issue, resulting in the first formal Council text. Secondly, it examined how sport policy was simultaneously able to 'colonise' a different policy agenda, the 2013-2017 Statistical Programme, arguably the EU sport policy's first instance of 'horizontal' agenda expansion (i.e. mainstreaming) within the EU system. These two different yet communicated agenda items were combined during the Cypriot Presidency, who became the main actor in gathering support for increasing sport's evidence-base. The economic dimension of sport thus *entered* the formal decision agenda during the Cypriot Presidency, both in terms of the Sport Council addressing the question formally through conclusions and in regard to successful efforts to colonise other areas.

6.1.4. Solidification (2012-): the 'normalisation' of EU sport policy

Following the Cypriot Presidency the economic dimension of sport has risen to the top of the Council's sport agenda, getting ever more broadly defined as actors in the sport field seek access

to different revenue streams within the EU. This is explored through particular attention to a set of Council conclusions adopted during the Lithuanian Presidency (Council 2014c). While this dossier is not analysed in great detail, it will be used to illuminate two things. First, the dossier points forward in terms of the overall framing of EU sport policy. Second, this dossier provides some intriguing insights into the role of the Council Secretariat and trio dynamics.

The socioeconomic framing of sport and the normalisation of EU sport policy

In the aftermath of the Cypriot Presidency, the economic dimension of sport has been given high agenda priority by subsequent Presidencies with the issue taking an ever broader socio-economic framing. This can be especially related to the agenda-structuring of trio of Ireland, Lithuania and Greece, which decided to prioritise the economic dimension of sport. This is reflected in their 18-month programme, which declared that the trio would:

> [F]ocus on advancing the priorities set out in the EU Work Plan for Sport 2011-2014 and building on the work being done by the six Expert Groups on sport that were established by the Work Plan. Among these priorities, the issue of sustainable financing and the contribution of sport to the wider economy will be a theme on which particular emphasis will be placed throughout the 18 months (Council 2012a: 102).

Compared to earlier trio programmes (Council 2009a; Council 2011a), the IRE-LIT-GRE programme is far more detailed and concrete in terms of planned activities over 18 months and also unique in having a unifying 'theme': the economic dimension of sport. Multiannual planning and continuity promoted through the trio mechanism were deeply related in how the IRE-LIT-GRE trio decided to cooperate. As recalled by a member of the Lithuanian Presidency, it all stems from preparatory trio meetings where, "somehow through brainstorming it happened" that the trio would focus on economics:

> We organised a trio meeting with the Secretariat and the Commission, so that was in March, not this year, but 2012. And then we started talking about preliminary priorities. We asked the Council Secretariat and the Commission to list which deliverables would be [ready] when. Then Ireland, Greece, we presented our thoughts about these. […] And we invited Cyprus, as previous Presidency, so yeah it was very productive, and that's how we started to brainstorm what we should do […] our trio Presidency, we all in a way touched economic aspects of sport. Ireland, I don't remember. The policy debate was on anti-doping. There was dual careers, and I think another conclusions on were on financial aspects. No, it was perhaps a debate during general directors meeting, financing of sport. So then we took this sport input to the economy during informal ministers meeting and discussed major sport events, the legacy of major sport events. And that topic Greece took for their Council policy debate. So I would say the trio, I see the connection between economy and finance of sport (Interview 20).

The trio's agenda-structuring and continuity on economic issues is mapped in Figure 4 (see p. 122). Irish interviewees also highlighted there was a wish to focus on deliverables from the Work Plan and a common trio focus on economic aspects (Interviews 17 & 18). Here it should be noted that the 2011-2014 Work Plan did not define dual careers as an 'economic' issue, though an Irish representative argued that it had both social and economic dimensions (Interview 18), just as the Lithuanian interviewee above, indicating the flexibility of EU sport policy's three dimensions. For Ireland, issues like dual-careers and sustainable financing of sport were in line with its Presidency programme, which was subtitled "For stability, jobs and growth" (Irish Presidency 2013d). Greece, considering the 2004 Athens Olympic Games and the financial crisis, arguably had good reasons for wanting to deal with impact and legacy of major sport events.

Figure 4 (see p. 122) shows the trio's deeply interconnected matrix of economic priorities, where focus will here be placed on the Lithuanian Presidency, who put forward Council conclusions 'on the contribution of sport to the EU economy, and in particular to addressing youth unemployment and social inclusion' (Council 2014c). These conclusions note the problems with youth unemployment and how there "is growing evidence that sport makes a significant contribution to Europe's economy and is an important driver of growth and employment, while also ensuring social cohesion and well-being, thus making a distinct contribution to achieving the goals of the Europe 2020 strategy" (Council 2014c: 3). Hence, on the basis of evidence collected at expert level, sport is framed as a possible solution to solving socio-economic problems. Crucially, the Member States also encouraged "strategic investment in sport using, where appropriate, the possibilities provided by EU funding instruments, including EU structural funds (notably the European Social Fund and the European Regional Development Fund) and EU financial tools such as European Investment Bank financing" (Council 2014c: 4). This particular dossier represents a shift, as it not only frames sport as an important macroeconomic sector, but also explicitly seeks to bring visibility to sport by framing it as a solution to the crisis. However, to harness sport's full potential requires that sport is integrated into existing programmes – further colonisation and mainstreaming.

Figure 4: Economic priorities of the IRE-LIT-GRE trio

Irish Presidency

Topical connection

Conference and informal EU sport director meeting "examining sport's **contribution to the economy** and the critical challenges in **financing sport** – particularly grassroots sport " (Irish Presidency 2013c)

Council conclusions on dual careers (Council 2013a)

Lithuanian Presidency

Informal sport ministerial meeting on **contribution of sport to the economy** and the **legacy and impact of major sport events** (Lithuanian Presidency 2013a; Lithuanian Presidency 2013c)

Council conclusions on the **contribution of sport to the EU economy**, and in particular to addressing youth unemployment and social inclusion (Council 2014c)

Greek Presidency

Council debate and structured dialogue meeting on the economic, social and environmental sustainability of **major sport events** (Council 2014d)

2014-2017 Work Plan on Sport key priorities under the economic dimension of sport defined as "**sustainable financing of sport, the legacy of major sport events, economic benefits of sport and innovation**" (Council 2014c) with expert group deliverables requested for each issue, including dual careers

These conclusions have since set the scene for how 'mainstreaming' of EU sport policy has risen to the very top of the Sport Council's agenda. In continuation of the outlined efforts of the IRE-LIT-GRE trio and the Cypriot Presidency, the subsequent Presidencies' formal priorities have been exclusively focused on developing the socio-economic dimension of sport. Thus, the Italian Presidency, taking over from Greece, only proposed Council conclusions 'on sport as a driver of innovation and economic growth' (Council 2014a). Similarly, in the next term, the Latvian Presidency focused on 'maximising the role of grassroots sport in developing transversal skills, especially among young people" (Council 2015a). Both of these are framed in terms of linking EU sport policy with Europe 2020 strategy's socio-economic goals; the latter by highlighting how sport can help alleviate youth unemployment and promote social inclusion; the former by highlighting sport could contribute to growth potential and, hence, encouraging sport be integrated into existing EU funding schemes. Hence, having 'measured' sport's macroeconomic contribution to the economy through low-political work, the focus is now on 'mainstreaming' sport into the wider institutional framework, which is done through framing sport in terms of the EU's larger economic strategy, Europe 2020.

Thus, the 'economic dimension' of sport is increasingly not only framed in terms of sport's macroeconomic contribution but also increasingly its socioeconomic contribution. In the vein of Boswell (2008), one can then observe change in the political use of expert knowledge. Hence, instrumentally the Member States and the Commission have since 2006 pursued the collection of evidence on sport's macroeconomic contribution to the EU economy which initially provided a *legitimising* function for the policy area. However, from the Cypriot Presidency onwards, this use of 'expert knowledge' has shifted to serving a more *substantiating* instrumental function, i.e. to support the preferences of actors in the sport policy community that sport be integrated into other EU programmes.

The role of the Council Secretariat and the vagueness of trio norms

Thus, there has been a change in how the economic dimension of sport is framed, moving from a focus to macroeconomic contribution to the potential socioeconomic value of sport. This re-framing started during the Cypriot Presidency, before becoming a central focus in the conclusions adopted under the Lithuanian Presidency, with the 'mainstreaming' of EU sport policy since becoming a key priority agenda of the Sport Council. Intriguingly, the framing of the conclusions adopted under the Lithuanian Presidency was strongly influenced by the Council Secretariat. Indeed, this particular dossier represents the deepest instance of Presidency–Secretariat cooperation located in this thesis. For this reason it merits special attention. As

argued by Christensen (2002: 84), the Council Secretariat has "no platform for radical changes, but rather for tinkering with the detailed and complex matter of policy proposals". Though radical change is of course relative, this case suggests a deeper influence.

An important factor in the Council Secretariat's potential influence is tied to its relationship with the incumbent Presidency; how much influence it is permitted (Christiansen 2002: 84). This is reflected in how suggestions by Council Secretariat were generally regarded as 'advice' by all interviewed Presidency actors. Indeed, that was also how it was considered by the Lithuanian's themselves: "We wanted to do sport input, and they just gave us an idea and we accepted it. We saw that it's really a good angle. So that was basically cooperation between Secretariat and us" (Interview 20). The Council Secretariat is typically able to exercise the most influence in the preparatory phase, in the beginning of the Presidency, "when the member state in question is still feeling its way in many of the areas of EU policy (Christiansen 2002: 84). This was also the case in this dossier, as recalled by a representative of the Lithuanian Presidency:

> We are really, as a small country, we are somehow very interested in sport calculation, because you always need to prove at national level, international as well, you need to prove that sport is an important sector. So we saw the value of that, and we see it now, and we started the [SSA] calculations in Lithuania as well. So long before the Presidency started, we started to talk about this topic. And then, just before the Presidency started, the Council Secretariat offered us an angle, another angle, to see at the same topic, to show the importance of the sport sector, but to do it via crisis management, how the sport sector can improve, can help, to recover (Interview 20).

This quotation reveals how the Lithuania Presidency had a strong desire to work on "sport calculation", i.e. SSAs and sport's contribution to the economy. This was reflected in its programme which declared that the Lithuanian Presidency hoped to adopt "conclusions regarding sport as an impetus for economic growth and employment" (Lithuanian Presidency 2013b: 45). This desire was related to the weak role of sport within the Lithuanian administration, and the belief that the building of SSAs and EU recognition of sport as an important sector could serve a validating function nationally ("you need to prove that sport is an important sector").

In this instance, the Council Secretariat's scope for influence seems to have been derived from how it acts as the Council's "institutional memory" (Christiansen 2002: 86). Thus, the topic which the Lithuanian Presidency wanted to address had partially been covered by the conclusions adopted under the Cypriot Presidency (Council 2012e). Thus, the Council Secretariat's created a scope for influence by pointing out potential redundancy and by offering a new "angle". The Secretariat's suggestion was to frame the conclusions in terms of the broader

economic EU agenda, specifically youth unemployment, which the European Council (2013) had brought visibility to on 28 June 2013, just before the start of the Lithuanian Presidency. Thus, the Council Secretariat proposed a focus on sport as "crisis management" to avoid duplication and to link to the wider EU-agenda. Hence, the Council Secretariat's general expertise on 'hot EU topics' as oppose to specialised 'sport topics' provided scope for influence.

Lastly, this dossier is interesting for the self-reflection it brought out in the interviewee from the Lithuanian Presidency, which also indirectly highlights further conditions in which the Secretariat may be influential. When asked whether Lithuania had been a 'tougher' negotiator considering this dossier had been "their" priority, the interviewee started reflecting on the system of seating rotation, which moves around the incumbent Presidency:

> So the countries who sit on this side, these Presidencies, they are always more shy, especially from the new countries which haven't had the Presidency, so they are like less talking, less criticising and so on. And then after the Presidency it's totally different. All these countries who sit here they feel more confident, they feel more experienced, and actually you know more. You just know more. [...] Like now, with Greece, they had conclusions on gender equality in sport, which is now the high topic in all spheres at the EU-level, they are mainstreaming this gender equality in all the spheres. And yeah, at the Working Party level, everybody I think was kind of settled, and then before COREPER… actually, we took reservation [laughing] so we are now more critical […] [W]e are advised by the diplomatic, our representation, that we shouldn't object much to our trio partners, it's not the nice way. So we usually kind of support, you know, but again, let's say, for Greece I took a reservation, you know, but I wouldn't object and kill the whole conclusions, you know. Well, we just reached a compromise, because Germany took also the same reservation, and we reached a better text, I mean. But we wouldn't be so stubborn and kill the document, no, definitely not. And for the Irish as well, we were supportive most the way through (Interview 20).

This reveals the existence of an unwritten rule about the trio arrangement. In particular, it shows the 'standard operating procedure' that countries forming part of the current trio should, ideally, "not object too much" to proposals of the incumbent Council Presidency, especially not taking it so far as to "kill the document", which is not "the nice way". This suggests that the consensus norms in the Council are heightened for Member States participating in the trio, due to unwritten rules about the arrangement. Notably, however, this was not universal sentiment among the interviewees, further illustrating the vagueness of the trio mechanism. Importantly, the quotation also reveals how the rotating nature of the Council Presidency may also sow the seeds for trio disunity. As suggested above, holding the Council Presidency plays an empowering and educating function, especially for new Member States, which tend to become more "critical" after having held a Presidency.

Crucially, this also indirectly supports a general finding in the literature on the Council Presidency, namely that there is "scope for an advisory and active role on the part of the Secretariat, especially in the case of inexperienced Presidencies and those from smaller member states" (Juncos and Pomorska 2011: 1111). Hence, inexperience and limited administrative capacity may also have made the Lithuanian Presidency more open to the Secretariat's advice to reframe the dossier. We will continue exploring the supporting role of the Council Secretariat throughout the remaining chapters before considering this evidence more generally in overall conclusion.

This concludes the analysis of how the economic dimension of sport has gradually risen through the 'low politics route' of agenda-setting. The next section turns to the Erasmus+ programme, which shows both similarities and dissimilarities with that of sport's inclusion in the 2013-2017 Statistical Programme, and where the low-political evidence on sport's contribution to the economy also played a prominent role.

6.2. Adopting Erasmus+: getting on the budget

This section explores how a framework for a future funding stream for sport actions was found in Erasmus+ programme. Adopted under the ordinary legislative procedure, the policy process leading to Erasmus+ had many different venue-stages, ultimately meaning that the content of EU sport policy was, to some degree, beyond the control of the normal gatekeepers of the policy area: the Sport Council (WPS, COREPER I) and DG EAC within the Commission. It explores how Erasmus+ came to be considered the most appropriate policy proposal to serve as a vehicle for supporting EU sport policy in economic terms and how sport chapter of Erasmus+ has been subject to issue framing by various actors, ultimately resulting in the first major legislative act of EU sport policy.

6.2.1. Mobilising support for a sport programme: a failed attempt

Efforts to secure funding for sporting actions under Article 165 TFEU started with the White Paper on Sport (European Commission 2007b), in which the Commission outlined a series of Preparatory Actions. These actions were supported by a limited funding scheme (e.g. European Commission 2012d). Based on feedback from consultations and the first Preparatory Actions, the Sport Unit under DG EAC had planned to propose a 2-year EU Sport Programme for 2012 and 2013 to the EP and the Council (European Commission 2011d: 5; Interview 14). The Sport Unit had revealed these plans to the SPA-BE-HUN trio (Interviews 1 & 19), whose programme expected to "start defining the strategic principles, objectives and criteria of the future Sport

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Programme" (Council 2009a). Indeed, the first trio had been expecting a proposal for a 'mini programme', not least because Preparatory Actions were only designed to run for three years (i.e. 2009-2011):

> We had the Preparatory Actions from the start point 2009, and in theory you can have Preparatory Actions for three years, so it should have been ended in 2011. And at that time there was a possibility that, in the meantime, 2012 and 2013, there will be a 'mini' programme, a so-called mini programme. But for this we would have needed the Commission's initiative, which in the end didn't come – because of financial reasons, they didn't get the support (Interview 19).

Important to note here is passivity of the Council and the allocation of blame ("they", i.e. the Commission). Indeed, just after the coming into force of Article 165 TFEU, the Sport Council did not explicitly welcome the creation of a sport programme, which can be explained by both formal and contextual reasons.

Thus, the sole WPS meeting organised during the Spanish Presidency revolved around a discussion paper drafted by the Spanish Presidency which was intended to structure a policy debate between the ministers at the first formal sport Council. In this document, the Presidency notes how "the Commission has indicated its intention to adopt a new Communication setting out its suggested plans and priorities" as well as "a proposal for a spending programme in the field of Sports to cover the 2012-13 period" (Council 2010j: 2). This document was discussed by the WPS and sent to the COREPER for approval, and instructed the ministers to consider the areas where EU action should be prioritised (Council 2010g). At the debate, the ministers welcomed the creation of a competence in sport but underlined that actions should have a clear added value *vis-à-vis* national initiatives (subsidiarity), and ultimately outlined a series of priority areas which the Commission should take into account going forward, and agreed "that a possible EU financial programme supporting sports activities for the years 2012 to 2013 ought to have a limited number of priorities" (Council 2010i: 10). This was, it should be noted, effectively a continuation of the practice of the Rolling Agenda of informally guiding the Commission, a practice now replaced with introduction of multiannual planning (see chapter 5). Formally, the Council was not ready to produce any concrete formal documents at this stage, nor able to formally endorse the creation of a sport programme. Moreover, the informal conclusions from the Council meeting did not directly support a mini-programme; hence, the Member States were reluctant to raise the visibility towards the question of funding for sport actions by explicitly encouraging such a proposal. Indeed, seen below, there did not seem to consensus among the Member States to do so.

The lack of explicit support for a 'mini-programme' from the Council likely did not help DG EAC, who was unable to mobilise support within the Commission for the so-called 'mini sport programme'. In 2010 DG EAC submitted an impact assessment for the 2-year sport programme to the Commission' Impact Assessment Board. This board concluded that a new funding scheme for sport was not yet viable at this point, highlighting a number of constraints. First, that in "the current political and economic context, a cautious approach must be taken regarding the mobilisation of additional financial resources for new policy initiatives" whilst noting that the "mere fact of a new Treaty basis for sport is an important but not sufficient justification for a proposal for a two-year EU Sport Programme at this point in time" (European Commission 2011d: 5). While the Board recognised that stakeholders were clearly supportive, a concrete evaluation of the Preparatory Actions would be necessary first, and therefore recommended the Sports Unit draw up a new Impact Assessment focussed on a future EU Sport Programme, in particular by further justifying the ways in which the actions could contribute to the EU's overall strategic objectives. Moreover, the Board concluded that the proposed deadlines of the mini-programme would be too tight when operating under the ordinary legislative procedure, i.e. finding common agreement with the EP and the Council (European Commission 2011d: 5–6). As a consequence of this internal assessment exercise, DG EAC decided only to put forward a political Communication on 'Developing the European Dimension in Sport' (European Commission 2011a), that is without a proposal for 'mini-programme'. Similar to the White Paper, this communication proposed a series of actions, which would be financially supported by an extended *ad-hoc* set of annual Preparatory Actions and special events in the field of sport (European Commission 2011a: 4; for an example, see European Commission 2012a).

At an informal ministerial meeting held in conjunction with the EU Sport Forum in Budapest (February 2010) a few weeks after the release of this Communication, the Hungarian minister for sport, Attila Czene, argued that the Europe 2020 objectives could not be met without the creation of a sport programme by 2014 (Hungarian Presidency 2011a). According to Presidency reports, these ambitions were generally supported, with some ministers arguing that sport should not "fall victim to the economic crisis", but where other Member States suggested it would be more realistic to integrate sport into existing funding mechanisms, considering the EU's budget would likely not be expanded (Hungarian Presidency 2011a).

What this indicates is that, at this point in time, there was a certain 'mood' permeating amongst people involved in EU sport policy; the financial crisis and the logic of austerity impacted how the issue of sport funding was approached. As noted by Kingdon (1995: 146–150) governmental

participants' sense of the 'national mood' – or indeed 'European mood' (Zahariadis 2008: 518) – can serve both to promote and constrain issues from rising to prominence, thus affecting the way actors frame a situation. In this case, the 'European mood' seems to have made the financial gatekeepers beyond DG EAC err on the side of caution, just like some Member States considered a separate funding scheme sport unviable.

6.2.2. Locating a viable framework

The rejection of the Impact Assessment Board revealed how DG EAC had been unable to convince enough actors to get its first proposal accepted: the conflict had not expanded enough. As comprehensively established in the literature, conflict expansion is deeply related to framing (Baumgartner and Jones 1993: 25ff; Kingdon 1995: 173), and where (re)defining an issue provides a strategy by which the line between proponents and opponents of a proposal can be re-drawn, hence paving the way for conflict expansion (Princen 2007: 30). As seen above, the Impact Assessment Board and Hungarian sport minister had pointed one way forward: framing funding on sport as a *solution* to the Europe 2020 objectives, i.e. an alternative to austerity, thus framing sport as part of the solution; that funding action in sport could contribute to the EU's broader objectives. This was exactly the strategy chosen by DG EAC, who after the initial rejection decided to play a long-term strategy to secure a multiannual funding stream for sport, which took place at two different, albeit interconnected levels. This process is now analysed.

Mobilising support within the sport field

DG EAC initiated a discussion on the priorities of sport policy within the sport policy sub-system by releasing its Communication on 'Developing the European dimension in sport' which was presented as "part of the discussions accompanying the preparation of the next Multiannual Financial Framework" (European Commission 2011a, 4), and it therefore invites the EP and the Council to indicate their priorities in sport. Officials within DG EAC hoped this would spark political declarations from the Parliament and the Council that could be used later in internal Commission discussions (Interview 14).

As analysed in chapter 5, the 2011-2014 Work Plan welcomed this communication, though the Council also sought to shape and 'trim' the agenda to a more limited set of objectives. The Council encourages the Commission to move forward with exploring funding by undertaking an "impact assessment based inter alia on the evaluation of preparatory actions in sport to date to determine the added value of a specific funding programme to cover actions in the area of sport" (Council 2011, 3). Thus, the Council's 2011-14 Work Plan added to the momentum for a

funding scheme by encouraging the Commission to move forward – hence benefiting conflict expansion – but also tried to shape the agenda according to its own preferences.

The EP's report on 'the European dimension in Sport' (European Parliament 2011) was more direct in its support for a sport programme, explicitly urging "the Commission to propose a dedicated and ambitious budget for sport policy under the future MFF given the public health, social, cultural and economic benefits of sport" (European Parliament 2011: 1). Moreover, the EP's Report sought to reframe the underlying *rationale* governing EU sport policy. The EP suggests that the entire principle underpinning EU action in sport should be to improve 'European identity through sport' (European Parliament 2011: 98–99), which should be achieved, in part, by expanding existing programmes, but also by the launch of new initiatives such as establishing a European Day of Sport (see chapter 8). According to MEPs, especially the suggestion that the European flag should be featured more prominently at sporting events received heavy criticism at the time (Interview 26 & 27).

Mobilising support in the Commission

Thus, the Commission had initiated a political discussion within the EU's sporting venues, where the aim was to mobilise support and hence increase the visibility of establishing a funding stream for sport actions. Beyond this, DG EAC also sought to mobilise support *within* the Commission. This had two elements: framing and strategically negotiating institutional constraints. These are now explored in turn.

Firstly, DG EAC sought to increase the visibility of sport and justify the proposed sporting actions, especially through framing. Thus, it sought to promote the ways sport actions could be linked to EU's broader goals and the Europe 2020 objectives more specifically. That is, the DG EAC sought to frame sport policy in a particularly interesting way in order to mobilise support – to arouse interest – by linking sport "with stated policy priorities and commitments" (Princen 2011b: 933). As noted above, DG EAC had been unsuccessful in mobilising support for a 'mini programme' on sport for 2012-2013; the proposal had been blocked when moving 'upwards' within the Commission. Accordingly, the Sport Unit had been requested to carry out another Impact Assessment focused on future incentive measures in the field of sport based on the evaluation of Preparatory Actions. In internal Commission discussions accompanying this assessment exercise (European Commission 2011e), the unit deliberately highlighted the sport policy initiatives that could more easily be tied to Europe 2020, especially the ongoing work on HEPA (see chapter 8) and dual careers education for athletes. Furthermore, DG EAC drew

heavily on the low-political work explored in the last section, especially the macroeconomic study (SportsEconAustria 2012) and evidence from SSAs in Member States which had confirmed that the sport sector was labour intensive and was one of the few growing sectors of the economy, and hence could contribute to Europe 2020. The Sport Unit also pointed to the support for a grassroots-focused programme on sport from key sporting stakeholders such as UEFA, the EP, and that informally the vast majority of the Member States – and crucially all the 'big' Member States – had expressed their support. Moreover, they could also point to the backing expressed in the Council's 2011-2014 Work Plan and the EP's Report (Interview 14).

Secondly, DG EAC changed its strategy in terms of how a sport programme could practically be achieved by giving up on a tailored approach to sport, i.e. a single programme, in favour of being included in a larger framework-programme. Thus, DG EAC had started considering the pros and cons of possible 'vessels' for a future funding-stream for sport. The Commission (2011e) contemplated four options: (1) No further actions; (2) establishing a standalone Sport programme; (3) a sport chapter within a single programme; (4) and a standalone programme accompanied by an Open Method of Coordination mechanism, with the assessment concluding that option 3 was the preferred option (European Commission 2011e: 36). Initially, officials from the Sport Unit within DG EAC had been pursuing a standalone programme, like its proposed 'mini programme', but eventually saw the strategic rationale in enveloping sport within a larger programme:

> We have much more flexibility now with this small programme. You lose visibility perhaps but you get flexibility and in the end you are kind of under the umbrella of something which protects you […] That was a strategic decision of senior management, and I think they were right. I wasn't very happy when it happened […] I wanted something separate, because sport is so different (Interview 14).

Thus, senior officials in DG EAC made a strategic decision to overcome internal vertical blocks: to 'hide' sport within a larger programme, rather than having a programme on its own, thus affecting the visibility of sport as such but gaining "protection" in this lack of visibility. This strategic decision was taken in response to institutional constraints (Princen 2007) within the Commission, with DG EAC recognising that the Commission's general strategy around programmes revolved around rationalising and streamlining its programmes: "there was no appetite inside the Commission to have a separate programme for sport" (Interview 30), as a senior Commission official noted. Two viable institutional frameworks were considered then to house a chapter on sport among the planned Commission programmes: the new education and training programme, Erasmus+, or the culture programme, Creative Europe. Erasmus+ was

deemed more suitable by Commission officials because it incorporates youth policy, which was considered a good match for sport (Interview 30). As seen in quotation below, senior officials recognised that a single programme for sport could potentially attract *too much* visibility, and hence 'hiding' sport within a larger programme was more viable to overcome institutional constraints:

> We made a conscious decision of not going with a separate programme for sport, and we packaged it within Erasmus+. I think that was the key because you are navigating very difficult straits in this political climate. One, of Euroscepticism. Two, financial difficulties for absolutely everybody. If you try to navigate these straits with a little ship called 'sport programme', you will get blown out of the water in no time. So we packaged it on the bigger sort of ocean tanker called Erasmus+. Which also gives it a dimension of you know, a little bit more focus on developing skills, and a much more social character to it. Otherwise, if it's on its own, it could attract attention. "Are you funding UEFA and the big football clubs? They are flooded in money, why do you need to give €259 million more?" That was a criticism we avoided by packaging it with Erasmus+. We managed to focus things a lot more on the learning side, on the grassroots side, the social side, which is the essence of Erasmus+. Integrity as well, but it's mainly the social side. In that respect, I have to say I was pleasantly surprised that it received no criticism, or close to no criticism (Interview 10).

The Sport Unit was ultimately successful in justifying sport's potential ability to contribute to Europe 2020 goals internally though the Impact Assessment. They were moreover able to convince the rest of DG EAC that sport could 'fit' within the larger framework of Erasmus+. At the same time, the former was arguably more important insofar as the Impact Assessment Board had requested DG EAC make it "clearer that the main reason for including sport in the single Education programme was administrative efficiency rather than potential policy synergies" (European Commission 2011e: 5).

Accordingly, sport is given its own separate chapter (III) in the Commission's proposal for Erasmus+, and two articles (11 and 12) which state specific objectives and activities to be taken in the area of sport. The sport sub-programme is justified on the basis of Article 165 TFEU and its stated general objective is to contribute to 'developing the European dimension in sport' (European Commission 2011f: art 4:1). This programme, which was labelled 'Erasmus For All' in the Commission's proposal (European Commission 2011f), was framed in line with the wider EU agenda and argued that "education and training are at the core of Europe 2020 Strategy for smart, sustainable and inclusive growth" (European Commission 2011f: 2).

6.2.3.   Negotiating Erasmus+: formal conflict expansion

With the release of this proposed Erasmus+ regulation, other policy venues got involved through the ordinary legislative procedure. Hence, the conflict expanded beyond the

Commission and gave the various institutional actors a concrete avenue to negotiate which priorities in sport were important enough to be supported financially, i.e. to frame sport – and if sport should be funded at all.

Both the Council (2012z) and the European Parliament (2012a) tabled amendments to this proposal and entered 'trilogue' negotiations throughout 2013, mainly under the Irish Presidency (European Parliament 2013: 4), though minor issues were resolved during the Lithuanian Presidency (Interview 20), during which it was formally adopted (European Parliament & Council 2013a). At large, the major points of disagreement had little to do with sport and concerned the budget of the program and the EP proposing a name change to 'YES Europe' and wishing to retain the 'old' sub-programme names such as Comenius, Erasmus or Grundtvig (see Council 2013l: 9–10; European Parliament 2013: 2–6). A compromise name was found in "Erasmus+", whilst the EP was successful in retaining the individual sub-programmes names in the final regulation.

The sport chapter was dealt with by the WPS in the Council, which adopted an opinion on the sport chapter during the Danish Presidency. This was then processed onto the Education Working Party, responsible for Erasmus+ as a whole (Council 2012v). Importantly, "a lot of the *attachés* who attend the sport working party also attend the education working party, so they had a good overview of what was happening" (Interview 17). The fundamental debate of whether sport *should* have a programme featured heavily in the WPS at this stage, where a number of Member States were opposed to the whole idea of a sport chapter in Erasmus+, and indeed if a budget should be devoted to sport at all. As noted by an Irish official:

> [I]n the years in the run up to it, we had big discussions whether we were all happy whether sport was in it. We weren't really all happy. There were differing views. […] Some of the Scandinavians were against it, so there wasn't universal agreement that this was a good thing, and there's still these sort of views out there, you know, if the EU isn't really adding value, then what's the point? (Interview 18)

Ultimately, the vast majority of the Member States were in favour of sport's inclusion in Erasmus+, more than enough for qualified majority decision, and "in the end they released their reservations on it" (Interview 19), highlighting the informal norm whereby the Council tends to adopt decisions by consensus, even where there is none, rather than out-right voting (e.g. Heisenberg 2005). How such non-consensus-yet-unanimous-decisions are reached is encapsulated in the following quotation from a representative from one of Member States resisting sport's inclusion in Erasmus+, namely Sweden:

> And we tried to avoid having sport in Erasmus+, we didn't want it as a programme, any money to sport, so we were against. And in the end we got it in, and then it was about how much money it should be, and then we tried to limit it as much as possible, but I must say in the end we were kind of alone, I don't think there were too many Member States working against it in the end. Then it was more of a discussion about which should be prioritised and so on. I mean, in parallel there was this huge budget discussion which you didn't really know how would end, with the financial perspectives. It could have ended in much less money for the Erasmus programme, which would have had consequences for the sport part of course (Interview 12).

Thus, the Member States were generally supportive of the proposed initiatives in sport, as evident in the opinion of the WPS and the Council's partial agreement (Council 2012v; Council 2012z). Most Member States were just happy sport was included:

> The general thing was that we were all very happy that sport was going to be getting its own dedicated budget as part of Erasmus+. Of course we would have liked it to be more. But I think there was recognition that even just getting this was a first, good step (Interview 17).

At the same time a substantial majority of the EP's Committee on Culture and Education were in favour of sport's inclusion in Erasmus+ (European Parliament 2012a; Interviews 26 & 27). Thus, the Commission was successful with its decision of framing sport policy in relation to an education and youth programme, Erasmus+. This, as observed by the Commission interviewee above, has particular consequences for the content of the policy, i.e. the programme's goals and priorities. It also has consequences, naturally, for the institutional venues where the policy will be discussed, i.e. the EP's Committee on Culture and Education and the Council's Education and Sport Working Parties. In that respect, the fact that education and sport issues are linked and managed by largely the same group of individuals (as highlighted above), ensured the receptiveness of the venue. This framing was suited towards receptive decision-making venues which, in turn, gave the proposed sport chapter better possibilities of being adopted. This, of course, stands in direct contrast to the (lack of) receptiveness of the Statistical Working Party on the inclusion of physical activity in the Statistical Programme 2013-2017 – different people, different venue, and different biases: institutional constraints.

Having adopted its opinion on the sports chapter in the WPS, this also meant that the final drafting of Erasmus+ slipped beyond the control of the institutional venues mostly followed in this thesis: the WPS and DG EAC, since the negotiations were finalised mostly between MEPs and representatives from the Council's Education Working Party.

The inter-institutional negotiations on the sporting aspects of Erasmus+ nevertheless reveal a certain consensus among policy actors on sporting priorities. In particular, the EP and the Council have been united in re-framing the sporting sections of the programme to a more

explicit focus on grassroots sport. Whereas the Commission's proposal merely stated that the scope of the programme would "also support activities in the field of sport" (European Commission 2011f: 1:4), both the Council and the EP's replies specify "sport, in particular grassroots sport" (Council 2012z: art 1: 3c; European Parliament 2012a: amd 5). Following the lead and wording of the WPS (Council 2012v), the Council and later the EP proposed adding a definition of grassroots sport to the programme (Council 2012z: art 2: 29; European Parliament 2012a: amd. 62), with the final regulation defining it as "organised sport practised at local level by amateur sportspeople, and sport for all" (European Parliament & Council 2013a: art 2:24).

In an interview, the EP's chief negotiator was eager to point out that the EP had fought hard for additional emphasis on grassroots sport (Interview 26). The Council was generally happy to grant these wishes:

> [The EP] wanted to put grassroots sport in more places, which we were not against at all. But for example I was at a meeting […] and an MEP said "no, grassroots sport was not mentioned at all and we had to fight for it". It was mentioned, just not so many times, and it was not a problem for us at all, nor for the Commission, so we included everywhere they suggested (Interview 19).

While this is hyperbolic – documentary comparison suggest that the Council accepted some, but hardly all of the EP's amendments adding references to "grassroots sport" – it does show a certain consensus on sport (cf. European Parliament 2012a: amd 25, 182, 192; European Parliament & Council 2013a). A similar consensus is found with regard to objectives. In the Commission's proposal, Article 4 stated that the programme should aim to develop "the European dimension in sport", with the Council proposing that this should be done 'in line with the Union work plan for sport' (Council 2012z: art 3). The EP accepted the Council's Work Plan as the guiding document for sport in Erasmus+, with the Work Plan highlighted both under the Programme's general and specific objectives (European Parliament 2012a: amds 34, 76; European Parliament & Council 2013a: art 4:e; art 16:1).

During the negotiations to adopt Erasmus+ there were certain disagreements, most of which relate to the different ways of framing EU sport policy as evident in the aftermath of the release of the Commission's 2011 communication on sport policy (see section 6.2.2). First, the Council has been keen on 'trimming' the number of proposed activities that could be funded. Hence, one of the activities proposed by the Commission was to offer 'support to capacity building of sport organisations', which had been supported by the EP (European Commission 2011f: art 12; European Parliament 2012a: amd 194). Both the WPS and ultimately the Council proposed deleting this activity (Council 2012v; Council 2012z: art 12) which ultimately does not appear in

the final regulation. Officials within the Commission interpret the interest to delete funding for this type of activities as a willingness by the Council not to be seen funding large sport governing bodies:

> In the Council, there was a certain reticence about aspects like the operational support for sport organisations. The idea was not to fund professional football, basketball organisations, but it was rather for smaller ones, but this was cut at Council. Fair enough, in a sense (Interview 10).

When presenting the programme to Member States, the Commission argued that there was a need to support certain smaller sport stakeholders in establishing themselves, yet – as in all EU programmes – capacity building is controversial, as it risks funding organisations that cannot function without EU funding and, in this case, enough Member States felt the risk was high enough to block to proposal (Interview 14).

While the EP and the Commission had to compromise on capacity building, the EP was successful in introducing matters of identity through sport as well as privileging financial support for grassroots sport events. In its report, the EP added that actions in the field of the sport under EU programmes were meant 'to increase sport's European identity' (European Parliament 2012a: amd 24). This linkage to European identity did not appear in the initial Commission proposal. This formulation was finally agreed upon and retained, so that it appears in the adopted regulation under recital 23 on sport which, notably, contains the only mention of European 'identity' and 'heritage' in the entire text (European Parliament & Council 2013a: recital 23).

The concrete result of the EP's suggestion to prioritise matters of identity is in the list of activities to be funded by the EU under the Erasmus+ sport chapter, in particular regarding 'support to non-commercial European sport events' (European Commission 2011f). The Commission had mainly included this activity in its initial proposal as a concession to the EP (Interview 14). Though the WPS had only noted that the issue of non-commercial sport events should be 'further examined' (Council 2012v), the Council later proposed deleting this activity entirely (Council 2012z). The EP however stood its ground, even proposing Erasmus+ explicitly support the organisation of a "European Sports Day or Week" (European Parliament 2012a: amd 193). During negotiations, the EP was successful in maintaining support for non-profit European sport events, though only ten percent of the budget allotted to sport can go to this kind of activity (European Parliament & Council 2013a: art 17:e). The negotiations on Erasmus+ thus reveal a broad consensus about the framing of post-Lisbon sport policy actions towards grassroots sport, with the Commission presenting the objectives and the Council limiting these

to a smaller set of priorities, yet having to compromise with the EP, which has been successful in promoting efforts to promote European identity through sport, especially in the shape of 'events'. At the same time, it also represents EAC Commissioner Androulla Vassiliou's commitment to HEPA and especially the European Week of Sport, further explored in chapter 8.

In conclusion, this section has analysed how sport came to be included in Erasmus+. In early discussions, a substantial number of participants in the policy-process supported the idea of a funding stream for sport; the issue had summoned a large amount of attention in the sport policy subsystem, hence increasing visibility. However, since a proposal for a limited, single programme for sport was vertically blocked in the Commission, DG EAC could only initiate a broad institutional debate about the EU's medium-term priorities in sport. Seeking to overcome institutional constraints within the Commission in an unclear financial climate and an overall Commission-agenda on programmes aimed at streamlining and simplification, DG EAC re-strategised, seeking to strengthen the link between sport and the EU's larger economic priorities and gave up on a single programme in favour inclusion within a larger programme. Through institutional manoeuvring within the Commission, a viable institutional framework was located in Erasmus+, which shaped the sport agenda in terms of education, participation, training and grassroots sport. Crucially, the proposed sport actions were successfully linked to the larger priorities of Erasmus+ and Europe 2020, hence linking the sport chapter to a wider frame of already accepted EU policy objectives. Once the conflict was formally expanded beyond the Commission, the Council and the EP each sought to frame the content of the sport chapter according to their respective priorities.

6.3. Conclusions

With Article 165 TFEU coming into force in 2009, the EU was allowed to adopt "incentive measures" aimed at "developing the European dimension in sport". Incentive measures allows for a community budget to be allocated to sporting actions. Importantly, as this chapter has revealed, allotting funding to sport is an option, not an obligation. While sport and physical activity were eventually included in the Erasmus+ and 2013-2017 Statistical programmes, their respective 'routes' were remarkably different, which reveal key institutional constraints (Princen 2007) to the trio arrangement and EU agenda dynamics more generally.

In the process leading to Erasmus+ and the 2013-2017 Statistical Programme, only weak 'trio effects' (Vieira and Lange 2012) can be identified. The lack of trio impact seems related to decision-making rules, namely how these decisions were legislative, hence involving both a

Commission proposal and co-decision with the EP. Thus, it reflects Tallberg's (2006b: 87–90) argument that formal agenda-setting and decision-making rules structure the Presidency's agenda-setting powers: that the Presidency will have the biggest role in agenda-setting the less cumbersome the formal features are, i.e. how many other actors there are to consider constitutes an institutional constraint (see chapter 3).

Thus, temporal and formal features of the regulation proved disadvantageous to trio coordination on the sporting elements of Erasmus+ insofar as the Council's three major actions took place over three different trios; the first trio and especially Hungary dealt with the 2011-2014 Work Plan; the WPS opinion on the sport chapter of Erasmus+ was adopted during the Danish Presidency during the 2nd trio; and the last trio, mostly Ireland, was charged with trilogue negotiations. Likely as a consequence of sport's unestablished position within the Council framework, these negotiations were dealt with not by the WPS but the Education Working Party.

Similarly, the process leading to physical activity's inclusion in the 2013-2017 Statistical Programme reveals the dangers in a *lack* of trio coordination. As analysed above, the main threats to physical activity's inclusion in the programme was twofold. First, the Sport Council's own multiannual planning, which had requested a deliverable ready for the Cypriot Presidency, who would prioritise evidence-based policy-making and request sport's inclusion in new statistical initiatives. However, the Council's first 'reading' of this Commission's proposal on the Statistical Programme was reached in the preceding semester, during the Danish Presidency, and hence the Sport Council's formal request was 'late' for these negotiations, which took place in a different institutional venue with markedly different concerns. However, counter-factual reasoning suggests deeper trio coordination between Denmark and Cyprus – in terms of WPS liaising with colleagues in the Statistical Working Party – would arguably have made sport's path to inclusion in this programme easier, since evidence suggest that the resistance to physical activity being included in the programme was relatively minor. The dynamics of trio coordination and cooperation within the POL-DK-CY trio are explored in more detail in the next two chapters and the general conclusion.

Conversely, we can discern a comparatively strong level of trio coordination and policy continuity in the IRE-LIT-GRE trio on 'Council-only dossiers'. This trio structured their work around a coherent theme, the economic dimension of sport. What this suggests is that multiannual planning mechanisms such as Work Plans may in fact be conducive, and incentivising to, increasing trio coordination under certain conditions; structure, planning and indeed 'normalisation' of Council procedures may thus see trio members combine their agenda-

setting powers in more thematically oriented way, perhaps especially the end of these Work Plan 'cycles'. Naturally, as these decisions on the socio-economic dimension were taken entirely by the Council, this seemingly provides a bigger role for the trio mechanism and individual Presidency's in shaping the agenda and individual dossiers compared to decisions taken by the Ordinary Legislative Procedure, which dilutes the power of the Council (and hence the trio and the Presidency) by expanding the conflict with the inclusion of the EP in decision-making.

Taken together, these dossiers provide evidence on EU agenda-setting dynamics. First, it has shown how venues have different institutional biases, providing diverging constraints to actors in sport policy as far as 'colonising' other EU programmes. Thus, as analysed above, 'sport' faces fewer obstacles in areas more biased towards sport. As explored on Erasmus+, it was easier to 'sell' sport in the context of the Erasmus+, which was generally dealt with by national officials taking part in the wider EYCS formation, though persuasive framing was critical in overcoming institutional constraints in the Commission. Essentially, more overlapping portfolios meant a greater appreciation of sport – more supporters and easier conflict expansion. Conversely, on the 2013-2017 Statistical Programme, the Statistical Working Party was not as naturally disposed to including physical activity, requiring the mobilisation of supporters to achieve conflict expansion, i.e. to colonise this programme.

In continuation of this, this chapter has shown a tendency whereby EU sport policy is becoming increasingly 'normalised' in the sense predicted by Princen (2011b: 940). Thus, Princen argues that in policy areas in which the EU is a newcomer (such as sport), focus will be first on building 'building credibility'. Conversely, in areas where the EU has an established role, agenda-setting dynamics will tend to focus more on 'gaining attention' for specific issues or aspects of certain issues. The findings in this chapter support these dynamics. Thus, it was observed how the initial preoccupation within EU sport policy was to establish sport as an important macroeconomic sector, capable of providing growth, nurturing an expert community to provide this evidence; to establish credibility (Princen 2011b) or legitimacy (Boswell 2008) by *proving* sport's importance in macroeconomic terms. However, having secured this evidence, focus in the Sport Council, supported by DG EAC, has increasingly turned to using this evidence in a more 'substantiating' (Boswell 2008) fashion; to arouse attention for sport as a socioeconomic vehicle that can contribute to reaching the Europe 2020 goals. On this evidence, sport is becoming increasingly 'normalised'.

Chapter 7.   The integrity of sport

This chapter explores how the EU and its Member States have established formal procedures for the coordination and representation of common positions when negotiating in two external fora: the World Anti-Doping Agency[12] (WADA) and the Council of Europe (CoE). The chapter starts by analysing how, between 2010 and 2011, the Member States established formal procedures for their coordination and representation in the WADA Foundation Board (FB) and where duties of representation were retained amongst the Member States (Council 2010b; Council 2011s). The chapter then examines the rise of match-fixing on the EU agenda before analysing how and why the EU Member States invited the Commission to participate alongside the Member States in the negotiations for an international Convention of the Council of Europe to combat match-fixing (Council 2013b; Council 2013e; Council 2013f). The chapter thus deals with EU sport policy's external dimension and seeks to explain these diverging outcomes in delegation.

7.1.   Rethinking informal rules: establishing procedures for the World Anti-Doping Agency

Anti-doping is the sporting issue in which the EU has the most long-standing involvement beyond indirect regulatory activities (see chapter 2). EU anti-doping policy has had two dimensions. First, public health (see chapter 8). Second, it has concerned WADA, the focus here. This section starts by exploring how the EU initially got engaged in WADA, followed by an analysis of why and how the Member States reformed their procedures for WADA through 2010-11.

7.1.1.   The establishment of WADA

The EU initially got involved in anti-doping governance in the wake of a focusing event (Kingdon 1995), namely the 'Festina Affair' of the 1998 Tour de France cycling race which revealed wide-spread doping in cycling. In 1999 the IOC invited public authorities to attend a World Conference on Doping in Sport, where the main topic was the establishment of a global

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[12] WADA is a quasi-governmental organisation, founded as a private foundation under Swiss law. It is designed to ensure parity between public authorities and the Olympic Movement in terms of decision-making powers and budgetary responsibilities. The governmental representation of WADA is organised on a continental basis, where Europe is currently awarded 5 out of 19 governmental seats on the Foundation Board, with three going to the EU and two for CoE (WADA 2014d), with the Europe continent contributing 47,5 % of the governmental budget (WADA 2014a). WADA is further led by its smaller policy-arm, the Executive Committee, composed in a similar fashion.

anti-doping agency. The Commission and the EU governments were actively involved in the negotiations with the IOC which led to the creation of WADA (Hanstad *et al.* 2008; Vermeersch 2006: 4). The compromise between the IOC and public authorities was that WADA was founded as a private foundation under Swiss law, designed to ensure parity between public authorities and the Olympic Movement in terms of decision-making powers and budgetary responsibilities, with the IOC paying the budget the two first years (European Commission 1999a: 9).

In December 2000 the Council (2000: 1) adopted conclusions on combating doping which noted "WADA's intention to become an international body based on public international law" [13] and established procedures for the Member States and the EU so they would be "suitably represented". The Commission and the incumbent Presidency were designated as EU representatives on WADA's FB. The Presidency was charged with coordinating a common EU position amongst the Member States, whilst the Commission was invited to speak on areas of EU competence (Council 2000). Hence, the Council recognised that areas covered by WADA were mixed competence, though these areas were not specified.

Then commissioner for Education and Culture, Viviane Reding, represented the Commission on the FB for two years, but eventually withdrew since WADA was "not prepared to take decisions which are necessary to reconcile the WADA budgetary rules with Community financial rules" (European Commission 2001). Hence, the Commission declined to present a proposal to the EP and the Council for the EU-wide contribution to the structural funding of WADA. The EU Member States then developed alternative mechanisms for the 'European' contribution to WADA, ultimately deciding to coordinate their political and financial commitments towards WADA within the context of the CoE though a new structure: the Ad hoc European Committee for the World Anti-Doping Agency (Cahama) (Vermeersch 2006: 4).

Thus, for about 10 years the 'EU representation' in WADA followed an informal and unwritten method according to the 'troika principle' of incoming, current and preceding Presidency representatives. This was a practical solution so as to divide the European continent's five seats amongst the CoE Member States: "The Council of Europe, just administratively, gives three seats to the EU, but the EU isn't actually represented" (Interview 18). Thus, the EU's involvement in WADA was defined by 'incomplete contracts' (Farrell and Héritier 2005): no

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[13] While in 2005 the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted an International Convention against Doping in Sport (UNESCO 2005), in which states pledge to adopt national measures that are consistent with the World Anti-Doping Code, WADA remains private law foundation based in Switzerland (WADA 2014c).

EU-coordination took place despite the Council having recognised that WADA's work was mixed competence.

7.1.2.   Problem recognition: data-protection comes to the fore

That the issue of EU coordination and representation for WADA resurfaced in 2010 is tied to a number of developments which, in different ways, signalled that the EU's voice was not being 'heard' in WADA. This has been evident since the agency's early days where multiple EU cities (Bonn, Stockholm and Vienna) competed to host the WADA headquarters, ultimately losing to Montreal, Canada, whilst Canadian IOC representative Dick Pound also won election as WADA's first President (Vermeersch 2006: 4).

However, the key moment revolves around the International Standard for the Protection of Privacy and Personal Information (ISPPPI), developed by WADA's policy-making arm, the Executive Committee. A draft of this Standard had been floated amongst stakeholders since 2007 (WADA 2014b). The Commission was not recognised as a stakeholder and was not included in consultations (Interview 38). Nevertheless, the Commission's Sport Unit obtained a draft in early 2008 through participating in a meeting held in Strasbourg within an advisory group under the CoE's Anti-doping Convention. Data-protection was on the agenda, prompted by the draft of the ISPPPI, as recalled by a Commission official:

> [T]he agenda included an item which was about data-protection. I wasn't very familiar with it. I knew there was an EU directive. I quickly scanned it. I quickly took contact with my colleagues in DG Justice, we realised that not much could be done before the meeting […] We had then before us a draft text which could have very far-reaching implications. Not just because of the substantive provisions but also because of the overarching statements as regards to the status of the text, and because the hierarchy between the national data-protection legislation and the Standard were not obvious at this stage (Interview 38).

Afterwards, the Sport Unit met with colleagues in DG Justice where it was agreed to take the "issue further in a very deliberate and structured way" (Interview 38). The release of the ISPPPI thus saw the Commission seize its institutional role as 'Guardian of the Treaties', reviewing the ISPPPI in relation to EU legislation on data-protection, specifically Directive 95/46/EC. The Sport Unit asked the Article 29 Data Protection Working Party, an independent EU advisory body composed by Member State experts on data-protection and privacy to give an opinion on the draft ISPPPI (Interview 38). This represents an instance of the Sport Unit 'venue shopping' (Baumgartner and Jones 1993); introducing a new venue with different concerns.

In its first opinion, released August 2008, the Article 29 Working Party welcomes the sentiment of the ISPPPI, but makes numerous recommendations as it was "not yet in a position where it can completely support this Standard, since the minimal requirements included do not appear to reach the minimal standards required by European data protection regulation" (Article 29 Data Protection Working Party 2008: 9). The introduction of the Article 29 Data Protection Party led to a conflict expansion which changed the nature of the conflict – the macro level of the EU Member States' policy positions in WADA – by re-framing this towards a very technical topic (data-protection) where there was secondary EU-legislation. European representatives in WADA unsuccessfully tried to obtain a suspension of the ISPPPI:

> In September and November 2008, European government representatives expressed concerns about the Standard and urged WADA to postpone its implementation. These representatives were given an opportunity, on more than one occasion, to explain why they felt postponement would be appropriate. Those explanations did not persuade the rest of the world, who voted unanimously, and after careful consideration and debate, to implement the Standard (WADA 2014b).

Following the publication of a revised ISPPPI in January 2009, the Article 29 Working Party provided a second opinion on this draft, released in April 2009. Here it noted that there were still "problems in the context of European requirements for privacy and personal data protection" (Article 29 Data Protection Working Party 2009: 3). For instance it argued that data transfers to WADA's Canada-based ADAMS[14] database were problematic since there was no Commission decision on data transfers to Canada (ibid: 12ff). WADA responded critically (WADA 2009).

As noted by a Commission official, "communication between Europe and WADA was not particularly good at that moment" (Interview 38). However, moves were made to remedy the situation. Representatives from the Commission, along with the Spanish Minister for sport – then the European governmental representative on WADA's Executive Committee – set up an informal meeting between EU and WADA officials in early 2009 (Interview 38). After this meeting relations were improved and, as reported by the Commission, WADA in May 2009 adopted a revised ISPPPI "which responds to many of the issues identified by the Article 29 Working Party" and that the Commission was "looking forward to continued dialogue" (European Commission 2009b).

Summing up, the actions of the WADA Executive Committee, in particular the adoption of the ISPPPI, brought visibility to data-protection issues, which forced the Commission to take on its

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[14] Launched in 2005 ADAMS (Anti-Doping Administration & Management System) is a web-based database management system that stores the daily activities of the stakeholders and athletes involved in WADA. It is how the Athlete Whereabouts system is organised and how testing results are reported.

role as 'Guardian of the Treaties'. This process was reactive, similar to Bosman (García 2007a). The Commission venue shopped, expanding the conflict by introducing the Article 29 Working Party, which prompted a reframing of the EU's WADA policy towards data-protection. That data-protection issues in relation to WADA were not 'considered' until the issue received visibility by the ISPPPI further reveals how actors have limited attention spans and expertise, reinforced by institutional factors (Princen 2013: 855), specifically the functional lines separating officials from sport and data-protection. This, then, is symptomatic of punctuated equilibrium (Baumgartner and Jones 1993; Princen 2013; True *et al.* 2007) with EU anti-doping policy towards WADA undergoing a stretch of incremental development (2000-2008) followed by a more intense period of radical change (2009-2011) after a change in issue framing.

The process sparked by the release of the ISPPPI, bringing visibility to data-protection issues, had then highlighted a general problem: the EU Member States' inability to influence WADA decision-making. It is now analysed how the EU Member States acted on this; how a solution was found to secure a bigger voice for the EU in WADA.

7.1.3. Remedying problems: designing mechanisms for the coordination and representation of EU positions in WADA

The EU's WADA procedures were reformed during the Belgian, Hungarian and Polish Presidencies. These three Presidencies adopted a strong level of cooperation, working in an 'extended trio' to achieve their goals. This is analysed in three steps. It starts by exploring how the issue entered the Council's agenda during the Belgian Presidency, and where two solutions were identified to secure a stronger voice for the EU in WADA: (i) re-establishing EU-level coordination and (ii) increasing the continuity of the EU's representation in WADA. The last two sections then chronologically overlap as they analyse the parallel developments by which the Council settled on these particular mechanisms for coordinating and representing EU positions in WADA.

Should the EU play a role in WADA?

The Belgian Presidency was the main governmental entrepreneur (Tallberg 2003) in making WADA an 'EU problem' which, hence, required a solution (Princen 2007). Why the Belgian Presidency put WADA on the Council's agenda is explained here:

> So we had nothing from the Commission to work on, and most formal documents start from [the] Commission, so the only thing we could work on were resolutions, conclusions, prepared by the Presidency. […] Doping I think was just a combination of the fact, within this more

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formal setting, we had to look at a more formal role for the EU in the fight against doping, also in relationship to WADA. Personally, I'm very interested in the topic, been working on it for a while, and also my minister knew the topic very well. So that was a combination of context, agenda, my personal interests, and my minister's interests, so that's why we worked hard on doping (Interview 1).

This quotation reveals three major factors contributing to Belgium putting WADA on the agenda. Firstly, an 'open' agenda, especially the lack of Commission output (as seen in chapter 5, the subsequent Hungarian Presidency had the 2011-2014 Work Plan as its only formal dossier). Secondly, priority selection was steered by the expertise and interests of the Belgian administration. Third, it shows the SPA-BE-HUN trio's focus on formalising the Council's structures in sport (see chapter 5).

The Belgian Presidency initially put formalising and reforming the EU's WADA procedures on the agenda at two informal meetings. Discussions were started at an informal ministerial meeting in Antwerp in September 2010, where "some Member States were open to the topic, and that's why we said: 'We go for a very limited Resolution, saying we need more coordination'" (Interview 1). The Presidency conclusions from that meeting were more confident, with the ministers concluding there was a "need for coordination among EU Member States in light of achieving a stronger position of the European continent within WADA" (Belgian Presidency 2010c), hence recognising a problem: the EU's lack of influence in WADA.

A month later Belgium put the issue of reforming the EU's system of WADA-representation on the agenda at an informal ministerial meeting in Antwerp in October 2010 (Belgian Presidency 2010c). This meeting was attended by Commissioner Vassiliou, who proposed that the Council delegate one of its seats on the WADA FB to the Commission. The Commissioner would delegate Gregory Paulger, then Director of Youth and Sport at DG EAC, who had experience from serving as the Commission's representative to ICANN (Internet Corporation for Assigned Names and Numbers), an organisation similar to WADA in its mix of governmental and non-governmental actors in its governance structures (Interview 38; on ICANN, see Weinberg 2012). The ministers were not supportive of this idea (Interviews 37 and 38). However, the Presidency conclusions from the meeting did see the ministers note the "the need for more continuity in the EU representation in WADA" (Belgian Presidency 2010c).

Hence, strengthening the EU's voice in WADA commanded two dominant frames, two solutions: further EU-level coordination *and* increasing continuity in representation. The Belgian Presidency also discussed WADA with the Council Secretariat, who encouraged them to move forward:

> I was involved in the 2001 [Belgian] Presidency, so that was the time when WADA was set up, so I was already involved in the process at that time, and it was rather Commission and Presidency who was following that [….] I noticed Europe was still going to WADA, but there was no concrete coordination mechanism. And when I explained that to the Council Secretariat, they said "well that's strange, if EU goes somewhere in an international organisation, normally we coordinate this in Council". So we both, Presidency and Council Secretariat, thought it would be good to set up, not a more strict, but *some* coordination mechanism. That's why we put in on the agenda […] If you check the very limited resolution we had under our Presidency, there's a reference to a very old document. And no one knew about this document! I just found it [and] showed it to the Council Secretariat, and they all said "wow, we didn't know about this document", and they found it very strange that there was such an old document on doping while Council was not even involved formally in sport. I think they even showed it to the legal services, who were laughing, "wow, what happened here?" (Interview 1).

According to this, the Council Secretariat were unaware that the EU was represented in an external sport body *and* of the earlier set of Council conclusions (Council 2000) which had not been updated after the Commission withdrew from the FB. It further illustrates that the Belgian Presidency possessed special expertise. Crucially, the EU Member States' current arrangement with regard to WADA – i.e. no coordination – was perceived by the Council Secretariat as anomalous per 'standard operating procedures' (Hall 1986). Accordingly, post-Lisbon, there was a need to formalise the EU's engagement in WADA, with the Council Secretariat encouraging the formalisation of EU sport policy practices, echoing findings from chapter 5.

Lastly, the quotation suggests that the Belgian Presidency was embarking on 'institutional bricolage' (Lanzara 1998; Lowndes 2005) rather than directly transferring 'standard operating procedures' from other areas, i.e. institutional isomorphism (DiMaggio and Powell 1983). This meant recognising that after many years of non-existent EU coordination *vis-à-vis* WADA, with which the Member States were now comfortable, a "strict" (i.e. standard) Council external representation mechanism was deemed unfeasible. Thus, a more 'loose' solution was more realistic and would at least represent "*some* coordination mechanism". A simple mechanism would better fit the perception of the problem, and have greater possibility of being adopted on the decision agenda. This reveals how "political struggles are mediated by prevailing institutional arrangements" (Bulmer 1993: 355). This effectively meant that formalising the EU's WADA procedures would require a great deal of 'softening up' (Kingdon 1995) through continued discussions on appropriate forms of coordination and representation.

With this in mind the Belgian Presidency formally focused on the developing mechanism for coordination during its Presidency, particularly by getting the Council to re-acknowledge that WADA covered areas of mixed competence. The Belgian Presidency started elaborating what such a coordination mechanism could be: developing new institutional practices (Tallberg 2003).

In agenda-setting terms, the key was to link a *problem* – the EU's lack of voice in WADA – to a particular *solution*, and whether this link could be made convincingly (Princen 2007: 30). The Belgian Presidency drafted a note prior to a WPS meeting (Council 2010n) where it notes that no "specific coordination mechanism in relation to WADA has been set up". The Presidency points to the urgency of setting up such a mechanism by noting the coming into force of the Lisbon Treaty and how certain issues "dealt with by WADA fall within the EU sphere of competence, whilst certain others fall within the competence of Member States" (Council 2010n). EU coordination was, thus, appropriate per 'standard operating procedures'. Annexed to the note is the agenda for an upcoming FB meeting and an examination of its agenda items. The proposed mechanism can be understood as 'talking points' to be expressed by the EU representatives within WADA and Cahama, in the subsequent draft referred to as 'guidelines' (Council 2010f). These mainly refer to issues related to data-protection, along with areas of common interest such as supporting Ljubljana as the only EU city bidding to host the next World Conference on Doping in Sport. The Presidency then agued:

> Following the new EU competence for sport and the fact that the Article 29 Data Protection Working Party pointed out that the present WADA Code contains incompatibilities with EU law when it comes to the protection of privacy and personal data, the Presidency considers that it is vital that the European Union and its Member States are properly prepared for the forthcoming Code revision process in early 2012, and which will ultimately lead to the adoption of a revised Code at the end of 2013 and entering into force on 1 January 2015. Consequently, the European Union and its Member States should start reflecting in good time on how the fight against doping could look to [sic.] like in 2015 and how to coordinate the European Union input during the Code revision process. Therefore, it is suggested that this matter is regularly examined in future EU coordination meetings relating to WADA (Council 2010n).

Hence, the Presidency highlights existing problems, namely how the current World Anti-Doping Code (WADC) "contains incompatibilities with EU law". Moreover, the Presidency points to the *urgency* of making sure the EU and its Member States are "properly prepared" considering the impending WADC review-process. So, a problem defined (the new WADC) and a solution proposed (further EU coordination) to ensure the new WADC reflected the preferences of the EU Member States and EU legislation.

These draft 'guidelines' were then considered by the WPS and the COREPER, though not adopted due to reservations lodged by Germany (Council 2010f), who questioned the subsidiarity of the mechanism (Interview 1). Hence, the appropriateness of EU-level coordination was contested through Germany politicising the 'politics of scale' (Leitner 1997; Princen 2007). Nevertheless, the Belgian Presidency convinced the Member States of the need for WADA-coordination as the Council adopted conclusions on the 'role of the EU in the

international fight against doping' (Council 2010b) which reiterated and updated the 2000 conclusions (Council 2000). In these new conclusions the Council (2010b: 18) recognises that some issues dealt with by WADA fall under EU competence, which meant "ensuring that the views of the EU and its Member States are given due weight in WADA deliberations is of a crucial importance". It further stressed these positions should be coordinated "in a timely and efficient manner" under the responsibility of the Presidency (2010b: 18). As noted by a Belgian interviewee:

> The Member States didn't have enough time to get used to the idea, so that's also why we had a very limited text, but in principle I think it was important […] And in a way, our [conclusions] was just a confirmation of that old text [i.e. the 2000 conclusions], and even that was not so easy to explain to Member States, that it was just the logical thing to have a more formal coordination-representation mechanism now that EU had formal competency in sport (Interview 1).

Coordination in respect to WADA is here presented as entirely "logical", yet getting all Member States on board was hard; explaining the "limited" text proved "important". Indeed, the institutional practices developed by the Belgian Presidency were to prove enduring. As remarked by a Commission official when asked why WADA coordination got on the agenda at this point in time:

> It has to do with the outlook of certain Presidency countries, and it certainly also has to do with perception, outlook, preferences of the Council Secretariat [...] You can see that this is an objective fact, you can see texts adopted during the Belgian Presidency, [conclusions] on coordination before WADA meetings [...] but it's an objective fact that some very far reaching texts were adopted during the Belgian Presidency […] Belgium were also diplomatic but persistent and got something through which probably could not have been made without them. (Interview 38).

Thus, if the Belgian Presidency itself considered the adopted document "limited", others considered it "far-reaching". This indicates how the Belgian Presidency was the key cog to the issue becoming a Council problem. In putting the issue of formalised WADA-coordination on the Council's agenda the Belgian Presidency used of a range of agenda-setting resources available to a Presidency (Tallberg 2003: 7–8): raising awareness to hitherto *neglected problems* by putting the issue on the agenda at two informal meetings (Belgian Presidency 2010b; Belgian Presidency 2010c); developing new *institutional practices* by proposing a mechanism to coordinate EU positions before WADA meetings; and developed *concrete proposals* for action by getting a set of Council conclusions adopted which recognised that the issues dealt with by WADA were of mixed competence and, hence, required coordination (Council 2010b).

The Council had recognised that WADA required coordination at EU level and proposed a mechanism to that end. Informally, the Belgian Presidency had also started discussions on reforming the EU's system of representation in WADA. The following sections explore how the Council settled on specific mechanisms for coordination and representation, through which the Belgian, Hungarian and Polish Presidencies cooperated closely. Though chronologically these processes overlap, for analytical purposes these two issues are analysed separately, starting with coordination.

How should the EU coordinate as to WADA?

That the Belgian Presidency's efforts to bring visibility to WADA coordination had been successful became evident during the subsequent Hungarian Presidency, which saw the adoption of the 2011-2014 Work Plan which established an anti-doping expert group explicitly charged with drafting EU comments to the revision of the WADC (Council 2011r). Four contributions were produced by this expert group, worked on by the WPS and the COREPER before being submitted to WADA by incumbent Presidencies in the name of the EU (e.g. Council 2012r; Council 2013n).

The conclusions adopted during the Belgian Presidency specified that "EU and Member State positions shall be coordinated, under the responsibility of the Presidency" (Council 2010b: 18). It fell to the Hungarian Presidency to elaborate this:

> It was a nightmare. It was very technical. It was a totally different field. You really need doping experts for that. The thing, why we were lucky, was that since it was the beginning, the procedure was not settled, and we had the help of the Commission, [and they] tried to help us prepare. But if we had to do that on our own, I think it would have been a big, big problem and challenge. Of course we would have solved it, but like this it was much better (Interview 19).

As suggested here, WADA matters are technical, explaining why the Hungarian Presidency 'venue shopped' for expertise by drawing on the Commission. Moreover, the quotation reveals that the "procedure" was not yet settled (elaborated below). The coordination mechanism proposed by the Hungarian Presidency (Council 2011t) was similar to the mechanism proposed by the Belgian Presidency. Thus, the 'guidelines' represent an analysis of the upcoming WADA meeting agenda and an outlining of areas pertaining to EU *acquis* and other issues of common strategic interest. Unanimous agreement was found on a draft after one meeting in the WPS (Council 2011u) and since transmitted to the COREPER, who made some changes before adoption (Council 2011v). These guidelines argued that public authorities were under-represented on WADA's Executive Board (Council 2011v: 4); noted WADA's high operating

costs and that the EU was against budgetary increases in light of the financial crisis (Council 2011v: 5–6); and recalled that "data transfers from Europe to WADA remain problematic as long as not all data-protection issues are solved" (Council 2011v: 8).

Linked to the findings from the previous section, this coordination mechanism does not seem to be directly inspired by 'standard operating procedures' but rather represents a pragmatic solution. Whereas for instance the 2011-2014 Work Plan on sport was directly inspired by the Youth Work Plan (see chapter 5), no documents or interviews cite any similar 'templates' for WADA-coordination beyond the recognition that matters dealt with in WADA are of 'mixed competence' and hence require *some* coordination. This is evident in the below quotation from a Commission official when asked to assess how 'normal' this WADA coordination mechanism is:

> I don't know. I know in some fields such as trade there are formal procedures based on specific mandates, negotiation mandates, adopted by the Council. I do not have enough cross-cutting knowledge about procedures in different Commission departments to tell you that, and it could be that we have something that is a bit *sui generis* (Interview 38).

Rather than suggesting 'institutional isomorphism' (DiMaggio and Powell 1983), evidence collected here suggests that this was more a case 'institutional bricolage' (Lanzara 1998; Lowndes 2005), i.e. of actors pragmatically muddling through in developing practices.

This mechanism was repeated during the Polish Presidency, which issued a Discussion Paper on the subject of EU coordination and representation in WADA before a WPS meeting (Council 2011m). Building on "lessons learned", the Polish Presidency proposes a "swift coordination at the EU level" which should start with an analysis of the FB meeting-agenda by the Presidency, the Council Secretariat, and the Commission, with positions prepared by the Presidency and then presented for consideration for the WPS and ultimately the COREPER. So, essentially a formalisation of the procedure developed by Belgium and continued by Hungary. This method of coordination was ultimately formalised with the adoption of a Council resolution under the Polish Presidency (Council 2011s), thus completing the 'contracting' (Farrell and Héritier 2005) of the EU's WADA-coordination. This same resolution also reformed the EU's system of representation in WADA, the issue now examined.

Who should represent the EU in WADA?

Aside from coordination, another problem was identified during the Belgian Presidency: the model of representation, which followed the 'troika' system of rotation, hence with a new 'face'

every six months. The Belgian, Hungarian and Polish Presidencies cooperated closely in order to reform this system.

Following the Belgian Presidency's informal discussions, the issue of representation was next discussed by the Council at an informal meeting of sport ministers in Hungary in February 2011 on the basis the Joint Discussion Non-Paper drafted by the Belgian, Hungarian and Polish Presidencies. This paper outlined two solutions for the EU's reformed representation in WADA (Interviews 19 & 37). The first option, which received the *most* support, designated two representatives of the incumbent and future trios for 18 months; and one ministerial 'expert', appointed by the Council, with an extended mandate for three years. The second option was identical, except that the 'expert' representative would be delegated to the Commission (Council 2011m: 3; Interview 19). A Polish representative recalled that "everybody agreed that we needed some change" (Interview 37). The Member States then had before them two different 'designs' that could potentially solve the problem of *continuity* in representation: an elected ministerial representative *or* a Commission representative.

It fell to the Polish Presidency to take the issue forward formally: "It was not easy at that time, some Member States had a different approach, a different view, and the document was not very easy" (Interview 37). This became obvious at the first WPS meeting chaired by Poland in early July 2011, before which the Polish Presidency had drafted a discussion paper which recalled how the ministers had expressed current troika format was "ineffective, primarily because it failed to ensure sufficient continuity in representation" (Council 2011m: 2). While remembering that most ministers had supported the 'ministerial option', the Polish Presidency made a case for a Commission representative on the FB by (i) recalling that the issues treated by WADA are of mixed competence and (ii) by recalling Article 17(1) TEU which states that with "the exception of the common foreign and security policy, and other cases provided for in the Treaties, [the Commission] shall ensure the Union's external representation". Thus, the Polish Presidency concluded that "it seems necessary that one of three EU seats on the Foundation Board should be filled on a permanent basis by the Commission" (Council 2011m: 4).

Following this meeting, the Polish Presidency started negotiations on a Council resolution on the EU's WADA coordination and representation. Documentary analysis reveals how the 'Commission option' was dismissed before formal drafting began and thus never appears in any drafts (e.g. Council 2011i; Council 2011j; Council 2011k; Council 2011l). The adopted resolution (Council 2011s) rather reformed the EU's system of representation in WADA's FB by introducing a ministerial-level expert to be seated on the board for three years, flanked by two

ministers chosen by trios for 18 months. This structures future trio cooperation in that it requires respective trios to "choose, after internal consultation, one of them as a representative of the EU Member States in the Foundation Board of WADA" (Council 2011s: 8). The Commission is asked to, first, assist in the coordination process on matters where the EU is competent and, two, present EU positions at the CoE's Cahama meetings (Council 2011s: 9). The goal of this coordination is that "EU and its Member States should seek to include this position in the European continent position statement prepared by Cahama" (Council 2011s: 9). Hence, whilst the Member States did not delegate responsibilities of representation to the Commission in WADA's FB, the Commission was delegated responsibilities in Cahama, though the specific areas of EU competence were not defined. In so doing, the Council essentially formalised and structured an existing informal arrangement, as the Commission had already been granted observer status within Cahama (Council 2010n: 3).

Why, then, did the Member States retain representation amongst themselves in WADA's FB and not in Cahama? Three factors can be identified. Firstly, it is important to recognise that neither the Member States nor the Commission were actively pushing for the 'Commission option' throughout. Thus, when Commissioner Vassiliou proposed the Commission (re)joining WADA's FB during the Belgian Presidency, the ministers were not supportive. As recalled by a Commission official:

> Q: You mentioned that there's not been any urgency for the Commission to get more involved in WADA, for legal reasons and whatnot.
>
> A: Yes.
>
> Q: Might that change under a new Commissioner?
>
> A: Let's say: at a purely technical level it would be possible, if there was good will on both sides. You have to remember first that my Commissioner left the WADA board in 2001 because agreement could not be reached about appropriate safeguards against budget increases, and my Commissioner was right because our Member States are today paying twice as much to WADA as they were a decade ago [...] But that would necessitate consensus among Member States regarding the Commission's role, and I do know that when, in 2010, the text on coordination for WADA meetings was agreed, the option of a Commission seat was only discussed very shortly [...] but Member States were not very interested in this option (Interview 38).

As explained above, the sport ministers were not open to the 'Commission option', which signalled to the Commission that it would be hard to find consensus on delegating this task to the Commission. A Polish official provided a similar explanation:

> The Member States were not so much pushing for the Commission either. On one debate I think it was quite clear that the Member States don't want the Commission on the Board. Maybe that influenced the commission when they heard that? The Commission didn't fight for this strongly (Interview 37).

However, when WADA-representation was discussed in the WPS during the Polish Presidency, the 'Commission' option was still being considered. However, the Commission did not pursue the mandate:

> There was an issue if we should have the Commission on board as one of the representatives, and this was a bit legal issue. And then, it was in Hungary we prepared this non-paper together [where] we suggested that one option, which was to have the Commission on board, and then there were different discussions. But in the end the Commission said no […] It was a problem at the level of representation, they were not sure if the Commissioner should participate. I also think they wanted to give it to the Member States. But the Commission is present for the preparation of the coordination document, and that's fine. Now I have a feeling that it will change. Maybe the new Commissioner will be interested in those issues? (Interview 37)

Thus, the Commission asked the Council *not* to move forward with this option. This suggests that the Commission was anticipating that it was unlikely that a unanimous agreement could be found, hence it was perhaps willing to "give it to the Member States", as Council resolutions have to be adopted unanimously. The discussions were further complicated by legal uncertainty: the Commission services were unsure whether the Commission legally could or should join the FB without major reforms, not least regarding budgetary commitments (Interview 38). This explains why the 'Commission option' was dismissed before formal drafting began: by the Commission not pushing for the mandate informally, and by there not being consensus amongst the Member States on the 'Commission' option.

The quotation above also indicates the second factor, namely that the Member States did not necessarily see an added value in having the Commission represented at the FB ("the Commission is present for the preparation of the coordination document, and that's fine"). This was a broad sentiment among interviewed Member State officials:

> In WADA, the Member States are members. States are members. It was logical that we don't have an institution there, because we have also other kinds of topics, not only the topics which belong to hard *acquis*, we have other issues in WADA, and for this we don't need the Commission. We only need the Commission for the hard *acquis* topics. And for this we have their support, and we prepare the mandate in the Working Party, and the members of the FB who are representing the EU they are obliged to represent that mandate when it is about hard *acquis*, like data-protection, and in other fields there is the Cahama, which prepares the mandate for the European continent (Interview 19).

Hence, Member States felt that sufficient levels of expertise on *acquis* matters could be provided through other mechanisms. As analysed earlier on the ISPPPI and data-protection, the EU Member States have had difficulties in having their 'standards' heard by WADA. However, crucially, the 'problem' which the resolution sought to address – the EU's lack of 'voice' in WADA – was more linked to a perceived lack of 'continuity' in representation rather than lack of technical expertise. Due to this dominant framing of the problem, there was less incentive to 'give up a seat' to the Commission.

Lastly, many Member State interviewees noted that WADA "is a very complicated organisation" (Interview 19). This reiterates that the Member States, in designing WADA procedures, were not directly concerned with drawing on established institutional templates as much as they were trying to find a pragmatic solution to a concrete common-action problem, the WADC review process, and securing the EU Member States' voice was sufficiently heard in these negotiations. Rather, evidence suggests that Member States have actively ignored institutional templates, such as the legal wording of treaties (i.e. Article 17:1); the Commission's representation in ICANN; or that the Commission *used* to be represented in WADA. Moreover, a difference is the perceived legal complications with delegating powers of representation to WADA's FB, whereas there were no concerns with formalising the Commission's duties in Cahama within the CoE.

Before moving on, it should be noted that WADA has given rise to the deepest levels of cooperation and coordination uncovered in this thesis. First, the extended trio of Belgium, Hungary and Poland represents the deepest instance of 'trio coordination'. Belgium started informal discussions on representation and had a set of conclusions adopted which recognised that *some* WADA-coordination should take place at the Council-level; Hungary focused on representation in more concrete terms at the informal ministerial level, where a joint paper was prepared in tandem with Belgium and Poland, thus 'softening up' (Kingdon 1995) the topic; and Poland brought coordination and representation together at the formal Council level, drawing on these prior experiences. A Hungarian official noted how these Presidencies worked closer together than is customary:

> A: Yeah, well our experience the formal trio as such was practically not working very closely together. We were helping each other, we were in very good contact, but it was more practical to work in a troika system, and it happened with the WADA, doping topic as well. So the practical ways proved that it's logical, and it's one thing to have the trio, but life can go in another way.
>
> Q: And one of the things you did was to prepare a joint paper?

A: Yeah it was a joint paper, presented at the informal ministerial meeting, because we put together everything: the Belgian experiences, the Hungarian proposals, and the incoming Polish proposals, and then the Poles put it on the formal agenda of the Council, and at that time we had a resolution on the representation in WADA, so was very much step by step.

Q: So, teamwork?

A: Yeah that's why I think it's kind of good practice, best practice, I haven't see so much of it (Interview 19).

Thus, in this particular instance it was more useful to work in "troika" (i.e. extended trio) in order to reach a desired outcome. It further accentuates the uniqueness of this approach; aside from combining their agenda-structuring powers, these three administrations also *cooperated* closely by drafting a joint paper.

Further, these new formal procedures for WADA have sparked a much informal cooperation amongst the Member States. As noted above, the Hungarian Presidency 'venue shopped' for expertise by drawing on the Commission while developing its WADA 'guidelines', a privilege not afforded later Presidencies:

After us […] the Commission didn't take that role anymore. They did not help in such a valuable way for the Presidencies to prepare, because "ok, this is the Council's responsibility, they have to deal with it" […] I think it was a decision by the [Commission] leaders not to be getting involved in the Council document, but adding the comments afterwards, so the first draft should come from the Council (Interview 19).

However, considering the technical nature of such work, the Member States seem to have recognised that not all countries possess required expertise and/or administrative capacity to deal with WADA-coordination. Because of this, informal cooperation takes place between Member States:

A lot of the work we do for WADA is supported by experts who were in the anti-doping expert group. Tomas Johansson [Swedish sport director and Chairman of anti-doping expert group] has assisted a lot of Presidencies. And I think there's a general kind of willingness to cooperate where a particular country doesn't have the greatest expertise (Interview 17).

Thus, rather than drawing on the Commission (as Hungary had done), Presidencies now receive help from other actors, as the Lithuanian Presidency did:

The agenda is always the same, so you ask something from the Belgians, because the Belgian minister is the one. Who else? Luxembourg, and then Ireland. So it's basically formulistic. We also received lots of help from Tomas [Johansson], and from Secretariat. It wasn't such a, how do you say, bothering thing (Interview 20).

How such informal cooperation is established can be understood through the Cyprus Presidency, who reached out to Irish colleagues, who would be taking over the Presidency from Cyprus. As recalled by an Irish official:

> I would work closely with the Lithuanians, but because I would sit next to them at the [meetings] we would have sort of this personal relationship built up with them. Equally, Cyprus – who were our predecessors – we worked very closely with them as well […] I certainly worked a lot with Cyprus. In terms of anti-doping, we prepared their coordination paper for the EU, during their trio, we did it for them even though we weren't part of the trio. So it was a handy introduction for us [...] it was skillset and it was personal relationships [...] It wasn't our Presidency, we weren't required to do it. It took two meetings. It was just videoconference, a couple of phone calls, that was it. There was no major deal about it or anything. It was more colleagues working together more than anything else (Interview 18).

This illustrates how the trio exists alongside other informal rules which facilitate cooperation, such as the seating arrangements which follows the designated order of Council Presidencies (see chapter 1). This rotation can lead to the building of "personal relationships" which, in the end, saw Irish and Cypriot "colleagues working together". This was not done due to any 'written rule', but is expressed as a result of the Council socialisation which produce a spirit of collegiality (Lewis 2005). Yet, there was a 'strategic' element in this, namely that that Ireland also did so with a mind to performing better under its incoming Presidency ("handy introduction"), as well the potential good-will one gains from helping out colleagues, perhaps thereby improving one's "position within the group, as part of their long-term interest calculation" (Juncos and Pomorska 2006: 4). Thus, it involves both elements of ideas of 'appropriateness' and self-interested 'calculation' (Niemann and Mak 2010).

To conclude, this section has explored how the issue of EU policy coordination and representation for WADA resurfaced in 2010. The issue grew in visibility because of a number interrelated factors: (a) a recognition that certain WADA practices were in conflict with EU data-protection legislation, brought to light by the actions of WADA's Executive Committee; (b) and the Commission seizing its role as Guardian, expanding the conflict by introducing the Article 29 Working Party. These developments signalled the EU's lack of voice in WADA, an urgent problem considering the impending WADC review process. The Belgian Presidency was the main governmental entrepreneur in making WADA an EU problem and in developing mechanisms for securing a stronger voice for the EU in WADA. While the Belgian Presidency was only able to get the Council to acknowledge that WADA required *some* coordination, it was able to mobilise support from the Hungarian and Polish Presidencies who, working in the format of 'extended trio', kept the issue high on the Council's agenda over 18 months. There

were two frames in this process – coordination and continuity – which reflect the two solutions chosen to provide the EU a stronger position in WADA. The design of mechanisms for coordination largely followed the practical solution initiated by the Belgian Presidency. Conversely, on the question of representation there appeared multiple models that could solve the same problem of increasing continuity. The Member States decided that sufficient *acquis* expertise could be provided through other mechanisms, hence representation was retained amongst the Member States. This brings this case in direct contrast with the process surrounding the CoE match-fixing Convention, which is now analysed.

7.2. Reacting to external events: match-fixing

Unlike anti-doping, match-fixing represents a new issue on the EU agenda. This section starts by analysing match-fixing's rise on the political agenda. It then explores how EU policy on match-fixing has been centred on two different issues: (i) developing the EU-dimension of match-fixing and (ii) reacting to external developments, in particular deciding whether or not the Commission should join the negotiations on an international match-fixing convention under the auspices of the CoE.

7.2.1. Problem recognition: match-fixing fixes attention

Match-fixing has grown in visibility on the international sport agenda during the last decade. 'Match-fixing' is here used as a shorthand for 'the manipulation of sport results', which has been defined as the "the arrangement of an irregular alteration of the course or the result of a sporting competition or any of its particular events (such as matches, races) in order to obtain an advantage for oneself or for others and to remove all or part of the uncertainty normally associated with the results of a competition" (Council of Europe 2011: 3). Match-fixing thus deals with financial corruption for personal gain where 'outside' influence interferes with the outcome of sport competitions.

The agenda-setting concepts 'indicators' and 'focusing events' (Kingdon 1995: 90ff) can help explain why match-fixing has grown in visibility. Match-fixing has risen to prominence due to a number of high-profile *focusing events*, such as the 2006 Calciopoli scandal in Italian football (Kuper 2006), thus gaining traction in the public and media agendas (e.g. Phillips 2013). Moreover, large police investigations (e.g. Europol 2013; Interpol 2014) have given policy-makers further *indicators* about the scope of the problem, with such investigations linking criminal

activity to Asia and mapping how this criminal activity has centred on Europe's most popular sport, football, hence increasing visibility.

Hence, due to focusing events and indicators, match-fixing reached a stage of 'internationalization' in which actors seek out possible venues where such an issue can "be 'homed', nurtured, groomed" (Stephenson 2012: 799), and where the EU is only one option (Princen 2011b: 930). In international sport governance, the EU arguably competes primarily with WADA and the CoE. David Howman, Director-General for WADA, at the 2011 EU Sport Forum called for the establishment of an agency charged with dealing with match-fixing, perhaps as sub-body of WADA (Howman 2011), a proposal the EU Member States have not supported (e.g. Council 2011t). Rather than WADA or the EU, the CoE emerged as the preferred international venue to deal with the problem of match-fixing. Issue framing and institutional constraints explain why the EU was not considered the most suitable venue to deal with match-fixing.

Institutional constraints refers to the EU's relative *receptiveness* to an issue and the particular *instruments* it has at its disposal (Princen 2007: 27). Thus, the CoE's Enlarged Partial Agreement on Sport (EPAS) took the initiative on match-fixing. EPAS is an intergovernmental organization in which most (17) but not all the EU 28 Member States are members (see Figure 5, p. 159). As a representative from Play The Game[15] noted, EPAS' secretariat has been good at picking up 'hot topics' and setting the agenda (Interview 3). EPAS started dealing with match-fixing as early as 2008 (Council of Europe 2009), creating a first mover advantage through agency.

On 28 September 2011, the CoE's Committee of Ministers adopted a Recommendation on the 'promotion of integrity of sport against manipulation of results, notably match-fixing' (Council of Europe 2011), which invited the EPAS secretariat to carry out a feasibility study on a possible international legal instrument to combat of match-fixing, i.e. a convention. In June 2012 EPAS was finally invited to launch the negotiations on this convention (European Commission 2012c: 2). Thus, the CoE offered an established venue for dealing with crises and its *receptiveness* was not in doubt and had certain *instruments* (the convention system). Conversely, sport had only just become an EU competence.

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[15] Play the Game is an international conference and communication organisation under the Danish Institute for Sport Studies aiming to "strengthen the ethical foundation of sport and promote democracy, transparency and freedom of expression in sport" (Play The Game 2015). Play The Game were observers in the Good Governance expert group and part of EPAS's Consultative Committee.

Figure 5: Members States of EPAS and the EU

EPAS

Albania, Andorra, Armenia,
Azerbaijan, Belarus, Bosnia and
Herzegovina, Georgia,
Iceland, Israel, Liechtenstein, Monaco,
Montenegro, Morocco, Norway, Russian
Federation, San Marino, Serbia,
Switzerland, FYROM

Bulgaria, Croatia,
Cyprus, Denmark,
Estonia, Finland,
France, Greece,
Hungary, Latvia,
Lithuania,
Luxembourg, Malta,
Netherlands,
Poland, Portugal,
Slovenia

European Union

Austria, Belgium, Czech Republic,
Germany, Ireland, Italy, Romania, Slovakia,
Spain, Sweden, United Kingdom

Sources: EPAS (2015) and Europa.eu (2015)

Relatedly, the framing of match-fixing seems to have 'steered' EU Member States towards the CoE. Interviewees pointed out that the CoE was preferable because of its intergovernmental nature and that a CoE convention would potentially be open for signatures and ratification *beyond* Europe (e.g. interviews 9 and 12). The Commission has spelled out this reasoning:

> Another important advantage of the future Convention would consist in its openness to non-European countries: all countries will be able to sign and ratify the Convention (by way of example, Canada and Australia are currently parties to the CoE Anti-Doping Convention). This aspect is crucial since world-wide cooperation, notably with countries where sports betting is widespread such as South-East Asian countries, is considered an essential element in effectively fighting trans-national organised crime networks involved in match-fixing and operating in different continents (European Commission 2012c: 4).

Thus, the fact that match-fixing has been framed as an global problem related to online sport betting, with perceived 'threats' stemming from Asia, seems to have steered European governments to identify the CoE as the most suitable venue. In the vein of Moschella (2011), the *specific characteristics* of match-fixing have been crucial in singling out appropriate venues.

Through the conceptual framework of agenda-setting – visibility, timing, agency, issue framing and institutional constraints – it has been explained how the CoE emerged as the preferred platform to address the problem of match-fixing. Importantly, this has meant that EU responses to match-fixing have been largely reactive to developments in the CoE. The following explores how the EU Member States have acted on match-fixing in two ways. First, by elaborating what should be done to combat match-fixing at EU-level. Secondly, as a reaction to the outlined

developments within EPAS, the Council has faced the question of whether the Commission should play a part in the convention negotiations.

7.2.2.   Defining the EU's role in combating match-fixing

In the context of the EU, match-fixing was first explicitly mentioned in the context of the Commission's 2011 communication, in which it pledged to "cooperate with the Council of Europe in analysing the factors that could contribute to more effectively addressing the issue of match-fixing at national, European and international level" (European Commission 2011a: 12). A couple of months later the Hungarian Presidency put the issue on the Council's agenda during its stakeholder meeting and accompanying ministerial debate under the theme 'Sport-related aspects of on-line betting' (Council 2011o; Hungarian Presidency 2011b). Interestingly, match-fixing had not been a priority for the Hungarian Presidency:

> It was not our priority, but since it was a hot topic, we put it on the agenda […] you have to follow the agenda which is around you. You can have your own priorities but if there is a big, big issue around betting and match-fixing you have to deal with it (Interview 19).

This quotation indicates the high visibility that match-fixing suddenly commanded, which saw the Hungarian Presidency relinquish its agenda-shaping prerogatives at its informal events, further illustrating how Hungary had decided to act as 'honest brokers' in its agenda-management (Elgström 2003a; see chapter 5). The high agenda-status of match-fixing was cemented during the Hungarian Presidency when the Council specified match-fixing as a key priority in the 2011-2014 Work Plan, which requested expert group "Develop a European dimension of the integrity of sport with the initial focus on the fight against match-fixing" (Council 2011r: 4).

Low-political expert-level work had then been set in motion to specify an EU response (Princen and Rhinard 2006). Yet, the issue remained high on the Council's agenda in the coming years. This can be related to agenda-management of the POL-DK-CY trio, whose 18-month programme highlighted match-fixing as a priority (Council 2011a: 77). This trio aligned their agenda-shaping powers (Tallberg 2003) in terms of achieving continuity *particularly* with regard to match-fixing (Interview 9).

The Polish Presidency chose to prioritise match-fixing late on: "[A]t the beginning we didn't want to do the match-fixing issue, the integrity issue, but later he [the sport minister] really insisted on this" (Interview 37). The minister's interest in the issue thus raised the issue further at the Council as the Polish Presidency put match-fixing on both the Council informal *and* formal

decision agenda. The Polish Presidency organised two informal ministerial meetings on match-fixing which were also attended by high-ranking UEFA officials (Polish Ministry of Sport and Tourism 2011a; Polish Ministry of Sport and Tourism 2011b; UEFA 2011a; UEFA 2011b), further accenting how match-fixing has been framed as a threat to football. Moreover, the Polish Presidency put match-fixing on the Council's formal agenda by proposing a set of Council Conclusions 'on combating match-fixing' (Council 2011b). These conclusions invite all stakeholders to develop educational programmes, encouraged closer cooperation, called on the Commission to produce studies, and asked the Commission to consider "making a proposal, in the light of the results of the abovementioned studies and the work of the Expert Group 'Good Governance in Sport' as well as activities carried out within different international forums, for a Council Recommendation on combating match-fixing" (Council 2011b: 5:4). Thus, match-fixing had risen to the top of the agenda with the Council ready to consider a recommendation in the field – however, only contingent on suitable solutions provided by experts *and* external developments, implicitly meaning developments within the CoE, highlighting the reactive nature of these decisions.

Match-fixing was later discussed at an informal sport directors meeting under the Danish Presidency, which was attended by EPAS, Norway, Australia, Interpol and representatives of the sport movement (Council 2012ac; Danish Presidency 2012b). This particular format, a sport directors meeting, was chosen due to trio programming:

> At that point you were fumbling a bit at the EU-level, like, "where are we going with this?" The Polish Presidency, which was before the Danish, had done conclusions on the area, and so it didn't really make sense to do conclusions again […] Essentially it was about us sitting down and saying, we think it's important to keep the issue on the agenda, and considering there had already been done conclusions, how can we then follow this up in a reasonable way, and also get this dialogue, broader, but also to get some input which was a bit different than so far? We decided it made most sense to deal with it this way (Interview 9).

Hence, the Danish Presidency sought to further 'soften up' (Kingdon 1995) the issue through continued debate. The Cypriot Presidency again put match-fixing on the Council's formal and informal agenda. Informally, match-fixing was one of the main topics at the 2012 EU Sport Forum and the accompanying informal meeting of EU sport ministers, where participants adopted the 'Nicosia Declaration on the Fight Against Match-fixing" (European Commission 2012b). Prompted by the release of an expert group deliverable providing input 'on the EU's role in fighting match-fixing' (XG Good Governance 2012) the Cyprus Presidency also proposed a new set of Council conclusions on 'establishing a strategy to combat the manipulation of sport

results' (Council 2012w). As explored the next section, these Council conclusions were never formally adopted.

Due to the high visibility of match-fixing, and the sustained attention to the issue throughout the POL-DK-CY trio, match-fixing rose to the top of the Council's sport agenda. This is reflected in the 2014-2017 Work Plan which requested an expert group to draft a report on "best practices regarding the fight against match-fixing, in particular on a possible Commission Recommendation on best practices in the prevention and combatting of betting-related match-fixing" (Council 2014h: 15). Notably, this is the only such measure included in the 2014-2017 Work Plan. While the conclusions adopted during the Polish Presidency had already invited the Commission to make such a proposal, the 2014-2017 Work Plan acknowledged that further low-political work was required for the issue to move forward in the shape of a Council recommendation. The dynamics surrounding Council recommendations are explored further in chapter 8.

Thus, the EU Member States had decided that match-fixing was important and wanted to address it. However, as now explored, there was less agreement on *how* match-fixing should be combated.

7.2.3. Establishing a match-fixing strategy – and failing

That the Council was split on how to address match-fixing became clear during the Cypriot Presidency. As noted above, Cyprus had proposed Council conclusions 'on establishing a strategy to combat the manipulation of sport results' (Council 2012w). However, Cyprus was unable to broker unanimity on this text, which was therefore adopted as Presidency conclusions (rather than Council conclusions). This is the only time Council conclusions/resolutions have been blocked in EU sport policy, for which reason this dossier merits special attention. This dossier is important because: (i) it represents an example of Presidency failing, hence illuminating Council dynamics; and (ii) because the dossier framed the EU's role in combating match-fixing.

The Cypriot Presidency 'failure' is linked to disagreements in the Council on the *framing* of match-fixing. While supporting the text's general principles (Interview 11) Malta entered reservations against the text, in particular the following part which invited Member States to:

> Encourage that adequate measures - such as limiting access to illegal gambling offers through technological means in accordance with national legislation - are put in place to fight against illegal gambling offers, notably those from third countries (including non-European countries) (Council 2012w: 8).

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As noted by a Maltese representative, "Malta considered that certain provisions of the Council Conclusions, had repercussions that went beyond their intended scope and inappropriately impinged on the regulation and operation of sports betting rather than addressing the risks to sports integrity" (Interview 11). Further, in a statement to the Presidency conclusions (Council 2012w: 14) Malta argued "that since gambling is a service, any measures which restrict the freedom to provide services must be in compliance with the Treaties [and] must be justified, necessary and proportionate, in accordance with the case of law of the CJEU (Council 2012w: 14). Thus, Malta tried to undermine the *credibility* of the proposed measures by questioning EU's authority in this field, thus arguing that the proposed measures were disproportionate to EU case law. In other words, Malta disagreed with the way in which the proposed Council conclusions framed match-fixing as a problem linked to (online) betting which, as a result, would imply a need to regulate or control gambling. Hence, Malta argued that the measures went beyond the current 'remit' of the EU and should be re-framed from regulated betting towards sport integrity. Further, Malta had reservations because "the use of the enforcement measures mentioned are not limited to addressing illegal online gambling offers coming from non-EEA countries" (Council 2012w: 14). Thus, Malta questioned the text's framing by arguing there "is no evidence to show that manipulated events also result from regulated online gambling sites from within the EEA" (Council 2012w: 14). Hence, Malta argued that *regulated* sport gambling within the EEA is not part of the problem of match-fixing – that 'indicators' (Kingdon 1995) point to unregulated gambling sites *outside* the EEA, and hence thought the text should be re-framed to reflect this.

In the negotiations on the draft conclusions, there were thus two extremes on the issue of match-fixing in regards to how it relates to sport betting. As described by a member state official:

> [T]he focus wasn't anymore only on match-fixing, the prevention of match-fixing, but also on one other issue which is really important for some countries, and that was of course that of betting. Of course it has to do with each other, that's clear. Fighting the one you probably have to fight the other as well, but the measures which were proposed on the betting issues were going quite far. So, Malta had problems with that, and other Member States as well, but they could be flexible because they thought "Council conclusions, okay, no hard feelings". But Malta was quite principled, and they had a fair point, I think. But they went quite far by blocking it (Interview 29).

Beyond revealing Malta as the principal 'blocker', this quotation illuminates Council dynamics and unwritten rules. Thus, while other than Malta countries had issues with the proposed text, Malta still went "far" by blocking the text – Council conclusions seldom lead to outright blocking. This brings forward informal Council norms regarding consensus-building, the legacy of the 'Luxembourg compromise'. Hence, in the aftermath of the 'Empty Chair Crisis' of 1965,

cooperation was only re-ignited once the French were assured that when 'very important interests are at stake' these would be dealt with through continued discussions (Lewis 2015: 227), which then reveals the consensus-building norms which persist in the Council (e.g. Heisenberg 2005: 68).

However, the Cypriot Presidency was unable to broker a compromise between Malta and the Member States supporting stronger measures on betting and gambling, and therefore the text was only adopted as Presidency conclusions:

> A: No, of course this was politically very sensitive, and I guess you know the situation in Malta as well, with a lot of betting industries.
>
> Q: Did other Member States want a strong document?
>
> A: Yes, yes of course, they really wanted it because for them it was really important to have finally a document where we could make a clear statement, also to Member States likes Malta, because this really has to do with something, how the markets of all the betting is regulated right now – or not regulated. And that's something those countries really wanted to make a change in […] They said, "this is so important to us, we're not going to listen to the tone of Malta. Then we don't have Council conclusions but Presidency conclusions" And Cyprus was – to be honest – standing at the side-lines (Interview 29).

Hence we find here two sides: one side pushing for strong political text with references to betting; and Malta on the opposite side, wanting the text reframed. Political sensitiveness and 'hard' national priorities – 'the logic of consequences' – then seems to have superseded 'the logic of appropriateness', i.e. the norm whereby Member States find a solution 'yesable' to all negotiating parties (Elgström 2003a). Ultimately, no consensus was found and the non-compromise was to adopt the text as Presidency conclusions, which Malta could not resist, explaining how the compromise was dictated by formal rules.

Moreover, these quotations indicate how this outcome, Presidency conclusions, represent an example of a Presidency failing to live up to its 'role': Cyprus had been too passive during negotiations ("standing on the side lines"). While the informal norm of the Presidency acting as an impartial 'honest broker' is important, this norm is constrained by the 'effectiveness norm' also guiding the Presidency (Elgström 2003a: 39ff). Hence, a competing role of the Presidency is to reach goals and to act as the Council's leader, meaning that the Presidency is expected control the debate and formulate new proposals and compromises so as to get reluctant Member States (such as Malta) to agree – to facilitate consensus (Elgström 2003a: 45). While there was a general recognition that Cyprus had to deal with a difficult situation, this dossier is remembered as an instance of bad practice:

> It's clear that if you decide that it's a priority, then it's also really annoying if you don't get it adopted. The Cypriot Presidency, for instance, didn't get its Council conclusions on match-fixing adopted […] But it was of course a special situation that happened there, but you can say that the whole essence of EU work is both to achieve your goals but also to find compromises. Does one want to get to the finish line with something, which is actually a progress, or is it really important to be right? (Interview 9).

This illustrates the importance of reaching declared goals and finding compromises – of being 'effective' – and hence the ambiguous and competing norms guiding the Presidency.

Lastly, despite not being adopted, these failed Council conclusions are important because they played an important role in framing the EU's role in combating match-fixing. In the proposed Council conclusions (and ultimately the Presidency conclusions) the Commission is invited to consider "asking Member States for negotiating directives to join on behalf of the EU, alongside Member States, the negotiations on a possible European Convention against the manipulation of sport results, to be launched under the auspices of the Council of Europe" (Council 2012w: 10). While not formally adopted, it was widely known by all negotiating parties, including the Commission, that this paragraph – this invitation for the Commission – had not been the point of contention and therefore the invitation was still valid (Interviews 35 & 37).

Hence, the Council now framed the CoE convention as an 'EU problem' in which the Commission should play a part. Indeed, the Member States were generally keen to involve the Commission in the convention's drafting group. The Commission was already present and participating in the convention's drafting group meetings informally (i.e. without a mandate), and was perceived to be doing a good job:

> [W]e were positive that we could give the Commission this role, especially as a Guardian of the Treaty. And we already saw that the Commission was acting in Strasbourg, quite strongly, quite well, on legal aspects where we didn't have the knowledge. So they were already playing that role, so we were really happy to give them some kind of mandate (Interview 29).

As suggested here, the Member States were motivated by efficiency concerns (Tallberg 2010: 638), namely that that the Commission taking part in the convention's drafting group would solve a specific common-action problem: the Member States could draw on the Commission's expertise "on legal aspects where we didn't have the knowledge". Thus, the Member States wanted to draw on the Commission's expertise so as to mitigate "information asymmetries that otherwise could have resulted in less informed policy making" (Tallberg 2002: 27). The acknowledgement that the convention would touch upon many spheres of EU competence furthered the need to draw on Commission expertise insofar as the Member States did not want the Convention to go beyond existing EU legislation – to harmonise. Hence, the question was

not *if* the Commission should participate in the convention drafting group but *how*. The analysis now turns to the negotiations on this mandate.

7.2.4. Designing a mandate

During the summer of 2012 EPAS sent invitations to the countries parties to the European Cultural Convention to participate in the negotiations on a match-fixing convention (European Commission 2012c). Having gotten assurances from EPAS that the convention's drafting group was open process to all signatories of the CoE's European Cultural Convention (of which all EU Member States are party), the European Commission's Sport Unit started drawing up a mandate for the Council. There was an urgency to do so because the drafting group had already begun meeting. At the same time, as explored above, the Commission was aware that the Council was planning to encourage the Commission to propose a mandate (Interview 13). Accordingly, on 13 November 2012, the Commission issued its recommendation for a Council Decision authorising the Commission 'to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sport results' (European Commission 2012c).

The release of this recommendation sparked a conflict between the Commission and the Member States. The debate revolved around two conflicting legal interpretations (see Figure 6, p. 167). These discussions concerned how such an external mandate should be designed, specifically how *detailed* it should be in terms of spelling out concrete spheres of competence and whether the mandate should include 'substantial legal basis'. In other words: on which issues should the Commission be allowed to speak?

Figure 6: Design of external mandate for match-fixing convention

<u>13 November 2012:</u> '**Recommendation for a Council Decision Authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sport results**' (European Commission 2012c)

- No substantial legal basis required: Article 218(3) and 218(4) TFEU – one decision
- The Commission to participate with a view to ensuring the consistency of the proposed convention with the EU acquis:
    o Internal Market freedoms (freedom to provide services and freedom of establishment) and judicial cooperation in criminal matters.
    o ensuring that the provisions of the future Convention are aligned with EU policies in the areas of sport, online gambling and fight against corruption.

<u>23 May 2013:</u> COREPER follows legal reasoning of Council Legal Services (Council 2013b)

- Substantial legal basis needed
- Two decisions required, one solely related to cooperation in criminal matters and police cooperation; and a second one related to the rest. This is related to opt-outs (DK) and potential opt-ins (UK, IRE) in the area of Justice and Home Affairs

<u>10 June 2013, Irish Presidency:</u> **'Council Decision authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international Convention of the Council of Europe to combat the manipulation of sports results with the exception of matters related to cooperation in criminal matters and police cooperation**' (Council 2013b)

- Substantial legal basis: Articles 50, 56, 165, 218(3), 218(4) TFEU
- Mandate to "ensure that the provisions of the future Convention"
    - are not incompatible with the EU rules concerning the right of establishment and free movement of services in relation to gambling and betting, as currently interpreted by CJEU, and to ensure that the relevant provisions of the future Convention do not hinder the exercise of these freedoms
    - address sports betting only in so far as it directly relates to the manipulation of sports results
    - do not aim to or do not effectively result in the harmonisation of the regulation of betting services without such rules
    - are not incompatible with the rules adopted by the Union in the field of Data Protection (e.g. Directive 95/46/EC)

<u>13 September 2013</u>, Lithuanian Presidency**: 'Council Decision Authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sports results as regards matters related to cooperation in criminal matters and police cooperation**' (Council 2013e; Council 2013f)

- Substantial legal basis: 82(1), 83(1), 87(2), 218(3) 218(4) TFEU
- To ensure that the provisions of the future Convention are not incompatible with the rules adopted by the Union in the field of judicial cooperation in criminal matters and police co-operation
- To ensure that the provisions of the future Convention in the area of judicial cooperation in criminal matters and in the area of police cooperation make reference to the application of existing relevant international and regional instruments and arrangements.

In the recommendation's explanatory memorandum, the Commission (2012c: 6) noted that since the envisaged convention did not aim at harmonisation in criminal law or gambling and betting, and considering the EU's supporting competence in sport, the EU should participate *alongside* the Member States.

> The recommendation said basically the Commission should negotiate – basically, I simplify – to ensure that the Convention is in line with EU law. Internal market, you know. Then Member States were competitive: "No, the negotiating directives have to be more precise" (Interview 13).

Hence the Commission's proposed mandate suggested the Commission participate alongside its Member States and make sure the Convention respected EU law – to act as guardian of the Treaties, though these areas of EU competence were not directly specified. Thus in the Commission's recommendation, Article 218(3) and (4) TFEU constituted the only references to the Treaties (European Commission 2012c: 7). These concern the procedures for establishing mandates for the Commission to participate in external negotiations. By not including a "substantive legal basis" in the mandate DG EAC was following the reasoning of the Commission's legal services:

> So our legal service told us, they were against it – first in including the substantive legal basis, they told us we should include only the procedural – article 218, I think paragraph 3 – and even if we put the legal basis in, we should have one authorising decision […] I think maybe, the Council or some Member States wanted to, again, use this – not related at all to the content of the convention on match-fixing – just as a way to have a precedent. Yeah, "From now on we will include substantive legal basis each time" (Interview 13).

The Member States, however, had different views. Thus, the Council's legal services argued that it would be necessary to include a "substantial legal basis". This meant specific references to all relevant articles (see Figure 6) such as Article 50 TFEU (freedom of establishment); Article 56 TFEU (freedom to provide services); 165 TFEU (sport); Article 82(1) and 83(1) TFEU which concern judicial cooperation in criminal matters; and 87(2) TFEU relating to police cooperation.

Thus, unlike the Commission, the Council's legal services and the Member States wanted the mandate to spell out concrete spheres of competence and give the Commission very specific instructions. As explained by a Member State official:

> [T]he Commission was a bit too easy-going by producing only one page, which was the mandate, and they thought we could adopt in one week and that's it. And that was absolutely not the case. From a legal point-of-view it was a complete mess. Everybody agreed, also our legal advisors. It's not a matter that you don't trust the Commission, because we wanted to give this role to the Commission, but it's more a matter of precedent working, you know? If we're going to give such a mandate, which is not clear on what are responsibilities, what the

framework is, in which who should act, what will be the next mandate we are going to give the Commission? We wanted to be really clear, and to make it as close to other mandates that we already gave, like in Culture, Audio-visual, there were some examples. But it was really tough, because you had the Commission who was of a completely other view than the Council and the legal service of the Council, so they were long, long negotiations, on one small mandate. But it's also because it's politically sensitive (Interview 29).

Evident here is how the Council, while wanting the Commission to participate in the drafting group, felt the Commission's proposed mandate was too loose. The Member States wanted to make the mandate much more precise so as to *avoid* setting precedence. Thus the Member States studied "the existing menu of institutions and notions of what models are collectively considered legitimate and appropriate" (Tallberg 2010: 638), specifically prior mandates developed in adjacent fields like Culture and Audio-visual, which resulted in specifying the relative spheres of responsibility and authority very concretely.

Accordingly, the COREPER in May 2013 "agreed to follow the reasoning of the Council Legal Service, deciding to include substantive legal basis. Consequently the draft Decision (i.e. mandate) had to be split into two separate Decisions" (Council 2013e: 2), to which the Commission noted its resistance (Council 2013e: 4). Thus, the decision was split into two separate mandates – one concerning single market and sport and a second relating to justice and home affairs, in which Denmark has an automatic opt-out and Ireland and the UK have a potential opt-ins.

The Council negotiated both decisions during the Irish Presidency. The first on single market and sport was formally adopted in June 2013 (Council 2013b) via QMV, with Malta, Belgium, Estonia, Luxembourg indicating resistance (Council 2013e). However, the second decision, detailing the Commission's mandate on justice and home affairs, could not be adopted then, as the Treaties require giving Ireland and the UK three months to potentially 'opt in' (Council 2013e). Neither Ireland or the UK joined the second decision (Council 2013f), which the Council formally adopted through QMV during the Lithuanian Presidency as a COREPER "A point", with Belgium, Estonia and Luxembourg indicating resistance (Council 2013e).

Earlier on, it was explored how Malta had blocked a set of Council conclusions on match-fixing. However, Malta was unable control the negotiations on this Council Decision, adopted via QMV. Thus, Malta was against internal market issues being included in the mandate for the Commission, as explained by a Maltese official:

[T]he Maltese Government was seriously concerned about the inclusion of internal market issues within the mandate, particularly that of gaming. This is an aspect where there is no degree of harmonisation or legislation at EU level. Malta considered that in the absence of adopted

rules at Union level in this sector, and given the legal uncertainty, it was important for Member States to negotiate on these internal market matters in their own right (Interview 11).

Again, the agenda-blocking strategy of Malta concerned questioning the subsidiarity of the decision, in particular that there presently is no harmonising legislation on betting, but only Council conclusions (Council 2010a), and a Green Paper (European Commission 2011c). Moreover, in a recent case on betting and lotteries the CJEU (2009: 57) ruled that:

> [T]he legislation on games of chance is one of the areas in which there are significant moral, religious and cultural differences between the Member States. In the absence of Community harmonisation in the field, it is for each Member State to determine in those areas.

Ultimately, the Council decision on sport and single market clarified the Commission's role as ensuring the Convention does "not effectively result in the harmonisation of the regulation of betting services without such rules having first been adopted by the Union" (Council 2013b: 64). However, the decision also specified the Commission should seek to ensure that "EU policy as defined in the Council conclusions on the framework for gambling and betting in the EU Member States of 10 December 2010 should be taken into account during the negotiations" (Council 2013b: 64). Thus, due to the nature of the decision (QMV) Malta was unable to block the inclusion of betting in the Commission's mandate.

Summing up, this section has analysed how agenda-setting by EPAS, as well as issue framing and institutional constraints, saw the CoE emerge as the EU Member States' preferred platform to address match-fixing, with EU developments being reactive. The framing of match-fixing proved crucial for developments in the EU as it became clear that the CoE convention would touch upon numerous areas of mixed and 'complex' areas of EU and national competence – especially betting. The Member States wanted the Commission to join the negotiations on the convention so as to be able to draw in its technical and legal expertise. Fearing setting a dangerous precedence with regard to external competencies, the Council designed the mandate according to perceived appropriate and legitimate institutional templates from adjacent fields, leading to stricter negotiation directives, which necessitated the decision to be 'split' into two separate decisions.

Lastly, this dossier brings about some interesting insights regarding the Council Presidency's powers of agenda-structuring. The first Presidencies to put match-fixing on the agenda - Hungary, Denmark, Poland and Cyprus – were also Member States of EPAS, and hence had a demonstrated interest in match-fixing and, perhaps, an incentive to clarify the EU's role. This sustained attention to match-fixing, coupled with progress in EPAS and the Commission putting

a proposal forward to the Council, limited the agenda-structuring powers of the Irish Presidency. Thus Ireland, which is not part of EPAS, had not planned to prioritise match-fixing:

> It had been prioritised by previous Presidencies. There had been work under the Polish Presidency, also the Cypriot had done work, and we just felt that we were a little bit overloaded with match-fixing. But then the Council of Europe convention came along, and we had to respond to that, and there was a desire among Member States to do so. So we took it on (Interview 17).

In short, the issue commanded too much visibility and had too many actors involved to be ignored, and Ireland did not use its agenda exclusion powers (Tallberg 2003: 12) to leave the dossier for a subsequent Presidency, despite the potential awkwardness surrounding opt-outs:

> Q: Ireland has an opt-out in this area. Did this make it a bit awkward for you?
>
> A: It didn't really come into it to be honest, because when you're the Presidency you respond to the wishes of the Member States, so that's why we had to take it on. I don't think it would have been politically acceptable for us not to do the job on this (Interview 17).

Seen here is a clear expression of the 'impartiality norm' (Elgström 2003a); agenda-exclusion was not even considered. This supports other evidence, especially how Ireland looked at incoming expert group deliverables when choosing its priorities (see chapter 5). Interestingly, this decision by the Irish Presidency to attend to the match-fixing decision was explained both as an entirely 'taken for granted' norm but also as strategic decision to act in community interest. Thus, the decision was taken-for-granted at Brussels, WPS-level (see interview 17, above), and more rational, cost–benefit-oriented by interviewees based in Dublin (see interview 18, below). According to an Irish official based in Dublin (rather than Brussels), this meant not getting involved in WPS negotiations "back in the capitol", allowing the chair to more freely act as a 'honest broker':

> We made a conscious decision, at the start of the Presidency, to sort of park any domestic issues. I mean there were situations where we were discussing, back in the capitol, and we were saying "should we be at Working Party disagreeing with the Presidency?" As Ireland, you know? And these were discussions that we had. But we very much took the view, back there, "look, [attaché] is doing a job here, she is doing a job as president of the EU, and she's parked her domestic views on this", and again there was no issues, no awkwardness for us around this, because we said this is the job that she is doing. If we have an issue, that is nearly our issue. We separated […] The political sphere stayed out of it. The Presidency was a hugely important item for Ireland at the present time. We wanted to re-establish our reputation internationally (Interview 18).

Thus, after the financial crisis and the resultant bail-outs, the Irish government had made a deliberate decision to use its Presidency to help restore its international reputation. Evident here

is how ascribing to 'honest broker' norm can also be an act of self-interest; that the 'logic of consequences' and the 'logic of appropriateness' can overlap (Niemann and Mak 2010; Verhoeff and Niemann 2011), and both dynamics partially explain this case. Ultimately, these findings support a number of the scope conditions put forward by Niemann and Mak (2010: 935) in terms of when 'impartial' or 'partial' Presidency behaviour can be expected. In particular that 'old' Member States like Ireland are more likely to have the 'impartiality norm' internalised and that the norm is more internalised in actors inhabiting the 'Brussels arena'. Further, evidence supports that Ireland was perhaps particularly prone to norm compliance with regards to impartiality because it wanted to re-establish itself as 'good Europeans' (Elgström and Tallberg 2003: 201; Niemann and Mak 2010: 734).

7.3.   Conclusions

This chapter has presented some important findings relating to the trio arrangement and beyond. It has thus observed two different ways of performing the trio, particularly in terms of the *depth* of coordination (Jensen and Nedergaard 2014).

Coordination within the POL-DK-CY trio saw these Presidencies align their agenda-structuring powers so as to move the issue of match-fixing forward. While the trio did not cooperate closely as far setting specific common goals, their scope of coordination on match-fixing was stronger than on other dossiers like HEPA (chapter 8) or evidence-based policy-making (chapter 6) insofar as match-fixing was prioritised by all three Presidencies. The trio's sustained attention saw match-fixing established as the Council's main priority in sport. This contributed to, on the one hand, match-fixing being designated as the next potential Council recommendation and, on the other, informally inviting the Commission to join the CoE convention drafting group. However, coordination in the trio was kept to 'headline'-level agenda-management.

Conversely, the reform of the EU's WADA procedures represents the deepest instance of inter-Presidency cooperation uncovered in this thesis. The extended trio of Belgium, Hungary and Poland combined their agenda-structuring powers – shedding visibility on the issue over 18 months – but also developed *common proposals*. By developing a series of formalised practices for the EU's engagement in WADA these Presidencies were engaging in 'institutional entrepreneurship' (Tallberg 2003: 8) and in so doing so they have committed future Presidencies to a host of responsibilities with regard to WADA and hence structured the agenda and future cooperation in significant ways (see chapter 5). Interestingly, these mechanisms have also given

rise to increased intra-Council cooperation, where Member States assist each other in the drafting of 'technical' WADA documents.

While the Belgian Presidency was partially reacting to external events in putting WADA-coordination on the Council's agenda, this dossier still represents a case of successful agenda-setting in terms of an actor bringing an issue located at low-political level (Article 29 Working Party) to the 'higher' formal Council level. The Belgian Presidency shed visibility on a problem and offered a solution, which it saw through by cooperating with Hungary, part of its trio, and the future Polish Presidency. Revealingly, the Belgian Presidency's success was then contingent on inter-Presidency cooperation; it was a *means* to reaching a desired outcome. Thus, while the Belgian Presidency was unable to achieve as much as it had hoped during its time in the chair, undertaking 'team work' with future Presidencies helped secure its goal: a formalised system of EU coordination and representation for WADA. This 'Communitarian' act performed by the Belgian Presidency, however, also had certain long-term self-interest elements. As noted, one of the reasons the Belgian Presidency prioritised this dossier was because of the minister's personal interests and the expertise of Belgian civil servants. The Belgian Minister responsible for sport, Philippe Muyters, though initially unsuccessful (Council 2012ae), ultimately achieved election as the EU's 'expert' representative to WADA's FB (Council 2013d). A similar logic of 'communitarian' cost–benefit calculations was located in Ireland's decision to relieve Cyprus of drafting duties related to WADA intrusted to the Council Presidency; a decision justified with reference to repeated interaction (socialisation) and, secondly, self-interested 'practice'.

What the analysis on these two dossiers shows is, first, that individual Presidencies *can* influence the agenda and, second, that engaging in trio coordination and/or inter-Presidency cooperation can be key to achieving a Member State's priorities. These findings further underline how the trio mechanism has the biggest impact when dossiers concern *purely* Council business, such as resolutions specifying rules of Council cooperation, hence echoing findings from chapter 6.

Moving on, there is a need to explain the implicit puzzle posed by this chapter, namely: why were duties of external representation delegated to the Commission in the case of negotiations within CoE-structures but not in WADA's FB? The findings of this chapter points to two explanatory variables: framing and institutional constraints. The finding are summarised in Table 14 (see p. 174).

First, in all instances the Member States had incentive to delegate representation further, though framing differed. As noted by a Commission official, anti-doping does not have as "many hooks

in EU secondary law" as match-fixing (Interview 38). Thus, match-fixing has been framed as touching upon numerous policy-areas with varying degrees of competence. The Member States wanted the Commission present in match-fixing Convention's drafting group so as to draw on its technical and legal expertise. In other words, Member States hoped the Commission would help mitigate "information asymmetries that otherwise could have resulted in less informed policy making" (Tallberg 2002: 27). Conversely, in formalising the EU's WADA procedures, the problem was framed as securing *continuity* in representation, not technical expertise, the latter of which would be produced through other mechanisms, especially expert groups.

Table 14: Summary of integrity dossiers

	Cahama	*WADA FB*	*CoE convention drafting group*
Incentive to delegate (framing)	To formalise existing arrangement	To increase continuity in representation	To draw on Commission expertise
Arena receptiveness (institutional constraints)	High: already granted observer status by CoE	Low: legal uncertainty; unanimity decision; no clear templates	High: already granted informal observer status by EPAS; QMV decision; institutional templates
Observed pattern of delegation	Arrangement formalised; EU competences not specified	No delegation to Commission, further pooling of delegation amongst Member States	Commission represented; EU competences specified

Moreover, it is useful to consider institutional constraints (Princen 2007). This refers both to decision-making rules (unanimity/QMV) and existing institutional arrangements which constrain or enable delegation, thus influencing "how EU member states decide to carve up policy competences" (Mügge 2011: 389). This brings attention to the specific international arena to which the EU Member States are delegating (da Conceição-Heldt and Meunier 2014: 975); the recognition of third parties (Gehring *et al.* 2013); and how the rules of international organisations may encourage or discourage delegation to supranational actors like the Commission (Mügge 2011: 389). In short, *arena receptiveness* can help explain these diverging outcomes and where, as illustrated in Table 14, the receptiveness the WADA FB in terms of Commission-delegation was low. This refers to acknowledgement that WADA and the CoE represent two very different organisations, as expressed by a member of the WPS here:

> WADA is a very complicated organisation. In match-fixing we are talking about a convention, to be prepared by EPAS, and if the states are signing the convention, joining the convention, which is only about the European members, it's maybe a more relevant thing. But the WADA topic is so… I should really think a little bit longer on the difference, but I clearly can state that this is two different nature of things, and in the WADA case I think it was OK to choose this representation and in the Council of Europe case, the match-fixing case, we really needed this

long legal, painful procedure, also because of the future precedence, because we have to do it in a right way if we have another convention (Interview 19).

What this illustrates is how the logic behind the more detailed match-fixing mandate was to avoid setting a problematic precedence (in anticipation of future conventions), which was why the Member States "needed this long legal, painful procedure". Thus, Member States drew on previous mandates from adjacent fields, leading to a more concrete mandate which spelled out distinct areas of competence and responsibility, i.e. institutional isomorphism (DiMaggio and Powell 1983). WADA, on the other hand, is recognised as a "very complicated organisation", less comparable to others, allowing for a more *sui generis* institutional design ("OK to choose this representation"), and where there was observed no particular 'institutional borrowing', with the measures rather being practical solutions to common-action problems, 'institutional bricolage' (Lanzara 1998; Lowndes 2005), echoing the dynamics surrounding the 2011-2014 Work Plan and structured dialogue mechanisms (see chapter 5). This also relates to a ritualised 'logic of appropriateness' (March and Olsen 1989), namely that after years of purely ministerial representation in WADA's FB, this mode of representation was now perceived as appropriate, just as the Commission's already participated in the CoE's Cahama-structure – the Council merely formalised a long-standing practice. Moreover, a key institutional constraint was decision-making rules: the decisions taken on WADA required unanimity (i.e. Council resolutions), whereas the Council decisions on the match-fixing mandate were taken by QMV.

Further, the cases differ regarding the rules of the external policy arenas. Thus, the intergovernmental nature of CoE's structures (the convention drafting group and Cahama) are more open to participation by the Commission: in CoE structures, the Commission would be represented *alongside* the EU Member States, allowing them to directly monitor the actions of the Commission. Conversely, the EU has only been allocated a limited number of seats on WADA's FB, and the Commission would hence replace a Member State representative. It was further shown how, while the Commission was originally represented, WADA ultimately adopted budgetary procedures out of line with EU procedures, and how (according to Commission officials) there remains legal questions about the feasibility of the Commission joining the WADA FB without reform. Conversely, the EU and the CoE have declared it as an objective to cooperate in matters of mutual interest (CoE & European Union 2007), something explicitly declared as a goal in Article 165 TFEU. Observer status seems to be routinely granted across various structures, with the CoE observing in EU-structures (e.g. Council expert groups) and the Commission present in CoE-structures (e.g. Cahama). In short, arena receptiveness strongly constrained delegation to the Commission in WADA's FB.

Thus, issue framing and institutional constraints explain why the Commission was not delegated a seat in WADA (see Table 14). In that regard, it can reasonably be speculated that the Commission's potential in seizing a stronger role in WADA – if it wanted to – will depend on future events where the EU Member States perceive WADA to be 'drifting', as it was perceived to be on data-protection, and where conflict over WADA's operating budget seem the most likely catalyst.

Sociological institutionalism and rational choice institutionalism are usually seen as providing competing explanations for delegation (e.g. Pollack 2007: 16). However, the evidence presented here suggests that these perspectives may also be complementary in explaining different phases in the process of delegation, as suggested by Tallberg (2010). Thus, these findings support that delegation is rooted in the desire to solve functional problems, as RCI suggests: new mechanisms were adopted for WADA when it became clear that that EU Member States did not have a strong voice in WADA; and the Member States invited the Commission to join the negotiations on the match-fixing convention drafting group to draw on its expertise, i.e. to mitigate information asymmetries (Tallberg 2002: 27). However, this chapter has also needed to draw on SI in explaining the *design* of delegation adopted by Member States. Thus, in the case of the match-fixing convention, the Member States were consciously drawing on institutional templates in designing the mandate, i.e. institutional isomorphism (DiMaggio and Powell 1983). Intriguingly, there was little attention paid to 'institutional borrowing' in designing procedures for WADA, which rather represent pragmatic solutions that adapt "prevailing institutional arrangements" (Bulmer 1993: 355). Thus, arrangements developed informally prior to the coming into force of Article 165 TFEU limited the range of appropriate formal solutions: a Commission representative was now deemed inappropriate due to the way WADA had developed. This suggests a commonsensical scope condition for when institutional isomorphism can be expected: when there are clear, obvious models to be drawn on.

While not an explicit goal of this thesis, the evidence presented here suggests that research into the EU's involvement in external sporting organisations can enrich knowledge on the EU's 'actorness' in international governance, and where this only represents the first step. If this thesis has explored how and why the EU Member States have established these coordination mechanisms and these forms of delegation, future research should explore the degree of cohesion/actorness with which the EU presents itself in these arenas – whether or not the EU 'speaks with one voice' – and the EU's *effectiveness* in international sport negotiations (da Conceição-Heldt and Meunier 2014; Jørgensen *et al.* 2011; Niemann and Bretherton 2013).

Chapter 8.   The social dimension of sport

This chapter explores the development of two issues: combating doping in recreational sport and health-enhancing physical activity (i.e. HEPA), which both concern the public health dimension of EU sport policy. On 26 November 2013 the Council adopted a recommendation on 'promoting health-enhancing physical activity across sectors' (Council 2013c), the 'highest' type of legislation allowed under Article 165 TFEU and the first adopted in sport. Conversely, the efforts to combat doping in recreational sport are more recent and remain at a developing stage. The chapter explains why these issues have developed so differently. Moreover, these exemplify the limitations of the trio arrangement, which has played a negligible role in advancing them.

8.1.   Combating doping in recreational sport

Anti-doping is the sporting issue in which the EU has the most long-standing involvement beyond indirect regulation (see chapter 2). This section starts by exploring the background of EU's anti-doping efforts in recreational sport. It then explores how the issue reached the Council during the Danish Presidency. Finally, it examines why progress on the dossier has seemingly stalled.

8.1.1.   Anti-doping and public health

The genesis of EU anti-doping policy should be seen as part of a wider internationalisation of the anti-doping through the 1980s and 1990s, especially via co-operation amongst European governments within the context of the CoE and its Anti-doping Convention of 1989 (Hanstad 2009: 6–8; Houlihan 1999: 312ff). Anti-doping initially entered the EU's systemic agenda in the 1980s through a series of parliamentary questions to the Commission (e.g. Dury 1989; Stewart-Clark 1988). The Commission typically rebuffed any suggestions for Community action, referring to the framework of the CoE and that responsibilities lay with Member States and the sporting bodies (Vermeersch 2006: 3; for an example, see Stewart-Clark 1988). Anti-doping finally entered the EU decision agenda in the early 1990s. Prompted by the upcoming Albertville Winter Olympics and Barcelona Summer Olympics of 1992, the health ministers called for the Commission, in cooperation with Member State experts, to draw up a 'code of conduct to combat the use of drugs in sport' (Council 1990). Later, the health ministers, jointly with the sport ministers, adopted a declaration calling athletes and managers participating in the Olympic Games to refrain from doping (Council 1991). This

led the Commission to issue a Communication on 'Doping in sport' (European Commission 1991), to which a draft Code of Conduct on Doping in Sport was annexed, which was then approved by the Council in a resolution (Council 1992). The Code was disseminated via posters, sticker and postcards (André 1992; Vermeersch 2006: 3).

Despite efforts of the EP (European Parliament 1994), anti-doping lay dormant until the late 1990s, where a 'window of opportunity' opened up in the wake of a focusing event (Kingdon 1995), the major doping scandal known as the 'Festina Affair' at the 1998 Tour de France cycling race (see also chapter 7). After this scandal, the European Parliament (1999) and the European Council (1998) called for the Commission to make proposals to combat doping. The European Council gave anti-doping 'high political' momentum (Princen and Rhinard 2006) by underlining "its concern at the extent and seriousness of doping in sports, which undermines the sporting ethic and endangers public health", and called for mobilisation at EU level, especially coordination of national measures (European Council 1998: XII: 96). The Commission subsequently launched its "Community support plan to combat doping in sport" (European Commission 1999a), which resulted in two years of anti-doping projects and research on anti-doping, partially funded by the Community (Vermeersch 2006: 4).

While academic observers have been critical of the Support Plan insofar as it failed to launch "a comprehensive EU anti-doping policy" (Vermeersch 2006: 5), anti-doping did not disappear from the EU agenda. The EU sport ministers included anti-doping in the 'Rolling Agenda' and each Presidency included it as an agenda item in the period 2000-2011 (Vermeersch 2009: 4). Furthermore, a network of national experts was established on the initiative of the 2007 German Presidency during an informal ministerial meeting in Stuttgart (European Commission 2007a: 126; German Presidency 2007). Here the German minister, Wolfgang Schäuble, declared that such a network would "improve information-sharing and the coordination of [national anti-doping organisations] regarding EU-related issues" and make it "easier to initiate and coordinate EU-wide campaigns in the field of anti-doping policy, e.g. prevention campaigns at European championships or junior championships" (German Presidency 2007). Importantly, while anti-doping was framed in terms of prevention, it also remained focused towards elite and/or professional athletes. The Commission's White Paper on Sport also focused on elite athletes and considered that doping "puts the professional under unreasonable pressure" and "seriously affects the image of sport and poses a serious threat to individual health". It thus proposed EU-

level measures should encompass law-enforcement, health and prevention (European Commission 2007b: 4).

The EP had, however, sought to broaden the issue definition of anti-doping before the release of the White Paper when it addressed doping in a resolution on 'combating doping in sport' (European Parliament 2005). This resolution was prompted by the 2004 Athens Olympic Games which had "demonstrated that doping in sport is, unfortunately, still a reality which must be combated" (European Parliament 2005: A). Going beyond professional sport, the EP sought to re-frame anti-doping by noting that doping is "a genuine public health problem and concerns everyone involved in sport, including young people and amateurs" (European Parliament 2005: C). Doping in recreational sport was finally brought to the Council's informal agenda in 2009 when the Swedish Presidency put the issue on the agenda, having commissioned a report which was presented to the Sport Directors, who:

> [w]elcomed the report from the Swedish National Institute of Public Health and considered it alarming that several of the prohibited doping substances within sport are also misused outside of sport. In particular they took note of the information that anabolic steroids in combination with other drugs can cause serious problems both for the user and people surrounding the user (Swedish Presidency 2009: 4) .

The Commission later recognised the threat of doping in recreational sport in its 2011 Communication, where it argued the use "of doping substances by amateur athletes poses serious public health hazards and calls for preventive action, including in fitness centres" (European Commission 2011a: 4). Accordingly, it pledged to "support transnational anti-doping networks, including networks focusing on preventive measures targeting amateur sport, sport for all and fitness" (European Commission 2011a: 6). The Commission implemented this priority by supporting two projects on doping and the fitness industry between 2011 and 2012 as part of its 2010 preparatory actions in the area of sport (European Commission 2010a; European Commission 2012d).

8.1.2. Doping in recreational sport rises to the Council

Post-Lisbon the Council's work on anti-doping initially focused on formalising and reforming EU procedures as to WADA (see chapter 7). The focus on WADA and by extension doping in professional sport was clear in the 2011-2014 Work Plan, which established a new anti-doping expert group (replacing the network of anti-doping experts) and gave it one concrete task, namely to prepare "draft EU comments to the revision of the WADA Code" (Council 2011r: Annex I). This accentuates that the Council had not 'planned' to deal with doping in recreational

sport in 2011-2014. Hence, despite the EP resolution, the Swedish Presidency's report and the Commission's actions, the Council's decision agenda still framed anti-doping in terms of professional sport (i.e. WADA).

However, this changed due to a political 'event' that altered the balance of power in the political system (Princen 2007: 30), in particular that Denmark took over the Council Presidency in January 2012. During its time in the chair, the Danish Presidency's main priority was to frame EU anti-doping policy as *also* encompassing doping in recreational sport. This should be seen within the particular institutional circumstances in which the Danish Presidency operated: first, a loosely cooperating trio; second, a relatively open Council agenda.

The POL-DK-CY trio

First, it is important to recognise the mode of cooperation adopted by the POL-DK-CY trio. Representatives interviewed from this trio all admitted that there had not been much cooperation beyond general agenda-management, nor any sharing of chairing burdens or co-drafting of proposals (Interviews 6, 9 and 37). As noted by a representative of the Polish Presidency:

> The idea of the trio, as I thought in the beginning, was different than it was in reality [...] I thought there was more cooperation, that there is a requirement, a need, to cooperate more. But then at the end it was not like this. We were trying to choose the trio Presidency priorities, and we did it, we chose them, we had meetings. Quite regularly we were meeting in Brussels, and then we had a meeting in Copenhagen, we had one meeting in Poland as well for the trio when we were discussing about it. But then at the end, it was really each of the Presidencies was going their own way. There was not too much cooperation. Maybe it should be like this, because when you have one year and a half, it's better to, like, use it a bit more, to take advantage of this, that ok, we are three countries, maybe we do something together? But it's not really like this. I think it's more in the other sectors. It's more useful to do, maybe not in sport, because in other sectors there are situations where one of the trio partners were chairing for each other, because one of the countries didn't want to do it. But there is not such a case in sport (Interview 37).

Evident here is how this trio's preparation phase was more formalised and structured than the previous SPA-BE-HUN trio, which had only met once during an informal sport directors meeting (see chapter 5). Conversely, the POL-DK-CY trio set up a number of dedicated trio meetings in Brussels, Denmark and Poland (Interviews 6, 9 and 37), suggesting a further institutionalisation of the trio mechanism in sport.

At the same time, it illustrates how this interviewee's preconceived notions or "ideas" about the trio arrangement proved wrong, expecting the arrangement to "require" deeper cooperation,

with each Presidency ultimately going "their own way". As explored in chapter 7 on WADA coordination, the Polish Presidency cooperated deeply with the Hungarian and Belgian Presidencies in moving that issue along, even developing concrete common proposals. This indicates that Poland was open to relatively deep inter-Presidency cooperation. However, the POL-DK-CY trio adopted a loose interpretation of the arrangement; not least, it seems, owing to insistence from Denmark, as revealed here by a representative from the Danish Presidency:

> Q: Did they lean more on you, considering you were the 'old' guys in the group?
>
> A: Maybe a bit, but that's also about chemistry. It's about us having experience, but then at the end of the day it's about chemistry. And we had great cooperation with the others. But I also think we established a good level of what was realistic; that is, how much should we cooperate? Total coordination wasn't possible or necessarily desirable […] You talk together. It's true that there are not any clear descriptions of how to practically do trio cooperation, or guidelines on it. None of us have experience with this particular bit, so we were a bit "what is this, how do we do this?" But despite that there are some formal structures. You know you have to make a trio programme, in the shape of a trio Presidency programme, and that's actually the first stage of getting concrete (Interview 9).

This quotation suggests that Denmark was perhaps more insistent on establishing a low level of coordination ("Total coordination wasn't possible or necessarily desirable"), which stands in contrast to the expectations of the Polish representative quoted above. As explored in chapter 7, one of the ways this trio got "concrete" was in the structuring of priorities and activities throughout their 18 month terms, where match-fixing was the common thread throughout the Presidencies (see chapter 7). A Danish representative further argued that, in setting goals, coordination had to be kept relatively loose, owing to the countries simply being too different:

> It's clear [the trio Programme] has a different and broader character than the national programme, essentially because we had… because priorities at headline-level may be the same, but we're still at completely different places. For instance on grassroots sport we are anchored in our tradition of voluntary associations, that's the whole basis of how sport is anchored in Denmark, we have this incredibly high percentage of participation, where it's completely different things they struggle with in Poland and Cyprus […] So when you have to get very concrete, then there are just very different priorities, but we did actually try to make some sort of continuity in the way we picked up stuff […] But you also just have to say, that as countries we are very different, both in terms of size and experience and how sport is anchored in many different ways, but it's actually a very fun way to work (Interview 9).

Interestingly, the very composition of the respective trios – variety in size and experience, i.e. the basic logic by which the trios appear grouped (see chapter 1), as well as the different sport systems – are here used to explain why the Danish Presidency insisted on not cooperating too closely, keeping coordination to a "headline-level". Conversely, a Cypriot interviewee suggested

that the trio's mode of procedure was simply appropriate, similar to earlier trio practices (Interview 6). These contrasting notions from POL-DK-CY trio indicate the ambiguity of the trio arrangement; how the 'rational' way forward is not completely evident, which indicates how actors depend "to some degree on interpretive filters to organize their preferences, priorities, and problems" (Parsons 2007: 98). By engaging in trio coordination, actors seem to confront a complicated social world of overlapping norms, a space in institutional transition, where they must develop practices (Lanzara 1998; Lowndes 2005). This trio illustrates this process is at once *pragmatic*, dependent on norms of appropriate behaviour, and *strategic* in wanting to 'construct' a trio according to preferences. While this complexity of norms may define some actions as illegitimate (e.g. not adopting a 18-month programme), this complexity creates a creative space for actors to 'tinker' with available (institutional) constructs (Parsons 2010: 96), in particular in terms of operationalising the trio arrangements relationship to that of the *individual* Council Presidency and its associated norms, and how these should be interpreted in relationship to the trio – how *much* should a trio cooperate? Thus, the POL-DK-CY trio interpreted the trio to mainly denote 'headline'-level of coordination, with much flexibility for each Presidency to go "their own way", which Denmark did by putting doping in recreational sport on the agenda – an issue, notably, not 'softened up' (Kingdon 1995) beforehand by the Polish Presidency.

An open Council agenda

This relates to the second point, namely that Denmark also had fortuitous circumstances to prioritise doping in recreational sport. This concerns how the 2011-2014 Work Plan's mechanisms, especially the expert group deliverables, were mainly requested to be completed for the Cypriot Presidency (Council 2011r).

Table 15: Formal sport dossiers of the POL-DK-CY trio

Poland	*Denmark*	*Cyprus*
Conclusions on volunteering (Council 2011c)	Conclusions on Recreational Doping (Council 2012c)	Conclusions on evidence-based policymaking in sport (Council 2012e)
Conclusions on match-fixing (Council 2011b)	1st EU Contribution to revision of WADC (Council 2012r)	Council conclusions on HEPA (Council 2012d)
Resolution on WADA coordination and representation (Council 2011s)	Erasmus For All: Opinion of WPS (Council 2012v)	Presidency conclusions on a strategy to combat match-fixing (Council 2012w)
		2nd EU contribution to the revision of the WADC (Council 2012s)
		Selection of the EU Representatives (2013-2015) for WADA Foundation Board (Council 2012ad)

Table 15 lists the formal dossiers adopted during the POL-DK-CY trio. What this table highlights is the gradual implementation of the 2011-2014 Work Plan (Council 2011r). As argued in chapter 5, Presidencies were not equally 'steered' by its planning mechanisms. The Polish Presidency was already deep in its preparation stage once the Work Plan was adopted, and found it rather easy to adjust their already-chosen Presidency priorities to those of the 2011-2014 Work Plan (Interview 37). Disregarding the selection of WADA representatives – an 'automatic' obligation linked to the design of WADA resolution adopted during the Polish Presidency (Council 2011s) – all of Cyprus' dossiers listed in Table 15 came after the release of expert group deliverables. Conversely, Denmark was only expected to deal with the first EU Contribution to the new WADA Code to further the 2011-2014 Work Plan, as well attending to the WPS's opinion on Erasmus+ (see chapter 6). With fewer incoming deliverables or 'automatic' agenda items, Denmark, like Poland, had leeway to prioritise from a broader slate of possible items. Denmark was thus less conditioned by the formal agenda, creating favourable circumstances for Denmark to use its Presidency to raise "the awareness of problems hitherto neglected in European co-operation" (Tallberg 2003: 6), i.e. to use the Council Presidency's powers of agenda-shaping to introduce issues in the Council.

Taking advantage

The Danish Presidency hence inherited a more flexible agenda and took advantage. The Danish Presidency wanted to focus on two things: grassroots sport and anti-doping (Interviews 8 and 9), two issues where there was an overlap in national and EU agenda items:

> You can say that they were an extension of what the national priorities in sport and what it then makes sense to work on at EU level. Where is there an overlap? And you can say that doping, at least in terms of the elite, is important to talk about internationally. It doesn't just make sense to talk about nationally. Then you can say recreational doping is a bit different because it is really a health problem. But it's something where we have a position of strength in Denmark because we're actually the only ones that have legislation on it, and have legislated doping controls in fitness centres (Interview 9).

The Danish Presidency prioritised an area where it considered itself to have a competitive advantage, i.e. by already having legislation in the area, similar to how Cyprus prioritised evidence-based policy-making having already completed *its* Sport Satellite Accounts (see chapter 6). Evident here is also the recognition that subsidiarity – what it makes sense to "talk about internationally" – is less easy to define with regard to doping in recreational sport (compared to elite/professional sport) because the doping in recreational sport is "really a health problem".

For Denmark, the struggle concerned taking an agenda item from EU sport policy's systemic agenda (as defined in the Commission's 2011 Communication) and making this an active Council agenda item (2011-2014 Work Plan). This required re-framing anti-doping to include its "other" element, namely doping in recreational sport:

> The trend is the same, it's a societal problem. It's increasing, it's something that concerns our young people, especially young men, and it's something where many go, "what should we do?" For Danish politicians it's been an important area the last 6-8 years in Denmark. So we have a position of strength in the area, the others look to us a bit and ask "what's happening up there in Denmark?" Therefore it was straightforward for us to say, "this is like the other part of the fight against doping that you also need to address", because it's clear that for the elite we have WADA, and that should continue […] and the other part is like to say, this whole fitness area, which is a problem in all EU countries, how can we work on this, considering the state of play at the time? So the topic was a given, really. It was completely natural, that if someone was going to pick it up, it would have to be a Danish Presidency. And you can say, the tool, in the shape of Council conclusions, we found suitable because it was an issue that at the time hadn't really been carved out (Interview 9).

This quotation is important because of its underlying contradiction. On the one hand, doping in recreational sport is argued as being a universally recognised problem. On the other, the interviewee suggests that *if* any Member State were to take the issue forward, it would have to be a Danish Presidency – so, perhaps, it was *not* really recognised as a universal problem "in all EU countries". This suggests that not all Member States necessarily agreed on the scope of the problem or the best solutions to addressing it. Lastly, the quotation outlines why Council conclusions were chosen as the appropriate "tool" to deal with the issue, with doping in recreational sport not being "very carved out" at EU level. As discussed in chapter 3, drawing on Tallberg (2006b: 87–90), it was considered that the Council Presidency's ability to set the agenda is partially contingent on the formal character of the decision, namely that the Council Presidency will have the biggest room to agenda-set the less cumbersome the formal features are. Thus, the Presidency's agenda-setting powers will be greater on dossiers that the Council may adopt unilaterally, such as resolutions and conclusions.

Raising the visibility of doping in recreational sport

Thus: a loosely cooperating trio and a relatively open formal Council agenda allowed the Danish Presidency to introduce a new issue to the Council yet, crucially, the Danish Presidency also had planned relatively modest goals, namely Council conclusions. However, in order to adopt conclusions on 'new' issues, an agenda-setting Council Presidency needs to raise the visibility of the problem (*arouse interest*), that the EU has the *capacity* to provide solutions to deal with the

problem, and that EU-action in the field is appropriate, i.e. *claiming authority* (Princen 2011b). In order to increase visibility, the Danish Presidency gave the issue high priority in both formal and informal settings through series of 'small steps' (Princen 2011b: 939). Informally, recreational doping was made a topic at a conference (Danish Presidency 2012c) and made the topic of the structured dialogue lunch and accompanying ministerial debate (Council 2012t). Formally, it also gave the issue high visibility, with recreational doping being the only topic on which the Danish Presidency put forward an 'unplanned' political document on sport (see Table 15, p. 182).

Hence, the Danish Presidency raised the visibility of thus far neglected problems *and* developed concrete proposals for action (Tallberg 2003: 6–7). The Danish Presidency initiated negotiations on a set of Council conclusions in early January 2012 by releasing a discussion paper on "recreational doping" for consideration in the WPS (Council 2012ab). The Danish Presidency then released the first draft, which was then negotiated over a series of meetings at the WPS and COREPER (Council 2012g; Council 2012h; Council 2012i; Council 2012j; Council 2012k) before adoption (Council 2012c). According to a Danish interviewee, the Member States were generally in favour:

> On us putting this on the agenda, there wasn't really any resistance. There obviously was on concrete wordings and what kind of tools we would use, and there we naturally tried to write them in a way, the conclusions, where they could accommodate everyone. We know that we cannot come and lay down an agenda over every other country, that everybody should have the same legislation as Denmark. That would be completely unrealistic. We of course tried to set a level where everybody could see themselves in it, because for Denmark it was really important to get on the agenda, to get something adopted, and then naturally there was discussions about certain formulations, as there should be (Interview 9).

This quotation indicates how there was an awareness of not being *too* ambitious – or rather too partial in promoting the issue. This provides evidence of the possibilities and constraints of the Council Presidency; that while the Council Presidency allows for a country to shape the agenda (Tallberg 2003), informal norms also constrain the incumbent Member State, with Denmark not standing firm on *too* drastic measures (impartiality norm) so as also to be able to comply with the 'effectiveness norm' (Elgström 2003a); that progress through consensus is more important in terms of getting dossiers put forward adopted. It further notes no outright resistance to discussing the issue, though certain disagreement on wordings and mechanisms. A Commission official provided further insight into the negotiations:

> This text went through very many readings in the Council and there were many Member States that didn't like talking about it at all. There was a change in language because the Danish Presidency had initially made a proposal […] which referred to 'fitness doping' […] That was of

course seen as problematic by many as it could be construed as such a way that doping provides fitness. But the very idea of talking about doping outside of the narrow confines of the target population of National Anti-Doping Organisations, that was quite shocking to some Member States. And Denmark was very persistent, diplomatic but persistent […] and got something through which probably could not have been made without them (Interview 38)

This quotation indicates the potential agenda-setting powers of the Council Presidency. However, the Danish Presidency had to overcome certain obstacles, including translation difficulties, and an unfamiliarity and indeed resistance to this new framing of anti-doping.

The narrative presented above is backed up via documentary analysis. While the discussion paper did not refer to "fitness doping", it was simply titled "recreational doping" (Council 2012ab). The effort not to be "misconstrued" is evident in how the title of the conclusions went through quite some iterations aimed at making the intention clearer, with the first draft re-titled to concern "combating recreational sport doping" (Council 2012k), later changed to the final title of "combating doping in recreational sport" (Council 2012c; Council 2012j). Moreover, there was attention to wording and mechanisms. As for wordings, the biggest point of contention concerned the Danish Presidency's initial draft calling on the Member States to "[e]nsure an effective national legal framework for investigation and sanctioning" (Council 2012k: art 3:4). Successive versions weakened the legal framing, rather calling for Member States to "ensure a framework of effective national measures" (Council 2012j: 3:4) and, ultimately, to "[p]romote a framework of effective and appropriate national measures" (Council 2012c: art 4). Hence, there was a steady watering down of expected measures which reflects EU sport policy's institutional constraints (Princen 2007), in particular how Article 165 TFEU precludes harmonisation. As to mechanisms, the Danish Presidency proposed to extend "the mandate of the Expert Group on Anti-Doping […] by adding the following action: to collect best practices in the fight against doping in recreational sport" (Council 2012k: art 4). The next draft, however, saw the Council "stressing the importance of the actions described in the Work Plan" (Council 2012j) and the ultimate compromise settling on "stressing that priority should be given to the actions described in the Work Plan" (e.g. Council 2012c; Council 2012g: art 4). Thus, while the expert group's mandate *was* extended, successive versions saw its guiding priority specified – the Council's priority in anti-doping remained WADA.

The adopted conclusions (Council 2012c) reflect the themes discussed. First, while the conclusions mention that the 2011-2014 Work Plan (Council 2011r) had made anti-doping a priority, the conclusions also draw on the Commission's (2011a) Communication to find references to combating doping in recreational sport – that is, to frame the conclusions in light

of the systemic agenda (Peters 1994). Like Greece on gender equality (Council 2014b), while neither issue had been directly identified as a priority in the 2011-2014 Work Plan, the presence of these issues in the wider systemic agenda (the 2011 Commission communication) seems to have made it 'easier' for the Presidencies to justify addressing these issues through Council conclusions. Second, there is a tension in problem recognition. Thus, the Council declares that doping "in recreational sport and recreational sport environments such as fitness centres, is an important problem across EU Member States". However, they also recognise that "[k]nowledge of doping in recreational sport, including the scope and magnitude of the problem and effective measures of prevention, education, control, sanctioning and recovery from substance abuse, is limited at both an EU and an international level" (Council 2012c: 2: 1–2). Thirdly, the conclusions are modestly aimed, tacitly recognising the different structures at place throughout the EU by calling for Member States to develop information campaigns, promoting the sharing of best practices, encouraging information-sharing, and that each state promotes "appropriate national measures" (Council 2012c: 3:3).

However, the conclusions are most interesting in relation to the agreements to be implemented at EU level, which largely aim to 'build credibility' for further EU action (Princen 2011b). First, the Commission is invited to initiate a study to develop "the evidence base for policies designed to combat doping in recreational sport, including through information gathering on the use of doping substances in recreational sport in EU Member States", i.e. providing possible solutions to dealing with the problem as well as charting the scope of the problem. Secondly, the Member States extended the mandate of the anti-doping expert group (Council 2012c) to provide recommendations on combating doping in recreational sport, however with the caveat that "priority should be given to the actions described in the Work Plan relating to the EU contribution to the World Anti-Doping Code review process" (Council 2012c: art 4). Hence, the Council frames its priorities in anti-doping: experts should deal with doping in recreational sport, but not at the expense of WADA-priorities.

The Danish Presidency knew this only constituted a first step, "and the next step is to figure out how we move forward with this" (Interview 9). The next section explores the aftermath of this decision.

8.1.3.   Experts and institutional constraints

Having extended the anti-doping expert group's mandate, this group decided that an initial draft of recommendations would be prepared by "a dedicated ad-hoc Group of Experts on Doping in

Recreational Sport" which would include external experts and members of the anti-doping expert group (XG AD 2012). In this sense procedures were modelled on those adopted on dual-careers and HEPA, with the composition of the group chosen by written procedure, experts named in final report, expenses covered by the Commission, who also therefore chaired the *ad-hoc* group (XG AD 2012: 2–3; XG AD 2013b: 2–3). In official reports from the expert group meetings and interviews with Commission officials (Interview 38) the decision to adopt this mode of cooperation is presented as entirely natural, reflecting 'standard operating procedure' (Hall 1986) in line with prior experiences with developing recommendations. However, this decision also reflects institutional constraints. Firstly, that the expert group's priority remained the WADC. Secondly, the expert group did not have the required expertise according to a key stakeholder part of the *ad-hoc* drafting group, as noted by a key stakeholder part of this new group:

> What happened was the expert group was quite good at dealing with the WADA Code changes, within its make-up there were some people who genuinely had a good technical understanding. Then you had people who had an interest in the recreational side of things, but they didn't really have the expertise. And what was happening was they were tending to send in national anti-doping organisation representatives, as the state representative. And I think the Commission and others were getting a little uneasy, that there was an imbalance being created […] So the chairman and the Commission agreed that what they should do is to appoint an *ad-hoc* group (Interview 33).

Thus, while the Council had extended the expert group's mandate, the composition of the group remained guided, and composed, by its principal goal – the WADC review process. This further suggests that the Commission preferred developing recommendations under different terms, building in previous experiences in HEPA and dual careers. While this narrative was not directly verified by any Commission interviewees, it can still be established that the Commission, indeed, was keen on this method, insofar as the Commission did set aside resources to establish the *ad-hoc* group, which would operate like previous working groups charged with providing recommendations by operating on consensus and include named external experts (Interview 38), as per standard practice with Commission expert groups (European Commission 2015b).

The *ad-hoc* group completed its recommendations and the anti-doping expert group adopted the document in November 2013 (XG AD 2013a). As requested by the Council, the Commission in 2013 issued a call-for-tenders for a study on "doping prevention", which was finally completed by a consortium of experts in early 2014 (European Commission 2014e) which compared the legal, regulatory and prevention practices in the EU Member States, and recommended further research to create "a robust international, research-driven evidence base to inform future policy,

practice, and interventions into the problem of doping in recreational sport" (European Commission 2014e: 9). The study did not, as requested by Council, explore the prevalence of the problem.

Ultimately, there is some disagreement whether the *ad-hoc* group's recommendations provide sufficient evidence and solutions. A Commission interviewee was confident, merely expecting it to be a matter of time before a Presidency would develop the *ad-hoc* expert group's recommendations (Interview 38). On the other hand, a stakeholder part of the *ad-hoc* expert group described the recommendations as "unworkable" because they:

> couldn't possibly be adopted at the European level, because by implication the Member States would not have accepted it. [The recommendations were going] too far, breaking into civil liberty issues, data-protection issues, before you got into the legalities of it, different legal systems that would apply (Interview 33).

Regardless of which assessment is true, it can concluded that the Council has not devoted combating doping in recreational sport a significant amount of attention since the release of these expert recommendations and the study. In the second Work Plan on sport for 2014-2017, the Council agreed that the recommendations on doping in recreational sport would be subject to "exchange of best practices and peer learning" during the second half of 2015 through an informal Sport Directors' meeting (Council 2014h: Annex I). Accordingly, the Latvian Council Presidency facilitated this on 27 February 2015, in which the Sport Directors "expressed a readiness to combat doping in recreational sport and pointed out the need to pay more attention to dealing with this issue, particularly as regards the suppliers of doping products" (Latvian Presidency 2015).

Ultimately, it seems like the Member States remain split on the issue, with no Presidency having chosen to formally develop the deliverables, and with other issues having more visibility and being devoted more attention. For instance, as explored in chapter 7, while the Council seems ready to consider adopting a Council recommendation on match-fixing, doping in recreational sport has not yet reached this stage. So, despite a certain rise in visibility, it seems the issue is being constrained by a lack of a viable 'solution' to dealing with the 'problem' (Princen 2007). Indeed, two out of 20 collaborative partnership projects funded through the first round of Eramus+ would focus on the '[f]ight against doping at grassroots level" by exploring good practices in doping prevention (European Commission 2014a), indicating how the issue is still in its 'developing' phase.

Summing up, anti-doping came onto the formal agenda during the 1990s on the basis of the EU's competence to protect public health. Through the 2000s, the Council's work on anti-doping came increasingly to revolve around WADA cooperation, creating an institutional bias (Baumgartner and Jones 1993) with anti-doping mainly framed towards elite and professional athletes. The Danish Presidency was successful in partially re-framing anti-doping in the Council, 'uploading' a national priority with only a weak presence on the EU's agenda, giving the issue high visibility informally and formally. The Council conclusions were designed to 'build' momentum from below (Princen and Rhinard 2006) by requesting the Commission to initiate a study and by getting the 'lower' level experts to propose recommendations for further actions. Thus, actions sought to build the 'credibility' for future actions in the field (Princen 2011b). Yet, these agenda-setting efforts took place within the established institutional venues. While Danish Presidency's changed the anti-doping expert group's *modus operandi* (Princen 2011b: 933), the implementation process reveals strong institutional constraints (Princen 2007) which shaped how the issue has progressed. Hence, while the Danish Presidency was successful in placing the issue on the Council agenda, reframing 'anti-doping' to also include doping in recreational sport, progress on the issue has stalled due to institutional constraints, in particular the Council's bias towards 'professional' doping, a lack of evidence and expert-level consensus, and the issues' comparatively low visibility on the agenda. On this evidence, actors working towards more harmonisation on fighting recreational doping may have to consider a change in venue (and hence framing), perhaps within the health venues, which could require a shift to a focus on drug misuse and illegal trafficking rather than doping prevention as a social problem.

Accordingly, the next section considers HEPA, which unlike doping in recreational sport has only progressed upwards on the agenda, going through all the EU stages and passing all veto points, and having attained the highest possible level in legislation despite having a much shorter issue career in the EU.

8.2. HEPA, and the naturally maturing agenda

HEPA has seen a sustained progression, ultimately resulting in the first Council recommendation in sport (Council 2013c), meaning that for the first time national governments will be subject to monitoring of how EU sport policy is implemented. HEPA represents a clear example of the 'low politics route' of issue initiation, specification, expansion and entrance (Princen and Rhinard 2006). This section analyses this in three steps. First, it explores issue *initiation* and the early work undertaken at lower levels to *specify* the issue, especially the development of EU Guidelines on

Physical Activity (EU Working Group Sport & Health 2008). In then looks at the key stage of *issue expansion* when, between 2012 and 2013, the Commission and the Council were negotiating how, and to what extent, to move forward with HEPA. Lastly, it examines the negotiations on the final recommendation: *issue entrance*. Simultaneously, it explores how and why HEPA became linked with the idea of establishing a European Week of Sport (EWoS), in which the Cypriot Presidency played a key role.

8.2.1.   Initiation and specification (2004-2009): establishing European guidelines on physical activity

The development of a HEPA policy within the EU is part of what Piggin and Bairner (2016) have described as rise of the 'global physical inactivity pandemic'. Around the turn of the millennium, the issue of HEPA started gathering momentum in other international organisations, especially within the World Health Organization (WHO). In 2000 WHO released a report called 'Obesity: preventing and managing the global epidemic' (World Health Organization 2000), which prescribed better diets and increased physical activity to solve the "epidemic" of obesity. In 2002, a WHO resolution called for the development of a "global strategy on diet, physical activity and health" (World Health Organization 2002). Accordingly, a 'Global Strategy on Diet, Physical Activity and Health' was developed in consultation with scientists and stakeholders which was endorsed on May 2004, which again identified diet and increasing physical activity as the key factors in avoiding noncommunicable diseases (World Health Organization 2004).

That is to say, the issue *initiated* out "of professional concerns in epistemic communities" (Princen and Rhinard 2006: 1122). What we then see emerge is a global 'epistemic community' on physical activity; the emergence of an international network of scientists, stakeholders and governments sharing a common set of beliefs on physical activity, in particular that physical activity can be a tool to managing public health problems such as obesity. The EU health venues took an active part in this process. On the one hand, the EU's Health Council started taking an interest in managing obesity though diet and physical activity in the same period (e.g. Council 2003) and the EU Member States supported the adoption of WHO's Global Strategy during the plenary (Council 2005). On the other hand, the EU has actively supported the rise of networks on HEPA, such as DG Health and Food Safety creating the EU Platform on Diet, Physical Activity and Health which was set up in 2005 (European Commission 2005) as a forum where organisations voluntarily commit to "tackling current trends in diet and physical activity" (European Commission 2015a). Further, when the EP and the Council designated 2004 the European Year of Education Through Sport, they also acknowledged how "exercise improves

psychological and physical health" (European Parliament & Council 2003: article 1:9). At the request of DG Health and Food Safety, the first special Eurobarometer survey on physical activity was commissioned (European Commission 2003), hence providing further evidence-base for cross-national comparison on physical activity. In short, physical activity framed as *health-enhancing* had entered a period of 'internationalization', i.e. reached moment where this national collective problem could become an international and/or EU problem (Stephenson 2012: 799), featuring high on the EU's systemic agenda and, more broadly, with a lot of visibility in the health communities *circa* 2004.

As pointed out by Piggin and Bairner (2016), framing a problem as a 'pandemic' – urgently requiring action – has consequences, as actors will seek to affect issue-definition so as to shape proposed targets and the distribution of resources. Thus, actors within EU sport policy sought actively to stake a claim in solving this 'pandemic'. As recalled by a Commission official, senior ranking officials within DG EAC were aware of the issue's high visibility around 2004: "My head of unit at that time had realised that there was much talk about 'couch potatoes' and a decrease in daily physical activity among young people" (Interview 38). Accordingly, DG EAC sought to develop the European dimension to this issue which was floating around in the adjacent health policy community, in particular by commissioning four studies on HEPA intended to accompany the 2004 Year of Education through Sport. One of these studies argued that the rise in obesity was not only related to people eating less healthily, but that European people also lead more sedentary lives, and for that reason it suggested re-introducing more physical activity into people's lives to "restore the balance" (Brettschneider and Naul 2004: 146). This study gathered much attention:

> [T]his one has had the far greater impact than any of the three others, and that's the sort of thing you don't know when you launch the study because the budget for the studies was practically the same, and the technical description were fairly similar […] The final report was a result of a structured review of then available academic knowledge around physical activity and increase in obesity. It was a comparative structured review of what was then the 25 Member States, and some of the data was frankly 10 years old, but nobody had done this exercise before (Interview 38)

Thus, the Sport Unit picked up on problems floating around the 'garbage can' (Cohen *et al.* 1972; Richardson 2006) of the EU's health community – 'couch potatoes', i.e. sedentary behaviour – and sought to carve out a role for EU sport policy. What the quotation above further illustrates is the basic mechanism by which a 'condition' comes to be considered a 'problem' (Kingdon 1995: 109–110). Thus, a new set of strong indicators – or indicators *interpreted* to be strong (Kingdon 1995: 93ff) – fixed the attention of the EU Sport Ministers:

And because it was just about information sharing, at that moment in time when some Member States were still very reluctant to accept any formal structures for sport, it was actually quite welcome because they could pick it and use for their own purposes […] And then very importantly the UK – who at that point thought sport should not be in the Treaty – used its Presidency in 2005 to put a proposal on the table at an informal ministerial meeting in Liverpool, to set up the first informal EU working group – which was the EU working group Sport & Health – to see how Member States could cooperate on the knowledge gained through this study (Interview 38)

Hence, the EU Sports Ministers decided to set up a Sport & Health Working Group, with a remit to exchange information and good practice, and, through this, develop new models (European Commission 2007a: 126). One particularly study thus seemingly commanded a lot of attention not only because it diagnosed a problem, obesity, but also offered a solution (Princen 2007), namely increased physical activity, a message easily 'sold' to the concerns of the sport ministers. This brings attention to how decision-makers are more receptive to *certain* solutions than others, especially the degree to which the recommendations of experts are in line with existing norms, i.e. that decision-makers will look for solutions that may solve problems without being too disruptive (Davis Cross 2012: 145). Indeed, as elaborated below, the promotion of HEPA has a certain 'irresistible' nature within the EU sport policy community.

Crucially, physical activity in EU sport policy venues became 'divorced' from diet and consumer protection and exclusively focused on promoting physical activity, hence reflecting the bias (Baumgartner and Jones 1993) of the institutional venue from which it originated: the Sport Council. During the Finnish Presidency in 2006, the Sport & Health Working Group received a mandate by the sport ministers to start preparing a set of 'Physical Activity Guidelines'; the EU dimension of HEPA was *specified*. This process was completed in 2008 when the Sport & Health Working Group adopted the final set of Guidelines, which were later informally confirmed by EU Sport Ministers at a meeting November 2008 (EU Working Group Sport & Health 2008). In the lead-up to the ratification of the Lisbon Treaty, the Commission furthermore gave this particular topic special attention, with HEPA being the first presented agenda item in the White Paper (European Commission 2007b: 3–4). Moreover, as part of the Preparatory Actions, the Commission gave HEPA special priority, ultimately financing 9 (out of 42) Preparatory Actions between 2009-2011 on HEPA, more than any other issue (European Commission 2012d). As noted by a Commission official:

The field that was most developed was this one. It was the one, we saw, I mean we funded certain projects, 9, 10, 11, and the ones on sport and health were the ones soliciting the most interest – by far the highest number of applications (Interview 10).

Thus, HEPA had become the most developed area in EU sport policy. The issue aroused the most interest amongst sporting stakeholders who, perhaps, were more keen on assisting (and receiving funding) on projects concerning this issue: in HEPA, sport organisations were part of the 'solution' rather than the 'problem', compared to the reverse in issues concerning the 'integrity' of sport.

8.2.2.   Conflict expansion and overcoming institutional constraints

Thus, since 2004, an EU dimension of HEPA had been initiated and specified by the Commission and Sport Ministers through low-political work (Princen and Rhinard 2006). The next section explores how HEPA achieved issue expansion. At the same time, this section shows how the Cypriot Presidency used the momentum surrounding HEPA to further one of its priorities, namely the launch of a European Week of Sport.

HEPA: DG EAC's flagship initiative

Once Article 165 TFEU came into force, DG EAC chose HEPA as its flagship initiative in sport:

> [HEPA] picked up with the communication. After the Lisbon Treaty we did a communication in 2011, in order to, shall we say, pronounce ourselves on what this means for us now. Ok, so we now have a Treaty article, how are we gonna translate this into something more concrete? (Interview 10).

That the Commission made HEPA its key priority is reflected in the Communication which announced that it would "consider proposing a Council Recommendation in this field (European Commission 2011a: 7). Notably, this was the only place such a measure was proposed. Commissioner Vassiliou had made the social dimension of sport her key priority:

> I think her priority has been the social [dimension], without shying away from the rest. She really believes in the social value of sport. So, not sport for sport, but sport as a vehicle for social change, right? Whether that means improving health, or social inclusion, or improving employability, or non-formal learning, you name it. That big package of the societal influence of sport she's a big fan of, and I think she's been pushing more in that direction. After all, one of our main initiatives, in terms of output the last five years, has been the recommendation on health-enhancing physical activity, which just goes to underline this (Interview 10).

The Commissioner made numerous personal interventions throughout her tenure to advance HEPA (Interview 38 and 10). For example, she used the release of the 2010 Eurobarometer on physical activity (European Commission 2010c) to call for a big media conference with UEFA President Platini (European Commission 2010d). As explained by a Commission official, the rationale behind this invitation was to increase visibility: "When you stand next to Platini you can

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be sure there will be more cameras turned next to you, and the Commission has certainly seen the potential in this topic early on" (Interview 38).

The first Special Eurobarometer on physical activity (European Commission 2003) had been commissioned by DG Health and Food Safety, who later bundled questions concerning physical activity with questions on diet, health and weight in a survey on 'health and food' (European Commission 2006). After the ratification of the Lisbon Treaty, DG EAC took charge of the commissioning of surveys on physical activity (European Commission 2010c; European Commission 2014d), now with an explicit focus on physical activity. Indeed, there seems be little competition within the Commission on HEPA. When asked whether HEPA could have been dealt with by another DG, an official from DG EAC replied:

> It could have been, yes, except that there is a difference in approach. If our colleagues in [Health and Food Safety] work on it, they will not start first by thinking about sport and physical activity input but would look at it from a public health perspective (Interview 38).

Thus, the DGs seem to have divided responsibilities, with DG EAC in charge of the promotion of physical activity - the "input" side, framed in terms of promoting activity – whilst DG Health and Food Safety would focus on "public health" (e.g. diet, consumer protection etc.). Hence, HEPA emerged as DG EAC's flagship initiative in sport, an area in which it had claimed authority within the Commission, and where this claim to authority was not internally contested. However, it is important to recognise that HEPA was not just any issue on the EU's sport agenda; it commanded the most visibility in the sport policy subsystem. Thus, the next section explores how the Council dealt with the issue post-Lisbon.

HEPA in the Council and trio coordination

The Sport Unit had floated the idea of a HEPA recommendation to members of SPA-BE-HUN trio (Interview 1). To that end, the Hungarian Presidency's first draft of the 2011-2014 Work Plan had proposed explicitly setting the adoption of a HEPA recommendation as a target, though the Council ultimately chose to only set *concrete* objectives for expert groups (see chapter 5).

However, the 2011-2014 Work Plan did establish an expert group on 'Sport, Health and Participation'. This expert group was instructed to explore "ways to promote health enhancing physical activity and participation in grassroot sport" by mid-2013 (Council 2011r: 4). As per the meeting reports, the Commission "identified five main deliverables" (XG SHP 2011: 2) where a Member State expert would act as a 'lead' for each deliverable, with the first planned deliverable

being "Input for the Commission's proposal for a Council Recommendation in the field of HEPA building on the EU PA GL[16]" (XG SHP 2011: 3).

Importantly, the lead expert elected for this deliverable was Cyprus, who thus took ownership of this dossier before its upcoming Presidency. Earlier in this chapter it was explored how the POL-DK-CY trio had decided to keep agenda-coordination at a "headline" level. However, there was a degree of planning so as to secure policy continuity, in which Denmark played a 'linking' role by arranging informal discussions, as explained by a representative of the Danish Presidency:

> As for HEPA, it also made sense that, seeing as it had been worked on at expert group level, to lift it up – we had presentations from some experts who had worked on it – but then to lift it up and say, "okay, how can we further develop this at EU level?" And that's what later Presidencies have then done (Interview 9).

Thus the Danish Presidency sought to 'soften up' (Kingdon 1995) the Cypriot Presidency's planned initiatives on HEPA by including it as a topic at a Sports Directors meeting (Danish Presidency 2012b). Overall, the Danish Presidency provided a 'link' to the other trio members via the framing of its informal events (Council 2012t; Council 2012ac; Danish Presidency 2012a; Danish Presidency 2012c), which were used to either take stock of previous achievements of the Polish Presidency (anti-doping, match-fixing, volunteering) or prepare for future activities of the Cypriot Presidency (HEPA, match-fixing).

Enter the European Week of Sport

Hence, Cyprus had taken ownership of HEPA at expert group-level, in anticipation of its Council Presidency, which would prioritise HEPA. However, before exploring how HEPA was formally dealt with by the Council, it is necessary to trace the emergence of a different, but crucially linked, idea: the launch of a 'European Week of Sport' (EWoS).

The genesis of this idea is tied to one particular project from the Preparatory Actions in the area of sport, specifically the 'Euro Sport Health'-project led by the Diputaciò Provincial de Barcelona. One of this project's outcomes was implementing a 'Day of Sport' in the participating territories (European Commission 2012d: 10). Stakeholders within the Platform on Diet, Physical Activity and Health had also started discussing this project as a possible Europe-wide initiative (Interview 7), indicating how the idea had begun floating around in policy community's 'primeval soup' (Kingdon 1995: 116–117). One of the participating actors in this project was the

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[16] i.e. the EU Guidelines on Physical Activity (EU Working Group Sport & Health 2008)

Cypriot Sports Organisation, a semi-autonomous sport authority in Cyprus which, under the supervision of the Ministry of Education and Culture, led the Cypriot Presidency in sport (Interview 6). Together with Catalan partners, the Cypriot Sports Organisation started mobilising support for this 'European Day of Sport', as revealed by a Commission official:

> So there was one project led by the municipality of Barcelona. It also involved the Cypriot Sport Association. I remember because they facilitated the meeting between the Commissioner and the Catalans. They had this idea of a 'European Day of Sports', "what a great idea if all of Europe did sport on one day". Now, when they presented this project, you know it wasn't the most visionary of ideas and it seemed a bit almost immature (Interview 10).

While not initially successful at selling the idea to the Commission, the idea quickly gathered the support of the EP. In the EP's report on 'the European Dimension in sport' (European Parliament 2011) the EP explicitly called on the Commission to organise an annual "European Day of Sports" (European Parliament 2011 §99). The report's rapporteur, MEP Santiago Fisas Ayxelá, a former President of the Municipal Council of Barcelona and minister for sport of the Madrid regional government (EPP Group 2015), was particularly aware and sympathetic to the Catalan proposal, which further linked up well with the Report's suggestions to stimulate 'European identity through sport' (European Parliament 2011 §98-100, see chapter 6).

Hence, the idea of a European Day of Sport entered the systemic agenda. Slowly, the notion of extending the project to a week-long event started to gain traction. One actor pushing this idea was the International Sport and Culture Association (ISCA), a Copenhagen-based platform organisation working within the field of sport-for-all. ISCA lobbied for re-framing the event as a week (Interview 7). ISCA was chosen as the main organiser of the SportVision conference organised under the Danish Presidency in 2012. MEP Fisas was giving a speech here, and prior to this ISCA organised a meeting with the MEP:

> In our sector nobody thought it should be a week. Nobody was working for a week. What happens then is that the Presidency goes to Denmark [...] Fisas is giving a speech on the Monday, and I call him and say "I have something I need to talk to you about". I meet with him just before he is going in, and I say "I have two messages. You are a free politician, so one can say things to you. One is a week and the other is 100 million. And the first is that we can't manage a day, European Day of Sport, we need to have a week. Then it will actually become something. The other is that we have a vision [...] that we want 100 million more active people. That's a vision we think could be exiting. He listens. And in the end, from then on, this week starts creeping in. I think in his speech he says "a European Day – or Week". And from then on this week starts getting articulated (Interview 7).

Beyond showing how various sport actors were supportive of the initiative, this quotation also shows how HEPA and the EWoS are both linked to a common policy objective: increasing

physical activity. The Commission "took a while to warm to this idea, but then we started seeing if you could, you know, put certain dots together we might have something here" (Interview 10).

Cypriot priorities

Support for a European week/day of Sport gathered momentum during the Cypriot Presidency, which made "sport and health" (i.e. HEPA, EWoS) one of its main priorities alongside match-fixing (chapter 7) and evidence-based policy making (chapter 6). In terms of weighting its priorities, evidence-based policy-making and HEPA were singled as being the more 'national priorities' as opposed to the Cyprus Presidency's work on match-fixing:

> Sport and health because the European Week of Sport, we have a very good sport programme in Cyprus, but we would like to take it a step further. We were based on the outcomes of the Eurobarometer of 2009, because we believe very much in raising awareness on sport and physical activity. Most of our policies are focused on grassroots sport, and we believe that putting so much attention on elite sport is not so good (Interview 6).

Hence, the Cypriot Presidency was keen for the Council to focus more on grassroots sport and HEPA, finding there to be too much focus on "gangsters" (i.e. match-fixing) in EU sport policy in general (Interview 6). This is consistent with findings in chapter 7, which analysed how Cyprus had not been the strongest broker during the negotiations on the proposed conclusions on 'establishing a strategy to combat the manipulation of sport results' (Council 2012w), perhaps due to a lack of 'outlier interests' (Niemann and Mak 2010: 733–4). However, as to HEPA and the EWoS, the Cypriot Presidency was more motivated. The logic by which Cyprus chose its priorities is outlined here:

> That was according to the trio programme and priorities. We didn't decide on our own. We had a number of formal and informal consultations with the other two members. Our programme was based on the EU Work Plan on Sport, and based on our priorities as a state in regards to sport. But we did have a long consultation with the Commission as well, because the Commission provided guidance to us […] Sport and health was one of our main priorities. We discussed a lot with the Commission. Commissioner Vassiliou is Cypriot, and we found out, despite there is a lot of information about the benefits and the role of sport and physical activity in citizens health, for some reasons we know people are not so motivated or activated in sport. So we thought that the establishment of a European campaign, engaging all stakeholders, all Member States, would be very supportive in order to raise awareness to citizens about the benefits of physical activity and sport [...] She [Commissioner Vassiliou] was very supporting, for all the issues and priorities, especially for the establishment of the European Week of Sport. I mean our proposal was for a European Day of Sport, and it was extended for a week. Yes, she was very supportive, it was perfect (Interview 6)

Evident here is the multitude of influences which may guide an incumbent Presidency in choosing priorities – the Council's multiannual planning, trio coordination, national priorities, and the Commission. However, amongst the interviewed trio representatives, the Cypriot Presidency suggested leaning comparatively *more* on the Commission than other Presidencies. The EWoS thus represents a Cypriot initiative which, over time, the Commission had come to support as well. In this sense influence went both ways, as uncovered above with the Cyprus Sports Organisation facilitating early meetings with the Commission. Crucially, HEPA and the EWoS became linked, further encouraged through consultations with the Commissioner and her cabinet, as Cyprus set out for the Council to formally endorse such European campaign though proposing a set of Council conclusions on HEPA.

The merging of HEPA and the European Week of Sport

The Commission had commissioned a study to prepare a monitoring framework on HEPA, focused on possible "indicators" to be used. These indicators were discussed in the expert group (XG SHP 2012b: 3) before it adopted its first deliverable on 'Input for an EU initiative to promote HEPA' (XG SHP 2012a). While not the final indicators to be proposed in the Commission's proposal, this "consensus on the general approach" would give the WPS "an idea about the work in progress" (XG SHP 2012b: 3).

This deliverable was processed to the WPS, who under the Cypriot Presidency had planned to adopt Council conclusions on HEPA. The release of this deliverable meant that the Council had some idea of the Commission's concrete plans on HEPA, hence allowing the Member States to make an informed decision as far as how to go forward with HEPA. In the WPS, there was awareness that if a recommendation of HEPA was to be achieved, the Commission would need the explicit support of the Council:

> The Commission needs an input from the Member States in order to be able to initiate a recommendation, so in the Working Parties, during the Cypriot Presidency, we had conclusions on HEPA, where we included into the text that invited the Commission to propose the Council Recommendation. This was very needed. On that basis, the Commission could start the work internally, which I know is also very complicated; they have to prove that this initiative is really necessary, "without it this and that would happen". And the current atmosphere is not really supportive to any new initiatives, so I think that we are quite lucky, and the Sport Unit and the sport colleagues in the Commission did very well (Interview 19).

However, there was not universal support among the Member States for either a HEPA recommendation or the EWoS. This became obvious when, on 27 June 2012, the Cypriot Presidency released a set of draft Council conclusions on 'promoting health enhancing physical

activity' (Council 2012l). Crucially, HEPA and the EWoS became interlinked in these draft conclusions, which invited the Commission to:

- "to make proposal for a Council Recommendation on HEPA, and consider including a light monitoring framework" (Council 2012l para 6:1);
- "Consider establishing an annual European Day of Sport as a means to promote physical activity and participation in sport at local level" (Council 2012l para 6:3).

Encouraging the issue of a HEPA recommendation and a European Day Sport thus became intertwined in one single dossier proposed by the Cypriot Presidency, who then sought to 'tie in' the proposal of a European Day of Sport with HEPA, a more developed "stated policy priorities" (Princen 2011b: 933). The agenda-processes of HEPA and the EWoS are summarised in Figure 7 (see p. 202), which summarises how these two issues became 'merged'.

The Cyprus Presidency initially proposed "an annual European Day of Sport", hence an extension of Cyprus Sports Organisation's initial project. Discussions in the Council however saw the Member States settling for the week-long format (Council 2012m; Council 2012n; Council 2012p). Taking these developments into account, the Cypriot Presidency's structured dialogue meeting revolved around this future week-long event (Council 2012b).

During the negotiations on this set of conclusions, the Cypriot Presidency faced two major objections to its draft conclusions (Council 2012l), namely (i) whether the Commission should be explicitly invited to propose a HEPA recommendation and (ii) concerns about encouraging the Commission to move forward with a EWoS:

> The first issue we had was with the Nordic countries because they didn't want – there was an item in the Council conclusions that the Commission should prepare this Council convention on HEPA. So the Nordic countries were not in favour that this should happen, so we had a kind of conflict there […] The other one was for the establishment of the European Week of Sport, because some Member States already have national or local initiatives, very successful one, and they thought that this campaign would replace these initiatives and should do something new (Interview 6).

That these were the two major disagreements is supported by documentary analysis (Council 2012f; Council 2012l; Council 2012m; Council 2012n; Council 2012o; Council 2012p). However, while the Nordic countries, thus including its trio partner Denmark, were sceptical – which was supported by other interviewees (e.g. Interview 19) – only Sweden lodged formal reservations (Council 2012p). As explored above, the Danish Presidency too had prioritised HEPA, and the quotation above indicates Danish resistance was less related to the specific content of HEPA
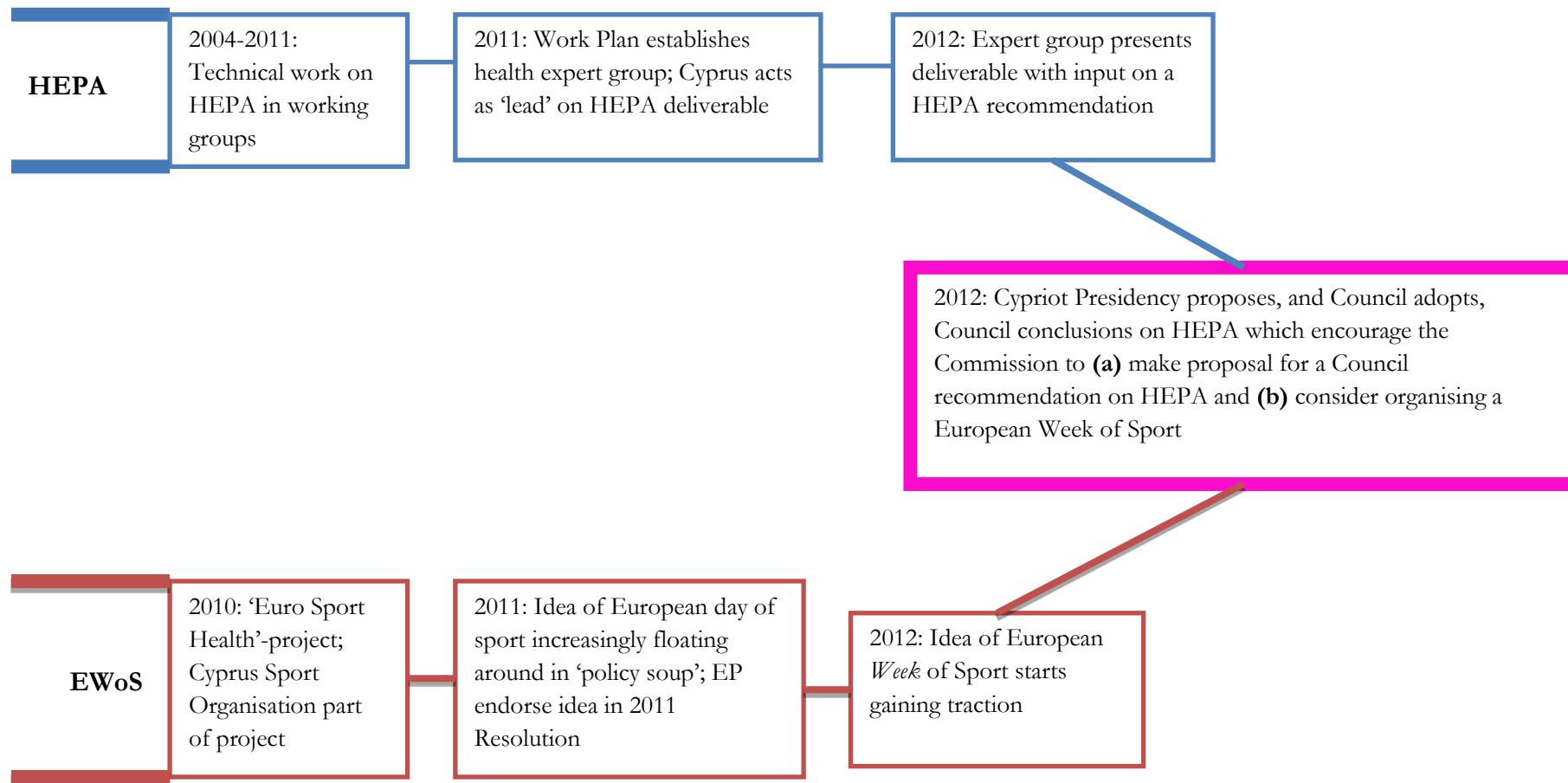
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and more related to generic subsidiarity concerns – whether the Council *should* adopt a recommendation in sport. The fact that the Danish Presidency did not lodge a formal reservation may then be linked to the 'informal norm' uncovered in Chapter 6, namely that trio members should not object too much to proposals of its fellow trio partners, i.e. trio solidarity. However, Denmark not lodging a formal reservation in this instance is not directly indicative of trio solidarity insofar as Denmark did not lodge reservations in any of the dossiers surveyed in this thesis.

Ultimately, Sweden released their reservations at the COREPER level, following a minor rewording regarding the EWoS (Council 2012d; Council 2012f; Council 2012p). As explained by a Swedish representative, if Sweden was sceptical as regards to the HEPA recommendation and the EWoS, the majority of Member States were very enthusiastic:

> It's always difficult to be against these things in a way. You can be against [the recommendation] in maybe you can argue that "is this really EU competence, should we be dealing with it?" […] More or less all Member States thought that it's good to raise these issues and emphasise the importance of sport for public health and so on. At the same time, from the Swedish perspective, we were kind of doubtful about the efficiency when it comes to this [EWoS] because we believe maybe this is work which needs to be done during the whole year […] it's always a weight of preferences. If someone is very, very keen on having it, yeah, then it goes through […] As I said before, it's about public health and blablabla, and it's always strange when you are totally against these things. "Don't you find it important? Sweden is the most sporting people in the world!" (Interview 12)

Evident here is how it can be socially and politically hard to say "no" to certain things in EU sport policy, especially something as 'irresistible' as HEPA ("it's always difficult to be against these things"), with Sweden's subsidiarity concerns not accepted. Moreover, if initially sceptical, Sweden voted in favour of the final HEPA recommendation (see below).

Figure 7: The merging of HEPA and the European Week of Sport

HEPA

2004-2011: Technical work on HEPA in working groups

2011: Work Plan establishes health expert group; Cyprus acts as 'lead' on HEPA deliverable

2012: Expert group presents deliverable with input on a HEPA recommendation

2012: Cypriot Presidency proposes, and Council adopts, Council conclusions on HEPA which encourage the Commission to **(a)** make proposal for a Council recommendation on HEPA and **(b)** consider organising a European Week of Sport

EWoS

2010: 'Euro Sport Health'-project; Cyprus Sport Organisation part of project

2011: Idea of European day of sport increasingly floating around in 'policy soup'; EP endorse idea in 2011 Resolution

2012: Idea of European *Week* of Sport starts gaining traction

According to the Cypriot Presidency, resistance to the EWoS mainly consisted in concerns over the status of existing events and eventual costs, with most reservations released via explaining that existing events would merely be combined under a European umbrella and, since events would not be replaced, there would only be new costs if Member States voluntarily decided to establish new events (Interview 6). This is supported by tracing the documents where, while the Cypriot Presidency's initial proposal had noted that the EWoS should take "into account lessons learned from existing awareness-raising campaigns" (Council 2012l: 6:4), later versions emphasise "taking into account similar national initiatives" (Council 2012d: 6:4; Council 2012p: 6:4).

With Sweden releasing its reservations, the Council adopted conclusions on 'promoting health-enhancing physical activity' (Council 2012d). The conclusions take note of the HEPA Guidelines, the work of WHO in the field, and the scientific consensus that "Physical activity is one of the most effective ways to prevent non-communicable diseases and combat obesity" (Council 2012d: 22). Member States and the Commission are called on to promote HEPA in various ways, for instance by urging the inclusion of physical activity in the European Statistical Programme 2013-2017 (see chapter 6). The conclusions further invited the Commission "make a proposal for a Council Recommendation on HEPA, and consider including a light monitoring framework" (Council 2012l: 23). Lastly the Commission was invited to consider organising "an annual European Week of Sport" (Council 2012l: 24).

Thus, despite some resistance, the Cyprus Presidency was successful in furthering one of its 'pet issues' through the Council Presidency, namely the launch of a EWoS. Similarly to how the Commission negotiated intra-institutional constraints within the Commission on Erasmus+ (see chapter 6), the Cypriot Presidency was able to gather support for a EWoS by attaching it to a larger policy objective: HEPA. With the Council's blessing through these Council conclusions, the Commission started consulting with stakeholders so as to implement the EWoS. The final conceptualisation was presented at conference in Brussels on 11 June 2014, with the first Week to be organised between 7 and 13 September 2015, with funding available for projects through Erasmus+ (European Commission 2014b). On HEPA, the many years of low-political work led to a large majority of Member States supporting a possible HEPA recommendation, resulting in issue expansion with the Sport Council conclusions calling for the Commission to initiate further work. However, for this to happen, certain institutional constraints had to be negotiated, especially within the Commission itself.

8.2.3.   Going all the way: issue entrance

The Commission had commissioned a study to help develop the indicators for the monitoring framework. This study was finalised October 2012 (European Commission 2013a: 8). DG EAC's Sport Unit had gone through internal consultations and procedures since July 2011, ultimately submitting an impact assessment to the Impact Assessment Board on 7 November 2012, which gave the measure a positive assessment (European Commission 2013a: 7).

With the support of the Sport Council and the Impact Assessment Board, this would suggest the road was paved for the Commission to release a recommendation. However, interviews suggest a lot of "in-house" Commission resistance against going forward with the HEPA recommendation (Interviews 10, 14, 38), as illustrated below:

> [I]n-house there was some reaction, some parts of the house was not too keen on us going out with a recommendation on HEPA because you have to appreciate that in this period increased criticism on the EU, any interventions perceived as being in the field of lifestyle, are not favoured by many people – at the political level in Council, but also the Commission […] it was about whether or not to do it entirely. Once you decided you are going to do this, I don't think there was much controversy about the actual document. In fact there was hardly any, it was very smooth, but pressing the 'yes button' was the problem, right from the beginning. And you have to see this in the broader political context of increasing pressure on the EU, the rise of the far right, everywhere in Europe, the pressure on Barroso, also from the European Council, right? […] at the Heads of State there was a political climate that was not conducive to this level of initiatives, you know? It's a Council recommendation, right? And I think at that time the Commission was not in favour of doing more recommendations, because recommendations are of questionable value, shall we say, because: you throw it out there, it attracts bad press because the far right's growing everywhere and stuff, and the press will feed on anything (Interview 10).

Hence, the political climate was not felt as conducive to proposing further recommendations, not least in something dealing with "lifestyle". This represents the point at which 'low politics' intersect with 'high politics' (Princen and Rhinard 2006: 1129); how bureaucratic, expert processes on HEPA eventually confronted agenda dynamics 'from above', namely the "broader political context of increasing pressure on the EU".

To overcome these constraints, DG EAC in internal discussions argued that HEPA was not "micro-management" but that it rather had "significant macro-level implications, you know in the economy for example. And we had to make that argument" (Interview 10). It was further argued that the sharing of best practices and pooling of resources would provide a European added value (Interview 10) and, ultimately, that HEPA promotion is conducive to the Europe 2020 goals (Interview 14). Hence, as with Erasmus+ (see chapter 6), overcoming internal

blockades required emphasising the issue's economic dimension, a point prominently made in the recommendation's explanatory memorandum:

> While evidence demonstrates vast discrepancies between individual Member States, most countries have not achieved the principal policy objective, namely to increase the proportion of citizens who reach the HEPA levels recommended by the WHO and reiterated in the EU Physical Activity Guidelines. For the Union as a whole, the HEPA promotion policies of Member States have not been effective. This situation runs not only counter to the Europe 2020 Strategy, which acknowledges the need to fight health inequalities as a prerequisite for growth and competitiveness, but is also incompatible with the Union's stated policy ambitions in the fields of sport and health. Research indeed confirms the "evidence-policy gap for action" in addressing physical inactivity and has led to urgent calls for policy action on physical activity as a standalone public health priority (European Commission 2013b: 3–4).

Evident here is the framing of HEPA in terms of the Europe 2020 strategy, as well as how EU HEPA policy is part of a broader international movement (e.g. WHO). Further, the research cited by the Commission on the "evidence-policy gap for action" draws on an article (Lee *et al.* 2012), part of the *The Lancet Physical Activity Series* which, as argued by Piggin and Bairner (2016), reflects how the 'obesity epidemic' is, perhaps, morphing into 'the physical inactivity pandemic'. In this sense, this is reflected by HEPA as such, with DG EAC proposing moving towards physical activity as "a standalone public health priority".

According to DG EAC officials, pushing the "yes button" to release the recommendation allegedly came down to meeting between Commissioner Vassiliou and Commission President Barroso:

> Ultimately, it came down to a *tête-à-tête* between the Commissioner and Barroso, nobody else [...] they sat down, and they said: "Look, are we going to do this or are we not going to do this?" And she got the green light and we did it (Interview 10).

According to this narrative, Commissioner Vassiliou was key to overcoming internal Commission constraints. Thus, on 28 October 2013 the Commission released its 'Proposal for a Council Recommendation on promoting health-enhancing physical activity across sectors' (European Commission 2013b) a few months into the Lithuanian Presidency, who quickly set aside WPS meetings to deal with the dossier. All interviewees, regardless of institutional affiliation, provided analogous accounts of Council negotiations on this dossier. Negotiations were largely consensual and positive, with the vast majority of Member States in favour. The main discussions concerned specific indicators to be used, with the Netherlands declaring early on that it would resist the recommendation due to an internal political decision on greater attention to subsidiarity in the EU, as confirmed by a Dutch interviewee from the WPS

(Interview 29). The negotiations are here summarised by an interviewee from the Lithuanian Presidency:

> But basically there were no big objections from the Member States […] the whole discussion was about the indicators. The last part of the document [...] Well, Britain and Netherlands, the Netherlands took a reservation against the whole document because of – and they said that at the very beginning – because they had a political decision at the highest level, not just in sport but in general, in all the spheres – they see the value of the EU only when it's really added value for the national, or something like that. And yeah, they didn't see, they thought it's just the competence of the Member State, and they said they won't participate in this at all. Britain was also like doubting at first, but then at the end they took their reservation back. But mainly – what did I want to say – we didn't need the full majority, so that was ok. We were not scared, you know, only one Member State, Netherlands, and other Member States were surprisingly very much in favour. France, even Sweden – they always object to everything [laughing] but somehow they were like "mmm, ok", they were just... As I said, the main discussion was about the indicators. What to measure (Interview 20).

This is supported by a tracing of the negotiations through documentary analysis of earlier drafts at WPS and COREPER level (Council 2013p; Council 2013q; Council 2013r; Council 2013s; Council 2013t) until the adopted Council recommendation (Council 2013c). While the indicators may have been heavily discussed, only few alterations were made, and the indicators proposed by the Commission, heavily work-shopped and discussed via expert groups and informal meetings, were essentially adopted. The documents further reveal the UK entering a parliamentary scrutiny and the Netherlands entering a general reservation (Council 2013t). However, Council recommendations are adopted by QMV, meaning that the adoption of the recommendation was never in real danger, with the Lithuanian Presidency reflecting fondly on the negotiations compared to working on Council conclusions, which require unanimity on all parts of the text (Interview 20). To a certain degree, the progress of HEPA may then have been contingent on the internal politics of the Netherlands. Thus, had the Netherlands' internal change regarding the EU come earlier, this could conceivably have seen them block the parts of the conclusions adopted during the Cypriot Presidency (Council 2012d) which urged the Commission to move forward with a HEPA recommendation. This would, in turn, have weakened DG EAG's bargaining position within the Commission – whether or not to push the 'yes button'.

In conclusion, the promotion of HEPA has largely followed the 'low politics route' of issue initiation, specification, expansion and entrance (Princen and Rhinard 2006), ultimately reaching the highest possible level of political decision allowed under Article 165 TFEU. From an early stage physical activity was framed as health-enhancing. *Initiating* in international trends in the WHO and concerns in the Health Council and spurred on by new indicators, DG EAC and the

Sport Ministers started a period of technical *specification* in the years prior to Article 165 TFEU coming into force, resulting in the development of EU Physical Activity Guidelines. From then on, there was a sustained, gradual build-up in developing these, with the Commission earmarking HEPA as the first (possible) recommendation in sport. The Sport Council eventually encouraged the Commission to propose a recommendation during the Cypriot Presidency, who had taken charge of lower-level work early on. The Cypriot Presidency, further, used its time in the chair to latch one of its 'pet projects', a European Day (ultimately Week) of Sport onto broader "stated policy priorities" (Princen 2011b: 933), namely HEPA, with both issues starting a period of *expansion* to higher levels after receiving the Council's endorsement. Finally, HEPA managed to gain agenda *entrance* as the Council adopted the Commission's proposal for a HEPA recommendation.

8.3.   Conclusions

While both concern public health, the issue-careers of HEPA and combating doping in recreational sport differ remarkably. Before elaborating what these dossiers reveal about the trio arrangement, however, some broader findings need to be discussed. The big question is why the recommendations developed by the 'experts' on HEPA have been taken up whereas the recommendations on combating doping in recreational sport have seemingly stalled.

Here, one variable is clear: time. Combating doping in recreational sport has been on the agenda for a shorter time, meaning there has been less time to develop a consensus on a European approach (Princen and Rhinard 2006: 1121). In conceptualising the 'low politics' agenda-setting route, Princen and Rhinard (2006: 1121) draw on Haas (1989) and argue that that 'epistemic communities' play a crucial part in the initiation and specification phases; in developing consensus. An epistemic community can be defined as a network of professionals who share a common worldview, beliefs about how causal relationships, methods for assessing such relationships, and normative beliefs about policy implications (Zito 2001: 588). Thus, the literature on epistemic communities reveals some further constraints thus far under-examined in the literature on EU agenda-setting, specifically relating to issue specificity.

Princen and Rhinard's model explicitly does not attempt to distinguish which type of issue is more likely to follow a given route, noting (correctly) that any given issue will generally see an interaction between both low and high politics (Princen and Rhinard 2006: 1129). Regardless, the key empirical expectation from the model is that issue expansion will be conditioned by the EU's institutional structures (Princen and Rhinard 2006: 1123). Elaborating on this, Moschella (2011)

has highlighted how issue expansion may be constrained by the institutional arrangements in place in the specific issue domain. More innovatively, she also argues for greater attention to how framing processes are also closely associated with the *specific characteristics* of the issue; that is, that the nature of the issue itself conditions how an issue can be framed. Thus, in a case-study, Moschella focuses on high-political dynamics: how the specific nature of an international 'focusing event', the subprime crisis and the Group of Twenty's subsequent guidelines, constrained the range of framing strategies available to the Commission, very similar to how the framing of match-fixing as a *global* problem constrained EU responses (see chapter 7).

Building on these considerations from agenda-setting, and by drawing on the literature on epistemic communities, these two dossiers reveal some important variables relating to how issue characteristics can affect agenda-setting through the 'low politics' route. Here it is useful to start with a quotation by a Commission official:

> And it's also nice about the HEPA topic that there are some simple truths. There are also many aspects that are more ambiguous, but there are a few key messages that are not too ambiguous and which can actually be presented in a rather black and white language and which can be easily quoted. And this is different from anti-doping where you should be careful not to talk in too long sentences, because if you are quoted it can be distorted very easily, and there are not so many clear truths in anti-doping […] So HEPA has been a nice alternative to anti-doping. For me personally it's also been nice because the kind of scientific basis is still more obvious than it is in anti-doping. There is not the same margin of tolerance, which is so thin [between] guilty or not guilty. As my wife told me once: "At least you know when someone is obese" (Interview 38).

Evident here is how HEPA and combating doping have different characteristics, specifically related to the evidence and science underpinning the issues. The literature on epistemic communities highlights how policy-makers are more likely to be receptive to expert recommendations that seem "technocratic, quantitative, and scientific in nature" (Davis Cross 2012: 145).

Thus, one of the key differences observed on the dossiers, affecting framing and hence conflict expansion (Princen 2007), has been the *perception* of working on a solid evidence-base. Moreover, it has been argued that decision-makers are more receptive to certain solutions than others, especially the degree to which the expert recommendations are in line with existing norms; that decision-makers will be more receptive to solutions that are not too disruptive (Davis Cross 2012: 145; Zito 2001: 591). Hence, information *supply* becomes a constraint to agenda-setting. As noted by Boswell (2012) certain areas are (or can be) easily monitored via reliable information – such as levels of physical activity. Other issues, however, provide irregular sources of information, such

as issues that deal with transgressions – such as drug trafficking and consumption of doping – which tend to reveal themselves sporadically through focusing events. Thus this chapter revealed how HEPA was almost 'irresistible' whereas the need to combat recreational doping was seen as less immediately pressing, which of course also reflects, on the one hand, institutional bias in the field, and on the other, that increased attention to doping prevention in amateur sport would entail the devotion of public resources, whereas HEPA has been framed as growth-enhancing, whilst HEPA is also easier (i.e. cheaper) to monitor 'scientifically'.

This chapter's findings confirm how institutional constraints and the specific characteristics of the issues have shaped these issue's agenda expansion. Thus, specific characteristics of recreational doping – an under-developed evidence-base, diverse legislation throughout the EU, and complex international governance regime – limited the way the Danish Presidency could frame the issue within the confines of Article 165 TFEU, leading to a framing towards prevention and building an evidence-base. As for issue expansion, it was shown how EU anti-doping policy had largely been constructed to serve purposes as to WADA, with the existing institutional arrangements limiting agenda-expansion. Thus, there seems to be little universal recognition on the scope of doping in recreational sport, nor yet seemingly a sufficiently shared 'toolbox' or evidence-base as to how to 'solve' the problem.

Conversely, HEPA's sustained issue expansion has been furthered, rather than constrained, by similar circumstances. The framing of physical activity as health-enhancing has been consistent, with the rise of this issue on the global public health agenda creating a 'window of opportunity' (Kingdon 1995) for the EU's sporting venues to stake a claim. Importantly, DG EAC and the Sport Council were able to claim authority with regards to the *promotion of* HEPA compared to the competing EU venues. In HEPA's issue expansion, it has been important that the previous institutional arrangements, especially the lower-level working/experts groups, were established with HEPA in mind. The policies on HEPA were backed by a perceived authority "that appear to external policymakers to be 'scientifically objective' and susceptible to truth tests and also appear to benefit the international community as a whole" (Drake and Nicolaïdis 1992: 39). Hence, the evidence and recommendations supporting actions promoting the framing of physical activity as health-enhancing seem universally accepted in the policy subsystem – poor health the problem, physical activity the solution. Accordingly, the validity of HEPA was only questioned once the issue expanded beyond sporting venues, requiring a framing towards the macroeconomic contribution of HEPA to overcome institutional constraints in the Commission, similar to Erasmus+ (see chapter 6).

Finally, these observations further our understanding about the trio arrangement and the Council Presidency. First, process-tracing these dossiers confirmed that a Council Presidency *can* influence the agenda, however with certain caveats. With regard to HEPA, the chapter has showed how Cyprus was able to further the establishment of a EWoS, one of its 'pet' issues, which was achieved by attaching the initiative to HEPA, whilst benefiting from support expressed from the Commission and the EP, very similar to the strategy observed with Erasmus+ (see chapter 6). Further, it was explored how the Danish Presidency was able to reframe anti-doping in the Council as also encompassing doping in recreational sport. Ultimately, in agenda-setting efforts which aim to 'build' from below, success will still depend on whether agenda-setting efforts successfully manage to raise the visibility of the issue and whether proposed solutions are considered viable and legitimate and where it seems, as of yet, combating doping in recreational sport through EU sport policy is still not 'an idea whose time has come' (Kingdon 1995).

Finally, these findings illustrate the limitations of the trio arrangement. The trio mechanism did not play any discernible role on combating doping in recreational sport, which was initiated by the Danish Presidency but notably not 'softened up' (Kingdon 1995: 128–129) by the Polish Presidency. There was some effort to promote continuity and coherence on HEPA through the trio coordination, especially with Denmark 'softening up' (Kingdon 1995) the Cypriot Presidency's later work. However, while the Cypriot Presidency played an important role in advancing HEPA, this dossier arguably represents a long-term incremental policy process; the low-politics route of agenda expansion exemplified. This, again, suggests that the trio mechanism plays a bigger role when dossiers concern *purely* Council business, such as resolutions specifying rules of Council cooperation, echoing earlier findings (e.g. chapter 7 on WADA-coordination). Conversely, the trio's potential seems smaller when progress depends on other actors, i.e. the development of expert group deliverables and proposals by the Commission, a process likely to go beyond one or even two trios. Thus, these two dossiers reveal how Council recommendations require a great deal of low-political expert work and consensus-building.

Chapter 9.   Conclusion

This thesis originates in the observation that, since 2007, the EU Member States have established new procedures for the rotating Council Presidency by the addition of a further mechanism: the so-called 'trio Presidency'. Through an in-depth process-tracing of a diverse range of dossiers from EU sport policy this thesis has explored how the trio has been implemented in the three first formations since the coming into force of Article 165 TFEU. Three research questions were established:

> RQ1: How do trios coordinate and cooperate in order to achieve their priorities?
>
> RQ2: How can trio practices be explained?
>
> RQ3: How does the trio arrangement affect the agenda?

This concluding chapter brings together the findings presented in chapters 5, 6, 7 and 8. To that end the chapter is divided in five sections. It first presents the main findings on trio practices, thus answering RQ1. Building on this, possible explanations for these practices (RQ2) are explored, hence contributing to current academic debates on the trio. The third section, linked to RQ3, discusses how the trio affects the agenda. The fourth section takes a step back by considering the development of post-Lisbon policy and by evaluating the thesis' theoretical application of new institutionalism and agenda-setting. The final section outlines future avenues of research.

9.1.   How do trios coordinate and cooperate?

This section presents the key findings on trio practices in sport. It does so by drawing on the typology developed by Jensen and Nedergaard (2014), which suggests analysing trios along two continuums according to the degree to which trios follow the same objectives (scope of coordination) and how much they coordinate to achieve those objectives (depth of coordination). This typology produces four types of trio formations. First, a 'united trio' represents a large scope of shared priorities and a deep level of coordination, where individual Presidencies almost represent one unit during 18 months. Second, a 'frame trio' denotes trios with many overlapping goals, but where the individual members retain much autonomy as far as achieving them. Third, a 'fragmented trio' refers to instances where Member States define few coordinated priorities, but where the priorities established are extensively followed up by

activities. Finally, trios characterised by a limited scope in setting priorities and a low depth of coordination can be termed as 'anarchic'.

Table 16: Coordination indicators

Scope of coordination	*Depth of coordination*
18-month trio programmes	Strategic agenda sequencing (e.g. 'softening up')
6-month Presidency programmes	Administrative support (e.g. sharing expertise)
Interviews	Policy development (e.g. co-drafting)
Dossiers put forward (i.e. decision agenda)	Negotiation behaviour (e.g. trio solidarity)

Drawing on the operationalisation and indicators outlined in chapter 3 (summarised in Table 16), the following sections outline the main findings on trio practices in EU sport policy according to this typology.

The fragmented trio: Spain, Belgium and Hungary (January 2010–June 2011)

The coordination of the trio of Spain, Belgium and Hungary was informal, with only one preparatory meeting held in conjunction with a Sport Director's meeting. The trio's preparations were impacted by the uncertainty regarding the ratification of the Lisbon Treaty – whether sport would become a competence. Accordingly, their 18-month programme was "just bringing together three different lists of priorities" (Interview 1). In practice the trio focused especially on formalising the Council's procedures in sport by developing mechanisms for structured dialogue (see chapter 5), WADA coordination (see chapter 7) and multiannual planning (see chapter 5). While the trio did not define concrete common priorities beforehand, in practice Presidencies pursued similar objectives and followed up on each other's work. This is illustrated by the dossier on structured dialogue, a proposal of the Spanish Presidency not included in the trio programme which the Belgian Presidency further developed and which was then implemented during the Hungarian Presidency. Moreover, *parts* of the trio – Belgium and Hungary – cooperated closely on reforming the EU's procedures as to WADA, which was achieved by working in an 'extended trio' with Poland (see below). By being characterised by a low scope of common priorities but a deep level of continuity and cooperation in terms of activities, this trio can best be classified as 'fragmented'.

The united non-trio: Belgium, Hungary and Poland (July 2010–June 2011)

The reform of the EU Member States' representation and coordination for WADA constitutes the deepest instance of inter-Presidency coordination and cooperation uncovered in this thesis,

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surprisingly taking place beyond the trio arrangement (see chapter 7). Interviewees from Hungary, Belgium and Poland distinguished between the trio arrangement and the work undertaken on WADA, which took the form of an 'extended trio' – it was a pragmatic, informal system of cooperation enacted considering the aligned interests among these three Member States. These Presidencies not only sequenced their agenda-management over 18 months but also developed joint proposals for reforming the Council's procedures for WADA. While not a formal trio, this instance illustrates the logic of a 'united' trio since these three Member States defined common goals, strategically sequenced the Council's agenda to deal with the issue through the 18 months, cooperated closely during the operational stage by co-drafting proposals, and formed a united front in negotiations.

The anarchic trio: Poland, Denmark and Cyprus (July 2011–December 2012)

The trio of Poland, Denmark and Cyprus established more extensive preparations than the previous trio and held designated meetings in Poland and Denmark to prepare their 18-month programme. Coordination mainly revolved around overall agenda-management, with the highly topical issue of match-fixing being the constant agenda-item (see chapter 7). Further, the Danish Presidency served a 'bridging' function, mostly through the framing of informal events on issues like HEPA, thus 'softening up' (Kingdon 1995) later proposals by the Cypriot Presidency (see chapter 8). Elsewhere the three Presidencies prioritised relatively disparate issues, such as Denmark's focus on combating doping in recreational sport (chapter 8) and Cyprus on evidence-based policymaking (chapter 6). No cooperation took place in terms of co-drafting proposals or dividing responsibilities of chairing. Depth of coordination was limited. First, Denmark informally indicated resistance to certain aspects of the Cypriot Presidency's proposed Council conclusions on HEPA (chapter 8). Second, when requiring assistance with regard to WADA responsibilities, the Cypriot Presidency reached out to the up-coming Irish Presidency rather than its trio partners (see chapter 7). Lastly, on the dossier on physical activity's inclusion in the 2013-2017 Statistical Programme there was observed little coordination: the Danish Presidency's initial draft deleted physical activity, later re-introduced during the Cypriot Presidency (see chapter 6). However, in this case coordination would have entailed coordinating with non-sporting venues, hence possibly more difficult. Nonetheless, considering the moderate degree of shared priorities and limited direct cooperation this trio can be classified as 'anarchic'.

The frame trio: Ireland, Lithuania and Greece (January 2013–June 2014)

The trio of Ireland, Lithuania and Greece organised a preparatory meeting between the administrations, held in Lithuania. This trio was steered by the implementation of the 2011-2014 Work Plan and the advanced legislative agenda in sport. Aside from attending to various high-profile dossiers,[17] the trio structured most of its work around a broader theme, namely the economic dimension of sport, with much coordination in terms of 'softening up' (Kingdon 1995) these economic issues through informal events prior to being put on the formal agenda by respective Presidencies (see chapter 6). However, there was some observed in-fighting in regard to the advancement of proposals, with Lithuania lodging reservations against Greece's proposed Council conclusions on gender equality in sport (see chapter 6). This trio can thus be classified as a 'frame trio' insofar as the trio agreed on developing the economic dimension of sport, but where the individual Presidencies had strong degree of autonomy in contributing to this overarching goal.

The varieties of trios in sport

Based on the above, Figure 8 (see p. 215) summarises this thesis' findings on trio practices. As can be seen here, these four instances can be classified as distinct types. By uncovering such divergent ways of organising trios in sport, this research supports the argument that the trio arrangement allows for a great deal of interpretation and, hence, flexibility (Batory and Puetter 2011; Batory and Puetter 2013). It further demonstrates how practices vary greatly (Jensen and Nedergaard 2014). The novel finding to emerge from the present research is that trio practices also vary greatly across a single policy area.

There was observed an awareness that the goal of the trio arrangement is to secure some continuity in the work of the Council. In sport, implementation of the trio has mainly concerned overall agenda-management – what to prioritise over 18 months and how to secure continuity in the Council agenda. The option of re-assigning chairing responsibilities at committee level (e.g. WPS) has not been activated.[18] Little direct cooperation between trio partners on advancing particular dossiers was located. The findings then support that the trio is more important in the 'preparatory' phase of agenda-management than during the 'operational' stage (Batory and Puetter 2013; Udovič and Svetličič 2012; Warntjen 2013). A

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[17] Specifically, the match-fixing decisions (Ireland: Council 2013b; Lithuania: Council 2013e; Council 2013f), the HEPA recommendation (Lithuania: Council 2013c), and the 2014-2017 Work Plan (Greece: Council 2014h).
[18] As noted in chapter 1 and 2, provisions allow for trios to divide the chairing of meetings at working party level across the three Presidencies.

further observation was that trio consultations become more concentrated after the first trio, and that in terms of agenda-management there is an ever-closer fit between 18-month trio programmes (systemic agenda) and the activities and dossiers developed during the operational stage (decision agenda).

Figure 8: Variations of trios in sport

Trio 1: SPA-BE-HUN
Trio 2: POL-DK-CY
Trio 3: IRE-LIT-GRE
WADA 'trio': BE-HUN-POL
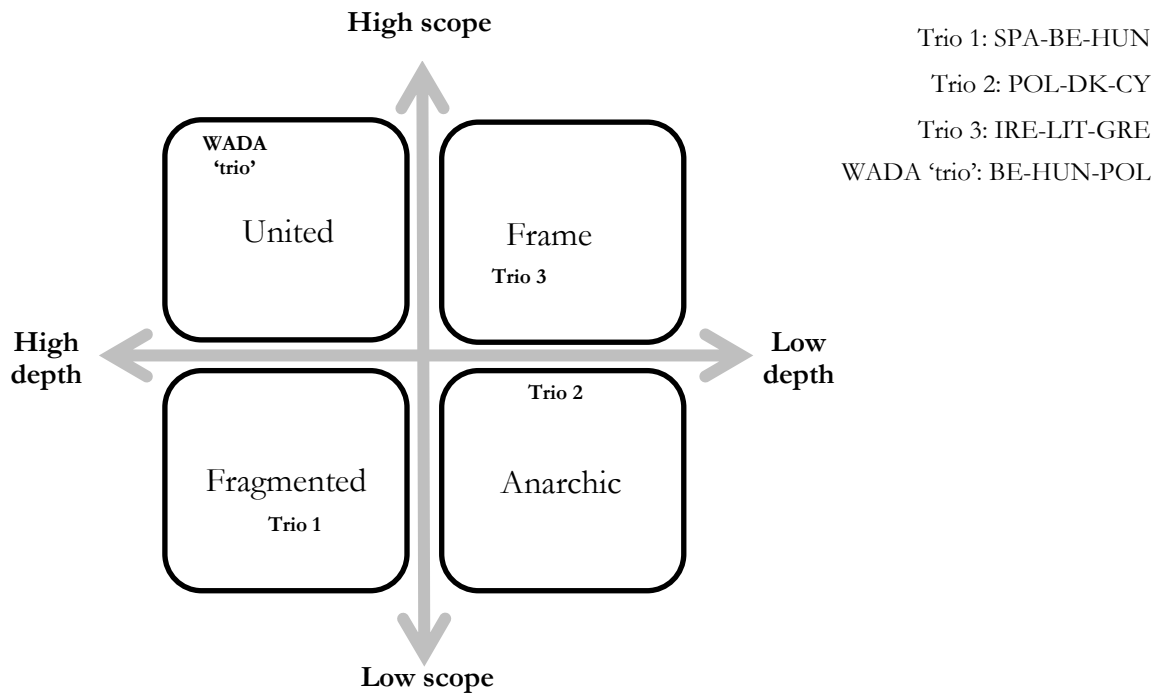
Seen within the context of new institutional theory, the picture that emerges of the trio arrangement is that it leaves much room for interpretation; that it is up to actors "to fill the concept with meaning" (Batory and Puetter 2013: 97). Practices seem driven by institutional design, namely that the only formal requirement of the arrangement is to adopt a common 18-month programme. Specific practices – as in the relative levels of coordination and cooperation – are established to meet this formal demand. Through meetings and interaction, actors come together and interpret what the arrangement is to entail. The informal rules governing the arrangement are vague, norms of appropriate conduct only weakly established, and subject to interpretation and negotiation, as here illustrated by two interviewees of the Danish and Polish Presidencies respectively (see chapter 8):

> The idea of the trio, as I thought in the beginning, was different than it was in reality […] I thought there was more cooperation, that there is a requirement, a need, to cooperate more. But then at the end it was not like this. We were trying to choose the trio Presidency priorities,

and we did it, we chose them. […] But then at the end, it was really each of the Presidencies was going their own way (Interview 37).

[W]e established a good level of what was realistic; that is, how much should we cooperate? Total coordination wasn't possible or necessarily desirable […] None of us have experience with this particular bit, so we were a bit "what is this, how do we do this?" But despite that there are some formal structures. You know you have to make a trio programme […] So when you have to get very concrete, then there are just very different priorities, but we did actually try to make some sort of continuity in the way we picked up stuff (Interview 9).

In putting the trio arrangement into practice, actors negotiate both the logic of appropriateness and the logic of anticipated consequences. There is, on the one hand, the implicit norm that trios should structure the agenda so that there is "some sort of continuity". This seems to be a Council-specific norm dictating appropriate conduct in the SI sense. Drafting an 18 month-programme – just the "headlines" – reflects the 'lowest common denominator' of meeting the norm of continuity. However, levels of coordination vary as actors have different preferences and expectations as to how 'united' a trio should be – different conceptions of what is "desirable" – judgements based on anticipated consequences in the RCI sense.

The arrangement thus sets in motion encounters where actors from three different national administrations confront a space of "incoherence, not consensual, collective identities" (Parsons 2010: 96). Thus, the arrangement does not seem to be driven by consensual, deeply internalised norms of appropriate behaviour as 'thick' SI would expect (Tallberg 2010: 635). This process is better captured via the 'thin' SI concept of 'institutional bricolage' (Lanzara 1998; Lowndes 2005; Lowndes 2010), namely that actors pragmatically adapt so as to put the vague norm of 'continuity' into practice, but where actors enter into the arrangement with different expectations, experiences and preferences. In this sense, evidence suggests that the construction of trio practices are closer to 'thin' SI expectations or even RCI insofar the trio format is ambiguous and externalised (Parsons 2010: 96) rather than internalised and "taken for granted" (March and Olsen 1989: 17).

In summation, scope and depth of coordination varies across trios in sport. There is an awareness that the aim of the trio is to provide continuity in terms of the Council's agenda, but expectations vary. In sport, trio coordination has mainly been implemented as agenda-management, with no division of chairing responsibilities and little cooperation in advancing proposals. However, trio coordination in sport is becoming increasingly ritualised, and preparations more intense between national administrations. As a result, there is an ever-closer 'fit' between the 18-month trio programmes (systemic agenda) and operational agenda (decision agenda) over 18 month in terms of activities and formal dossiers. Findings further

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suggest that the trio arrangement encourages Member States to coordinate in order to meet the formal rule of producing an 18-month programme and, more implicitly, to maintain the overarching norm of continuity. However, actors approach the trio arrangement with differing preferences and expectations, leading to much variation in trio practices – in how the norm of continuity is maintained. The question is how these diverging trio practices can be explained. In other words, it is now time to consider what conditions how trios coordinate.

9.2. How can trio practices be explained?

Having observed a great deal of variance in trio practices, this section seeks out possible explanations. Here it is useful to discuss the tentative determinants proposed by Jensen and Nedergaard (2014: 1048–1050), who suggest variation can be explained by attending to factors at three different levels: macro, meso and micro. Jensen and Nedergaard admit these determinants are preliminary and should be tested and improved by further research – exactly the goal here. Moreover, evaluating these determinants will be useful in teasing out how the trio affects the agenda (RQ3). This thesis has presented evidence which may both strengthen and question these determinants and their explanatory powers.

Macro determinants

Macro determinants refer to the environment in which the trio Presidency operates, such as urgent 'events' that may require attention and the 'cycles' of the EU system itself. The suggestion is that a more 'fixed' agenda should facilitate trio coordination, though the opposite may also occur if trio partners disagree on, say, solving crises (Jensen and Nedergaard 2014: 1049). While these determinants are developed inductively, these notions closely mirror those from agenda-setting theory, especially the key role played by visibility in forming coalitions, in this case within trios (Princen 2007; Princen and Rhinard 2006).

The literature has described the SPA-BE-HUN trio as a particularly 'united trio' in that these administrations coordinated more deeply than other instances (Batory and Puetter 2013; Jensen and Nedergaard 2014). Accordingly, it is interesting that the SPA-BE-HUN trio in sport appeared 'fragmented'. This highlights the importance of macro factors in explaining trio diversity. During this research, the fragmented organisation of the SPA-BE-HUN trio was explained with reference to the wider framework of EU sport policy, especially the unpredictability surrounding the ratification of the Lisbon Treaty. Moreover, fewer structures had been put in place to facilitate coordination amongst Member State administrations (no

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WPS etc.). The trio was awaiting a proposal from the Commission on the priorities of post-Lisbon sport policy, and the Council's systemic agenda was only 'trimmed' by the adoption of the 2011-2014 Work Plan during the Hungarian Presidency (see chapter 5). The institutional framework of EU sport policy was thus less structured and their 18-month programme bears less indication about the priorities that were ultimately pursued during the operational 18 months. EU sport policy was less fixed with a very broad systemic agenda.

Conversely, the two following trios have held more explicit preparatory trio meetings and had the benefit of being able to communicate through the increased EU-level meetings in sport through the establishment of the WPS. The sudden rise of match-fixing on the EU agenda following a series of 'dramatic events' (Baumgartner and Jones 1991) led to a higher scope of coordination during the POL-DK-CY trio. In other words, the high visibility of this (unexpected) issue 'fixed' the agenda, resulting in agenda-management with sequencing of activities throughout their 18 months (see chapter 7). Within the IRE-LIT-GRE trio, implementation of multiannual planning through the 2011-2014 Work Plan and EU sport policy's legislative agenda resulted in a very 'fixed' agenda; in particular the gradual rise of HEPA (chapter 8) through the low-politics route (Princen and Rhinard 2006) but also external, urgent events related to match-fixing demanded attention in the Council (see chapter 7). Beyond this, the trio collectively framed the Council's agenda towards issues on the socio-economic dimension of sport (see chapter 6).

These findings validate the rationale that sport policy was a potentially 'extreme' and information rich case considering the recent formalisation of the policy area (see chapter 4). This provides some unique insights. Thus, while evidence in this thesis supports that macro factors facilitate the drafting of trio programmes, this has not been found to necessarily result in deeper coordination and cooperation: the SPA-BE-HUN trio had the least fixed agenda, and the lowest scope of pre-coordinated priorities, and yet it was within this trio that Member States cooperated the deepest as far as achieving specific outcomes. This contradicts Jensen and Nedergaard's (2014: 1050) findings that the more trio actors invest *ex ante* in drafting a 18-month programme was "a strong predictor for the degree of integration in how they subsequently behaved". Thus, these findings suggest that while macro factors shape a trio's ability to define common priorities – scope – especially when the agenda contains issues of high visibility (Robinson 2000), macro factors do not necessarily explain *depth*. Hence, it is necessary to seek out other possible explanations for depth of coordination, and where meso determinants provide better explanations.

Meso determinants

Meso determinants refer to elements such as Member States' attitudes towards European integration, territorial structuring of states, ideology of governments, and the Member States' economic resources to engage in trio coordination (Jensen and Nedergaard 2014: 1049–1050). In short, meso determinants can be said to refer to national preferences, administrative tradition, disposition towards trio coordination, and resources.[19]

This thesis' findings supports that meso determinants can help explain divergent trio practices. For example, the Spanish Presidency was affected by limited administrational capacity which seems to have contributed to the 'fragmented' coordination within the first trio (see chapter 5), reinforcing the macro factors discussed above. However, the most promising meso determinant concerns the structuring of states. Here, the argument is that unitary Member States such as Poland and Denmark will be more protecting of sovereignty compared to federal/regional states like Belgium and Spain, who in turn tend to be more cavalier as to sovereignty and positive towards European integration and, accordingly, more open to trio coordination (Jensen and Nedergaard 2014: 1049–1050). Thus, in line with a historical institutionalist perspective, the expectation is that pro-integration attitudes of administrations is an important factor in fostering an openness to engage trio coordination (Batory and Puetter 2013: 100).

This research supports the argument that such meso-factors shape Member States' predisposition towards the trio coordination. Thus, while the SPA-BE-HUN trio had the least intensive preparatory phase and the least coherently defined priorities, this trio also cooperated the deepest during the 18 months, exemplified not least in the extensive cooperation between Belgium and Hungary on WADA (see chapter 7). This then strengthens earlier findings that cooperation between these three generally pro-integrationist countries (Batory and Puetter 2013: 102), which included two federal states, was constructive (Batory and Puetter 2011; Batory and Puetter 2013; Jensen and Nedergaard 2014).

Conversely, similar factors also seem to explain why the POL-DK-CY trio limited their coordination to overall agenda-management. Thus, while they agreed to focus their agenda-management on highly visible issues – e.g. HEPA and match-fixing – and sequenced their activities over 18 months to that end, the trio did not coordinate or cooperate as closely on the specific dossiers as the preceding trio did. It was shown how Denmark was more eager to limit

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[19] Jensen and Nedergaard's (2014: 1050) discussion of micro and meso overlap with regard to ideology of governments and economic resources. For simplification, we consider these purely meso determinants.

collaboration to "headlines" (Interview 9), explained with reference to the countries simply having too different concrete priorities. Thus, while the informal norm of continuity was catered to, in implementing the trio mechanism the Danish Presidency also sought to protect its ability to pursue national preferences by *limiting* coordination and cooperation; national preferences superseded informal norms. Curiously, despite being unitary, Poland like Hungary did not show the same reticence and was more open to establishing a deeper level of trio coordination (elaborated below). Thus the Polish Presidency was found more open to inter-Presidency collaboration, as had already been shown earlier during the 'WADA trio', where Poland collaborated closely with Hungary and Belgium. Lastly, while there was a strong degree of sequencing in terms of activities within the IRE-LIT-GRE trio, these unitary Member States also limited coordination to 'headlines', though more extensively so, which was furthered by overlapping priorities regarding developing the economic dimension in sport. Insofar as the most 'deep' instances of coordination and cooperation uncovered were in trios which included federal states, the evidence in this thesis would certainly confirm the causality link proposed in the literature that bureaucratic culture and overall opinions as to European integration matters in explaining diversity in trio practices. This seems to matter particularly at the level of *depth* of coordination.

The above then indicates how this research has uncovered another possible meso determinant, namely *length of EU membership*. First, a stronger propensity to seek out partners was observed amongst new Member States. This seems to reflect how new Member States tend to want to establish their reputations as a 'good European' through the Presidency, hence being more susceptible to norm compliance (e.g. Elgström and Tallberg 2003: 201; Niemann and Mak 2010: 734). This manifested itself in newer Member States leaning more on the Council Secretariat, as was especially the case of the Hungarian Presidency (see chapter 5) and the Lithuanian Presidency (see chapter 6); or the Commission, as was the case with the Cypriot Presidency (see chapter 8). Second, interviewees from 'new' Member States tended to be surprised at how little trio cooperation and coordination was required, expecting it to be more. Third, Presidencies from new Member States were also willing to invest more in trio coordination, illustrated by how Poland and Lithuania both hosted preparatory trio meetings. Conversely, unitary 'older' Member States – especially Denmark – indicated less expectations and urge cooperate extensively.

This suggests the merit of considering Council norms as developmental, as per sociological institutionalism (Niemann and Mak 2010). This means that Member States will to various

degrees have internalised norms of appropriate behaviour considering their relative experience. Thus older 'unitary' Member States will to a stronger degree have internalised norms of the Council Presidency *before* the creation of a trio arrangement, and will therefore be less naturally disposed to coordination. Conversely, newer Member States, even if 'unitary' (e.g. Poland, Hungary), will approach the arrangement with a more open mind. This would then explain the 'deep' coordination amongst Belgium, Hungary and Poland (see chapter 7). Thus new Member States – which have less internalised expectations of the Council Presidency – can perhaps be expected to be more open to engaging in deep trio coordination.

Thus, one could expect that specific 'mixtures' of trios will bring about more (or less) trio cooperation and coordination: federal states and newer, less experienced EU Member States can be expected to cooperate more. This would lead to the expectation that the last scheduled trio of Austria (federal), Romania (new) and Finland (medium) would see much coordination and cooperation, perhaps especially between the two first administrations (see Table 17, p. 223).

Micro determinants

Lastly, micro determinants concern particular personality types and inter-personal chemistry between trio officials and politicians which may influence trio coordination (Jensen and Nedergaard 2014: 1050). While all trio interviewees noted the importance of interpersonal chemistry, all also noted that inter-personal relations within *their* trio had been excellent, with interviewees understandably unwilling to point fingers. Hence, due to limitations in the data, it is hard to generalise as to the importance of interpersonal chemistry. Thus, further research on such determinants should be conducted in the future.

However, if the evidence of this thesis does not particularly support micro determinants, nor does it dismiss them. Indeed, considering the case-study nature of this research, the above findings may just represent particular personalities of the actors involved rather than generalisable national traits, i.e. these particular actors' general collegiality, disposition towards teamwork and perhaps willingness to develop EU policy. While the findings support that macro factors help explain scope of coordination and that meso factors seem to explain depth of coordination, the causality of these links will need further research to be strengthened.

This conclusion now turns to some of the novel insights provided by this research which may further illuminate these determinants. First, it is discussed how trio practices interact with the 'EU timescape' (Bulmer 2009; Meyer-Sahling and Goetz 2009). Building on this, it briefly considers how agenda-setting theory can aid our understanding of trio practices.

Trio practices in time

Jensen and Nedergaard (2014: 1049) suggest that trios are affected by the EU's election cycles. They thus argue that one explanation for why the French-Czech-Swedish trio (July 2008-December 2009) was anarchic was because this trio "took place in the 'dead period' when the Commission was finishing its term in office and the European Parliament was either up for election or in the process of constituting itself afterwards" (Jensen and Nedergaard 2014: 1049). Accordingly, such macro factors contributed to this trio having a less fixed agenda. The question, then, is why the 'election trio' of Ireland, Lithuania and Greece did not necessarily give rise to similar dynamics?

First, Jensen and Nedergaard's (2014) argument can be criticised in general terms. As quantitatively analysed by Kovats (2009), the levels of legislation initiated by the Commission *peak* towards the end of election cycles – the Commission tends to initiate more proposals before it is replaced and has to deal with a new EP. Accordingly, trios towards the 'end' of election cycles will tend to have *more* fixed agenda items.

Nonetheless, the crucial point is that the agenda inherited by the IRE-LIT-GRE trio in sport did not constitute a 'dead period'. Thus, this trio was faced with attending to all of the QMV dossiers developed in the years prior, in particular relating to Erasmus+ (see chapter 6), match-fixing (see chapter 7) and HEPA (see chapter 8), and the adoption of the 2014-2017 Work Plan (see chapter 5). This suggests that scheduling of electoral cycles may not equally lead to "dead periods" for all trios or all policy areas. Crucial to note, then, is that the IRE-LIT-GRE trio took place both during the EU's election cycle *and* during end of the 2011-2014 Work Plan. Hence, this trio's agenda was particularly fixed: the 'internal' policy dynamics of EU sport policy played a stronger role than the 'external' macro dynamics. Here multiannual planning was uncovered to be particularly important.

Hence, this thesis contributes to our understanding of how trios interact with multiannual planning, thus far under-explored in the literature. First, the introduction of multiannual planning seems to facilitate trio coordination as it introduces structure and 'timing' to the Council's agenda. Basically, this clarity allows for trios to sketch out concrete priorities to be carried out during the 18 month cycle, indicated by the increased level of details enveloped in 18-month programmes. However, evidence also indicates that the particular institutional design of multiannual planning implemented in sport, in particular the 3-year format for Work Plans (see chapter 5), means trios are diversely affected. In short, that an element of 'path

dependency' can be expected as long as this institutional design is retained (e.g. Bulmer 2009; Peters *et al.* 2008).

Table 17: Trio Presidencies and timescape factors

Trio	Term	Timescape factors
Germany-Portugal-Slovenia	January 2007 to June 2008	
France-Czech Republic-Sweden	July 2008 to December 2009	EP elections 4–7 June 2009 (Czech Presidency)
Spain-Belgium-Hungary	January 2010 to June 2011	2011-14 Work Plan (Hungarian Presidency)
Poland-Denmark-Cyprus	July 2011 to December 2012	
Ireland-Lithuania-Greece	January 2013 to June 2014	EP elections 22- 25 May 2014; 2014-2017 Work Plan (Greek Presidency)
Italy-Latvia-Luxembourg	July 2014 to December 2015	
Netherlands-Slovakia-Malta	January 2016 to June 2017	2017-2020 Work Plan? (Malta)
United Kingdom-Estonia-Bulgaria	July 2017 to December 2018	
Austria-Romania-Finland	January 2019 to June 2020	EP elections May/June 2019 (Austrian Presidency)

Fundamentally two dynamics were observed. The first trio of a Work Plan cycle – i.e. POL-DK-CY (2011-12) and Italy-Latvia-Luxembourg (2014-15) – inherit a more 'open' agenda than the second cycle trio, i.e. IRE-LIT-GRE (2013-14) and Netherlands-Slovakia-Malta (2016-17). This is because the planning instilled in Work Plans specify most planned activities and request most expert group 'deliverables' towards the end of these work plans – naturally, deliverables require time to be developed. As discussed throughout, there exists an informal expectation that Presidencies 'pick up' and develop these deliverables, e.g. in the form of Council conclusions.

Two insights follow. First, this indicates that the first trio of a Work Plan cycle will have a more 'open' agenda and will likely pursue a broader set of priorities – evidenced in how the first two trios were less 'steered' by multiannual planning than the IRE-LIT-GRE trio. The first trio of a 3-year work cycle, due to inheriting a less fixed agenda and with less developed technical deliverables on the table, will also have more leeway and incentive to, through cooperation and/or sequenced agenda-management, advance particular common goals – that is, like the POL-DK-CY trio elected to do on match-fixing or how the extended trio of Belgium, Hungary and Poland did on WADA. Thus, the design of the Work Plan in sport allows for more flexibility to cooperate if common goals are agreed when the agenda is less fixed and issues less developed through expert group work.

Second, because more priorities are 'given' and – in effect – carved out through deliverables, there is less need to establish trio coordination to advance common issues during the last trio of a 3-year Work Plan. While the IRE-LIT-GRE trio's agenda-management was perhaps more 'communitarian' – aimed at moving forward the priorities of the 2011-2014 Work Plan and various legislative dossiers – there was also less intense coordination in terms of sequencing and continued attention to *particular* priorities than in the two earlier trios.

In this sense, 1st cycle trios can be expected to pursue rather more disparate goals, but perhaps also to have an increased impetus to engage in cooperation *if* common priorities are defined, owing to more agenda-flexibility. Conversely, it can be expected that the last trio of a Work Plan cycle will have more 'fixed' agenda, with dossiers more developed (through expert level work), which also makes 'deep' trio coordination less necessary. At a broader level, the findings suggest that potential agenda-setters in the Council, and not least up-coming Presidencies, should aim to secure that multiannual planning aligns with their priorities, which might require extensive planning and persistence.

Trio practices and visibility

As the above discussion on multiannual planning suggests, not all agendas are created equal. This also signifies a problem with the typology and indicators proposed by Jensen and Nedergaard (2014) when applied to concrete policy areas. Thus, rather than coordinate to move forward particular dossiers, coordination of priorities within the IRE-LIT-GRE trio served to bring visibility to a *range* of issues from the 2011-2014 Work Plan which had not been subject to much attention, structured around the collective theme of 'the economic dimension of sport' – seemingly an outcome of both overlapping priorities (meso) and the deliverables before them (macro). Thus, while there was a large degree of shared priorities, the agenda items did not necessarily require extensive *depth* in coordination and cooperation to move to the formal agenda. Accordingly, when applied to exploring scope of coordination within a particular policy area – as opposed to trios in their entirety – it is perhaps dangerous to equate scope of coordination (i.e. goal-setting) with quantitative 'overlap' in priorities. This thesis adjusted for this through operationalisation, in particular by considering further variables, namely negotiation behaviour and by, through interviews, assessing the degree of common priorities defined.

Moreover, while less generalisable, the evidence presented in this thesis suggests an important determinant for establishing deep trio coordination is whether or not the Council's agenda contains issues of high visibility (Robinson 2000). It was thus analysed how external factors –

in particular a series of 'focusing events' (Kingdon 1995) related to match-fixing – saw the POL-DK-CY trio focus the Council's agenda to facilitate consensus-building on this highly topical issue (see chapter 7). Similarly, the successful agenda-setting of the Belgian Presidency on WADA coordination raised the visibility of reforming the Council's procedures, with intense cooperation between Belgium and the two succeeding Presidencies on this now highly visible issue (see chapter 7). Thus, the *foci* of trio coordination reflect which issues command visibility in the Council and are recognised to require sustained attention at Council-level. Such insights can only be revealed through in-depth process-tracing, where agenda-setting theory has proved highly valuable in explaining why certain issues are picked up through trio coordination. However, this also suggests that the trio arrangement's scope for influence is larger on particular issues and dossiers, the implications of which are further discussed in the next section.

To sum up, the evidence presented in this thesis supports the determinants proposed by Jensen and Nedergaard (2014) as useful analytical building blocks for explaining divergent trio practices. Macro factors explain scope of coordination – a more fixed agenda is amenable to coordinating and sequencing agenda items and activities *ex ante*. However, there was no link between increased interaction and depth of coordination. Thus, it was argued that if macro factors possess more explanatory power in explaining levels of *ex ante* agenda-management in the preparatory stage – the scope of coordination – then meso factors seem to better account for depth of coordination and cooperation during the 18 month operational stage. In particular, federal and/or pro-integrationist Member States and 'new' Member States seem more predisposed to engaging in deep trio cooperation. Thus, findings suggest a possible new meso determinant, namely length of EU membership, since newer Member States were more open to engaging in trio coordination. Lastly, it was argued that when applied to more concrete examinations such a typology lacks the finer explanations that can be derived from conceptually guided process-tracing. Trio practices are shaped by multiannual planning mechanisms and, naturally, the agenda, as deep cooperation and coordination seems partially dependent on the agenda containing issues subject to a high degree of visibility; that is, whether certain issues demand sustained attention at Council level.

9.3.   How does the trio arrangement affect the agenda?

Having discussed trio variance, it is now time to discuss whether the trio arrangement affects the agenda. Accordingly, this section discusses the Council Presidency's powers of agenda-setting

(Bunse 2009; Tallberg 2003), that is RCI conceptions of the Presidency. It then explores whether the Council Presidency is constrained by informal norms (Elgström 2003a; Niemann and Mak 2010) and how this affects the agenda, hence considering the SI approach. Finally, 'trio effects' (Vieira and Lange 2012) and their possible implications are discussed.

Agenda-setting through the Council Presidency

Drawing on both agenda-setting theory and RCI, the Council Presidency was conceptualised as a policy entrepreneur (Kingdon 1995) capable of setting and shaping the agenda (Bunse 2009; Tallberg 2003; Tallberg 2006b). This was explored through agenda-management: the Council Presidency's potential power to introduce new issues or move issues from the systemic agenda onto the formal agenda. Two dossiers stand out where Presidencies held 'extreme' preferences: Denmark in combating doping in recreational sport (see chapter 8) and Cyprus in developing the EWoS (see chapter 8). Each dossier reveals important dynamics about the Council Presidency's agenda-setting powers.

The Danish Presidency prioritised an issue of high national importance but low visibility on the EU agenda. The issue was not 'softened up' prior by the Polish Presidency and during negotiations the Danish Presidency saw its proposals watered down. It was part of a low political strategy (Princen 2011b; Princen and Rhinard 2006) where conflict expansion would be dependent on whether expert deliverables would raise visibility and provide adequate solutions. Similarly, the Cypriot Presidency furthered one of its 'pet projects', the EWoS, which was floating around in the 'primeval soup' (Kingdon 1995) of EU sport policy. This EWoS was attached to a set of Council conclusions on HEPA. Hence, the Cypriot Presidency used the high visibility of HEPA to mobilise support from key institutional venues to enable conflict expansion (Princen 2007) and where the framing strategy was to link the EWoS "with stated policy priorities and commitments" (Princen 2011b: 933), namely HEPA.

These dossiers reveal how the rotating nature of the Council Presidency does, indeed, mean that a 'window of opportunity' (Kingdon 1995) opens for the incumbent Member States to pursue their interests. However, as Cyprus' entrepreneurship on the EWoS illustrate, Presidencies also "actively seek to create such opportunities or policy windows to shape legislation" (Bunse 2009: 71). However, these two dossiers reveal that, when agenda-setting, institutional constraints and dominant policy images (Baumgartner and Jones 1993) will make it relatively easier to further *certain* issues than others. What this accentuates is that successful agenda-setting at the EU level "requires a considerable degree of consensus among important actors" (Princen 2007: 33).

While this indicates that Council Presidencies are permitted a certain freedom to promote particular issues of national preference, it should be noted that Presidencies and trios have largely worked *within* the Council's recognised, active EU-level priorities. Thus, rather than putting new issues on the agenda – i.e. agenda-setting – the thesis has mostly explored instances of agenda-shaping (Tallberg 2003). Thus, Presidencies have mainly prioritised issues on the decision agenda as specified by the 2011-2014 Work Plan (see chapter 5) and most agenda-setting efforts have been derived from focusing events rather the 'uploading' of national priorities.

While the Cypriot Presidency has played a key role in many dossiers analysed, it is important to recognise that Cyprus took over the Presidency at a time where important deliverables were released (e.g. on evidence-based policy-making, match-fixing and HEPA) and where much consensus had been formed. In some dossiers, notably with regard to the EWoS, the Cypriot Presidency held 'extreme preferences'. However, Cypriot priorities did not necessarily differ from the "EU mainstream" (Verhoeff and Niemann 2011: 1277). Rather, in developing these dossiers the Cypriot Presidency was *also* working as "service provider for the entire Union" (Batory and Puetter 2013: 100). This, then, relates to the 'effectiveness norm' governing the conduct of the Presidency: that the Presidency is expected to lead the Council agenda, formulate proposals and facilitate compromises (Elgström 2003a: 45).

Following the rules: the Council Presidency, visibility and informal norms

This reveals the consensus and continuity driven nature of the Council Presidency's agenda-management in sport. SI highlights the internalisation of the impartiality norm and the obligation of incumbent Member States to fulfil the core leadership functions for the benefit of the EU at large (Fernández 2008; Niemann and Mak 2010). SI then accentuates how routines, Council-specific practices, promote Presidencies to comply with norms relating to 'impartiality' and 'effectiveness' (Elgström 2003a). Through process-tracing various dossiers, the findings support a number of the scope conditions put forward by Niemann and Mak (2010) in terms of when 'partial' or 'impartial' Presidency behaviour can be expected.

Thus, notions drawn from SI helped explain why Ireland chose to act – strategically – as 'honest brokers', not postponing the adoption of the match-fixing decision – agenda-exclusion, as defined by Tallberg (2003), was not deemed "politically acceptable" (Interview 17). Ireland seems to have been particularly prone to norm compliance with regards to impartiality because it wanted to re-establish its reputation as a 'good European' (Elgström and Tallberg 2003: 201; Niemann and Mak 2010: 734). Moreover, it was analysed how the high visibility of match-fixing

saw Hungary put this issue on the informal agenda, mostly because there was a political desire amongst the other Member States for them to do so. Hungary was "just following the agenda" and "respected the circumstances" (Interview 19). Visibility then promotes agenda continuity in the Council, which manifests itself in impartial agenda-management on account of the Council Presidency.

While this reveals the widespread consensus-seeking behaviour in the Sport Council, this should not be misconstrued to indicate a policy-process in which outlier interests are always accommodated. As argued by Naurin (2015: 930), the norm of consensus means interpreting what is 'reasonable' or 'appropriate' in a given situation and such evaluations are complex, based on unwritten and contentious criteria "such as the implicit weighting of actors' general and policy-specific authority, issue salience and justification of demands." Thus, for instance, on the Erasmus+ chapter on sport (see chapter 6) and HEPA/EWoS (chapter 8) this research uncovered how Sweden was in an outlier position by resisting these highly visible initiatives, failing to convince the majority of their concerns, yet ultimately refraining from 'blocking' said initiatives. In both instances, informal norms meant Sweden released their reservations rather than the majority accommodate Swedish preferences.

Because consensus is subject to interpretation, this also complicates the role of the Council Presidency: what is expected of the Council Presidency in being 'effective'? In this sense it is interesting that the one 'failed' initiative explored, the Council conclusions on match-fixing (see chapter 7) proposed by the Cypriot Presidency and blocked by Malta, happened where non-sporting issues took centre stage – when the conflict was about the regulation of betting and gambling. The analysis here revealed mixed interpretations of what was reasonable: on the one hand Malta had legitimate and reasonable objections yet also "went far by blocking it" (Interview 29). While remembered as a "special case" (Interview 9), the Cypriot Presidency was also seen as having ultimately 'failed' by not reaching a consensus, and perhaps behaving *too* impartially, accused of "just standing on the side-lines" (Interview 29) – that is, of not living up to the effectiveness norm by facilitating consensus (Elgström 2003a). This suggests sport policy may be more driven by consensus-seeking than other policy areas. However, it also suggests that EU sport policy is only more driven by consensus-seeking as long as it remains framed towards 'irresistible' issues like HEPA and grassroots sport, on which consensus can perhaps more easily be found than more complex territories like match-fixing.

In agenda-management, the analysis thus observed numerous instances of a Council Presidency being 'service providers' rather than purely pursuing national priorities. In this sense the research

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here broadly suggests that 'new' Member States such as Hungary and those wanting to (re)establish their reputations (Ireland) are perhaps especially prone to act 'impartially', meaning they are less likely to launch new initiatives (agenda-set) or promote particular national priorities and more likely to manage the Council's agenda in terms of continuity. Moreover, as evident in the dual cases discussed here – HEPA and match-fixing – the Council Presidency's scope to find consensus seems strongly conditioned by the characteristics of the issue, specifically issue salience and the heterogeneity of preferences in the Council. This, again, reveals how visibility – the number of political participants invested in an issue (Cobb and Elder 1972: 43; Robinson 2000: 17) – guides and affects agenda-management towards continuity. However, as now discussed, visibility is not only a constraint but can also be a resource. Accordingly, the following discusses how certain agenda-dynamics provide trios better conditions for shaping the agenda.

The trio arrangement's scope for influence: radical and incremental policy dynamics

As discussed in chapter 8 on HEPA and combating doping in recreational sport, not any topic on which the Council adopts conclusions eventually becomes a Council recommendation. The findings of this research indicate that the adoption of 'big' decisions in the EU requires a great deal of preparatory work, consensus and inter-institutional support, thus reflecting the EU's fragmented decision-making system and its multiple arenas of influence (Peters 2001: 82ff).

That establishing such broad institutional consensus is largely beyond the scope of a single Council Presidency or even a trio formation is borne out by the thesis' research into QMV decisions. Thus, the process leading to the Council recommendation on HEPA must be seen as a result of long-term, low-political process in which the Council reached consensus and where the Commission carefully negotiated internal institutional constraints (see chapter 8). Similar dynamics were observed on Erasmus+ (see chapter 6), in which the three key Council decisions took place over three separate trios: the adoption of the 2011-2014 Work Plan during the Hungarian Presidency; the WPS's opinion during the Danish Presidency; and the final negotiations on the regulation during the Irish Presidency. Conversely, on the dossier concerning physical activity's inclusion in the European Statistical Programme 2013-2017, the Cypriot Presidency played an important role in re-instating 'physical activity'. However, increasing the evidence-base of EU sport policy in the form of statistical work must also be understood as a long-term process of 'low politics' (Princen and Rhinard 2006) and where support from the EP was pivotal (see chapter 6). Hence, in such dossiers, the impact of individual Presidencies and even entire trio formations is much weaker to identify, and trios/presidencies can then be said to have mainly been facilitators or 'service providers' (Batory and Puetter 2013: 100).

In this sense the findings confirm the generic hypotheses developed by Tallberg (2006a: 87-90), namely that the Council Presidency's scope for influence is conditioned by formal rules. Thus, it is easier for the Council Presidency to formally address an issue in the form of Council conclusions or a Council resolution, which the Presidency may put forward and the Council may address unilaterally, compared to Council recommendations or regulations which require a Commission proposal. As evident in dossiers such as combating doping in recreational sport (see chapter 8) and WADA coordination (see chapter 7), however, in decisions which require unanimity among the Member States, a Presidency may expect a watering down of its initial proposal – or even non-adoption, as was the case on the Cypriot Presidency's failed Council conclusions on match-fixing (see chapter 7).

However, drawing on agenda-setting theory, a more nuanced picture of the Presidency and the trio arrangement's scope for affecting the agenda emerges. Thus, the 'social' and 'economic' dimensions of EU sport policy have been characterised by incremental policy developments – that is, the 'low politics route' (Princen and Rhinard 2006) where the framing of an issue has remained relatively constant but where, as discussed above on the EWoS, a Council Presidency can use such momentum to further particular priorities (e.g. Princen 2011b: 933). Hence, the existence of a dominant framing – the 'irresistibility' of HEPA – can become a resource insofar as other proposals can be attached to such established policies – provided, of course, that said proposals conform to the dominant framing.

Conversely, the issues concerning the 'integrity of sport' have been much more volatile and subject to radical change and re-framing. In these dossiers, 'dramatic events' (Baumgartner and Jones 1991: 1046) have played a large role in punctuating the equilibrium. This thesis has explored 'radical' policy change through the rise of match-fixing on the EU agenda and the relatively radical re-framing of EU's WADA policy towards the framing of data-protection (see chapter 7), and where individual Presidencies and trios have played a more prominent role.

First, the POL-DK-CY trio's heavy prioritisation of match-fixing certainly increased the visibility of this issue in the Council. Importantly, the framing of the issue as a global, rather than European, problem, limited the range of possibilities for EU action. However, the trio did play a crucial role in framing the issue's two EU dimensions: one, in exploring modes of prevention at EU level, a more long-term response of initiating low-political work towards a possible Council recommendation; and more urgently, in framing the EU's immediate response to external events, namely that the EU Member States should coordinate with, and be partially represented by, the Commission for the negotiations on the match-fixing convention in the CoE.

Secondly, the Belgian Presidency's work on WADA coordination and representation is instructive. After 10 years of incremental, or static, development of EU coordination as to WADA, this issue had risen in visibility due to focusing events (Kingdon 1995): the release of the ISPPPI, the up-coming WADC review, and conflict expansion with the introduction of the Article 29 Working Party, which reframed the issue towards data-protection. Crucially, however, it was the Belgian Presidency which framed this issue as a Council problem, pointing to the coming into force of Article 165 TFEU and that certain WADA activities cover EU *acquis*. While the Belgian Presidency was unable to achieve as much as it had hoped during its time in the chair, cooperating with future Presidencies, i.e. mobilising supporters (Princen 2011b), secured the issue retained a high degree of visibility and helped the Belgian Presidency secure its goal: a reformed system of EU coordination and representation for WADA.

Thus, in instances where the equilibrium is suddenly punctuated, Presidencies and trios play a more prominent role in agenda-setting. This scope for influence seems related to the urgency caused by focusing events (Kingdon 1995) and, accordingly, how Presidencies/trios are charged with formulating the Council's response. This is reinforced by the institutional constraints and formal decision-making rules discussed above, namely that such decisions typically only involve the Council and the Commission and do not depend on other actors, be it expert groups or the EP. Conversely, Presidencies/trios seemingly have less scope for agenda-setting when policy-dynamics are incremental and low-political. With this in mind, it is now time to discuss whether the trio constitutes a resource or constraint for Member States.

Exploring trio effects

The key question, then, is whether the trio mechanism has had any impact; whether any 'trio effects' (Vieira and Lange 2012) can be identified. The trio has thus far mainly been considered from the perspective of SI. In this line of reasoning the trio is conceived to strengthen the impartiality norm because Presidencies are invited to "formulate a common approach" (Niemann and Mak 2010: 935). A further expectation is that trios which engage in extensive coordination would strengthen "an overall orientation to act as service provider for the entire Union" (Batory and Puetter 2013: 100).

However, in line with the 'complementary' research agenda within NI (e.g. Mühlböck and Rittberger 2015; Niemann and Mak 2010; Tallberg 2010), this research approached the trio mechanism with a more open mind: that the trio may potentially promote *and* constrain partial behaviour (see chapter 3). Certain scope conditions relating to agenda-management and

negotiation behaviour were outlined, which are summarised in Table 18. On this basis, this section now discusses this thesis' findings in terms of 'trio effects'.

Table 18: Constraints and resources of the trio arrangement

	Agenda-management	*Negotiation behaviour*
Constraints	Need to justify the inclusion of priorities in 18 month programme	Trio solidarity may constrain a Member State by urging trio partners to automatically 'support' initiatives
Resources	Agenda-sequencing ('softening up') and/or co-drafting can facilitate agenda-setting	The protection of three ('speaking with one voice') can promote partial behaviour if common priorities are defined

First, the 18-month trio programme, a formal requirement, was outlined as a possible constraint for a Council Presidency in terms of agenda-setting; that the 'window of opportunity' (Kingdon 1995) thereby becomes smaller. The evidence presented in this thesis supports that the trio arrangement does promote that individual Presidencies consider *their* priorities in relation to those of its trio partners and the wider EU agenda. However, while the trio mechanism certainly encourages, and facilitates, that Presidencies be mindful of on-going agenda, the 18-month programme does not seem to be a strong impediment to Member States in terms of agenda-setting. Rather, the drafting of trio programmes is not seen as a constraint but rather a resource, where trio coordination becomes a vehicle for administrations to focus their preparations and to avoid duplication. Further, the trio programme was mostly considered a blueprint or guideline of intentions, not a contract. While facilitating continuity and consistency, especially on issues of high visibility and shared priorities, the arrangement is loose enough for individual Member States to insist on diversity (Batory and Puetter 2013) – that, say, Denmark can insist on its agenda-setting prerogative to (attempt to) reframe EU anti-doping policy.

However, it was also noted that if common trio goals are identified, strategic agenda-sequencing ('softening up') and/or co-drafting could facilitate agenda-setting through the Council Presidency through raising visibility and arousing interest, i.e. framing. Through the analysis, there was observed numerous dossiers where trios sought to structure their agenda-management so as to raise the visibility of issues and facilitate consensus by paving the way for later proposals, e.g. match-fixing (chapter 7), HEPA (chapter 8) and WADA coordination and representation (chapter 7).

Here, again, the reform of the EU's representation in WADA is instructive since inter-Presidency cooperation was crucial. Importantly, while largely framed as a 'communitarian' act, the Belgian Presidency also had certain long-term self-interested elements: the Belgian Minister, Philippe Muyters, later achieved election as the EU's 'expert' representative to WADA's FB (Council 2013d). Notably, the framing of the issue introduced by the Belgian Presidency – coordination and continuity – was constant throughout, and the Belgian proposals later formalised. Thus, trio coordination may not only be used in 'communitarian' way to develop a policy, but also to further Member State priorities. Trio coordination was perhaps particularly useful due to the nature of the decision – Council procedures can be changed by the Council, and hence the key locus of mobilising support for Belgium were future Presidencies so as to keep the issue high on the Council's agenda: support from the Commission or the EP was not crucial. It further suggests that institutional arrangements such as the (extended) trio, by facilitating the extension of agenda-management 'control' beyond a 6-month term, can become a resource to advancing priorities under certain conditions. These findings suggest this is especially with regards to decisions which concern establishing consensus in the Council or procedures *for* the Council.

Moving on, a number of ways in which the trio might affect negotiation behaviour were proposed. Thus, it was argued that the trio might create the 'protection of three' if common priorities were established. In this sense, the trio arrangement might produce a spirit of collegiality (Lewis 2010), what was here termed 'trio solidarity'. This would manifest itself in trio members supporting each other in negotiations – that they 'speak with a single voice' (da Conceição-Heldt and Meunier 2014). This could conceivable promote partial behaviour. This ties in with a key research agenda on the trio, namely whether the "the chances of socialization increase with the depth of co-ordination" (Jensen and Nedergaard 2014: 1050).

Evidence on this account is mixed. On the one hand, as explored above, while the two last trios coordinated their priorities more and held more extensive consultations – which should provide scope for higher socialisation – this did not necessarily correspond with increased depth of coordination or cooperation. On the other hand, while the SPA-BE-HUN trio was less coordinated in their preparations, these Member States cooperated more during the 18 months. Notably, interviewees from the SPA-BE-HUN trio were also the ones who attributed the highest value to the trio mechanism, as here from a Belgian interviewee:

> I think there are some clear benefits in having this trio Presidency. Although during the six
> months you are really running the business, I would say you feel some support from those two

> Member States, and if you have 27 [Member States] to convince it's good to know that you already have two on board (Interview 1).

This indicates, perhaps, that the key part of fostering trio solidarity is not necessarily the intensity of preparatory meetings, but the depth at which trios cooperate – the difference between establishing "headlines" and co-drafting proposals. However, even trios that did not necessarily cooperate deeply as far as developing proposals saw the creation of some level of solidarity, as noted by an interviewee from the Irish Presidency:

> I think there was an agreement among the three that it was important to work as a trio. That's something you're seeing more and more [...] And I think the idea is that there is strength in the trio when you are talking to the Commission, other Member States, a little bit more than if you're just Ireland by yourself. We were lucky that Lithuania was very keen also (Interview 17).

This indicates how the trio arrangement may facilitate more assertive chairing behaviour. Hence, one can argue that the trio mechanism may provoke partial behaviour *if* agreement is found in a trio on common objectives, insofar as this can act as a 'shield' against accusations of partial behaviour, insofar it is no longer "just Ireland by yourself" advocating something.

This, however, depends on whether trios actually support each other in negotiations. Here, again, evidence is mixed. As explored in chapter 6, a Lithuanian interviewee explained the existence of an informal norm, namely 'trio solidarity':

> [W]e are advised by the diplomatic, our representation, that we shouldn't object much to our trio partners, it's not the nice way. So we usually kind of support, you know, but again, let's say, for Greece I took a reservation, you know, but I wouldn't object and kill the whole conclusions, you know. Well, we just reached a compromise, because Germany took also the same reservation, and we reached a better text, I mean. But we wouldn't be so stubborn and kill the document, no, definitely not. And for the Irish as well, we were supportive most the way through (Interview 20).

Hence, the arrangement encourages Member States to be less "stubborn" during negotiations. At the same time, even for actors who would highlight this norm as above, this was only a *standard* operating procedure, and "usually" indicates how this is a negotiable norm. Trio solidarity was not universal and certain interviewees, when prompted, were dismissive, especially interviewees from the POL-DK-CY trio:

> You can say that [the trio arrangement] matters in terms of establishing relationships, but in the end Denmark has the priorities we have, Poland has their priorities, and Cyprus has their priorities. So whether it really mattered is hard to say clearly. But on the other hand there is a great deal of consensus on the things that happen at EU level (Interview 9).

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Not unexpectedly, interviewees from the most 'anarchic' trio were the most dismissive of trio solidarity. In total, this indicates that the intensity of preparations is not necessarily a precondition for establishing trio solidarity. Rather, trio solidarity seems to be conditioned by a trio's ability to define common goals either *ex ante* or during the operational 18 months. This suggests that 'trio solidarity' is something developed through practice – it is both a process and an outcome.

However, while the interviewee from the Lithuanian Presidency would highlight the norm, Lithuania, unlike the Danish Presidency, actually lodged formal reservations against a trio partner's proposals (see chapter 6). As pointed out by Jensen and Nedergaard (2014: 1047), one then needs to be careful not to overestimate 'trio effects' since coordination and administrative support amongst succeeding Presidencies also happened before the introduction of the trio. This then highlights how such inferences should be seen within the larger dynamics uncovered in this research: most dossiers explored were adopted without formal reservations being lodged, and that policy-making in the sport Council is generally consensual. Indeed, as explored in chapter 7, the deepest level of cooperation uncovered took place beyond the confines of formal trio formations: the extended trio of Belgium, Hungary and Poland's work on WADA; how Ireland offered administrative support and expertise to its 'seating partner', Cyprus, for WADA coordination; and how national administrations help out incumbent Presidencies with the drafting of 'technical' WADA dossiers. This has two implications. Firstly, that more trio coordination and interstate cooperation can perhaps be expected if the EU sport policy agenda were to, in the future, include an increasing amount of technical and/or complex' dossiers. Secondly, this acts as a reminder that teamwork remains at the core of European integration and where the trio arrangement constitutes an important, but not only, dimension.

To summarise, the trio mechanism seems to have preserved the ability of Council Presidencies to raise the visibility of their priorities while encouraging further coordination and cooperation. Trio coordination is focused on advancing issues commanding a high degree of visibility, hence contributing to the continuity. While encouraging Member States to coordinate, the trio arrangement does not necessarily abolish diversity (Batory and Puetter 2013), as the format still allows for Member States to pursue particular priorities. However, by extending agenda-management beyond a six month spell, the trio arrangement does potentially strengthen the agenda-setting of incumbents Member States, especially when dealing with issue that concern establishing Council consensus or procedures. Moreover, there is evidence that the trio arrangement possesses a certain socialising effect which encourages trio partners to support

each other during negotiations and may, possibly, lead to more assertive chairing behaviour. However, this strongly depends on the specific trio practices established and any such 'trio effects' moderated by how sport policy was found to be guided by consensus-seeking behaviour.

9.4.   Reflections on the policy process and theory development

Having focused on the Council Presidency and the trio arrangement, the following considers what this thesis has contributed to our understanding of the EU policy-process more generally. It starts by considering the development of EU sport policy in the light of agenda-setting theory. Lastly, this thesis' application of agenda-setting theory and new institutionalism is discussed.

Post-Lisbon sport policy and agenda dynamics

At the most basic level, agenda-setting deals with the question of why certain issues become part of the political agenda while others do not (Princen 2012). Sport's inclusion in Erasmus+ (see chapter 6), the adoption of the Council recommendation on HEPA (see chapter 8), and physical activity's inclusion in the 2013-2017 Statistical Programme (see chapter 6), as tangible new policy and budgetary outputs, represent what Princen (2013: 866) would consider unambiguous instances of policy change and agenda-expansion. However, it is important to emphasise that these 'big' decision of post-Lisbon EU sport policy do not represent a 'radical' change in the direction of EU sport policy in the same way as, say, the *Bosman* case represented in the pre-Lisbon era (García 2007a; Parrish 2003b). Similarly, the analysis of the Council's stakeholder relations through the mechanism of structured dialogue (chapter 5) suggests a continuation of prior dynamics, whereby the Member States remain focused on limiting the input of sporting bodies in EU decision-making (García and Meier 2012; Meier and García 2013). Within the context of punctuated equilibrium theory, the post-Lisbon era of EU sport policy is arguably best characterised by incremental change insofar as EU sport policy at large has not been subject to major re-framing but has mostly been subject to agenda-shaping – it has become more focused (Tallberg 2003).

In continuation, the thesis has located a tendency whereby EU sport policy is becoming increasingly 'normalised' in the sense predicted by Princen (2011b: 940), who argues that in areas where the EU is a newcomer, such as sport, focus will be first on 'building credibility'. Conversely, in areas where the EU has an established role, agenda-setting dynamics will tend to focus more on visibility – struggles concerning *which* issues demand attention. Through exploring

HEPA (chapter 8), Erasmus+ (chapter 6) and increasing the evidence-base of sport policy-making (chapter 6) this research has shown how the Commission and the Member States have sought to, through low-political and inherently 'technical' work, establish recognition of sport and physical activity as an important socio-economic sector, capable of providing growth. Hence, the key focus was initially on providing evidence to establish the credibility of EU sport policy by justifying sport's importance in economic terms; bringing visibility to sport's potential as a socioeconomic sector that can contribute to reaching the Europe 2020 goals. However, focus in the Sport Council, supported by DG EAC, has increasingly turned to using this evidence in a 'substantiating' fashion (Boswell 2008), now using this evidence to justify the use of community resources on sport. In this sense EU sport policy is becoming increasingly normalised and much focus is now aimed at 'colonizing' other policy areas and programmes to enhance funding streams for sport, i.e. mainstreaming (see chapter 6).

In terms of funding, Erasmus+ represents a crucial achievement (see chapter 6), and this dossier is also theoretically intriguing. Visibility and attention are key concepts in agenda-setting theory and it is generally posited that more attention is beneficial when promoting an issue (Princen 2007; Princen 2011b; Robinson 2000). This thesis' findings on Erasmus+ question this assumption. First, for the Commission, mobilising the support of other policy actors in favour of a sport programme has been key, and framing strategies were crucial to overcoming blockades where they appeared, especially when DG EAC had to convince other Commission services, as the EP and the Member States were generally supportive. However, as analysed in chapter 6, the Commission deliberately chose to frame the issue of sport as a very small chapter within a larger programme. This was a low-political strategy (Princen 2011b; Princen and Rhinard 2006), chosen due to the uncertainty that revolved around the new EU multiannual financial perspectives which were expected to be highly restrictive of new programmes. The Commission's strategy for achieving a funding stream for sport then included an element of deliberately shying away from calling visibility to sport; it involved 'hiding' sport-funding within a larger programme at the expense of having a single programme with a more tailored approach. Thus, Erasmus+ presents an interesting dynamic whereby a low profile in the wider political agenda helped to develop the EU sport policy agenda. Whether this is a more general strategy found in EU agenda-setting merits certainly further research.

When the research agenda on EU agenda-setting dynamics was launched, the conceptual framework further developed by Princen (2007; 2011b; 2013) was directly linked to punctuated equilibrium theory (Baumgartner and Jones 1993; True *et al.* 2007). Perhaps as a consequence,

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studies of EU agenda-setting have tended to focus on 'radical' instances of policy-change (e.g. Ackrill and Kay 2011; García 2007a; Littoz-Monnet 2012; Moschella 2011). However, through process-tracing a range of dossiers, this research has demonstrated that the framework of agenda-setting constitutes a highly valuable framework for explaining both radical *and* incremental processes.

Indeed, this thesis has demonstrated how policy change is often neither incremental or radical, but usually more complex, with radical change in some parts of a policy programme with stasis in others (Princen 2013: 866). Thus, the 'social' and 'economic' dimensions of EU sport policy was found to be characterised by incremental developments – the 'low politics route' (Princen and Rhinard 2006). Conversely, the issues concerning the 'integrity of sport' have been more subject to radical change. As discussed, in these instances 'dramatic events' (Baumgartner and Jones 1991: 1046) have played a more prominent role in punctuating the equilibrium.

This can be expected to be a constant feature of EU sport policy in the future, as these distinct dynamics seem to reflect how different issues are subject to different sources of information supply and monitoring (Boswell 2012). Hence, certain areas are, or can be, monitored via ongoing and reliable information – such as macro-economic output and levels of physical activity. Other issues, however, provide scarce or sporadic sources of information, such as issues that deal with illegality and misconduct – match-fixing, doping, and instances of bad governance, i.e. the 'integrity of sport' – which tend to reveal themselves sporadically through focusing events. In this sense it seems clear that EU sport policy will be subject to two different policy-dynamics depending on the policy sub-area: one characterised more by incremental, low-politics dynamics, and another more subject to radical shifts in attention as a result of focusing events.

The question, then, is whether or not agenda-setting as a conceptual framework stands to lose analytical clarity – of being conceptually 'stretched' (Sartori 1970; Sartori 1991) – by research like this, which has explored both 'radical' and 'incremental' agenda-dynamics. Quite the opposite, EU agenda-setting remains at a research stage where extension is to be supported and, moreover, that while scholarly practice has tended to focus on *ex post* examinations of 'radical' decisions, incremental policy was always intended as a key part of this research agenda, and this thesis has demonstrated that more attention to incremental processes are required in order to achieve a better understanding of EU agenda-setting dynamics. In that regard, the trajectory of post-Lisbon sport policy calls further attention to information supply as a variable in studies of EU agenda-setting more generally.

Agenda-setting and new institutionalism: considering complementarity

It can be concluded that post-Lisbon sport policy has generally been consensual and agenda-management done so as to facilitate the continuity of the Council's policy-making. At the same time, incumbent Presidencies have also used their time in the chair to further their interests. That this picture emerges from the evidence arguably reflects both methodological and theoretical choices. Where the RCI enquiries of Tallberg (2006b: 8) and Bunse (2009: 12) systematically chose cases where Presidencies were known to hold extreme preferences so as to investigate the Presidency's scope for influence, this was not the case here, where dossiers were chosen according to different criteria (see chapter 4). Accordingly, a different picture of the Council Presidency emerges: one that is more communitarian and where Council norms of appropriate behaviour *also* govern the conduct of the Presidency – that, for instance, Presidencies will occasionally put items on the agenda without necessarily having a strong desire to do so. Methodologically and conceptually, this thesis has then addressed an imbalance in the literature: drawing on SI, this thesis has shown that informal norms *also* govern the conduct of the Presidency (Niemann and Mak 2010). With its emphasis on visibility and information-processing, agenda-setting theory has helped explain when and why some issues command so much visibility that Council Presidencies relinquish their agenda-setting prerogatives.

Hence, from a meta-theoretical standpoint, the thesis had adopted a domain-of-application approach (Jupille *et al.* 2003: 21–23; Tallberg 2010: 637–638). In drawing on agenda-setting theory and NI this thesis has exploited their complementary advantages to provide a more comprehensive explanation of empirical phenomena. Agenda-setting has thus mainly been used to understand the progression of dossiers and to understand why and how the Council, through the Council Presidency and the trio arrangement, acted on these issues. It has provided a macro perspective. Conversely, by providing generic hypotheses as to the Council's 'internal politics' (Christiansen 2001: 247), NI has provided a micro perspective to understand why certain solutions are preferred to others.

That these conceptual frameworks are complementary is not unexpected; agenda-setting, after all, considers institutional constraints as a key factor. However, EU agenda-setting theory has thus far not explicitly considered the Council Presidency, and where this thesis has hence made a novel contribution. This thesis has thus demonstrated that the Council Presidency represents a key component when seeking to understand EU agenda-setting dynamics. Moreover, it has been established that engaging in trio coordination represents another 'strategy' (Princen 2011b) of EU agenda-setting through which Member States can realise their priorities.

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However, as noted by Moschella (2011: 254), EU agenda-setting theory, as developed by Princen (2007; 2011b), tends to see agenda-setting as a mainly 'rational' process since agenda-setting is conceived as "a strategic choice by political actors to move issues to the EU level" (Princen 2007: 34). In this sense, this research has also demonstrated that the Council Presidency remains a particular *kind* of agenda-setter, one sometimes governed by informal norms, other times by 'hard' preferences, and sought to develop our understanding of this. In doing this, the thesis has furthered our understanding of EU agenda-setting from the more rational/strategic model of Princen. Thus, insights from NI studies of the Council Presidency have been crucial in terms of capturing the particular constraints and resources of Council Presidency and, not least, the trio arrangement's ability to set (or manage) the agenda. Here, insights from NI have provided further tools to capture how the trio arrangement, as an institution, is being 'designed' by actors – how and why certain trio practices are chosen.

Further, agenda-setting and NI have been complementary as far as understanding EU policy-making as a *process*. Aside from affording the thesis the required conceptual tools to grasp the trio and the Council Presidency as particular institutional arrangements, insights from NI were valuable considering a number of dossiers concerned establishing formal procedures, such as structured dialogue (see chapter 5), multiannual planning (see chapter 5) as well as procedures for external representation (see chapter 7). Intriguingly, the analysis revealed that the ratification of Article 165 TFEU has not necessarily seen a direct process of institutional isomorphism (e.g. DiMaggio and Powell 1983). More often than not EU sport policy has adapted 'standard operating procedures' from other policy areas to suit the particulars of the sport field. Hence, while procedures in sport are becoming increasingly formalised, with actors drawing on institutional templates from other policy areas, in most cases 'institutional bricolage' (Lanzara 1998; Lowndes 2005) was also observed, with actors innovating considering the particular nature of the way the world of sport is organised. The academic implication of this is that EU sport policy, due to the special characteristics of the policy area, will likely continue to provide a fertile theoretical testing ground for students of EU policy-making.

9.5. Future avenues of research

This thesis has first and foremost demonstrated the trio arrangement is an important area of research. At the same time it has made the first steps to exploring post-Lisbon sport policy. Both research areas have only been partially covered, and there remain some unresolved questions that only further research can elucidate. Clearly, more research on the determinants surrounding how

trios coordinate is warranted. More concretely, future studies should focus on particular sub-policy areas and practices of 'line ministries'. In addition, further research on trio effects are needed, as this thesis represents a unique enquiry into this question. For instance, this research suggests that the trio arrangement does produce a certain kind of collegiality and future studies could, for instance, enquire whether or not Member States tend to lodge fewer reservations during their time taking part in a trio.

Moving beyond the trio arrangement, additional research on the medium and long term consequences of the decisions studied in this thesis is merited. A promising subject will be the implementation of the HEPA recommendation, which will enable students of EU sport policy to link-up with mainstream approaches to Europeanisation, complementing the already existing research agenda on the Europeanisation of sport (Niemann *et al.* 2011; Sakka and Chatzigianni 2012). Similarly, a promising focus of enquiry will be whether the increased funds on offer via the Erasmus+ programme further intensifies the lobbying activity of sporting organisations in Brussels (Chatzigianni 2010; Chatzigianni 2014).

Finally, this thesis has identified, but only partially filled, a general gap in the literature. Whereas the subject of EU and external relations has given rise to a substantial and ever-growing body of research, even the most comprehensive mappings of the EU's external representation fail to take notice of international sporting forums (e.g. Emerson *et al.* 2011). As demonstrated by this thesis, further research on EU sport policy's external dimension can provide fruitful knowledge about the EU as an actor in international politics, thereby contributing to mainstream research agendas in EU studies, which has recently moved towards focusing on 'effectiveness' (e.g. da Conceição-Heldt and Meunier 2014; Jørgensen *et al.* 2011; Niemann and Bretherton 2013). While this thesis has only been able to explore the institutional design governing how the EU acts in external sporting forums, future studies should focus on effectiveness and performance. Accordingly, the next step should be to explore the EU's effectiveness in negotiating the new WADC and the match-fixing convention, which opened for ratification on 18 September 2014.

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Appendices

Appendix A: List of interviews

A total of 39 individuals were interviewed for this research. Interviews were conducted between February and August 2014. The table below lists interviewees according to the date of interview, which then corresponds to their assigned interview number. It also lists the interviewee's affiliation, as well as the date, place and type of interview. So as to protect certain interviewees' right to anonymity all names have been withheld for the purposes of publication on Loughborough University's Open Access Institutional Repository. A full listing with names included was provided to the examiners of this thesis.

Date	Interview number	Affiliation	Place, type
05-02-2014	1.	Former employee, Department of Culture, Youth, Media and Sport, Flemish Communities, Belgium	Over phone
10-04-2014	2.	EU Athletes	Over Skype
22-04-2014	3.	Play The Game	Over Skype
24-04-2014	4.	Department of Transport, Tourism and Sport, Ireland	Over phone
02-05-2014	5.	Enlarged Partial Agreement on Sport	Over phone
02-05-2014	6.	Cyprus Sports Organisation	Brussels, direct
07-05-2014	7.	International Sport and Culture Association	Copenhagen, direct
07-05-2014	8.	Ministry of Culture, Denmark	Copenhagen, direct
08-05-2014	9.	Ministry of Culture, Denmark	Copenhagen, direct
12-05-2014	10.	European Commission, DG Education and Culture	Brussels, direct
12-05-2014	11.	Permanent Representation of Malta to the EU	Written Q&A
14-05-2014	12.	Permanent Representation of Sweden to the EU	Brussels, direct
15-05-2014	13.	European Commission, DG Education and Culture	Brussels, direct

16-05-2014	14.	European Commission, DG Education and Culture	Brussels, direct
19-05-2014	15.	International Rugby Board	Over phone
19-05-2014	16.	International Rugby Board	Over phone
20-05-2014	17.	Permanent Representation of Ireland to the EU	Brussels, direct
20-05-2014	18.	Department of Transport, Tourism and Sport, Ireland	Brussels, direct
21-05-2014	19.	Ministry of Human Resources, Hungary	Brussels, direct
21-05-2014	20.	Department of Physical Education and Sports, Republic of Lithuania	Brussels, direct
26-05-2014	21.	European Lotteries Association	Written Q&A
28-05-2014	22.	European Olympic Committee	Brussels, direct
28-05-2014	23.	European Olympic Committee	Brussels, direct
02-06-2014	24.	Department of Culture, Youth, Media and Sport, Flemish Communities, Belgium	Brussels, direct
03-06-2014	25.	Anonymous	Brussels, direct
04-06-2014	26.	Member of European Parliament, European People's Party, Germany	Brussels, direct
11-06-2014	27.	Member of European Parliament, European Conservatives and Reformists Group, UK	Brussels, direct
12-06-2014	28.	Permanent Representation of Spain to the EU	Brussels, direct
13-06-2014	29.	Permanent Mission of the Kingdom of the Netherlands in Brussels	Brussels, direct
17-06-2014	30.	European Commission, DG Education and Culture	Brussels, direct
20-06-2014	31.	Permanent Representation of Belgium to the EU	Brussels, direct
23-06-2014	32.	Assistant to MEP	Brussels, direct
25-06-2014	33.	EuropeActive	Brussels, direct
30-06-2014	34.	European Non-Governmental Sports Organisation	Brussels, direct
01-07-2014	35.	Permanent Representation of Denmark to the EU	Brussels, direct
10-07-2014	36.	Independent consultant	Brussels, direct
14-07-2014	37.	Ministry of Sport and Tourism, Department of Strategy and International Cooperation, Poland	Brussels, direct
16-07-2014	38.	European Commission, DG Education and Culture	Brussels, direct
06-08-2014	39.	Union of European Football Associations	Over phone

Loughborough University

Shared Leadership in the Council of Ministers: The Council Presidency and the shaping of post-Lisbon EU sport policy

Participant Information Sheet

Responsible Investigators

Mads de Wolff, School of Sport, Exercise and Health Sciences, Loughborough University, Matthew Arnold, Loughborough, Leicestershire, LE11 3TU, M.De-Wolff@lboro.ac.uk, +4524470662 or +44(0)7702 019669 (principal investigator)

Dr Borja García, School of Sport, Exercise and Health Sciences, Loughborough University, Sir John Beckwith, Loughborough, Leicestershire, LE11 3TU, B.Garcia-Garcia@lboro.ac.uk, +44(0)1509226368 (supervisor)

What is the purpose of the study?
With the coming into force of the Treaty of Lisbon the EU has been granted a direct competence in the policy area of sport. At the same time the Treaty changes the nature of the rotating EU Presidency by the introduction of 'Trio Presidency' structure in which three Member States are obliged to work together. In light of this, this research addresses the role of the post-Lisbon Presidency in moving policy forward in the area of sport. In order to enquire into these questions, semi-structured interviews with government officials, EU officials and sporting stakeholders will be carried out, which will be complimented by a review of official EU documents.

Who is doing this research and why?
The principal investigator is PhD student Mads de Wolff, whose work is guided by his supervisor, Dr Borja García. The PhD as a whole is funded by Loughborough University with the ultimate goal being the production of a doctoral dissertation in 2015.

Once I take part, can I change my mind?
Yes! After you have read this information and asked any questions you may have you will be asked to complete an Informed Consent Form. However if at any time before, during or after the sessions you wish to withdraw from the study please just contact the main investigator. You can withdraw at any time, for any reason, and you will not be asked to explain your reasons for withdrawing.

How long will it take?
The interview is expected to last between 45 minutes and 1,5 hours.

What will I be asked to do?
The investigator will ask you a series of questions on the subjects of the Council Presidency and EU sport policy, loosely following a pre-drafted interview guide, but you may also asked you to expand or clarify some of your answers. The interview will be digitally recorded lest an objection is lodged.

What personal information will be required from me?
None, aside from name and job description. Anonymity will be respected if so requested and data be kept fully confidential and secure (see below).

Will my taking part in this study be kept confidential?
Yes, you will be afforded the right of anonymity in the treatment of information, unless otherwise agreed. A number of steps will be taken to secure confidentiality in correspondence with the UK's Data Protection Act 1998. The interview data – an audio file – will be stored on a secure database and this file will not be shared with anyone except the principal investigator and his supervisor. The data will, however, be duplicated on a secure online data-base in the case of data loss. Ultimately, this data will be destroyed no later than after a period of 10 years.

All personal information will be encoded and participants will hence be assigned a reference code and related data will be stored against this code rather than under the name, though investigators will keep a separate information sheet of people who have participated in the research, though this sheet will be kept in secure place. Again: you can withdraw from the research at any time and the data will be immediately destroyed.

What will happen to the results of the study?
The interviews will principally be used as part of Mads de Wolff's PhD research, which takes the form of a monograph, but may also be used in subsequent academic endeavours, specifically academic publishing (journal articles etc.).

What do I get for participating?
Participation is entirely voluntary and no reimbursement is offered.

I have some more questions who should I contact?
You may feel free to contact Mads de Wolff if you have any further questions. Contact information is listed above.

What if I am not happy with how the research was conducted?
Loughborough University has a policy relating to Research Misconduct and Whistle Blowing which is available online at *http://www.lboro.ac.uk/admin/committees/ethical/Whistleblowing(2).htm*. Alternatively, if the misconduct is less serious, a complaint can be lodged with the researcher's supervisor (contact information listed above).

Appendix C: Informed consent form

Loughborough University

Shared Leadership in the Council of Ministers: the Trio Council Presidency and the shaping of post-Lisbon EU sport policy

INFORMED CONSENT FORM

The purpose and details of this study have been explained to me. I understand that this study is designed to further scientific knowledge and that all procedures have been approved by the Loughborough University Ethical Advisory Committee.

I have read and understood the information sheet and this consent form.

I have had an opportunity to ask questions about my participation.

I understand that I am under no obligation to take part in the study.

I understand that I have the right to withdraw from this study at any stage for any reason, and that I will not be required to explain my reasons for withdrawing.

I understand that all the information I provide will be treated in strict confidence and will be kept anonymous and confidential to the researchers unless it is judged that confidentiality will have to be breached for the safety of the participant or others.

I agree to participate in this study.

Your name _____

Your signature _____

Signature of investigator _____

Date _____

Appendix D: Ethical clearance

Ethical Clearance

AB **Adrian Brindley**
To: Mads De-Wolff; Cc: Borja Garcia-Garcia; ⌄

Tue 20/08/2013 16:39

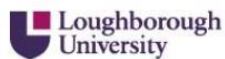Flag for follow up. Start by 08 January 2016. Due by 08 January 2016.

Dear Mads,

Many thanks for submitting your Ethical Clearance Checklist and supporting documents. I can confirm that you have provided sufficient information and your project 'Shared Leadership in the Council of Ministers: The Trio Council Presidency and the shaping of post-Lisbon EU Sport Policy' has ethical approval.

Many thanks,

Adrian

Adrian Brindley
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